



1
2 Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers,
3 Wednesday December 8, 2021 at 6:30 PM
4

5 *Based on the Brown's Creek Watershed District president's determination pursuant to*
6 *Minnesota Statutes 13D.021, subdivision 1, that it was not prudent to meet in person because of*
7 *health concerns raised by the COVID-19 pandemic, the meeting was held electronically, via*
8 *webcast.*
9

10 ROLL CALL

Managers Present:	Others Present:
Klayton Eckles, President	Karen Kill, Administrator
Gerald Johnson, Treasurer	Carmen Simonet, Recorder
Charles LeRoux, Secretary	Michael Welch, Smith Partners, BCWD counsel
Rob McKim	Camilla Correll, EOR, BCWD engineer
Celia Wirth, Vice President	Cameron Blake, BCWD staff
	Paul Nation, EOR, BCWD engineer
	Stu Grubb, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer

- 11
12 1) **Call Regular Meeting to Order @ 6:30PM**
13 President Eckles called the regular meeting to order at 6:36 PM.
14
15 2) **Approve Regular Meeting Agenda and Discussion Agenda**
16 **Manager Johnson moved, seconded by Manager McKim, to approve the Regular**
17 **Meeting agenda and discussion agenda as presented.**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	X			
<u>Manager Johnson</u>	X			
<u>Manager LeRoux</u>	X			
<u>Manager McKim</u>	X			
<u>Manager Wirth</u>	X			
<u>Motion carried 5/0.</u>				

- 25
26 3) **Public Comments**
27 There were no public comments.
28
29

1 **4) Consent Agenda**

2 Michael Welch, Smith Partners requested that items e) Liability Coverage Waiver Form,
 3 and f) Family Means 2022 Facility Use Waiver, be pulled from the consent agenda for
 4 discussion.

5 **Manager McKim moved, seconded by Manager Johnson, to approve the consent**
 6 **agenda as amended:**

- 7 • **Approve minutes from November 10, 2021 Regular Meeting as presented.**
- 8 • **Accept the permit fee statement as presented.**
- 9 • **Authorize the administrator to submit comments to the Minnesota Pollution**
 10 **Control Agency regarding the draft 2022 impaired waters list.**
- 11 • **Approve scope of services to design, print and install information signage for**
 12 **the Brown’s Creek enhancement at Millbrook single family homeowners’**
 13 **association and Stillwater properties, not to exceed \$2,530 from account 910-**
 14 **0000 (Education & Outreach).**

	Yea	Nay	Abstain	Absent
15 <u>Manager Eckles</u>	<u>X</u>			
16 <u>Manager Johnson</u>	<u>X</u>			
17 <u>Manager LeRoux</u>	<u>X</u>			
18 <u>Manager McKim</u>	<u>X</u>			
19 <u>Manager Wirth</u>	<u>X</u>			
20 <u>Motion carried 5/0.</u>				

21
 22
 23 **4) e) Liability Coverage Waiver Form**

24 Michael Welch advised that state law sets a limit of \$500,000 per claim and \$1.5 million
 25 per occurrence on municipalities’ tort liability, and he recommends that the managers
 26 decline to waive that limit and subject the district to greater potential liability.

27
 28 **Manager Wirth moved, seconded by manager McKim to approve liability coverage**
 29 **waiver form to not waive monetary limits established by Minnesota Statutes section**
 30 **466.04.**

	Yea	Nay	Abstain	Absent
31 <u>Manager Eckles</u>	<u>X</u>			
32 <u>Manager Johnson</u>	<u>X</u>			
33 <u>Manager LeRoux</u>	<u>X</u>			
34 <u>Manager McKim</u>	<u>X</u>			
35 <u>Manager Wirth</u>	<u>X</u>			
36 <u>Motion carried 5/0.</u>				

37
 38
 39 **4) f) Family Means 2022 Facility Use Waiver**

40 Michael Welch, Smith Partners noted he does not recommend approving the facility use
 41 waiver because the waiver is too broad. Manager Wirth asked whether it would be
 42 difficult to find another place to meet. Administrator Kill said BCWD has looked into
 43 finding another location, but has not found one that fits the needs of the Board meeting as
 44 well as the Family Means location. She noted they do not charge for the space, it has
 45 good technology, it is large enough for a public meeting, and it stays open past 8pm. The
 46 managers concurred and expressed support to continue with the Family Means location.

The Washington Conservation District office is an option, but it is not within the watershed, as required by state law.

Manager LeRoux moved, seconded by manager Wirth to authorize the administrator to sign the Family Means 2022 facility use waiver.

