



1  
2 Minutes of the Regular & Annual Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday January 12, 2022 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

11  
12 1) **Call Annual Meeting to order**  
13 Manager Eckles called the annual meeting to order at 6:32pm.  
14

15 a) **Approve Annual & Regular Meeting Agenda**  
16 Karen Kill requested the addition of Floodplain Management Workshop to the agenda  
17 under New Business 7b).

18 **Manager Johnson moved, seconded by Manager Wirth, to approve the annual**  
19 **and regular meeting agenda and discussion agenda as amended.**

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

26  
27  
28 b) **Election of Officers**  
29 **Manager McKim moved, seconded by Manager Johnson, to elect Klayton Eckles**  
30 **– President, Celia Wirth – Vice President, Gerald Johnson – Treasurer, Chuck**  
31 **LeRoux – Secretary, and Rob McKim – Manager.**  
32

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

**c) Board Subcommittee Appointments**

Administrator Kill gave an overview of the subcommittees and the managers discussed the positions.

- Citizen Advisory Committee Liaisons – Celia Wirth, alternate Charles LeRoux
- Technical Advisory Committee Liaison – Klayton Eckles
- East Metro Water Resources Education Program Liaison – Administrator Kill primary, Gerald Johnson as necessary
- Best Management Practices Program Subcommittee – Gerald Johnson
- Bylaws and Policies – Celia Wirth
- MAWD Board Liaison – Rob McKim
- Metro MAWD Liaison – Celia Wirth; alternate Charles LeRoux
- Lower St Croix One Watershed One Plan – Klayton Eckles; alternate Gerald Johnson

**Manager Johnson moved, seconded by Manager LeRoux, to approve the subcommittee appointments and per diems for subcommittee attendance.**

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

**d) Annual Selection of Bank and Financial Assurance Depository**

**Manager Wirth moved, seconded by Manager Johnson, to retain US Bank as the District's bank. Permit deposit fees and cash escrows will be held in a separate savings account at US Bank. Certificates of deposit will be held at Lake Area Bank. Other financial assurances will be held in a fireproof safe in the BCWD office.**

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

1 e) **Annual Selection of Official Newspaper(s)**

2 **Manager Wirth moved, seconded by Manager McKim, to retain White Bear**  
 3 **Lake Press and the Stillwater Gazette as the District's official newspapers for**  
 4 **2022 and the Minnesota State Register for posting requests for qualifications.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
5 <b><u>Manager Eckles</u></b>	<b>X</b>			
6 <b><u>Manager Johnson</u></b>	<b>X</b>			
7 <b><u>Manager LeRoux</u></b>	<b>X</b>			
8 <b><u>Manager McKim</u></b>	<b>X</b>			
9 <b><u>Manager Wirth</u></b>	<b>X</b>			
10 <b><u>Motion carried 5/0.</u></b>				

11  
12  
13 f) **Schedule of Regular and Special 2022 meetings**

14 President Eckles noted BCWD will continue to meet virtually until the pandemic is  
 15 over and then meetings will resume at Family Means. Administrator Kill noted all  
 16 meetings are scheduled for the second Wednesday of the month at 6:30pm, except as  
 17 noted.

- 18 • January 12, 2022
- 19 • February 9, 2022
- 20 • March 15, 2022 – NOTE Date Change to 3rd Tuesday
- 21 • April 13, 2022
- 22 • May 11, 2022
- 23 • June 8, 2022
- 24 • July 13, 2022 - Special meeting: 2022 Budget Workshop 5-6:30pm and  
 25 Regular meeting
- 26 • July 28, 2022 - Special meeting: 2022 Budget Workshop 5-6:30pm
- 27 • August 10, 2022 - Special meeting: 2022 Budget Workshop 5-6:30pm and  
 28 Regular Meeting
- 29 • September 10, 2022 – Special meeting: 2022 Community Event at Brown’s  
 30 Creek Park in Stillwater 10am-1pm September 14, 2022
- 31 • October 12, 2022
- 32 • November 9, 2022
- 33 • December 14, 2022

34 **Manager Johnson moved, seconded by Manager Wirth, to approve the schedule**  
 35 **of the regular and special meetings as presented.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
36 <b><u>Manager Eckles</u></b>	<b>X</b>			
37 <b><u>Manager Johnson</u></b>	<b>X</b>			
38 <b><u>Manager LeRoux</u></b>	<b>X</b>			
39 <b><u>Manager McKim</u></b>	<b>X</b>			
40 <b><u>Manager Wirth</u></b>	<b>X</b>			
41 <b><u>Motion carried 5/0.</u></b>				

42  
43  
44  
45  
46 g) **Citizen Advisory Committee Membership**

1 Administrator Kill reported the Citizen Advisory Committee contains a dedicated  
 2 group of members, the current chair is leaving and two current members have agreed  
 3 to co-chair. BCWD is working on bringing in new members to grow and maintain the  
 4 size of the committee. The committee meets the second Monday of the even months  
 5 at 6:30pm.

