



1
2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday December 11, 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
Klayton Eckles, 2 nd Vice President	Cameron Blake, BCWD staff
	Camilla Correll, EOR, BCWD engineer
Managers Absent:	Paul Fritton, EOR, BCWD engineer
Anne Maule Miller, Secretary	Celia Wirth, Resident
	Mark Lambert, Summit Management

- 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 The following items were added to the agenda under new business:
14 8b - Upper Midwest Stream Restoration Symposium – Board Action
15 8c- 2020 Budget & Levy – Board Action
16 The following items were pulled from the consent agenda and added to the regular
17 agenda:
18 4b - Approve Board Meeting Minutes of the November 13, 2019 Regular Meeting
19 4c - Approve Board Meeting Minutes of the November 18, 2019 Special Meeting
20 **Manager Johnson moved, seconded by Manager Schwarze, to approve the Regular**
21 **Meeting agenda and discussion agenda as amended. Motion carried, vote 4/0.**
22
- 23 **3) Public Comments**
24 There were no public comments.
25
- 26 **4) Consent Agenda**
27 **Manager Schwarze moved, seconded by Manager Johnson, to approve the consent**
28 **agenda:**
29
 - **Approve minutes from October 9, 2019 Regular Meeting as presented.**

- Accept the permit fee statement as presented.
- Authorize payment of \$1,055 for accountant Dave McCord to update accounting software.

Motion carried, vote 4/0.

4b) Approve Board Meeting Minutes of the November 13, 2019 Regular Meeting

President Leiser identified two items in the November 13, 2019 minutes to correct: under 7) Projects b) Oak Glen Golf Course Reuse Project (2) Resolution 19-08, there is a formatting error in the roll call vote; under 8) New Business a) Lower St. Croix Watershed One Plan Implementation, President Leiser noted he supported the creation of a new entity and not the joint-powers collaboration. The vote should be 4/1 to reflect his position.

Manager Johnson moved, seconded by manager Schwarze to approve minutes from November 13, 2019 Regular Meeting as amended. Motion carried, vote 4/0.

4c) Approve Board Meeting Minutes of the November 18, 2019 Special Meeting

Manager Schwarze moved, seconded by manager Johnson to table the minutes from November 18, 2019 Special Meeting for further review. Motion carried, vote 4/0.

5) Treasurer’s Report

a) Review Authorized Funds Spreadsheet

Administrator Kill presented the authorized funds spreadsheet.

Manager Schwarze moved, seconded by Manager Johnson, to approve the authorized funds spreadsheet as presented. Motion carried, vote 4/0.

b) Current Items Payable – Board Action

Manager Johnson moved, seconded by Manager Schwarze, to approve payment of bills as presented in the amount of \$391,653.91.

	Yea	Nay	Abstain	Absent
<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>			

Motion carried 4/0.

Treasurer Johnson reported a total balance of \$1,501,681.28 after payables.

6) Permits

a) BCWD Permit 17-17 Westridge - Financial Assurance Reduction Request – Board Action

Paul Fritton, EOR reported on Westridge’s requested financial assurance reduction. Referring the managers to the engineer’s memo on the matter in the packet, he noted

1 that there are no outstanding compliance issues. He noted that BCWD will retain
2 \$63,610 in a financial assurance for remaining stormwater-management facilities.
3 **Manager Eckles moved, seconded by Manager Johnson, to authorize a \$42,990**
4 **reduction of the financial assurance for permit 17-17 Westridge. Motion carried,**
5 **vote 4/0.**
6

7 **7) Projects**

8 **a) Rule Revision**

9 **(1) Stakeholder Meeting Update and Community Follow-up**

10 Administrator Kill reported about 30 people were in attendance at the stakeholder
11 meeting including most of the managers, county staff and commissioners, city
12 staff and council members, Citizen Advisory Committee members, and a small
13 number of developers. An overview on the rule revision was covered, followed by
14 small-group discussion to obtain feedback. The meeting wrapped up with an
15 exercise to determine if the group was ready to move forward with the rule
16 revision. The response from staff from both Oak Park Heights and Stillwater
17 indicated they are comfortable with the general intent but specific language needs
18 to be worked out. The administrator noted that Amanda Johnson, Summit
19 Management, submitted additional comments outside the context of the meeting.
20 The administrator's goal is to send a draft to the cities next week and to have the
21 rule revision ready for Board action at the January meeting.
22

23 Ms. Kill reported having an additional meeting with city staff where they
24 discussed initial details of a potential agreement for the cities to exercise
25 stormwater permitting within their respective areas of the Diversion Structure
26 subwatershed, such as how to handle variances and manage timelines.
27

28 Manager Leiser noted receiving positive comments from commissioners and
29 council members on the productive nature of the community meeting and the
30 progress made over the past year. There is a clear understanding of the reason for
31 the revision and an interest in having the district administrator and engineer
32 involved review of specific permits.
33

34 **(2) BCWD Rules – determine whether to initiate 45-day review**

35 Michael Welch, Smith Partners noted a final draft of the revised stormwater rule
36 and supporting materials can be prepared for the January meeting if the managers
37 are ready to consider initiating the rulemaking. Manager Leiser confirmed that his
38 determination is that the 45-day review period can start in January. Manager
39 Schwarze asked the administrator if the cities think BCWD is moving too fast by
40 initiating the review in January. Ms. Kill noted her recent conversation with staff
41 indicates they are comfortable with BCWD moving forward in January.
42

43 **8) New Business**

44 **a) Policy Update**

45 **1. Bylaws – Per diems – Board Action**

1 President Leiser gave a historical overview of per diem rates and asked the
 2 managers if they were in agreement to raise the per diem from \$75 to \$100 per
 3 meeting or event of 90 minutes or more; \$75 for shorter times. Administrator Kill
 4 noted resolution 19-10 also includes updates to policies emanating from BCWD’s
 5 2018 audit. The Board discussed tiered per-diem amounts and preferred one set
 6 amount regardless of meeting length.