	Yea	Nav	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager McKim</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			

Motion carried 5/0.

5) **Treasurer’s Report**

a) **Oak Glen Reuse System – final payment and grant project closure – Board Action**

Karen Kill reported BCWD is ready to close out the Oak Glen reuse project. Rodent damage has also occurred and needs to be fixed. Muskrats bypassed the grate and chewed off a float valve and electrical wiring. Manager McKim asked about the warranty and the contractor. Ms. Kill noted BCWD has a good relationship with the contractor and does not believe they are at fault. The grate selection was approved for installation. The repair is expected to be around \$2,500 for a new float valve, wiring and upgraded grate.

Manager Johnson moved, seconded by Manager McKim, to approve final payment to Northwest Asphalt for the Oak Glen Golf Course Stormwater Reuse project, in the amount of \$12,334.43 from account 947-0023 (Brown’s Creek - Golf Course Reuse - Oak Glen), contingent on engineer receiving all closeout documentation.

	Yea	Nav	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager McKim</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			

Motion carried 5/0.

b) **Review Authorized Funds Spreadsheet**

Administrator Kill presented the authorized funds spreadsheet.

Manager Johnson moved, seconded by Manager LeRoux, to approve the authorized funds spreadsheet as presented.

	Yea	Nav	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager McKim</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			

Motion carried 5/0.

1
2 **c) Current Items Payable – Board Action**

3 Manager McKim asked for an overview on the review process for current items
4 payable. Michael Welch noted BCWD has a robust system in place that tracks the
5 allocation of funds, but managers may ask for review of and more detail on any pay
6 item at the meeting. Manager Wirth added the changes are highlighted in yellow each
7 month on the authorized funds spreadsheet. Karen Kill added BCWD’s accountant
8 also provides a monthly report. Manager Johnson offered to meet with manager
9 McKim and go over the accounting process in more detail.

10 **Manager Johnson moved, seconded by Manager Wirth, to approve payment of**
11 **bills as presented in the amount of \$61,297.35**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager McKim</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 5/0.</u>				

19
20 **6) Permits**

21 **a) BCWD Permit #19-01 Marylane Meadows Financial Assurance Reduction –**
22 **Board Action**

23 Paul Nation, EOR reported on the Marylane Meadows financial assurance reduction
24 request. The work is complete and as-builts are consistent with the approved plan.
25 There is one remaining area where groundcover has yet to establish. EOR estimates
26 the cost of turf seeding and establishment for that area to be \$180.

27 **Manager Wirth moved, seconded by Manager McKim, to reduce the financial**
28 **assurance by \$45,300 to a remaining amount held by the BCWD of \$180,**
29 **conditioned on payment of remaining permit fee balance of \$1,547.48.**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager McKim</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 5/0.</u>				

37
38 **7) Projects**

39 **a) Groundwater Measurements**

40 **(1) Elevation Trends**

41 Stu Grubb, EOR presented the groundwater elevation trends for 2021. The
42 BCWD has established a network of wells for measuring groundwater levels. The
43 network includes residential wells, golf course wells, and Department of Natural
44 Resources observation wells. Data have been collected since 2012 and are used to
45 identify trends in groundwater levels and changes to groundwater flow overtime.
46

In the past year the water table and deeper Prairie du Chien aquifer, have dropped around 2.5 feet to 3 feet. Manager McKim asked when BCWD should be concerned with a drop in water level. The water level in the regional aquifers has been cycling from high to low every 15 to 20 years. The region was at a high point in early 2000, at a low point in 2010, and again at a high point in 2020. The data BCWD collects have been helpful in understanding the fluctuations in the land-locked basins as well as in understanding the interactions between groundwater and surface water.

Manager Wirth asked how one can learn which aquifer a well uses. The engineer described a few different ways including manually measuring the depth of the water in the well, and that the Minnesota Department of Health maintains a well index where this information can be found.

(2) Mendel Wetland – Board Action

Karen Kill gave an overview of the Mendel wetland location, history, and restoration feasibility. Located northeast of Highway 96 and Manning Avenue, the wetland contains a ditch that connects to Brown’s Creek. Draining of the wetland has degraded the native tamarack stand, allowing buckthorn and other invasive plants to establish. BCWD is looking at the feasibility of restoring the hydrology, potentially damming the ditch on the south end to let the wetland flood. One concern is how this might impact the landowners on the east side who are using the land for pasture.

Stu Grubb, EOR reported on a scope for monitoring in 2022. BCWD has installed three piezometers near the ditch to help determine what effect the ditch has on the wetland hydrology boundary. Due to the drought conditions the ditch was dry and the data collected were not useful. The engineer proposes keeping the piezometers in place to collect data and do the analysis again in 2022.

