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2 Minutes of the regular meeting of the Brown's Creek Watershed District Board of Managers,
3 Wednesday June 8, 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	Brett Emmons, EOR engineer
	Paul Nation, EOR engineer (attended remotely)
	Derek Lash, EOR engineer (attended remotely)

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7 **1) Call Regular Meeting to Order @ 6:30 p.m.**
8 President Klayton Eckles called the regular meeting to order at 6:30 p.m.
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- 10 **2) Approve Regular Meeting Agenda and Discussion Agenda**
11 Administrator Karen Kill proposed adding BCWD Apparel Order to the agenda as item
12 8b.
13 **Manager Johnson moved, seconded by Manager Wirth, to approve the agenda as**
14 **amended. Motion carried, vote 5/0.**
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- 16 **3) Public Comments**
17 There were no public comments.
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- 19 **4) Consent Agenda**
20 With regard to the minutes of the May 11 meeting, Manager Rob McKim clarified that
21 his abstention from the vote approving the Lower St. Croix One Watershed One Plan
22 workplan reflected his discomfort with the idea that the workplan could supersede the
23 BCWD plan. Staff were directed to revise the minutes accordingly.
24 **Manager McKim moved, seconded by Manager Johnson, to approve the consent**
25 **agenda as presented:**
26 • **Approve minutes from May 11, 2022 regular meeting as amended..**
27 • **Accept the permit fee statement as presented.**
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	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>	<u>Absent</u>
<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 explained that the spreadsheet was updated to reflect the that treatment of invasive plants in South School Section was not needed and so was not performed, so there is no longer a negative balance in that line item. The board will receive a memo on the curly-leaf pondweed survey at the next board meeting.

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

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

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

Manager Jerry Johnson presented the treasurer’s report. Manager Celia Wirth noted a discrepancy between the current items total documents and Administrator Kill explained the corrected version of the document was on the website.

	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>	<u>Absent</u>
<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>				

6) **BCWD Permit #21-13 Marylane Gateway – Financial Assurance Reduction Request**

Paul Nation reviewed the request for a financial-assurance reduction based on completion of the storm sewer system at Marylane Gateway. Mr. Nation noted that as-built drawings have been reviewed and are consistent with the approved plans. Remaining permitting work includes vegetation establishment throughout the site, finalization of the infiltration basin, and protection of the infiltration basin from construction sediment. The engineer recommends reducing the financial assurance to account for the completed portion.

Manager McKim confirmed with staff that financial assurance reductions are a common practice for the watershed district. Manager Eckles noted that in cities he has worked in, the financial assurance reductions are managed at the staff level whereas the BCWD Board has elected to approve them individually.

Manager Johnson moved, seconded by Manager Johnson, to release \$40,927 of the financial assurance for permit #21-13 by \$40,927, retaining \$114,748. Motion carried 5/0.

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7) **Projects**

a) **Management Plan Flood Management Amendment Draft**

Michael Welch provided a summary of watershed planning under statute. He explained that state law requires watershed organizations in the metropolitan area to develop a plan to guide their work. The plan must include specifics with regard to how the organization will implement the plan, and it establishes baselines and requirements for other local governmental bodies in the watershed. If an organization is going to make a significant revision to policy, programs or projects, it must amend its plan to do so.

Camilla Correll presented background on flooding and noted that the current BCWD management plan, adopted in 2016, uses data and modeling results that have not been updated to capture recent storm-event levels.

Staff reviewed the flood-management provisions of the plan with the draft changes that have been developed to better address current data and flooding issues in the watershed. The managers concurred in the draft amendment text with minor clarifying edits to be reflected in final draft text for stakeholder review.

