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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday November 13, 2019 at 6:30 PM

4  
5 Family Means, 1875 Northwestern Avenue South, Stillwater, MN 55082

6  
7 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Anne Maule Miller, Secretary	Cameron Blake, BCWD staff
Klayton Eckles, 2 <sup>nd</sup> Vice President	Camilla Correll, EOR, BCWD engineer
	Paul Fritton, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Stu Grubb, BCWD engineer (arrived 6:57pm)
	Mark Lambert, Summit Management
	Dan Parks, Westwood Professional Services
	Jason Anderson, Anderson Holdings
	Nathan Arnold, Washington County Public Works
	Chip Langacve, Resident
	Jerry McGuire, Resident
	Celia Wirth, Resident

- 8  
9 **1) Call Regular Meeting to Order @ 6:30 PM**  
10 President Leiser called the Regular Meeting to order at 6:30PM.  
11  
12 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
13 Item 4a) October minutes, was removed from the consent agenda.  
14 **Manager Maule Miller moved, seconded by Manager Johnson, to approve the**  
15 **Regular Meeting agenda and discussion agenda as amended. Motion carried, vote**  
16 **5/0.**  
17  
18 **3) Public Comments**  
19 There were no public comments.  
20  
21  
22

1 4) **Consent Agenda**  
2 **Manager Schwarze moved, seconded by Manager Maule Miller, to approve the**  
3 **consent agenda:**

- 4 • **Accept the permit fee statement as presented.**
- 5 • **Authorize the administrator to execute an amendment of the existing**  
6 **Emmons & Olivier Resources, Inc. contract for engineering services,**  
7 **extending the term through February 2021**

8 **Motion carried, vote 5/0.**  
9

10 5) **Treasurer's Report**

11 a) **Review Authorized Funds Spreadsheet**

12 Administrator Kill presented the authorized funds spreadsheet.

13 **Manager Schwarze moved, seconded by Manager Johnson, to accept the**  
14 **authorized funds spreadsheet as presented. Motion carried, vote 5/0.**  
15

16 b) **Current Items Payable – Board Action**

17 **Manager Johnson moved, seconded by Manager Schwarze, to approve payment**  
18 **of bills as presented in the amount of \$124,683.39.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
19 <u>Manager Eckles</u>	<u>X</u>			
20 <u>Manager Johnson</u>	<u>X</u>			
21 <u>Manager Leiser</u>	<u>X</u>			
22 <u>Manager Maule Miller</u>	<u>X</u>			
23 <u>Manager Schwarze</u>	<u>X</u>			
24 <u>Motion carried 5/0.</u>				

25  
26  
27 6) **Permits**

28 a) **BCWD Permit 18-04 Boutwell Farms – Permit Renewal/Transfer/Financial**  
29 **Assurance Reduction Request – Board Action**

30 Ryan Fleming, EOR reported Boutwell Farm is requesting a financial assurance  
31 reduction for completed work. The BCWD engineer recommends retaining \$88,397  
32 to cover costs of the remaining stormwater facilities work. This reflects a reduction of  
33 \$49,509. Paul Fritton, EOR reported on a compliance issue regarding grading into the  
34 buffer and noted the restoration is under way.

35 **Manager Eckles moved, seconded by Manager Johnson, to authorize the**  
36 **reduction of the financial assurance for permit 18-04 Boutwell Farms in the**  
37 **amount of \$49,509 and to \$88,397. Motion carried, vote 5/0.**  
38

39 Administrator Kill reported on a request by Boutwell Farms for permit renewal and  
40 transfer of the permit to Sharkey Design Build for lots 2, 5, 6, and 7.

