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2 Minutes of the regular meeting of the Brown's Creek Watershed District Board of Managers,
3 Wednesday July 13, 2022
4

5 ROLL CALL

Managers Present:	Others Present:
Celia Wirth, Vice President	Ryan Fleming, 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
	Joe Pallardy, EOR engineer (attended remotely)
	Paul Nation, EOR engineer (attended remotely)
Managers Absent:	Christopher Long, EOR engineer (attended remotely)
Klayton Eckles	Paul Johnson, Surveyor
	Tim Sinclair, Resident
	Debbie Sinclair, Resident

- 6
7 **1) Call Regular Meeting to Order @ 6:30 p.m.**
8 Manager Celia Wirth called the regular meeting to order at 6:33 p.m.
9
- 10 **2) Approve Agenda**
11 Administrator Karen Kill said she would discuss adding the Helmer permit to the July 28
12 special meeting -agenda as part of item 9c.
13 **Manager Johnson moved, seconded by Manager McKim, to approve the agenda.**
14 **Motion carried, vote 4/0.**
15
- 16 **3) Public Comments**
17 a) Proposed Future Property Subdivision – Tim & Debbie Sinclair, 14411 Dellwood Rd
18 N, Stillwater Township
19 Tim Sinclair appeared before the board of managers to describe rough plans to subdivide
20 a 20-acre property he owns with his wife, Debbie Sinclair, along Brown's Creek in
21 Stillwater Township. They are interested in providing a portion of the property to a
22 family member for construction of a new house, The township sent them to describe their
23 plans to BCWD to determine how its buffer requirements might affect their plans before
24 the township approved the subdivision. Ryan Fleming, Emmons & Olivier Resources,
25 showed a site plan with buffer information suggesting a small buildable area, but he
26 noted that without a permit application from the Sinclairs, the analysis is very

preliminary. Manager Jerry Johnson noted that the location is a high priority for the district. The Sinclairs thanked the managers for their attention.

4) **Consent Agenda**

Manager Wirth offered nonsubstantive typographic corrections to the draft June 8, 2022 minutes.

Manager Johnson moved, seconded by Manager McKim, to approve the consent agenda as presented:

- **Approve minutes from June 8, 2022 regular meeting as amended.**
- **Accept the permit fee statement as presented.**

Motion carried 4/0.

5) **Treasurer’s Report**

a) **Review Authorized Funds Spreadsheet**

Manager Johnson moved, seconded by Manager McKim, to accept the authorized funds spreadsheet as presented. Motion carried 4/0.

b) **Current Items Payable**

Manager Johnson moved, seconded by Manager LeRoux, to approve payment of bills as presented in the amount of \$64,872.56.

Manager Johnson presented the treasurer’s report, and recommended payment of the bills as presented.

	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>			

Motion carried 4/0.

6) **BCWD Permit #21-13 Marylane Gateway – Financial Assurance Reduction Request #2**

Paul Nation presented request for return of a portion of the financial assurance provided for permit 21-13. He noted that after the board approved a \$40,927 reduction from the original \$155,675 assurance, the permittee provided additional information and analysis to support a further reduction. Mr. Nation said the BCWD engineer recommends that release of an additional \$93,019, given work completed on the project.

Manager Johnson moved, seconded by Manager McKim, to release \$93,019 of the remaining \$114,748 financial assurance for permit #21-13, retaining \$21,729.

Motion carried 4/0.

7) **Projects**

a) **Trout Habitat Preservation Project feasibility Board/Citizen Advisory**

Committee tour – July 27

The tour will be at 9:30 a.m.

1 **b) Marketplace Reuse Feasibility Study**

2 Administrator Kill explained that in keeping with board direction at the June
3 meeting, she and engineering staff met with Shawn Sanders from the City of
4 Stillwater staff to gauge interest in a stormwater-reuse project in the Marketplace
5 area of the city. Mr. Sanders expressed interest while making it clear that the city
6 does not have the staff capacity to take the lead on the project, not does it have
7 funding to contribute. Mr. Sanders said the city would provide whatever data it could
8 and he is interested in seeing the results of the study and discussing next steps. also
9 expressed appreciation for the collaborative partnership the BCWD brings to these
10 kinds of projects. Administrator Kill reminded the board that the Marketplace
11 drainage area flows to Long Lake and reuse could reduce nutrient loading and
12 flooding. Project implementation has potential for grant funding, but a feasibility
13 study would be necessary to prove project success.

14 **Manager Johnson moved, seconded by Manager McKim, to approve the**
15 **Marketplace reuse feasibility study scope of work as provided by the engineer at a**
16 **cost not-to-exceed \$24,227 from account 929-0012. Motion carried 4/0.**

17
18 **c) South School Section & Goggins Lake Curly Leaf Pondweed Survey Results**

19 Joe Pallardy and Chris Long presented the results of the curly leaf pondweed survey
20 that occurred this spring. No board action was taken.
21

22 **d) South School Section, Goggins, and Benz Lake Vegetation Surveys**

23 Mr. Pallardy presented a proposed scope of work for survey of lake vegetation by the
24 BCWD engineer. Benz Lake was identified in the Lower St. Croix Watershed plan as a
25 priority water body for internal loading evaluation. Research has been done on the
26 potential to harvest aquatic vegetation under specific conditions in a way that benefits
27 recreation in addition to removing internal phosphorus. The proposed vegetation survey
28 will help determine if removal is a viable option for Benz Lake.

