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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday March 16, 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**

<b>Managers Present:</b>	<b>Others Present:</b>
Klayton Eckles, President	Camilla Correll, EOR, BCWD engineer
Gerald Johnson, Treasurer	Carmen Simonet, Recorder
Charles LeRoux, Secretary	Michael Welch, Smith Partners, BCWD counsel
Rob McKim	Cameron Blake, BCWD staff
Celia Wirth, Vice President	Derek Lash, EOR, BCWD engineer
	Mike Majeski, EOR, BCWD engineer
	Stu Grubb, EOR, BCWD engineer

- 10  
11 **1) Call Regular Meeting to Order @ 6:30PM**  
12 President Eckles called the regular meeting to order at 6:30PM.  
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14 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
15 **Manager Wirth moved, seconded by Manager Johnson, to approve the regular**  
16 **meeting agenda and discussion agenda as presented.**  
17
- |                               | <b>Yea</b>      | <b>Nay</b> | <b>Abstain</b> | <b>Absent</b> |
|-------------------------------|-----------------|------------|----------------|---------------|
| <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> |            |                |               |
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22 **Motion carried 5/0.**  
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25 **3) Public Comments**  
26 There were no public comments.  
27  
28 **4) Consent Agenda**  
29 Item h) Approve EOR 2022 rate increase, was pulled from the consent agenda and placed  
30 under 4.5.

**Manager Johnson moved, seconded by Manager LeRoux, to approve the consent agenda as amended:**

- **Approve minutes from February 9, 2022 Regular Meeting as presented.**
- **Approve minutes from February 16, 2022 Special Meeting as presented.**
- **Accept the permit fee statement as presented.**
- **Authorize President Eckles to execute an amendment to the Washington Conservation District service contract to include best-management practice maintenance materials, not to exceed \$1,000 from account 300-4950 (Management Plan Implementation - miscellaneous).**
- **Approve the EOR scope of services for 2022 weather station monitoring, not to exceed \$3,622 from account 957-0000 (Weather Station).**
- **Approve the EOR scope of services for 2022 groundwater monitoring and coordination, not to exceed \$8,260 from account 942-0004 (Measuring Trends in GW Elevations & Flow) and not to exceed \$5,208 from account 942-0011 (Groundwater - Coordination with users).**
- **Approve the EOR scope of services for 2022 Brown’s Creek survey, transfer, \$7276 from account 947-0022 (Brown’s Creek - Buffer and Stream Restoration) to account 947-0020 (Browns Creek Stream Channel Survey and Approve not to exceed \$7,276 from account 947-0020).**

	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>				

**4.5) Approve EOR 2022 rate increase**

Manager McKim asked for clarification on BCWD’s protocols for consultant fees and rate increases. Michael Welch noted professional service contracts are on a two-year cycle. EOR has been providing services at a lower rate to BCWD than its standard fee. Camilla Correll clarified that the rate increase was in the 2022 budget approved by the board. Michael Welch noted that the engineer’s current contract expires in 2023, and recognizes that the parties will annually reconsider rates.

**Manager McKim moved, seconded by Manager Wirth, to authorize the administrator to amend, on advice of counsel, the agreement for engineering services with EOR to update the rates in accordance with the 2022 rate schedule included in the packet for invoices beginning March 2022.**

	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>				

1 **5) Treasurer’s Report**

2 **a) Review Authorized Funds Spreadsheet**

3 Camilla Correll reported there were no changes to the authorized funds spreadsheet.

4 **Manager Johnson moved, seconded by Manager Wirth, to approve the**  
5 **authorized funds spreadsheet as presented.**

	<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>			

12 **Motion carried 5/0.**

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

15 Manager Eckles noted the importance of data gathering for BCWD work but  
16 questions how much budget should be dedicated to the task. He asked the EOR  
17 engineers at the meeting to comment on BCWD’s data collecting and how it  
18 compares to other watershed districts.

20 Camilla Correll noted different watersheds collect different data and is not sure how  
21 to make a comparison. She described the various needs for data collection: to  
22 establish baseline conditions (what needs protection and what needs restoration), to  
23 track performance towards achieving goals, and to demonstrate the effectiveness of  
24 BMPs (in meeting the goals). She explained that a longer data set allows for better  
25 (more accurate) data analysis.

27 Stu Grubb agreed and noted that long term groundwater monitoring is most useful to  
28 understand the trends. He noted BCWD has 20 years of groundwater data, which is  
29 well above the limited data of other watersheds.

31 Manager Wirth asked how the groundwater monitoring locations are selected. Stu  
32 Grubb noted that the groundwater monitoring program is looking for spatial coverage  
33 across the watershed, as well as coverage of the various groundwater aquifers. He  
34 also added that the District is expanding its efforts to evaluate more specific issue  
35 areas, such as the flooding in the Kimbro Basin.

37 Manager McKim asked why BCWD needs its own weather station when weather data  
38 is available from other sources. Camilla Correll noted the integrity of the data is  
39 important. Other sources are private and they may or may not be in place later on.  
40 BCWD’s station is located in a public works facility, keeping it safe from vandalism.  
41 The interval of collection is also important and private sources may not be at the  
42 interval desired for modeling work.

