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2 Approved Minutes of the regular meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday May 11, 2022
4

5 ROLL CALL

Managers Present:	Others Present:
Klayton Eckles, President	Camilla Correll, EOR, BCWD engineer
Gerald Johnson, Treasurer	Karen Kill, BCWD Administrator
Charles LeRoux, Secretary	Michael Welch, Smith Partners, BCWD counsel
Rob McKim, 2 nd Vice President	Cameron Blake, BCWD staff
Celia Wirth, Vice President	Aaron DeRusha, WCD
	Melanie Zahler

- 6
7 **1) Call to Order**
8 President Eckles called the regular meeting to order at 6:32 p.m.
9
10 **2) Approve Agenda**
11 **Manager Wirth moved, seconded by Manager McKim, to approve the agenda.**
12 **Motion carried, vote 5/0.**
13
14 **3) Public Comments**
15 There were no public comments.
16
17 **4) Consent Agenda**
18 **Manager Johnson moved, seconded by Manager Wirth, to approve the consent**
19 **agenda as presented:**
20
 - **Approve minutes from April 13, 2022 regular meeting as presented.**
 - **Accept the permit fee statement as presented.**
 - **Approve Homeowner Packet Scope for printing and distribution not to**
23 **exceed \$3,900 from account 910-0000 (Education).**
24 **Motion carried 5/0.**
25
26 In response to a question from Manager McKim, Cameron Blake and Karen Kill
27 explained that the homeowner information packet will be sent to all single-family
28 property owners in the watershed. A copy of the information will be sent to the managers.
29
30
31

1 **5) Treasurer’s Report**

2 **a) Review Authorized Funds Spreadsheet**

3 Administrator Kill updated the board that the vegetative survey of South School
4 Section and Goggins Lake determined that no herbicide treatment of curly-leaf
5 pondweed treatment was needed (950-0001), so there was no expenditure. Past
6 treatments have produced similar multiyear efficacy.

7 **Manager Johnson moved, seconded by Manager McKim, to accept the**
8 **authorized funds spreadsheet as presented. Motion carried 5/0.**

9
10 **b) Current Items Payable**

11 **Manager Johnson moved, seconded by Manager McKim, to approve payment of**
12 **bills as presented in the amount of \$173,325.90.**

13 Manager Johnson presented the treasurer’s report.

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

20
21
22 In response to a question from Manager McKim regarding the bills, Ms. Kill
23 explained that MNL completed vegetation work on the Millbrook tributary project;
24 they used to be called Minnesota Native Landscapes and are now MNL.

25
26 **6) BCWD Permit #22-07 Liberty Classical Academy**

27 Camilla Correll presented the engineers’ report for this permit application. She said
28 Liberty Classical Academy is an existing charter school in White Bear Lake that is
29 expanding to the subject property. The project involves new impervious surface,
30 pavement sealant on existing parking lot, and a new playground area. The increase in
31 parking lot is mostly for parent pick-up and drop-off, so traffic doesn’t back up onto
32 the busy road in front of the school. The planned stormwater-management system
33 includes a new infiltration basin and a new outlet and connection to the existing storm
34 system. Stormwater runoff from this project ultimately flows to a Manage 2 wetland,
35 then to the Trout Habitat Preservation Project, which connects to the headwaters of
36 Brown’s Creek. BCWD Rules 2, 3, and 7 are triggered.

37
38 The managers discussed the infiltration basin. The soil was found to have good
39 infiltration so little to no water is expected to exit the practice. The basin will be
40 designed to have pretreatment to prevent clogging of the infiltration media, and some
41 common options were discussed. The board discussed the runoff trajectory across the
42 grassed waterway in the agricultural field to the south to the Manage 2 wetland and
43 its relation to the Wetland Conservation Act.

44
45 The managers discussed maintenance and inspection obligations of the stormwater
46 practices, and the role of the watershed district in this process. Administrator Kill

1 explained the stormwater practices and maintenance agreement will be recorded and
2 run with the property records.

3
4 The managers discussed permeable pavement and Ms. Correll explained the
5 watershed district's role is not to advocate for one practice over another. She noted
6 the City of Stillwater has allowed this type of practice and it has not worked as well
7 as the city has hoped from a maintenance perspective. Some practices are better
8 suited for sites than others and in this case, a raingarden or infiltration basin was a
9 well suited choice given the amount of anticipated traffic for the parking lot.

10
11 The managers discussed the benefit of the raingarden for educational use for the
12 school.

13
14 Ms. Correll noted that the only significant outstanding uncertainty is that the BCWD
15 engineer's estimate of the cost to construct the stormwater facilities is higher than the
16 applicant's. This is important because the estimate is used to calculate the financial
17 assurance required to issue the permit. Ms. Correll explained the applicant had not yet
18 replied to explain the difference, but she the difference could be explained from the
19 applicant's providing an estimate from the contracted cost of the entire project, as
20 opposed to the estimated cost for the watershed to bid and construct the stormwater
21 practice on its own. The applicant's estimate also may not have included the
22 stormwater pipes and pretreatment; just the excavation and planting of the infiltration
23 basin.

