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2 FINAL Minutes of the regular meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday August 10, 2022
4

5 ROLL CALL

Managers Present:	Others Present:
Klayton Eckles, President	Camilla Correll, EOR, BCWD Engineer
Celia Wirth, Vice President	Karen Kill, BCWD Administrator
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Charles LeRoux, Secretary	Cameron Blake, BCWD staff
Rob McKim, 2 nd Vice President	Ryan Fleming, EOR, BCWD Engineer (attended remotely)
	Derek Lash, EOR BCWD Engineer
	Patrick Conrad, EOR, BCWD Engineer
	Stu Grubb, EOR BCWD Engineer
	Shari Ahrens, Westwood
	Michael Givens, Michael Holdings
	Tom Kranz, Resident

- 6
7 **1) Call Regular Meeting to Order**
8 Manager Klayton Eckles called the regular meeting to order at 6:30 p.m.
9
- 10 **2) Approve Agenda**
11 Administrator Karen Kill added the minutes of the July 27, 2022, special meeting to the
12 consent agenda.
13 **Manager Wirth moved, seconded by Manager Johnson, to approve the agenda as**
14 **amended. Motion carried, vote 5/0.**
15
- 16 **3) Public Comments**
17 None
18
- 19 **4) Consent Agenda**
20 **Manager Johnson moved, seconded by Manager Wirth, to approve the consent**
21 **agenda as presented:**
22 **a) Approve board meeting minutes of the July 13, 2022 regular meeting**
23 **b) Approve board meeting minutes of the July 28, 2022 special meeting**
24 **c) Accept permit fee statement**

d) Approve purchase of wildlife cameras at a cost of \$305

e) Approve board meeting minutes of the July 27, 2022 special meeting

Motion carried 5/0.

5) Treasurer’s Report

a) Review Authorized Funds Spreadsheet

Administrator Kill noted the Marketplace Reuse Feasibility Study will be under account 929-0012. The 62nd Street Pond Retrofit Feasibility under account 929-0011 is not likely to be moving forward in 2022.

Manager Johnson moved, seconded by Manager McKim, to transfer \$9,227 from account 929-0011 to 929-0012 and accept the authorized funds spreadsheet as amended. Motion carried 5/0.

b) Current Items Payable

Manager Johnson moved, seconded by Manager LeRoux, to approve payment of bills as presented in the amount of \$137,294.82.

	Yea	Nav	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 5/0.

6) a) BCWD Permit #22-10 Caribou - Engineer Review

Camilla Correll presented the engineer’s report. Because the project is located in a high vulnerability area of a Drinking Water Supply Management Area, the BCWD engineer concurs that stormwater infiltration is not reasonably feasible as a means of meeting the volume control standard.

Michael Welch stated that the applicant is proposing redevelopment only of a portion of the larger, five-parcel, 9.5-acre area that it owns at the site. As a result, disturbance and impervious, along with associated stormwater-management requirements, for redevelopment of the rest of the site will need to be aggregated with the work proposed under this application. That is, redevelopment may occur in increments that, at some point, require stormwater management for the entire site. Michael Givens, representing the applicant, indicated that the applicant understood these implications.

Manager McKim moved, seconded by Manager Wirth, to approve permit #22-10 with the recommended conditions and stipulations. Motion carried 5/0.

Manager Eckles commented that he felt stormwater reuse was a good opportunity for this type of redevelopment scenario and that should it should be explored for future redevelopment of the site.

1 **b) BCWD Permit #22-13 –7181 Mid Oaks - Engineer Review**

2 Ryan Fleming presented the engineer’s report.

3 **Manager Johnson moved, seconded by Manager Wirth, to approve permit #22-13**
4 **with the recommended conditions and stipulations. Motion carried 5/0.**

5
6 **7) Projects**

7 **a) Trout Habitat Protection Project retrofit feasibility**

8 Derek Lash presented the engineer’s memo reviewing options for improving performance
9 of the stormwater infiltration facilities constructed for the Trout Habitat Protection
10 Project.