44 Mike Majeski added he will report on how monitoring is used with  
45 macroinvertebrates at an upcoming meeting.

**Manager Wirth moved, seconded by Manager Johnson, to approve payment of bills as presented in the amount of \$48,619.31.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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) Projects**

**a) Applewood Hills Golf Course Reuse – Board Action**

**(1) Contractor Selection – Board Action**

Michael Welch reported the Applewood Hills Golf Course reuse project required a sealed bid because the engineer’s cost estimate was over \$175,000. It is also a statutory requirement that BCWD award the contract with the lowest responsible, responsive bidder. All bids received were reviewed by EOR and meet all relevant requirements.

Derek Lash, EOR provided further detail on the bids received. The lowest responsive and responsible bidder was GM Contracting Inc. at \$375,788.53. The engineer’s estimate landed in the middle of the bids, with the low bid 7% under and the high bid 4% over. GM Contracting is located near Mankato and is a utility contractor. They have considerable experience in trenchless pipe installation including directional drilling and lift station construction, which are the principal elements of this project. Municipal references were contacted and reports were favorable.

**Manager McKim moved, seconded by Manager Johnson, to award the contract for the Applewood Hills Golf Course stormwater reuse project to the low responsive, responsible bidder, G M Contracting Inc. and authorize the administrator to execute, on advice of counsel, a contract with GM Contracting, Inc. on receipt of all required materials, and change orders not to execute 5 percent in aggregate of the contract price from account 929-0010 (Long Lake - Implementation - regional treatment).**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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>				

**(2) Engineer Construction Oversight Scope – Board Action**

Derek Lash, EOR reviewed a scope of services for additional construction administration of the Applewood Hills Golf Course stormwater reuse project.

1 Manager McKim asked about overall project costs and construction administration  
 2 costs. The engineer noted the proposed additional \$5000 for oversight will raise the  
 3 total to over \$40,000. Manager McKim asked what percentage of a project is  
 4 considered typical for construction administration. The engineer noted professional  
 5 services can range from 10 to 20% of the overall project costs. Manager McKim  
 6 noted the importance of knowing the full costs of a project for BCWD to be  
 7 accountable with public money.  
 8

9 Manager Eckles acknowledged the value of understanding total costs and whether  
 10 the amount spent on inspection and oversight is in line with the overall costs of a  
 11 project and asked that this question be addressed on future projects.

12 **Manager McKim moved, seconded by Manager Wirth, to approve the scope of**  
 13 **work for the construction administration of the State Highway 36 & County**  
 14 **Road 15 Interchange - Applewood Hills Golf Course Stormwater Reuse Project,**  
 15 **not to exceed \$5,000 from account 929-0010 (Long Lake Implementation –**  
 16 **Regional Treatment).**

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

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 25 **b) South School Section and Goggins Lakes Aquatic Vegetation Management –**  
 26 **Board Action**

27 Camilla Correll, EOR reviewed the scope of services for aquatic plant management  
 28 on South School Section and Goggins Lakes, and noted the survey is needed to  
 29 determine the extent of treatment for the year. She said she is not certain as to  
 30 whether the entirety of the scope before the board tonight needed to be approved  
 31 now.

32 **Manager LeRoux moved, seconded by Manager McKim, to approve the pre-**  
 33 **and post-treatment survey identified in the scope of services for aquatic plant**  
 34 **management on South School Section and Goggins Lake, not to exceed \$3,600**  
 35 **from account 950-0001 (South School Curly Leaf Treatment).**

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

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 44 **c) Flood Risk Management Policy & Next Steps – Board Action**

45 Camilla Correll, EOR gave an overview of the proposed floodplain management  
 46 policy amendments. The managers discussed the policies and how they would

engender public expectations and agreed that the broad statements were good. They asked whether the two sub-issues, flood prevention and flood mitigation, could be combined into one.

Manager McKim expressed concern that the existing policy in the watershed management plan regarding flood-prone areas was too specific compared to the new policies. The managers agreed and President Eckles directed the engineer, along with the administrator and legal counsel, to review the existing policy and flag any restrictive language for discussion at the April meeting.

Camilla Correll noted next steps include taking the policy statements to the Minnesota Board of Water and Soil Resources to determine whether the amendment of the plan would need to follow the standard (major) or minor plan-amendment process.

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

a) **Updates**

(1) **Administrator -**

Cameron Blake reported he is wrapping up work on the annual report and newsletter. The newsletter will go out end of April or early May and will include the BCWD outdoor events schedule. Manager Eckles suggested adding the scheduled bird walks that occur on Brown’s Creek trail to the newsletter.

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

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

(4) **Managers** – No additional reports

b) **April 13, 2022 Regular Meeting BCWD Board Agenda and Location**

President Eckles reported the April 13, 2022 Regular meeting will be held at the Family Means location in Stillwater, Minnesota.

10) **Adjournment**

**Manager Wirth moved, seconded by Manager McKim, to adjourn the Regular Meeting at 7:51PM.**

	<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>				

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