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2 Approved Minutes of the regular meeting of the Brown’s Creek Watershed District Board of  
3 Managers, Wednesday November 9, 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 <sup>nd</sup> Vice President	

- 6  
7 **1) Call Regular Meeting to Order**  
8 President Klayton Eckles called the regular meeting to order at 6:30 p.m.  
9  
10 **2) Approve Agenda**  
11 **Manager Wirth moved, seconded by Manager LeRoux, to approve the agenda as**  
12 **presented. Motion carried, vote 5/0.**  
13  
14 **3) Public Comments**  
15 None  
16  
17 **4) Consent Agenda**  
18 Manager Rob McKim clarified his statement in the October minutes, noting that his  
19 intention is not to stay on as a manager indefinitely. Camilla Correll noted a correction to  
20 the minutes was needed to reflect that Ryan Fleming attended the October board meeting  
21 in person, rather than virtually.  
22 **Manager Wirth moved, seconded by Manager Johnson, to approve the consent**  
23 **agenda:**  
24 **a) Approve board meeting minutes of the October 12, 2022 regular meeting as**  
25 **amended**  
26 **b) Accept permit fee statement**  
27 **Motion carried 5/0.**  
28  
29 **5) Treasurer’s Report**  
30 a) **Review Authorized Funds Spreadsheet**  
31 **Manager Johnson moved, seconded by Manager McKim, to accept the**  
32 **authorized funds spreadsheet as presented. Motion carried 5/0.**

1  
2 **b) Current Items Payable**

3 **Manager Johnson moved, seconded by Manager Wirth, to approve payment of**  
4 **bills as presented in the amount of \$89,279.37.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b><u>Manager Eckles</u></b>	<b>X</b>			
<b><u>Manager Johnson</u></b>	<b>X</b>			
<b><u>Manager LeRoux</u></b>	<b>X</b>			
<b><u>Manager McKim</u></b>	<b>X</b>			
<b><u>Manager Wirth</u></b>	<b>X</b>			
<b><u>Motion carried 5/0.</u></b>				

11  
12  
13 **6) Permits**

14 **a) Single-Family Home Stormwater Management - Rule comparison scope**

15 Ms. Correll presented the engineer’s scope to provide analysis to support streamlining  
16 compliance for single-family residential project permits. She recommends a phased  
17 approach to the work, with the managers sequentially approving the steps in the scope to  
18 ensure the work is producing results that the managers find helpful.

19  
20 President Eckles expressed concern over the amount of engineer time proposed for the  
21 work. He stated that the engineers have enough experience to evaluate and make a  
22 recommendation without detailed analysis. The outcome Manager Eckles is looking for is  
23 an engineer’s recommendation of what permit applicant can do to achieve the current or  
24 more resource protection without going through the current permitting process. Ms.  
25 Correll stated the board needs to document that they evaluated a revised approach in  
26 order to be able make that determination. Manager Johnson said the board will have done  
27 their due diligence with the proposed scope of work, but was interested if there could be  
28 an approach that takes less time. Manager LeRoux suggested the proposed process would  
29 give the board backup in case there were legal challenges.

30 Michael Welch said the board could authorize the necessary analysis by the engineer  
31 to support a worksheet that would facilitate a permitting process that protected water  
32 resources as well as the rules while simplifying the process for applicants, require single-  
33 family applicants to simply install an unspecified stormwater practice on their property,  
34 or exempt single-family projects from the stormwater rule.

35 Mr. Welch said the board should do the technical analysis to support whatever approach  
36 is taken.

37 The managers discussed the level of impact single-family homes potentially have on  
38 water resources. Administrator Karen Kill reminded the board that the permitting  
39 program is one tool they have for addressing impaired water bodies, along with projects  
40 and outreach. She explained the district will be seeing more single-family projects in the  
41 future. Administrator Kill confirmed that the board is undertaking a self-driven process  
42 with no externally imposed timeline.

43 The managers discussed the costs and benefits of the regulatory/permitting program  
44 and its use in water resource protection. The managers discussed the relative burdens on  
45 applicants and acknowledged the need for the engineer to come up with a process they  
46 can stand behind. Administrator Kill noted that without permitting single-family homes

1 the district will not know how much of such activity is occurring on the landscape and  
2 issues would not be known until they grew big enough to be noticed. She noted the other  
3 perspective of the permitting program is neighboring properties who benefit from  
4 stormwater requirements and analysis. The current rule provides information as to low-  
5 floor elevation and bounce and inundation, and provides assurance that there will be no  
6 impact on downstream properties.

7 Administrator Kill asked if the board wanted to apply the Minimal Impact Design  
8 Standards to single-family home projects. Manager Eckles said MIDS is still too  
9 complicated and too much of a burden for applicants. The board discussed other  
10 watershed districts' approaches to single-family permitting and differing thresholds.