11
12 Manager Eckles suggested scarifying the soils and evaluating the improvement achieved
13 before spending money to on further analysis of the site to determine why infiltration
14 rates have slowed. Ms. Correll explained existing soils data indicate the permeable soil is
15 below 15 feet; therefore, scarification may not result in significant improvement. Mr.
16 Lash explained that depending on the soils deposition there is also a chance that
17 scarification could result in clogging the surface of the media in places where infiltration
18 might be possible.

19
20 The managers discussed the infiltration trench which was added to the THPP in 2006 and
21 its impact on the overall performance of the project. Karen Kill described the overall
22 performance of the system by citing the infiltration rates included in the 2021 THPP
23 Monitoring Report. Manager Eckles requested that District staff share this performance
24 data with the board at an upcoming meeting. The managers discussed task 3 specifically,
25 which would provide infiltration rate information on the trench investigation of the
26 infiltration trench to determine where the system has failed (e.g., at the surface under the
27 gravel filter or at the bottom at the BMP interface with the underlying soils).

28
29 **Manager Johnson moved, seconded by Manager Wirth, to approve Task 3 from the**
30 **scope of work provided by the engineer at a cost not-to-exceed \$6,800 from account**
31 **903-0001. Motion carried 5/0.**

32
33 **b) St Croix Phosphorous Reduction – Brown’s Creek Source Analysis**

34 Patrick Conrad presented background on the proposal to task the engineer to conduct a
35 phosphorus-source assessment. Brown’s Creek watershed is exporting more phosphorus
36 than what is allocated to it under the Lake St. Croix phosphorus Total Maximum Daily
37 Load study. In reviewing land uses within the watershed with their associated runoff and
38 total phosphorus generation characteristics, there is clearly a larger load of total
39 phosphorus from the watershed than can be attributed to the existing land uses. This
40 discrepancy is likely due to past land uses that continue to influence total phosphorus
41 loading. These ‘legacy’ loads of phosphorus typically occur in areas that had prior
42 agricultural use and are most commonly associated with wetland areas. Wetland areas
43 can have a large legacy load of phosphorus that can be released during spring snow melt
44 and after large rain events. Monitoring sites would be identified this fall and monitored
45 next year to determine the sources of phosphorus. Aerial photos can be used to identify
46 historical activities around wetlands that could inform what kind of loading is occurring.

1 The analysis being proposed is a one-time activity. During the discussion that followed
2 Mr. Conrad's presentation, Manager McKim volunteered to put him in contact with a
3 landowner who may be able to help pinpoint potential areas to include in the assessment.
4

5 **Manager McKim moved, seconded by Manager Johnson, to approve the**
6 **phosphorous source assessment scope not to exceed \$9,928 from fund 960-0000 St.**
7 **Croix Phosphorus Reduction and to authorize subcontracting for lab analysis of**
8 **samples. Motion carried 5/0.**
9

10 **c) Groundwater Monitoring Program**

11 **1) Kimbro Basin Piezometer Monitoring**

12 Stu Grubb presented a proposed scope of services for monitoring groundwater levels.
13 Monitoring was to be done by the Department of Natural Resources, but the
14 agreement transferring the piezometers has not yet been executed. As a result, EOR
15 requested budget to complete 2022 monitoring.

16 **Manager McKim moved, seconded by Manager Johnson, to approve the Kimbro**
17 **Basin Monitoring scope not to exceed \$2,176 from account number 942-0004.**
18 **Motion carried 5/0.**
19

20 **2) Monitoring Well long-term commitment**

21 The managers discussed the long-term costs for collecting groundwater data during 2023
22 budget development and the managers asked for context and background information.

23 The board asked about the proposed pump test, which would provide information about
24 aquifer characteristics. This and the piezometers would inform the district's groundwater
25 model, which could answer many questions the watershed district has including:

- 26 - Where does the baseflow of groundwater to Brown's Creek come from and what may
27 be affecting it?
- 28 - Identifying the effect of stormwater volume control and infiltration that has been
29 encouraged by the district
- 30 - Identifying potential threats to groundwater dependent resources such as Brown's
31 Creek.