41 **Manager Eckles moved, seconded by Manager Maule Miller, to reinstate BCWD**  
42 **Permit 18-04 as 18-04A, Boutwell Farms, for one year to September 28, 2020 and**  
43 **transfer the permit to Sharkey Design Build for lots 2, 5, 6, and 7, as permit 18-**  
44 **04B, valid through September 28, 2020, contingent on replenishing permit-fee**  
45 **deposit to a total of \$4,500 for Boutwell Farms/18-04A, and a total of \$1,000 for**  
46 **Sharkey Design Build, and submission of new or modified financial-assurance**

1 **instruments to secure performance under 18-04A and 18-04B after approval of a**  
2 **draft or drafts by the administrator. Motion carried, vote 5/0.**  
3

4 **b) BCWD Permit 18-11 Ridgecrest - Financial Assurance Reduction Request –**  
5 **Board Action**

6 Ryan Fleming, EOR reported BCWD Permit 18-11 Ridgecrest is requesting a  
7 financial assurance reduction in the amount of \$254,540. Work is substantially in  
8 compliance; however, sediment has accumulated in some of the stormwater-  
9 pretreatment facilities. The engineer recommends reducing the financial assurance to  
10 \$49,415 on confirmation by BCWD of the removal of sediment from the stormwater  
11 basins.

12 **Manager Johnson moved, seconded by Manager Schwarze, to authorize**  
13 **reduction in the financial assurance in the amount of \$230,125 to \$49,415,**  
14 **contingent on confirmation by BCWD of the removal of sediment from the**  
15 **surface basins. Motion carried, vote 5/0.**  
16

17 **c) BCWD Permit 19-05 Central Commons – Board Action**

18 Camilla Correll, EOR reported on the permit review for Central Commons, a  
19 proposed 34.7-acre commercial redevelopment located off Manning Avenue, just  
20 south of Highway 36. The site is currently in Stillwater Township and in the process  
21 of being annexed by the City of Stillwater.  
22

23 There are nine small wetlands scattered throughout the site, the applicant proposes to  
24 fill them and replace with offsite wetland banking. The administrator noted Stillwater  
25 Township is in the process of reviewing the wetland impacts as the Wetland  
26 Conservation Act Local Government Unit and has not made a final decision on the  
27 application.  
28

29 The proposed project increases the impervious surface from the current condition,  
30 which is less than 1% impervious, to 66% impervious surface. The majority of site  
31 runoff will flow through infiltration basins and discharge to the south into an existing  
32 wetland. A portion of runoff from the northwest corner of the site will flow into a  
33 filtration basin and discharge to the north. Discharge to the west will occur only when  
34 events greater than a 100-year storm occur and will flow into the Manage 1 wetland.  
35 Water from all discharge points eventually meets and flows through a culvert under  
36 Highway 36. President Leiser asked about the drainage way collecting all the runoff  
37 which is east of the site, and its ability to handle the increased flow. The engineer  
38 noted the stormwater basins increase the onsite storage and rate control has been met.  
39 Mark Lambert, Summit Management is the applicant, he noted volume control can  
40 also be met using the state Minimal Impact Design Standards requirements. Michael  
41 Welch, Smith Partners stated BCWD has to make a determination on the permit in  
42 accordance with the BCWD rules currently has in place.  
43

44 The property owner to the east asked whether the existing stormwater structure will  
45 be adequate for the additional volume leaving the site. Dan Parks, Westwood

1 Professional Services, the applicant's engineer, said the proposed stormwater basins  
2 will create additional storage on site and this will manage the volume.

3  
4 The fees and financial assurances were addressed. Michael Welch, Smith Partners  
5 said at this time the amount of financial assurance remains to be finally determined. If  
6 the managers act today, the financial assurance will need to be agreed to at a later  
7 date. Mr. Lambert stated that he understood this condition.

8  
9 The application contains variance requests for volume control, pollutant loading,  
10 floodplain alteration, and wetland buffer impacts.

11  
12 The managers discussed the proposed plan's increased in loading of phosphorus to  
13 Long Lake by one pound and inquired if this could be reduced. Mr. Lambert stated  
14 that this could be considered. Mr. Welch pointed out that the project will be subject to  
15 state-administered National Pollutant Discharge Elimination System permitting that  
16 would not allow an increase in phosphorus loading to Long Lake because the lake is  
17 impaired for phosphorus. Mr. Parks stated that the NPDES permit for the project has  
18 not yet been secured. Manager Leiser said he would like the applicant to explore  
19 whether some rain gardens or something similar could be added to reduce the  
20 phosphorus discharge.