7 **Manager Eckles moved, seconded by President Leiser, to modify the**
 8 **proposed changes to the bylaws to provide a \$100 per-diem rate for all**
 9 **meetings. Motion carried 4/0.**

10
 11 **2. Capital Assets Policy**

12 Administrator Kill noted the accountant’s audit identified the need for
 13 BCWD to show depreciation for purchases in the accounting statements,
 14 and a new draft Capital Assets Policy has been added to the BCWD
 15 policies to address this issue. She noted that the auditor and counsel have
 16 prepared the policy language to accord with the audit findings.

17
 18 **3. Journal Entry Review**

19 Administrator Kill noted an additional recommendation in the audit was to
 20 routinely review the accountant’s journal entries and the policies have
 21 been revised to so provide.

22
 23 **Manager Schwarze moved, seconded by Manager Eckles, to adopt resolution**
 24 **19-10 Brown’s Creek Watershed District Adopting amendments to bylaws**
 25 **and policies as amended.**

	Yea	Nay	Abstain	Absent
<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>			

26
 27
 28
 29
 30
 31
 32 **Motion carried 4/0.**

33
 34 **(1) Resolution – Delegate Authority to Administrator to Renew and Transfer**
 35 **Permits – Board Action**

36 **Manager Eckles moved, seconded by Manager Johnson, to adopt resolution**
 37 **19-09 Brown’s Creek Watershed District Delegating additional regulatory**
 38 **authority to the administrator to renew and/or transfer permits.**

	Yea	Nay	Abstain	Absent
<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>			

39
 40
 41
 42
 43
 44 **Motion carried 4/0.**
 45
 46

1 **b) Upper Midwest Stream Restoration Symposium – Board Action**

2 Administrator Kill reported the Upper Midwest Stream Restoration symposium will
 3 be held in Stillwater this year, in late February. BCWD has been asked to give a
 4 presentation. President Leiser suggested flooding issues as a topic and supports the
 5 attendance of the managers at the meeting.

6 **Manager Leiser moved, seconded by Manager Johnson, to support participation**
 7 **and attendance in the symposium by the administrator and managers and per**
 8 **diem and registration for managers from account 200-4000 (Manager Per Diem**
 9 **and Expense). Motion carried, vote 4/0.**

10
 11 **c) 2020 Budget & Levy – Board Action**

12 In keeping with state Truth-in-Taxation requirements, President Leiser asked for
 13 public comment on the 2020 final budget, resolution 19-11 and there was none.

14 **Manager Schwarze moved, seconded by Manager Johnson, to adopt resolution**
 15 **19-11 Brown’s Creek Watershed District 2020 Final Budget Resolution with an**
 16 **operating and capital budget totaling \$2,107,077, including \$1,939,137 for**
 17 **management plan implementation and \$167,940 for operations.**

	Yea	Nay	Abstain	Absent
<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>			

25 **Motion carried 4/0.**

26
 27 President Leiser asked for public comment on the 2020 levy, resolution 19-12 and
 28 there was none.

29 **Manager Johnson moved, seconded by Manager Schwarze, to adopt resolution**
 30 **19-12 Brown’s Creek Watershed District Certified 2020 Final Tax Levy**
 31 **Resolution: All Funds includes a 2019 carryover and certain non-levy revenues,**
 32 **together totaling \$1,007,265 and to levy a total of \$1,099,812, including \$164,690**
 33 **for the general fund as provided by MN Statute 103D.905 and \$935,122 for the**
 34 **management planning fund as provided by the MN Statue 103B.241.**

	Yea	Nay	Abstain	Absent
<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>			

41 **Motion carried 4/0.**

42
 43 **9) Discussion Agenda**

44 **a) Administrator Updates**

45 Administrator Kill reported on the MAWD annual meeting and a presentation on
 46 stormwater credit trading that she attended.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

b) Communications & Manager Reports

President Leiser reported on a meeting he had with a contact on the St. Croix River Association in Wisconsin and their interest in learning about the One Watershed One Plan.

Manager Eckles reported on an education session he attended on salt and its impacts on water resources in Minnesota held at the American Public Works Association meeting last month.

c) January 2020 Regular and Annual Meeting BCWD Board Agenda

President Leiser noted he will not be attending the January meeting. Manager Schwarze asked that electing the Board officers be deferred until all five managers are present. The managers concurred in scheduling the annual business meeting in January, leaving the election of officers to the February regular meeting

10) Adjournment

Manager Johnson moved, seconded by Manager Schwarze, to adjourn the Regular Meeting at 7:49PM. Motion carried, vote 4/0.

Respectfully Submitted by
Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary