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2 FINAL Minutes of the regular meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday October 12, 2022
4

5 ROLL CALL

Managers Present:	Others Present:
Klayton Eckles, President	Karen Kill, BCWD Administrator
Celia Wirth, Vice President	Camilla Correll, EOR, BCWD Engineer
Charles LeRoux, Secretary	Michael Welch, Smith Partners, BCWD counsel
Gerald Johnson, Treasurer	Cameron Blake, BCWD staff
Rob McKim, 2 nd Vice President	Ryan Fleming, EOR, BCWD Engineer
	Lee Miller, Resident
	Anne Maule Miller, Resident
	Leesa Levy, Resident
	Ryan Fleischhacker, Resident
	Robert Shannon, Resident

- 6
7 **1) Call Regular Meeting to Order**
8 Manager Klayton Eckles called the regular meeting to order at 6:30 p.m.
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- 10 **2) Approve Agenda**
11 Administrator Kill requested an addition to the agenda of 8b: Lower St Croix One
12 Watershed One Plan amendment and 2023 workplan.
13 **Manager Johnson moved, seconded by Manager LeRoux, to approve the agenda as**
14 **amended. Motion carried, vote 5/0.**
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- 16 **3) Public Comments**
17 None
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- 19 **4) Consent Agenda**
20 **Manager Johnson moved, seconded by Manager McKim, to approve the consent**
21 **agenda as presented:**
22 **a) Approve board meeting minutes of the September 14, 2022 regular meeting**
23 **b) Accept permit fee statement**
24 **Motion carried 5/0.**
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2 **5) Treasurer’s Report**

3 **a) Review Authorized Funds Spreadsheet**

4 There were no comments from Administrator Kill.

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

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8 **b) Current Items Payable**

9 **Manager Johnson moved, seconded by Manager Wirth, to approve payment of**
10 **bills as presented in the amount of \$75,635.18.**

	<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>				

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19 **6) a) BCWD Permit #22-19 – Miller Flood Protection - Board Action**

20 Ryan Fleming, the BCWD engineer, presented the engineer’s review memo. Mr. Fleming
21 explained the district’s flood risk assessment identified four vulnerable properties around
22 Long Lake in a 100-year flood event and the Millers’ application is for the first proposed
23 flood risk reduction project the district is reviewing on one of the properties. Mr. Fleming
24 explained that because the applicants are creating 8.8 cubic yards of fill in the floodplain,
25 they have submitted a request for a variance from the requirement in paragraph 7.3.1 of
26 the BCWD rules, which requires creation of compensatory storage for any fill in the
27 floodplain. He stated that despite the fill, the project does not increase the risk of flooding
28 on any other property around the lake and the district looked at this property as a pilot
29 project for similar flood protection projects. Because of the proximity to Long Lake, the
30 district requested and the Millers provided an erosion and sediment control plan for the
31 stockpiles that would result from this project .

32
33 Lee Miller, the applicant, said the city required a building permit for the project, and to
34 assess options to provide flood protection for their home, the Millers visited similar
35 projects in Woodbury, where the city provided funds to residents to complete such
36 project. Manager Eckles explained that the BCWD board has discussed the creation of a
37 flood protection financial assistance program, but decided to try first to provide technical
38 support and guidance.

39
40 The board discussed the permit fees and financial assurance requirements given that this
41 project is meeting flood protection goals of the watershed district. BCWD legal counsel
42 Michael Welch recommended against waiving rule and policy provisions adopted by the
43 board unless extraordinary circumstances show they need to be waived. Capping permit
44 fees based on a finding that the Millers’ project contributed to BCWD’s understanding of
45 flood-risk reduction options would be appropriate. The board discussed the requirement
46 for financial assurance and whether it was logical that it would apply to this specific

1 project. Mr. Welch explained one purpose of a financial assistance is ensure BCWD has
2 funds to complete the project if the applicant doesn't do so, which would not apply here
3 as the district would not independently construct this project if the landowner does not
4 proceed.

5
6 **Manager Johnson moved, seconded by Manager McKim, to approve permit 22-19**
7 **and the variance, with the stipulations and conditions in the engineer's report, with**
8 **the following exceptions: to remove the condition of financial assurance and to cap**
9 **the permit fee at \$500. Motion carried 5/0.**

10
11 Manager LeRoux inquired if this process could be applied to the other three property
12 owners should they come forward with this kind of project. Administrator Kill explained
13 the applicants would still need to request a variance from the board, but the analysis
14 could be re-used as it applies to the entire floodplain.

15
16 Anne Maule Miller volunteered to provide input to the district's flood project permit
17 process from a resident perspective. The board thanked her for her offer.

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19 **7) Projects**

20 **a) CIP Maintenance Quotes – Select Contractor – Board Action**

21 Mr. Fleming explained that staff issued a request for proposals for a two-year contract for
22 maintenance of five underground sediment tanks and eight catch basins. The board
23 agreed to use this contract as an opportunity to include expanding the search for
24 contractors to intentionally include disadvantaged business entities. Four quotes were
25 received, the lowest of which was from Rock Leaf Water Environmental at \$30,686.