24
25 **Manager McKim moved, seconded by Manager Johnson, to approve permit #22-**
26 **07 with the conditions and stipulations in the engineer's report. Motion carried**
27 **5/0.**

28
29 Melanie Zahler, a member of the public connected with Liberty Classical Academy,
30 said the school was planning on opening this fall for pre-kindergarten through second
31 grade with about 150 students enrolled so far.

32
33 **7) Projects**

34 **a) Brown's Creek Water Quality Monitoring Presentation**

35 Washington Conservation District Water Resource Specialist Aaron DeRusha
36 presented the 2021 water-quality monitoring report. He noted that chloride sampling
37 for lakes was added to the monitoring regime for 2022. Manager Eckles asked how
38 the district's monitoring compared to neighboring watershed districts' and Mr.
39 DeRusha explained the trout stream in the district leads to more parameters
40 measured as it is a high quality resource the district is invested in.

41
42 The managers thanked Mr. DeRusha for his work and report.

43
44 **b) Brown's Creek Restoration Concept Plan**

45 Administrator Kill reviewed the development to date of the Brown's Creek
46 restoration project. In June 2021, a stream survey identified stretches of Brown's

1 Creek that could be restored with tree thinning and streambank shaping. The item
2 before the managers for approval is scope of work for creating a preliminary concept
3 plan for Administrator Kill to use as she begins conversations with private
4 landowners for restoration work on a portion of the creek between Neal Ave and the
5 Brown's Creek State Trail. Starting the outreach process now would allow for the
6 potential restoration project to occur in 2023. In response to questions from the
7 managers about the proposed tree thinning. Ms. Kill said boxelder and buckthorn
8 would be removed so the understory can grow without the dense shade. Well-placed
9 specimen trees would be left to serve as visual barriers. The concept materials can be
10 brought back to the board before starting the conversation with private landowners.
11

12 **Manager Johnson moved, seconded by Manager Wirth, to authorize the**
13 **engineer to develop a preliminary concept plan and communications piece for**
14 **the restoration of Reach 4 from account number 947-0022 Brown's Creek –**
15 **Buffer and Stream Restoration not to exceed \$4,380. Motion carried 5/0.**
16

17 **c) Management Plan Flood Management Amendment Draft**

18 Administrator Kill said she is looking for board feedback to make sure the draft plan
19 amendment in the packet is in alignment with board direction. She also wonders
20 whether the board is ready to issue the draft amendment for the statutory review
21 period, or wishes to further engage the Citizens' Advisory Committee or cities first.
22

23 Michael Welch noted that a particularly tricky issue in implementation will be
24 finding a way to allow filling in the floodplain to provide specific property owners
25 with flood protection as long as the changes don't negatively impact other
26 properties.
27

28 Staff clarified that the minor plan-amendment process takes about two months to
29 complete. Ultimately, though, the amendment is on a self-driven timeline, because it
30 is meant to provide the managers with the necessary plan support for their efforts on
31 flood prevention and mitigation. The drought in 2021 provided some time to develop
32 this policy. The managers expressed a desire to meet with communities to discuss
33 BCWD's role and responsibility for issues around flooding. Manager Eckles
34 questioned how this amendment would change what the district currently does. Mr.
35 Welch explained it had a practical statutory aspect in that the management plan
36 guides and prescribes BCWD's programs and projects.
37

38 Manager Wirth said she felt like the goals stated in the amendment were consistent
39 with previous manager discussion but wanted more clarity on the implementation
40 items.
41

42 The managers agreed that they needed more time to thoroughly review the document
43 and that they would bring this back next month to discuss further. Manger Eckles
44 requested Mr. Welch walk the board through legal implications of the amendment.
45 Manager Wirth requested a summary of potential unintended consequences of the
46 policy language. Administrator Kill explained that the policy language in the

1 amendment are broad statements; the goals narrow the focus and the implementation
2 items are specifics actions BCWD can be held accountable for.

3
4 **d) Lower St Croix One Watershed One Plan – 2022-23 Workplan**

5 Manager Eckles explained that the goal of member-approval of the Lower St Croix
6 One Watershed One Plan workplan is to determine how watershed-based
7 implementation funding will be distributed to member organizations to implement
8 cost-effective projects, which may be located in the northern, rural part of the Lower
9 St. Croix watershed. Mr. Welch explained that the state Board of Water and Soil
10 Resource has communicated to some watershed organizations in the state that an
11 adopted One Watershed One Plan plan supplants their management plan.
12 Administrator Kill said the participating organizations are expected to all approve
13 the 2022-23 workplan at their meeting this month to keep the process on track.

14
15 **Manager Wirth moved and Manager Johnson seconded to approve the Lower**
16 **St Croix One Watershed One Plan – 2022-23 Workplan on the condition that it**
17 **does not supersede BCWD’s watershed plan. Motion carried 4/0/1, Manager**
18 **McKim abstaining.**

19
20 Manager McKim said he abstained simply because he feels that he does not have a
21 comprehensive-enough understanding of the issues involved. He also wanted the
22 minutes to reflect the concern raised about the LSC workplan taking precedence over
23 the organizations own management plan.

24
25 **10) Adjournment**

26 **Manager Wirth moved, seconded by Manager Johnson, to adjourn at 8:30 p.m.**
27 **Motion carried 5/0.**

28
29 Respectfully Submitted by
30 Cameron Blake, BCWD Staff and Charles LeRoux, Recording Secretary

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