32 Administrator Kill and Mr. Grubb estimated the long-term annual monitoring cost at
33 \$3,000 to 5,000. The board discussed the role the DNR has and could play in the future as
34 well as the activities of the Metropolitan Council.
35

36 **8) Planning**

37 **a) 2023 Budget – review and set public hearing, determine if special meeting**
38 **necessary**

39 The managers reviewed the materials from the 2023 budget workshop. Administrator Kill
40 gave an overview of the district's 2023 budget and levy, and the estimated watershed
41 taxable market value. The managers discussed possible price increases for contracting.
42

43 The board discussed the proposed groundwater activities. Manager Eckles explained he
44 felt that models are expensive, inherently flawed and thus are low value, and he doesn't
45 feel there is a need for this tool at this time. The group discussed the value of long-term

1 data for decision making and tracking progress made for improvement to water resources,
2 as well as the relative portion of these activities to the overall budget.

3
4 The managers agreed to reduce 923-0002 Flood Risk Assessment from \$108,000 to
5 \$100,000.

6
7 The board agreed to hold a public hearing for the amended 2023 budget at the regular
8 September board meeting.

9
10 **b) Lower St Croix One Watershed One Plan – Policy Committee Recommendation**

11 Manager Eckles discussed the policy committee recommendation for amending the
12 Lower St. Croix 1W1P workplan and budget, and recommended approval.

13 **Manager Johnson moved, seconded by Manager LeRoux, to approve the July**
14 **25, 2022 Lower St. Croix One Watershed One Plan policy committee annual**
15 **workplan and budget amendment as presented. Motion carried 5/0.**

16
17 **9) Discussion Agenda**

18 **a) Diversity Equity and Inclusion in contracting**

19 Administrator Kill asked the board for direction regarding including diversity, equity
20 and inclusion language in the district’s contracting process. There are examples of
21 how DEI is being used in other organization’s hiring practices, and policy structures.
22 This topic is something the district will be incorporating in the next management
23 plan. The managers directed staff to include the DEI language presented by staff in
24 the memo in the packet in the upcoming request for proposals for maintenance of
25 BCWD projects as a pilot, and to seek quotes from minority-owned and women-
26 owned businesses.

27
28 **b) Single-Family Home stormwater management permitting**

29 Administrator Kill reviewed the applicability of BCWD stormwater-management
30 requirements to single-family homes and asked for board direction on streamlining
31 the permitting process. Manager Eckles commented that the average homeowner is
32 not able to go through the existing permitting process without engineering and legal
33 assistance, and he questions the cost/benefit ratio of these requirements for the
34 protection of natural resources. He agreed with more of the process being
35 administrative and recommends a template that is easy to use and understand.

36
37 The managers discussed other watershed districts’ approach to regulating single-
38 family home projects. For the September board meeting the managers requested to
39 see a scope for the creation of a raingarden and buffer template for single-family
40 applicants, and for a draft resolution for the board to grant authority to the
41 administrator to approve single-family applications.

42
43 **c) Updates**

44 **(1) Administrator**

45 Administrator Kill informed the board of a beaver dam at the diversion drainage
46 structure that is actually providing benefit to the wetlands around it. She has

1 shared the location with the city public works and asked them not to remove it.
2 She noted there was no reduction in water flowage due to the dam, and the water
3 is still flowing freely to McKusick Lake.
4

5 **(2) Legal**

6 Mr. Welch discussed the recent decision by the Minnesota Supreme Court in
7 *Circle Pines v Anoka*, regarding manager appointments. In the wake of the
8 decision, managers now need to be included on a list put forward by a city in the
9 watershed to be appointed by the county. The board discussed whether the letters
10 of recommendation from their communities are sufficient for this requirement.
11 Manager Rob McKim said he is not seeking reappointment.
12

13 **(3) Engineers** - No update.

14 **(4) Managers** - No update.

15
16
17 **d) September 14, 2022 Regular Meeting BCWD Board Agenda and Location**
18

19 **10) Adjournment**

20 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the regular meeting at**
21 **9:53 p.m. Motion carried 5/0.**
22

23 Respectfully submitted by

24 Cameron Blake, BCWD Staff and Charles LeRoux, Recording Secretary
25