6 **Manager Johnson moved, seconded by Manager Wirth, to approve Anne Maule-**  
 7 **Miller and George Vania as co-chairs, Laurie Mainquist, Jyneen Thatcher,**  
 8 **Yihong Gao, Sapryna Balstad to 2022 membership in the Citizen Advisory**  
 9 **Committee.**

	Yea	Nay	Abstain	Absent
10 <b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
11 <b><u>Manager Johnson</u></b>	<b><u>X</u></b>			
12 <b><u>Manager LeRoux</u></b>	<b><u>X</u></b>			
13 <b><u>Manager McKim</u></b>	<b><u>X</u></b>			
14 <b><u>Manager Wirth</u></b>	<b><u>X</u></b>			

15 **Motion carried 5/0.**

16  
 17  
 18 **h) Board Training Plan**

19 Administrator Kill reviewed a list of education opportunities for the Board members:

- 20 • Washington County Water Consortium monthly meetings
- 21 • Legislative Water Commission monthly Meetings
- 22 • Minnesota Association of Watershed Districts Day at the Capitol (Feb),
- 23 Summer Tour (June), and Annual Meeting (Dec)
- 24 • Metro MAWD quarterly meetings
- 25 • Water Resources Conference (Oct)

26  
 27 President Eckles encouraged the managers to attend water consortium meetings as a  
 28 way to learn about water resource projects throughout Washington County. He has  
 29 attended them throughout the years finds the presentations a valuable learning tool.  
 30 He also supports adding attendance at a water consortium meeting to the training  
 31 opportunities eligible for per diem. Manager Wirth asked where she can learn more  
 32 about the meetings. Administrator Kill noted she will contact the county to have the  
 33 managers put on the meeting email list.

34 **Manager Johnson moved, seconded by Manager Wirth, to support the training**  
 35 **opportunities and to make attendance at water consortium meetings eligible for**  
 36 **per diem and expenses.**

	Yea	Nay	Abstain	Absent
37 <b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
38 <b><u>Manager Johnson</u></b>	<b><u>X</u></b>			
39 <b><u>Manager LeRoux</u></b>	<b><u>X</u></b>			
40 <b><u>Manager McKim</u></b>		<b><u>X</u></b>		
41 <b><u>Manager Wirth</u></b>	<b><u>X</u></b>			

42 **Motion carried 4/1.**

43  
 44  
 45 Michael Welch asked the Board if they were interested in a training session on the  
 46 reasonable use doctrine which has to do with a property owner's right to drain water

1 onto an adjacent property. President Eckles confirmed the topic is important and  
 2 supports having a presentation on it this year.

3  
 4 Manager McKim explained that he voted no on the motion because he was surprised  
 5 by the per diem for educational training and receiving per diem for his service as a  
 6 manager was not why he joined the Board. Karen Kill noted it is not a requirement to  
 7 take the per diem. An important reason for the per diem is to provide people who may  
 8 not have adequate resources to take time off from work for meetings and training.  
 9

10 **i) Bylaws and Policies Review – Resolution 22-01**

11 Administrator Kill reviewed the changes to the governance policies provided in the  
 12 meeting packet. Manager LeRoux asked about the capital assets policy. Ms. Kill  
 13 noted it follows the auditor’s recommendations.  
 14

15 Michael Welch followed up on a question received earlier from a manager about  
 16 mileage reimbursement, noting that under present policy, managers’ mileage to  
 17 regular meetings is not reimbursed.

18 **Manager Johnson moved, seconded by Manager LeRoux, to adopt Resolution**  
 19 **22-01, adopting the BCWD Electronic Signature Policy and updating the Public**  
 20 **Purposes Expenditures Policy, Capital Assets Policy and Internal Controls**  
 21 **Manual**

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

29  
 30 **j) Adjourn Annual Meeting**

31 **Manager Wirth moved, seconded by Manager McKim, to adjourn the annual**  
 32 **meeting at 7:35pm.**

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

40  
 41 **2) Call Regular Meeting to Order @ 6:30PM**

42 President Eckles called the Regular Meeting to order at 7:36PM.  
 43

44 **3) Approve Regular Meeting Agenda and Discussion Agenda**

45 The regular meeting agenda and discussion agenda was approved under 1a) Approve  
 46 Annual Meeting Agenda.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

4) **Public Comments**  
There were no public comments.

5) **Consent Agenda**

**Manager Wirth moved, seconded by Manager Johnson, to approve the consent agenda:**

- **Approve minutes from December 8, 2021, regular meeting as presented.**
- **Accept the permit fee statement as presented.**
- **Approve water monitoring equipment repair scope, not to exceed \$14,500 from account 300-4640 (Equipment Repairs).**
- **Approve Oak Glen Reuse equipment repair scope, administrator to contract with Northwest Asphalt upon advice of counsel, not to exceed \$2,000 from account 948-000 (CIP Maintenance).**

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

6) **Treasurer’s Report**

a) **Review Authorized Funds Spreadsheet**

Administrator Kill reported the authorized funds spreadsheet has not been updated.

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

**Manager Johnson moved, seconded by Manager LeRoux, to approve payment of bills as presented in the amount of \$65,878.65.**

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

7) **New Business**

a) **Rule Guidance Scope**

Administrator Kill reported on the scope to update the rule guidance documents that are made available to the public on the BCWD website. The goal is to help clarify and make it easier for people to identify what they need to facilitate the permit application process.

1 The managers discussed the need to use language that homeowners and developers  
 2 can understand rather than technical jargon. Managers Wirth and McKim offered to  
 3 review the documents for readability.

4  
 5 Karen Kill noted some of these guidance materials were discussed at an earlier focus  
 6 meeting with developers and community members, and they may have interest in  
 7 reviewing the materials. President Eckles agreed their review would be useful.  
 8 Michael Welch noted coordination with the cities to prevent redundancy and create  
 9 efficiency is also mandated by state statute.

10  
 11 Manager Wirth added, this would be a good time to think about accessibility and  
 12 diversity in the context of the different audiences that need to understand this  
 13 information. President Eckles agreed.

14 **Manager McKim moved, seconded by Manager Wirth, to approve the scope of**  
 15 **services for BCWD rule guidance updates, not to exceed \$6,584 from account**  
 16 **909-0000 (Rule Review).**

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

24  
 25 **7b) Floodplain management policy workshop**

26 Karen Kill gave an overview for a floodplain management policy workshop approved at  
 27 the December Board meeting. This will be a two-hour workshop to develop initial  
 28 policy and program components. The goal is to have a draft policy ready for the  
 29 workshop, noting overall, it will take about six months to implement the policy and  
 30 associated program components.

31  
 32 A special meeting was scheduled for February 16, 2022 at 6:30-8:30pm via Zoom. The  
 33 managers asked that the Citizen Advisory Committee be invited to attend.

34  
 35 **8) Discussion Agenda – No Action Required**

36 **a) Updates**

37 **(1) Administrator – CAC December meeting minutes, Adopt-a-drain Report**

38 Cameron Blake reported on the December 2021 Citizen Advisory Committee  
 39 meeting minutes. The CAC expressed concern about enforcement of buffer  
 40 management at Heifort Pond and Long Lake and wanted this concern brought  
 41 to the attention of the Board. They acknowledged the role BCWD plays in  
 42 educating to help people understand the value of buffers and how they should  
 43 be managed, but expressed a need for the Board to connect with the cities  
 44 responsible for enforcement. Karen Kill agrees there is room for improvement  
 45 and BCWD is actively working on this issue. President Eckles noted from his  
 46 experience, cities don't always get to everything that needs to be done but

when they understand why it's important their priorities can change. Karen Kill and Cameron Blake will follow up with the CAC.

Karen Kill reported on current BCWD activities. EOR worked with BCWD, Comfort Lake Forest Lake Watershed District, Carnelian Marine St Croix Watershed District, and Middle St. Croix Watershed Management Organization to develop a joint grant application for the Minnesota Pollution Control Agency Climate Resiliency Planning grant. The application was submitted in late December and decisions should be finalized by late February 2022. The permit tracking database the Washington Conservation District is working on will be online in the next month or so. 2021 was a record permit application year for BCWD. She is reviewing with WCD to see if there is room for a potential permit coordinator.

(2) **Legal** – No additional reports

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

(4) **Managers** –

President Eckles noted he is sensitive about additional costs for developers and stressed BCWD should be looking at ways to simplify the permit review processes especially for small projects to help keep their costs down.

**b) February 2022 Regular BCWD Meeting and Location**

President Eckles confirmed the February meeting will be held online.

**9) Adjournment**

**Manager Johnson moved, seconded by Manager McKim, to adjourn the Regular Meeting at 9:00PM.**

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

Respectfully Submitted by  
Carmen Simonet, Recorder and Charles LeRoux, Recording Secretary