Manager Eckles noted a concern that a drought could happen again. The engineer agreed and suggested a decision to proceed should be made in the spring when weather conditions for the year are better understood.

Manager Eckles moved, seconded by Manager Johnson, to authorize an additional budget request, not to exceed \$4,032 from account 961-0000 (Mendel Wetland Restoration Feasibility) for 2022 groundwater monitoring of Mendel Wetland and to authorize the administrator to amend the land-use agreement with Jan Falteisek to extend the term through 2023.

	<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 LeRoux</u>	<u>X</u>			
<u>Manager McKim</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 5/0.</u>				

b) Flood Risk Management

(1) Next Steps Scope – Board Action

Karen Kill gave an overview of potential next steps for BCWD flood risk management. The policy and program ideas discussed by the managers at the November Board meeting have been summarized in the engineer’s memo in the meeting packet, which also includes a proposed scope that covers potential activities including: 1) a workshop to establish policy and program components, 2) an educational homeowner packet for at risk properties, 3) a request for proposal package to assist homeowners seeking design and construction services, 4) a technical assistance program, 5) a plan amendment, 6) running additional hydrology models to include more extreme events, and 7) a flood hazard and vulnerability assessment which would be a joint project with neighboring watersheds and data would be shared with other agencies.

(2) MPCA Climate Resiliency Grant Application – Board Action

Karen Kill reported the Minnesota Pollution control Agency is seeking proposals for its newly established planning grants and the application deadline is December 21, 2021. The flood hazard and vulnerability assessment mapping project is an ideal fit for the grant and applying for the grant in collaboration with other watershed organizations in Washington County is included in the flood risk management next-steps scope. The grant would cover most of the cost for the project. Manager Eckles asked about the potential collaboration and how the workload would be handled. Ms. Kill noted EOR is also the engineer for the other watersheds in the group, except for one that does not have an engineer on retainer.

Manager LeRoux moved, seconded by Manager McKim, to authorize not to exceed \$4434 for Task 1, \$4440 for Task 2, and \$3000 for Task 7 in the engineer’s memo, for a total of \$11,874 from account 923-0002 (Flood Risk Assessment).

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager McKim</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 5/0.</u>				

8) New Business

a) Appoint manager to BCWD Policy Review Subcommittee

Manager Wirth agreed to serve on the BCWD policy review subcommittee.

9) Budget

a) Public Meeting regarding 2022 Budget and Levy

There was no one from the public present to comment.

1 **b) Resolution 21-05 Final 2022 Budget and Levy – Board Action**
 2 Manager LeRoux moved, seconded by Manager Johnson, to adopt resolution
 3 21-05 Brown’s Creek Watershed District Board of Managers 2022 Budget &
 4 Certified 2022 Tax Levy Resolution: All Funds with an operating and capital
 5 budget totaling \$2,019,357, including \$1,814,957 for management plan
 6 implementation and \$204,000 for operations; with 2021 carryover and certain
 7 non-levy revenues totaling \$897,080, resulting in a levy of \$1,122,277 including
 8 \$152,900 for the general fund as provided by Minnesota Statutes section
 9 103D.905 and \$969,377 for the management planning fund as provided by the
 10 Minnesota Statutes section 103B.241.

	Yea	Nav	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager McKim</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 5/0.</u>				

11) **Discussion Agenda – No Action Required**

a) **Updates**

(1) **Administrator**

Karen Kill reported on current BCWD activities including the schedule for an upcoming water reuse project, and she attended the annual Minnesota Association of Watershed Districts meeting held online this year and found the talk on chloride useful.

(2) **Legal –**

Michael Welch noted that the MAWD members adopted a resolution to amend the Open Meeting Law to allow a combined in-person and virtual meetings.

(3) **Engineer –** No additional reports.

(4) **Managers –**

Managers McKim and Wirth attended the annual MAWD meeting and found the talks informative.

c) **January 2022 Regular BCWD Board and Annual Meeting BCWD Board Agenda and Location**

President Eckles confirmed the January meeting will be held online.

11) **Adjournment**

Manager Johnson moved, seconded by Manager LeRoux, to adjourn the Regular Meeting at 8:54PM.

	Yea	Nav	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			

1 Manager LeRoux X
2 Manager McKim X
3 Manager Wirth X
4 Motion carried 5/0.

5
6 Respectfully submitted by
7 Carmen Simonet, Recorder and Charles LeRoux, Recording Secretary
8