29 Mr. Pallardy stated that South School Section and Goggins Lakes would benefit from
30 full-lake vegetation surveys to determine the impacts of the herbicide treatment and to
31 determine the presence of native and non-native species to support BCWD's future
32 management decisions. Administrator Kill noted that cost savings could be had if she
33 helped with the surveys instead of using an EOR staff person. The managers concurred.

34 **Manager Johnson moved, seconded by Manager McKim, to approve not to exceed**
35 **\$6,339 from account 950-0001 for aquatic plant point-intercept surveys on South**
36 **School Section, Goggins, and Benz Lakes. Motion carried 4/0.**

37
38 **e) Groundwater Monitoring Program – Pump Test and Monitoring Well Scope**

39 Stu Grubb, EOR, presented the proposed 2022 installation of monitoring wells in
40 anticipation of conducting a pump test in 2023. The board discussed the cost estimate and
41 how the budget process works if the number changes significantly by the time the work is
42 to be done in 2023. Administrator Kill explained the board can budget for these items in
43 the 2023 budget and add a contingency to account for potential cost increases. The board
44 can then review cost estimates and can decide if they are willing to move forward.

1 Michael Welch suggested that if the board wishes to move ahead with the work, in
2 addition to approving the scope of work, it should authorize Administrator Kill to execute
3 landowner agreements and noted there will be legal costs associated with the agreements.
4

5 **Manager Johnson moved, seconded by Manager McKim, to authorize**
6 **Administrator Kill to execute landowner agreements for well-installations and to**
7 **approve (\$7,440) and 2a (\$5,952) in the scope of work presented from the following**
8 **funds: Brown’s Creek Piezometers/GW Well Installation (942-00012) and**
9 **Groundwater – Pump Test (942-0013). Motion carried 4/0.**

10
11 **8) New Business**

12 **a) St. Croix Workshop on the Water – July 20th**

13 Manager Wirth stated that she planned to attend and did not need reimbursement for
14 expenses nor per diem.
15

16 **b) Minnesota Association of Watershed Districts Summer Tour – August 23-24,**
17 **2022 in Grand Forks, ND (Red River Watershed)**

18 **Manager Johnson moved, seconded by Manager McKim, to authorize expenses**
19 **and per diems for managers to attend the tour from account 200-4000. Motion**
20 **carried 4/0.**

21
22 **c) MAWD 2022 Request for Resolutions**

23 Administrator Kill stated that MAWD is seeking legislative resolutions for
24 consideration at the 2022 annual meeting. She explained she was not recommending
25 that BCWD develop a proposal, but the managers could discuss next month as well
26 because resolutions are not due until September 1. BCWD pays around \$5,000 in
27 membership dues and benefits from defensive lobbying.
28

29 **9) Discussion Agenda**

30 **a) Updates**

31 **(1) Administrator**

32 Ms. Kill said Manager Wirth is assisting in identifying a more modern and
33 user friendly website option for BCWD. The current provider delivered a
34 high quote for the needed upgrades so the district will likely pursue a
35 different option, which will be a similar annual cost to the existing budget
36 with much more storage among other improved functionality.

37 Administrator Kill explained she can use google analytics to track how the
38 BCWD website is used by the public.
39

40 Staff is working with American Testing to complete maintenance on the
41 stormwater quality units and sump catch basins at the Brown’s Creek
42 Park, Countryside Auto/Brown’s Creek State Trail, and McKusick Road
43 as part of the 2022 CIP maintenance.
44
45
46

1 **(2) Legal**

2 Mr. Welch asked for board input regarding a potential client who is
3 involved in a legal situation with Carnelian-Marine-St. Croix Watershed
4 District. The managers expressed that they did not feel positive about him
5 becoming involved with a property owner in conflict with a neighboring
6 watershed district with whom the BCWD collaborates. Mr. Welch thanked
7 the board for this clear communication.
8

9 **(3) Engineers**

10 Ryan Fleming explained the Oak Glen Reuse project repair has been
11 completed, replacing the rodent guard. He noted that the second phase of
12 the White Oak Savannah development in Grant is under way.
13

14 **(4) Managers**

15 Managers noted the ribbon-cutting ceremony for the Highway 36/County
16 Roa 15 interchange project upcoming on August 2.
17

18 **b) August 10, 2022 Regular Meeting BCWD Board Agenda and Location**

19
20 **c) NOTE – July 28, 2022 Special Meeting – Budget Workshop 5-6:30 p.m.**

21 Administrator Kill confirmed the addition of a permit application to the agenda
22 for the first 2023 budget workshop with the managers. The board agreed to this
23 agenda item addition.
24

25 **10) Adjournment**

26 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the regular meeting at**
27 **8:59 p.m. Motion carried 4/0.**
28

29 Respectfully submitted by
30 Cameron Blake, BCWD Staff and Charles LeRoux, Recording Secretary
31