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2 FINAL Minutes of the regular meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday December 14, 2022
4

5 ROLL CALL

Managers Present:	Others Present:
Celia Wirth, Vice President	Karen Kill, BCWD Administrator
Rob McKim, 2 nd Vice President	Camilla Correll, EOR, BCWD Engineer
Charles LeRoux, Secretary	Michael Welch, Smith Partners, BCWD counsel
Gerald Johnson, Treasurer	Cameron Blake, BCWD staff
	Kevin Biehn, EOR, BCWD Engineer
Manager Absent:	Stu Grubb, EOR, BCWD Engineer
Klay Eckles, President	

- 6
7 **1) Call Regular Meeting to Order**
8 Vice President Celia Wirth called the regular meeting to order at 6:30 p.m.
9
10 **2) Approve Agenda**
11 **Manager McKim moved, seconded by Manager LeRoux, to approve the agenda as**
12 **presented. Motion carried, vote 4/0.**
13
14 **3) Public Comments**
15 None
16
17 **4) Consent Agenda**
18 **Manager Johnson moved, seconded by Manager LeRoux, to approve the consent**
19 **agenda as presented:**
20 **a) Approve board meeting minutes of the November 7, 2022 regular meeting as**
21 **amended**
22 **b) Accept permit fee statement**
23 **c) Approve GM Contracting Pay Request #1 for Applewood Hills Golf Course**
24 **Reuse Project**
25 **Motion carried 4/0.**
26
27 **5) Treasurer's Report**
28 a) **Review Authorized Funds Spreadsheet**
29 **Manager McKim moved, seconded by Manager Johnson, to accept the**
30 **authorized funds spreadsheet as presented. Motion carried 4/0.**
31

1 **b) Approve MNL Pay Request #2 for the Brown’s Creek Riparian Restoration at**
 2 **Millbrook HOA**

3 Karen Kill explained that the managers did not delegate to her the authority to
 4 approve a change order for this project. There is a requested change order to increase
 5 the total by \$1,100 to account for a second mobilization, needed because of nesting
 6 eagles during the initial project work.

7 **Manager McKim moved, seconded by Manager Johnson, to approve change**
 8 **order #1 and MNL Pay Request #2 for the Brown’s Creek Riparian Restoration**
 9 **at Millbrook HOA. Motion carried 4/0.**

10
 11 **c) Current Items Payable**

12 **Manager Johnson moved, seconded by Manager Wirth, to approve payment of**
 13 **bills as presented in the amount of \$224,900.09.**

	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>			

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 19 **Motion carried 4/0.**

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 21 Manager Jerry Johnson presented the treasurer’s report and noted that the second half
 22 of the 2022 tax levy has been deposited.

23
 24 **6) Projects**

25 **a) Mendel Wetland - monitoring report presentation**

26 Kevin Biehn presented the Mendel wetland 2022 groundwater data summary. This
 27 potential restoration opportunity involves plugging a non-jurisdictional historic ditch to
 28 restore hydrology with an 18-inch stop log structure to improve vegetation quality in the
 29 85-acre wetland. The project would be located entirely on private property. One
 30 landowner who actively grazes cattle on his land was concerned about the potential
 31 impact of this project to the grazable area. The district engineer monitored the
 32 groundwater in 2021 and continued in 2022 to collect data to assess the lateral hydrologic
 33 effect of the ditch and make a recommendation on the feasibility of the project. Stu
 34 Grubb said they have collected sufficient data to confirm the lateral ditch effect was
 35 found to be 50 feet, and confirmed the proposed project would benefit wetland vegetation
 36 without impacting the six landowners. Mr. Biehn said he would not recommend banking
 37 any wetland credits created if BCWD pursues the restoration project .

38 Administrator Kill asked whether, given that the lateral effect of the ditch is only 50
 39 feet, there be enough potential benefit to the wetland to recommend proceeding. Mr.
 40 Biehn stated yes, there would be a positive impact to the wetland function and value.
 41 There are high value floristic species in the tamarack bog remnant portions of the wetland
 42 that would benefit from improved hydrology. There will likely not be a large water
 43 quality benefit. The project will still have a measurable flood and thermal reduction, but
 44 they would be secondary benefits.

45 The managers discussed potential benefit of the grazing activity as invasive species
 46 management. No soil testing has been conducted to evaluate the potential impact grazing

1 could have had on nutrient values in that area of the wetland, but Mr. Biehn does not feel
2 that continued grazing on 15 acres of the wetland is a concern.

3 Mr. Biehn stated that the next step would be gauging landowner interest in this
4 project now that the district can speak to potential impacts to property. The district should
5 carefully consider the return on investment of this project before offering payment for
6 easements. The managers discussed how to approach next steps; whether to spend more
7 money on project design to have more information to discuss with landowners, or to
8 gauge landowner interest before spending additional money on planning.