With regard to engaging watershed property owners and other stakeholders in advance of releasing the proposed amendment for the statutory comment period, Administrator Kill recommended presenting a one-minute summary of this topic to each watershed communities' next council meeting and asking them to allow their staff to participate in the process. President Eckles requested that BCWD staff engage city staff on the details, while engaging councils at a high level. The managers directed staff to limit engagement of technical stakeholders to representatives of local governmental bodies and road authorities, given that they would actually play an active role in emergency flood management.

b) **THPP retrofit feasibility study scope**

Ms. Correll presented background on the Trout Habitat Preservation Project (THPP) for the managers, most of whom were not involved in its development and construction. The project involved routing lake outlet flow to a series of enhanced wetlands and infiltration basins to protect against flooding on Goggins Lake without impacting Brown's Creek. Recent monitoring has shown the infiltration rate has decreased. The memo from the engineer in the packet for the evening's meeting outlines different options the board could pursue to further assess the reason for decreasing infiltration rate, then improve performance of the project. Derek Lash reviewed the options. The board asked whether lower-cost options – such as asking a neighboring farmer to scarify the basins to increase infiltration. The managers requested to schedule a site visit with staff and managers to help the managers better understand the issues and options.

1 **c) Marketplace Reuse Feasibility Study**

2 Brett Emmons explained that the board had previously expressed interest in
3 exploring regional reuse systems for stormwater treatment. The Marketplace area in
4 Stillwater may be a viable site for such a system, providing benefits to Long Lake.
5 Mr. Emmons stated that the goal of his presentation this evening is to determine
6 whether the managers see the merit in undertaking the engineering analysis to
7 determine feasibility. Mr. Welch noted these reuse projects involve legal
8 considerations as well that are not presented in the engineering memo in the packet
9 for this evening's meeting.

10 The managers directed staff to reach out to staff at the city of Stillwater to assess
11 interest before the board approves a feasibility study. He sees value in meeting with
12 the community first as well because the community may have questions BCWD can
13 be sure to address in the feasibility study.

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16 **8) New Business**

17 **a) Metro Area Watershed-Based Implementation Funding: Convene Meeting**
18 **Representation and Direction**

19 Administrator Kill requested authorization to represent BCWD at a meeting that has
20 been called by the Board of Water and Soil Resources to discuss allocation of
21 watershed-based funding. Last month the managers indicated they continued to
22 support BWSR allocating funds to the Lower St. Croix work, and she would relay
23 this position.

24 **Manager LeRoux moved, seconded by Manager Johnson, to appoint**
25 **administrator to represent BCWD at the BWSR convene meeting and to indicate**
26 **that BCWD is supportive of allocating the metro area watershed-based**
27 **implementation funding to the Lower St. Croix One Watershed One Plan**
28 **partnership. Motion carried 5/0.**

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30 **c) BCWD Apparel Order**

31 **Manager LeRoux moved, seconded by Manager Johnson, to authorize an**
32 **apparel order from Heritage Embroidery not to exceed \$1,000 total from 200-**
33 **4949 Miscellaneous Expense. Motion carried 5/0.**

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35 **9) Discussion Agenda**

36 **a) Updates**

37 **(1) Administrator**

38 Cameron Blake briefly discussed the New Homeowner Packet the board
39 approved printing and distribution of this year. The Citizen Advisory
40 Committee's next Open Yard event is on June 15 and will be a tour of the
41 recently completed tributary restoration project. Managers are invited to
42 attend and the meeting will be posted as a special meeting in case more
43 than two managers wish to attend.

1 **(2) Legal**

2 Mr. Welch summarized a recent event with the Basset Creek WMO that
3 focused on the role of the creek for indigenous people of the area had and
4 have. He noted that BCWD could consider a similar effort on the native
5 history of Brown's Creek.

6 **(3) Engineers**

7 None.

8 **(4) Managers**

9 Manager Eckles said he saw some school trout releases in the creek near Brown's
10 Creek Park this spring.

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

12 Manager Eckles mentioned that he will not be able to attend the July regular
13 meeting.

14 **c) July 28, 2022 Special Meeting – Budget Workshop 5-6:30 p.m.**

15 Administrator Kill asked the board to make sure this special meeting was on their
16 calendars.

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18 **10) Adjournment**

19 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the Regular Meeting at**
20 **9:51 p.m. Motion carried 5/0.**

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22 Respectfully submitted by
23 Cameron Blake, BCWD Staff and Charles LeRoux, Recording Secretary
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