11 Manager Eckles reiterated that he felt the proposed analysis was too complicated and  
12 proposed he write up the way he would approach the analysis for staff to review. He  
13 proposed the board revisit this topic at the January board meeting. He emphasized that  
14 the information he would send was only intended to be a starting point and that he was  
15 not personally advocating for it.  
16

17 **7) Projects**

18 **a) Brown's Creek Geomorphic Survey Scope– Board Action**

19 Administrator Kill presented the engineer's memo, proposing a scope of services for  
20 conducting a geomorphic survey of a 2,000-foot reach of Brown's Creek between  
21 McKusick Road North and the Brown's Creek State Trail. This project has been included  
22 in the Minnesota Pollution Control Agency's small watershed grant workplan and  
23 currently being considered for funding from the Environmental Protection Agency. The  
24 survey is needed prior to winter to begin developing the feasibility study under the grant,  
25 after the agreement has been executed. To move past feasibility, the board will need to  
26 hold a public hearing, agree that this project is a good use of public funds and identify a  
27 scientific basis for the project decision, then order the project.

28 **Manager Johnson moved, seconded by Manager Wirth, to authorize the scope for**  
29 **Task 1 for \$3,893 from account 947-0022 to conduct geomorphic**  
30 **surveys at the project site and at a reference reach. Motion carried 5/0.**  
31

32 **8) Old Business**

33 **a) Carnelian-Marine-St. Croix Watershed District boundary revision – schedule**  
34 **community meetings**

35 Administrator Kill noted that the proposed revision of the boundary between BCWD and  
36 Carnelian-Marine-St Croix Watershed District is being considered by the CMSCWD  
37 board tonight. About 200 properties are proposed to change. The tax impact to residents  
38 will be small, approximately \$15 higher levies for properties moving to BCWD. The next  
39 step is to seek letters of concurrence from May Township, Stillwater Township, Grant,  
40 and Stillwater. Once the concurrences from the communities have been received, the  
41 BCWD board of managers will consider a resolution and petition to the Board of Water  
42 and Soil Resources for approval. The managers agreed it would be ideal for community  
43 liaisons to go to each community to explain the process so they are informed and  
44 prepared for any questions from residents.  
45  
46

1 **9) New Business**

2 **a) Resolution to delegate subcontracting approval to administrator – Board Action**  
 3 **Manager Johnson moved, seconded by Manager LeRoux, to adopt Resolution 22-04,**  
 4 **delegating authority to the administrator to approve subcontracts.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b><u>Manager Eckles</u></b>	<b>X</b>			
<b><u>Manager Johnson</u></b>	<b>X</b>			
<b><u>Manager LeRoux</u></b>	<b>X</b>			
<b><u>Manager McKim</u></b>	<b>X</b>			
<b><u>Manager Wirth</u></b>	<b>X</b>			
<b><u>Motion carried 5/0.</u></b>				

13 **10) Discussion Agenda**

14 **a) Updates**

15 **(1) Administrator**

16 Administrator Kill said the Department of Natural Resources has taken  
 17 over monitoring of wells in the Kimbro Basin and BCWD equipment has  
 18 been pulled.

19  
 20 BCWD began monitoring groundwater in the Mendel Wetland in 2021 to  
 21 explore a potential restoration project. The monitoring was extended  
 22 through 2022 due to the drought in 2021. Both years were dry so it is not  
 23 clear what the results of this monitoring will show, but the board will hear  
 24 recommendations in an upcoming meeting.

25  
 26 Administrator Kill said Metropolitan Council released an executive  
 27 summary of its chloride monitoring reports. Long Lake’s impairment was  
 28 included in the detailed summary. Chloride is increasing across the metro  
 29 area. Sources include urban sources as well as agricultural contributions.  
 30 The group noted that individual reduction of chloride use for de-icing is  
 31 good practice, but this does not have a big impact on salt use across the  
 32 landscape. One of the Minnesota Associations of Watershed Districts  
 33 legislative priorities is legislation regarding liability and salt use. The bill  
 34 was almost passed last year and may be passed this year, which we hope  
 35 will lead to reduced chloride use.

36  
 37 The iron-enhanced sand filter harvest pond will likely need to be cleaned  
 38 out in early 2023. The last time it was cleaned out was in 2018. The  
 39 sediment is being tested to determine how it must be disposed. This will  
 40 likely be brought to the board at the January board meeting.

41 **(2) Legal – no comments**

42 **(3) Engineer- no comments**

43 **(4) Managers**

44 Manager Wirth inquired about her responsibility as delegate at the  
 45 Minnesota Association of Watershed Districts business meeting on  
 46 December 1. Administrator Kill noted that Manager Wirth can vote on

1 association matters as she wishes and will connect with her individually  
2 on the agenda.  
3

4 **b) December 14, 2022 Regular Meeting BCWD Board Agenda**  
5

6 **11) Adjournment**

7 **Manager Johnson moved, seconded by Manager McKim, to adjourn the regular meeting at**  
8 **8:05 p.m. Motion carried 5/0.**  
9

10 Respectfully submitted by  
11 Cameron Blake, BCWD staff and Charles LeRoux, Secretary  
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