9 Michael Welch explained that the district may only need one easement for
10 construction and access on two properties and it may not even need to be permanent.
11 There are other options the managers can consider under common law pertaining to
12 property use, but he advises to talk to landowners first.

13 The managers agreed to proceed with contacting landowners to discuss the project.
14

15 **7) Budget**

16 **a) Public Meeting regarding 2023 Budget and Levy**

17 No member of the public was in attendance to comment on the budget and levy.
18

19 **b) Resolution 22-05 Final 2023 Budget and Levy**

20 **Manager Johnson moved, seconded by Manager Wirth, to approve Resolution 22-05**
21 **2023 Final Budget & Certified 2023 Tax Levy Resolution: All Funds.**

	<u>Yea</u>	<u>Nay</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>			

28 **Motion carried 4/0.**
29

30 **8) Discussion Agenda**

31 **a) Updates**

32 **(1) Administrator**

33 **a. Decompaction of soils post-construction**

34 Ms. Kill stated that BCWD's rules allow applicants in some cases to
35 provide a decompaction plan in lieu of designing stormwater systems to
36 treat runoff due to increased compaction on pervious surfaces. In practice,
37 the plan is not always communicated to builders, the enforcement window
38 is short, and decompaction does not occur consistently. The district has
39 accepted photos as proof of decompaction, as well as visual inspection
40 during the work. Mr. Welch gave an example of another watershed district
41 that has decompaction criteria and a tool to measure the compaction of
42 soils.

43
44 Administrator Kill is seeking board direction on how to proceed when
45 decompaction has not been completed on individual building sites within
46 permitted developments. In the example of Marylane Meadows,

1 decompaction was not completed and the district worked with the
2 developer to amend the permit to make changes to the infiltration basin to
3 accommodate additional runoff. The managers agreed that staff should
4 work with builders to extent possible, but the developer should ultimately
5 be held responsible for any shortfalls in the compliance with the
6 stormwater management.

7 Administrator Kill asked that the board consider revisions to the
8 decompaction options during the next rule revision.

9
10 **b. Minnesota Association of Watershed Districts Annual Meeting**

11 Ms. Kill reported that the MAWD strategic plan was approved. She also
12 learned about a personality/communication style assessment in a pre-
13 conference workshop that may be of interest for the managers to complete
14 along with BCWD staff. Some of the talks of interest included a
15 permitting soil compaction approach and approaching chloride reduction
16 from a design standpoint. Administrator Kill noted the watershed program
17 of the year was awarded to a chloride program from Hennepin County that
18 requires snow management and salt plans, and for salt applicators to be
19 SMART-salt certified.

20
21 **c. Single Family Home Permitting**

22 President Klayton Eckles' feedback has been received by staff. The next
23 steps are an internal meeting with President Eckles, then a board workshop
24 in February.

25
26 **d. Financial Assurance Reductions**

27 Administrator Kill updated the managers that one financial assurance
28 reduction was completed since the last board meeting for the White Oak
29 Savannah development. BCWD engineers were comfortable with this
30 reduction after reviewing the survey showing the stormwater facility
31 progress onsite.

32
33 **e. Minnesota Pollution Control Agency Climate Resiliency Planning
34 Grant Application**

35 The district submitted a joint climate resiliency planning grant last year,
36 but did not receive funding. Staff are requesting to resubmit individually
37 this year. The board has already budgeted \$52,000 towards this effort in
38 2023. The managers agreed to submit the grant application.

39
40 **(2) Legal**

41 Mr. Welch noted the next board meeting is the district's business meeting. He
42 does not have any policy or bylaw changes to recommend. Manager Wirth is the
43 designated board manager for governance discussions. The managers will
44 consider the two-year service proposals for engineering, accounting, auditing, and
45 legal services. Managers Johnson and Wirth volunteered to review the proposals.

46

1 **(3) Engineer- no comments**
2

3 **(4) Managers**

4 Manager Rob McKim inquired as to whether Washington County is making
5 progress on appointing his replacement. Administrator Kill she hasn't received
6 any update.
7

8 **b) January 11, 2022 Regular Meeting BCWD Board Agenda**

9 Managers Eckles, Wirth and Johnson are all planning to attend the January meeting.
10 Manager LeRoux will be absent. McKim may not be in attendance.
11

12 **9) Adjournment**

13 **Manager McKim moved, seconded by Manager Johnson, to adjourn the regular meeting at**
14 **8:09 p.m. Motion carried 4/0.**
15

16 Respectfully submitted by

17 Cameron Blake, BCWD staff and Charles LeRoux, Secretary
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