21  
22 The project proposes retaining an existing building to use as a maintenance facility in  
23 the southeast corner of the property and adjacent to the existing wetland. The  
24 applicant is requesting a variance to reduce the width of the required 75-foot wetland  
25 buffer to 16.5 feet in order to accommodate the maintain facility and driveway to the  
26 facility, as well as to maintain a mowed lawn. In addition, there is no buffer provided  
27 at one point where the driveway widens at the building.

28  
29 The managers asked why mowed lawn was needed. Mr. Lambert said he wants to  
30 provide a parklike amenity for the residents of the proposed apartment complex to  
31 take walks and to exercise their dogs. The managers expressed concern over the  
32 possible impacts to the wetland, especially regarding management of dog waste. Mr.  
33 Lambert expressed a willingness to maintain a 16.5' buffer the entire length and to  
34 work with the district engineer in the development of the park area and the design of  
35 the driveway. Mr. Lambert said a 25-foot buffer would complicate access to the  
36 shed.

37  
38 The managers asked about a summary of the conditions and the requested variances.  
39 The engineer directed the managers to a list of recommended conditions of the permit  
40 and noted the variances are in the report.

41  
42 The managers discussed options on how to proceed with the permit. The managers  
43 agreed that they would like more time to read through the materials and consider the  
44 information. They would like to see a greater effort on phosphorus removal and the  
45 buffer maximized where possible. The Board discussed whether to hold a special

1 meeting or to extend the permit review until the regular December Board meeting to  
2 provide additional time for review and time to sort out the surety.

3  
4 Mr. Lambert requested a special meeting and agreed to reimburse the District the  
5 \$900 cost of the special meeting. The managers identified November 18, 2019 for a  
6 special meeting.

7 **Manager Schwarze moved, seconded by Manager Johnson, to set a special**  
8 **meeting for November 18, 2019, at 7pm, to consider a decision on permit 19-05.**  
9 **Motion carried, vote 5/0.**

10  
11 Recess 8:48– 8:54pm

12  
13 **d) BCWD Permit 19-11 Iron Enhanced Sand Filter Maintenance – Board Action**

14 Ryan Fleming, EOR reported on the permit review for Settlers Glen Tributary  
15 Maintenance, a BCWD project. The tributary upstream of the iron enhanced sand  
16 filter pump location has been eroding and lowering the water level needed to enter the  
17 wetlands and the pump harvest pond. The proposed project will install a grade control  
18 structure (natural stone riprap) both upstream and downstream of the pump harvest  
19 pond to correct the erosion problem.

20 **Manager Maule Miller moved, seconded by Manager Johnson, to approve**  
21 **permit 19-11 Settlers Glen Tributary Maintenance with conditions identified in**  
22 **the engineer’s report. Motion carried, vote 5/0.**

23  
24 **7) Projects**

25 **a) Rule Revision – Community Meeting #3 Update and Discussion**

26 **(1) Draft Language - Discussion**

27 Michael Welch, Smith Partners noted the rules are in a draft format and asked for  
28 feedback on the structure. Managers are generally comfortable with the draft  
29 language.

30  
31 **(2) Regional Rate Control Scope – Board Action**

32 The managers noted the level of detail on the scope for regional rate-control  
33 projects is more detailed than needed at this time. They are interested in a broader,  
34 higher level review that would simply identify some projects that are likely  
35 prospects for further study and development. Administrator Kill noted the level of  
36 detail is to show the managers what can be done if BCWD decides to move  
37 forward with a project.

38  
39 **(3) Regional Treatment Funding Mechanisms – Discussion**

40 The managers decided to wait on identifying funding mechanisms.

41  
42 **(4) Stakeholder Meeting Scope – Board Action**

43 Administrator Kill reported on a proposal for facilitation of a partner workshop  
44 that she requested from Freshwater. The purpose for the workshop is to check-in  
45 with the stakeholders on the rule revisions prior to an official 45-day review. The

1 managers agreed this was a good idea and identified Monday Dec 2, 2019, at 2-  
2 4pm as a possible date for the workshop.

