

BROWN'S CREEK WATERSHED DISTRICT

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REGULAR MEETING OF THE BOARD OF MANAGERS Wednesday, June 14, 2023 at 6:30 PM

NOTE MEETING LOCATION

Regular Board Meeting will be held at
Family Means
1875 Northwestern Ave, Stillwater, MN 55082

- 1) Call Regular Meeting to order @ 6:30PM
- 2) Approve Regular Meeting Agenda and Discussion Agenda -**Board Action**
- 3) Public Comments
- 4) