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2 Minutes of the Regular Meeting of the Brown’s Creek Watershed District Board of Managers,
3 Wednesday February 9, 2022 at 6:30 PM
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5 *Based on Brown’s Creek Watershed District president’s determination pursuant to Minnesota*
6 *Statutes 13D.021, subdivision 1, that it was not prudent to meet in person because of health*
7 *concerns raised by the COVID-19 pandemic, the meeting was held electronically, via webcast.*
8

9 **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
	Ryan Fleming, EOR, BCWD engineer
	Patrick Conrad, EOR, BCWD engineer
	Mike Majeski, EOR, BCWD engineer
	Bryan Pynn, Washington Conservation District

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11 **1) Call Regular Meeting to Order**
12 President Eckles called the regular meeting to order at 6:30PM.
13
14 **2) Approve Regular Meeting Agenda and Discussion Agenda**
15 **Manager McKim moved, seconded by Manager Wirth, to approve the regular**
16 **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			

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22 **Motion carried 5/0.**
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25 **3) Public Comments**
26 There were no public comments.
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1 **4) Consent Agenda**

2 The administrator pulled two items from the consent agenda:

- 3 c) Authorize president to execute an amendment to Washington Conservation District
 4 service contract to include chloride monitoring.
 5 f) Approve EOR scope for vegetation management.

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

- 8 • **Approve minutes from January 12, 2022 Regular Meeting as presented.**
 9 • **Accept the permit fee statement as presented.**
 10 • **Approve the EOR scope of services for District-wide large pond management**
 11 **plan, not to exceed \$39,932 from account 961-0000 (Mendel Wetland**
 12 **Restoration Feasibility).**
 13 • **Approve the EOR scope of services for 2022 operation and maintenance, and**
 14 **performance evaluation of the Oak Glen Golf Course stormwater reuse**
 15 **system, not to exceed \$7,980 from account 948-0000 (CIP Maintenance).**

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

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 24 **4c) Authorize president to execute an amendment to Washington Conservation**
 25 **District service contract to include chloride monitoring – Board Action**
 26 Michael Welch, Smith Partners reported the contract for chloride monitoring is
 27 \$2,268, and \$630 of that amount, is subcontracted to Metropolitan Council for lab
 28 work. He noted that the request is to approve the amendment and the
 29 subcontracting. Administrator Kill noted BCWD can choose to work with any lab
 30 and finds the Metropolitan Council lab very affordable.

31 **Manager McKim moved, seconded by Manager LeRoux, to authorize**
 32 **President Eckles to execute an amendment to the Washington Conservation**
 33 **District Service contract to include chloride monitoring for 2022.**

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

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 41
 42 **4f) Approve EOR scope for vegetation management – Board Action**
 43 Michael Welch, Smith Partners stated that EOR proposes to subcontract
 44 vegetation management work at several BCWD project sites. EOR’s contractor
 45 coordination cost is \$500, and the remaining work will be completed by Natural
 46 Shores Technologies not to exceed \$14,840 for a total scope of \$15,340.

Manager McKim moved, seconded by Manager Wirth, to approve the 2022 vegetative maintenance scope not to exceed \$15,340, with \$3,000 from account 953-0000 (Fen Management Plan Implementation) and \$12,340 from account 948-0000 (CIP Maintenance).

	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>				

5) **Treasurer’s Report**

a) **Review Authorized Funds Spreadsheet**

Administrator Kill presented the revised budget for 2022.

Manager Johnson moved, seconded by Manager Wirth, to approve the revised budget for 2022.

	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>				

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

Manager Johnson moved, seconded by Manager LeRoux, to approve payment of bills as presented in the amount of \$122,171.65.

	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>				

Treasurer Johnson reported a total balance of \$1,369,873.33 after payables.

6) **Permits**

a) **BCWD Permit 21-45 Norell Ave Road Improvement – Board Action**

Ryan Fleming, EOR reported on a permit application from the City of Oak Park Heights for improvements to Norell Avenue at 60th Street North in Oak Park Heights. The project includes adding a roundabout and establishing a road, 59th Street, through two parking lots.

The project area drains from east to west through ditches, stormwater ponds and a storm sewer system. Runoff from the area eventually flows to the pond between 60th Street and the Menards store.

1 The city is requesting a variance to allow stormwater-management to be achieved by
2 treating runoff from off site to meet BCWD water-quality requirement. The site is in
3 a Drinking Water Supply Management Area with high vulnerability. Phosphorus
4 loading and stormwater treatment were modeled against Rule 2.4.3 Flexible
5 Treatment Options Within the Diversion Structure Subwatershed. The removal
6 amount exceeds the 60% removal of annual total phosphorus.
7

8 Manager McKim clarified that the city is proposing the project to improve road
9 safety by adding a roundabout. It does not meet the District requirements, but the
10 variance addresses the issue. Ryan Fleming agreed. Manager McKim asked why
11 chloride is not part of the discussion when the project is in a drinking water
12 vulnerability area. Karen Kill noted BCWD is measuring chloride in natural
13 waterbodies to get a baseline but at this time has no rules on chloride.
14

15 Manager Wirth asked who is responsible to ensure the permit holder follows the
16 plan, such as maintenance and erosion control. Ryan Fleming reported BCWD has
17 inspectors and they report on the work. It's also a stipulation of the permit for the
18 owner to provide an as-built record drawing. Ongoing compliance of operation and
19 maintenance is also a requirement of the required maintenance agreement BCWD.
20

21 President Eckles noted the city of Oak Park Heights is subject to the state Municipal
22 Separate Storm Sewer permit administered by the Minnesota Pollution Control
23 Agency, and he questioned the need for redundancy by having both BCWD and the
24 MPCA inspect the stormwater work. Michael Welch noted that it is always best to
25 avoid redundancy, but a maintenance agreement between the city and BCWD is
26 needed to enforce compliance if there's a problem and that alternatively, a
27 programmatic agreement could be established.
28

29 President Eckles expressed concern about enforcing the permit requirements while at
30 the same time maintaining a good relationship with the city. Michael Welch noted
31 the permit review is directed by BCWD's rules. Discussing the rules and how they
32 relate to municipalities is a policy question, and can be addressed at another time.
33

34 Karen Kill asked if there was a need for legal counsel to facilitate the maintenance
35 agreement since there is also an MS4 agreement. Michael Welch noted the
36 description in the permit review is broad and allows the administrator to negotiate
37 the written commitment from the city to ensure maintenance. President Eckles asked
38 staff to keep the maintenance agreement simple in the spirit of cooperation.
39

40 Karen Kill noted she will add stormwater agreements with municipalities and
41 monitoring chloride to her policy-question list.

42 **Manager Wirth moved, seconded by Manager Johnson, to approve permit 21-**
43 **45 with the variance, and the conditions and stipulations outlined in the**
44 **engineer's report.**
45
46

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

7) **Projects**

a) **THPP monitoring: Results and Scope – Board Action**

Mike Majeski, EOR reported on the Trout Habitat Preservation Project monitoring. The THPP was constructed in 1999 to alleviate high-water conditions in the Goggins/School Section lakes system and to protect the cold-water resource of Brown’s Creek. A series of wetlands and infiltration basins was constructed to capture and infiltrate water from the surrounding 230-acre subwatershed. The lifespan of the project was expected to be between 15 to 20 years. The system has now been in place for 22 years and infiltration rate is in decline.

Manager Wirth asked what is causing the lack of infiltration. Mike Majeski suggested it may be fine materials and silt building up in the bottom of the basins. Manager Eckles asked if it was an option to scarify the basins, and noted he is interested in a scope of services to find the best solution with an emphasis on additional maintenance over doing an extensive study. Manager LeRoux also supports a scope to look at options. Camilla Correll noted a past graduate student did extensive research on the 230-acre subwatershed and she can review the report as a starting point to consider options on how to address the infiltration issue.

Manager McKim moved, seconded by Manager Wirth, to approve the scope of services to monitor lake stage in 2022 at Goggins Lake and THPP outlet (if conditions warrant) not to exceed \$4837 from account 903-0001 (Trout Habitat Preservation Project: Monitoring).

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

8) **New Business**

a) **Cost-Share Grant Program – proposal to revise – Board Action**

Administrator Kill reported she met with Manager Johnson and Bryan Pynn with the Washington Conservation District to review BCWD’s cost-share program and to identify ways to increase its value as an outreach program. Currently, the program is underutilized and inconsistent with the requests for assistance coming from residents. It ties the assistance to the performance of best management practices, where other watersheds are now offering stewardship grants to reduce lawn and

1 increase habitat throughout their watersheds. This is increasing homeowner
 2 participation and collectively, provides stewardship and water-quality benefits.

3
 4 Bryan Pynn gave an overview of the proposal to update program including changing
 5 it from a cost-share program to a stewardship grant, and modeling the program after
 6 Rice Creek Watershed District mini-grant program.

7
 8 In response to a question from Manager Eckles, Mr. Pynn said staff could provide
 9 the managers with a report on how the transition is working on a quarterly or some
 10 such basis. Manager Wirth asked how the change would impact the administrator’s
 11 time if it becomes popular and heavily used. Karen Kill noted Washington
 12 Conservation District staff do much of the work, including Bryan Pynn who
 13 oversees the technical, and Angie Hong who markets and promotes the program
 14 through her education work.

15 **Manager LeRoux moved, seconded by Manager McKim, to approve change to**
 16 **the cost-share program to BCWD Stewardship Program to provide up to \$500**
 17 **grants for eligible activities on a reimbursement basis upon proof of receipts**
 18 **and installation and allocate up to \$15,000 from account 914-0000 to be used for**
 19 **the implementation of a new BCWD Stewardship Grant program.**

	Yea	Nay	Abstain	Absent
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28 **b) Rule Review Subcommittee Appointment: Single Family Home Permitting**
 29 **Simplification**

30 Karen Kill reported on BCWD’s development of a task force to simplify the single-
 31 family home permitting process. Managers McKim and Eckles expressed interest in
 32 being on the task force. Manager Wirth offered to be an alternate. All waived the per
 33 diem for task force participation.

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

36 **a) Updates**

37 **(1) Administrator**

38 Karen Kill reported she is preparing an information packet for the upcoming
 39 floodplain management policy workshop, and will be sending it out soon. She
 40 will have a draft policy statement ready for review at the meeting.

41 She is also collaborating on a grant proposal aimed at educating homeowner
 42 associations on stormwater best management practices.

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 44 **(2) Legal – No additional reports.**

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

(4) Managers – No additional reports.

c) February 16, 2022 – Floodplain Management Workshop at 6:30-8:30PM

d) March 15, 2022 Regular Meeting BCWD Board Agenda and Location
No items were suggested.

10) Adjournment

Manager Johnson moved, seconded by Manager Eckles, to adjourn the regular meeting at 8:53PM.

	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>				

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