26
27 Manager Eckles noted the relatively high cost per pound of sediment removal of
28 underground stormwater practices for maintenance. He explained that above ground
29 stormwater facilities can be lower cost for maintenance even if they are more expensive
30 in land area or money initially. Administrator Kill explained the background of these
31 specific underground practices and noted that development uses underground practices
32 when conditions limit them for above-ground stormwater management.

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34 **Manager McKim moved, seconded by Manager Wirth, to award the contract to**
35 **Rock Leaf Water Environmental, authorize the administrator to execute the**
36 **contract on advice from legal counsel for not to exceed \$30,686, and for staff to**
37 **continue discussions with city and county partners regarding their ability to conduct**
38 **this type of maintenance in the future.**

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41 **8) New Business**

42 **a) MAWD Annual Meeting and DEI pre-conference workshop**

43 Administrator Kill informed the managers of a pre-conference Minnesota Association of
44 Watershed Districts diversity, equity and inclusion workshop they have the opportunity to
45 attend from 3 to 4 pm on December 1. She asked if any managers were interested in
46 attending MAWD this year. No managers are able to attend the conference. Manager

1 Wirth is interested in attending the pre-conference workshop on December 1. The
2 managers appointed Celia Wirth to serve as BCWD's delegate if she attends MAWD.
3

4 **b) Lower St Croix One Watershed One Plan Amendment and 2023 workplan**

5 Ms. Kill reported that the Lower St. Croix One Watershed One Plan policy committee
6 unanimously approved two items that require local partner approval by October 27, 2022:
7 the fiscal-year 2023 Watershed-Based Initiative Funding Grant Work Plan and a
8 requested amendment to the Lower St. Croix Comprehensive Watershed Management
9 Plan to add Valley Creek and Kelle's Creek as priority water bodies. Managers asked
10 what it meant for a water body to be considered a priority. Administrator Kill explained it
11 means they have the ability to request funds for an improvement project.
12

13 **Manager Wirth moved, seconded by Manager McKim, to approve the workplan**
14 **and amendment as presented.**
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16 **9) Discussion Agenda**

17 **a) Updates**

18 **(1) Administrator**

19 There is a county commissioner check-in meeting tomorrow that Managers
20 Eckles, Wirth and Administrator Kill will be attending. There is a county
21 budget presentation in November.

22 **(a) Single Family Home Permitting**

23 Administrator Kill gave an overview of the memo and task force
24 meeting. Discussions included burdens to single family applicants
25 such as technical and financial obligations and ways to simplify the
26 permitting process to reduce that burden while still providing resource
27 protection.

28 **(b) BCWD Boundary Revision**

29 BCWD will engage Stillwater, May Township, Stillwater Township
30 and other entities to update the Carnelian Marine St. Croix Watershed
31 District boundary change. Administrator Kill noted that tax rates
32 between the watersheds are fairly similar.

33 **(c) MPCA 319 Grant Workplan**

34 This grant provides \$320,000 every four years. The first workplan's
35 timeframe is two years, ending in August 2024. The identified project
36 is the 2,000 linear feet of restoration of Brown's Creek through a
37 portion of Brown's Creek Park, on private land and land owned by the
38 Department of Natural Resources. If the board is interested in pursuing
39 the project, staff can draft the workplan, which will come to the board
40 along with a scope for concept design. Mr. Welch noted that federal
41 funds come with significant requirements. Administrator Kill noted the
42 district would be able to match the \$1.2 million in federal funds from
43 this grant with local and state funding for projects that benefit Long
44 Lake and Brown's Creek. The board agreed with the direction
45 Administrator Kill outlined for the project and workplan.
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1 **(d) CAC – Update and Recognition**

2 Cameron Blake updated the board on the BCWD Citizen Advisory
3 Committee’s 2022 activities and asked if the board would like to
4 recognize the CAC members’ service in some way. The board
5 discussed options such as a letter signed by the board, BCWD apparel,
6 or providing food at the last CAC meeting of the year in December.
7 Mr. Welch stated that the board has an established policy for
8 recognition that should inform any recognition. Administrator Kill
9 identified a current policy of recognition for 100 hours of service.
10 Managers discussed the benefits of CAC members having BCWD
11 apparel as they attend and lead events for the watershed district. The
12 managers advocated for BCWD apparel as they see this as a
13 professional item the CAC members would wear as they perform their
14 service to the district, as well as a way to show recognition that could
15 benefit retention and recruitment of the CAC. Staff will discuss further
16 having received board direction.

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18 **(4) Managers**

19 Manager Eckles noted he will be absent for the December board meeting.
20 Manager McKim said he is not intending to serve indefinitely as a
21 manager now that his term has ended. Manager Wirth noted she may be
22 absent for the November board meeting. Manager Wirth also said she
23 found a survey from Washington County seeking feedback on an
24 upcoming hazard ranking assessment. She will send that to Administrator
25 Kill to determine if BCWD feedback would be fitting.

26 **10) Adjournment**

27 **Manager Johnson moved, seconded by Manager McKim, to adjourn the regular meeting at**
28 **8:15 p.m. Motion carried 5/0.**

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