3 **Manager Schwarze moved, seconded by Manager Maule Miller, to authorize**  
4 **expenditure not to exceed \$3,000 from account 910-0000 (Education &**  
5 **Outreach) to have Freshwater facilitate a workshop on behalf of BCWD and**  
6 **to cover costs for the facility and expenses. Motion carried, vote 5/0.**  
7

8 **b) Oak Glen Golf Course Reuse Project**

9 **(1) Public Hearing**

10 President Leiser recessed the regular meeting at 9:43pm and opened a public  
11 hearing for the Oak Glen Golf Course Reuse Project. The public hearing was  
12 recorded.

13  
14 Camilla Correll, EOR gave an overview on the reuse project that would utilize  
15 stormwater at the Oak Glen Golf Course for irrigation.

16  
17 President Leiser asked if there were any comments and there were none. President  
18 Leiser declared the public hearing closed at 9:48pm and called the regular  
19 meeting back to order.  
20

21 **(2) Resolution 19-08 Ordering the Oak Glen Golf Course Reuse Project – Board**  
22 **Action**

23 **Manager Schwarze moved, seconded by Manager Johnson, to adopt**  
24 **resolution 19-08 Brown’s Creek Watershed District Order Oak Glen Golf**  
25 **Course Reuse Project.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager Leiser</u>	<u>X</u>			
<u>Manager Maule Miller</u>	<u>X</u>			
<u>Manager Schwarze</u>	<u>X</u>			

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32 **Motion carried, 5/0.**  
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34 **c) 2019 Groundwater Trend Report – Presentation Stu Grubb**

35 Stu Grubb, EOR presented groundwater elevation data and analyses for 2019.  
36 Groundwater levels are up and this is a reflection of record rainfalls that occurred  
37 throughout the year. The engineer noted BCWD has not seen groundwater levels like  
38 this since 1996.  
39

40 **8) New Business**

41 **a) Lower St Croix One Watershed One Plan Implementation - JPA Collaboration**  
42 **or Entity – Discussion**

43 Manager Leiser reported on the Lower St Croix One Watershed One Plan policy  
44 committee report comparing options for the organization of the group.  
45

1 Michael Welch, Smith Partners noted that a joint-powers collaboration (not the  
2 creation of a new entity) would likely be the better arrangement.

3 **Manager Eckles moved, seconded by Manager Schwarze, to support a Joint**  
4 **Powers Collaboration. Motion carried 4/1, President Leiser voted against**  
5 **because he prefers the Joint Powers Entity option.**  
6

7 **9) Discussion Agenda – No Action Required**

8 **a) Administrator Updates: Kimbro CSAH 12 flood prevention. Holiday Gathering**

9 Administrator Kill reported on the potential for county-wide flooding this spring. She  
10 has requested a topic on flood emergency management for a winter Water  
11 Consortium meeting. She is planning an information session to prepare the managers  
12 for calls from concerned citizens and she's currently working with Washington  
13 County on flood prevention measures for CSAH 12 at Kimbro Avenue in Grant.  
14

15 The managers scheduled a holiday gathering for Tuesday Dec 10<sup>th</sup>, 6pm at Sal's.  
16

17 **b) Communications & Manager Reports**

18 Manager Maule Miller reported on recent meetings she's attended including the  
19 Subcommittee on Minnesota Water Policy.  
20

21 Manager Eckles is planning to attend the American Public Works Association  
22 Minnesota chapter conference.  
23

24 **c) December 2019 Regular BCWD Board Agenda**

25 In response to an inquiry from Michael Welch, Smith Partners, the managers directed  
26 the preparation of a resolution to delegate authority to administrator for permit  
27 renewals and transfers for the December meeting.  
28

29 **10) Adjournment**

30 **Manager Johnson moved, seconded by Manager Eckles, to adjourn the Regular**  
31 **Meeting at 10:28PM. Motion carried, vote 5/0.**  
32

33 Respectfully Submitted by

34 Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary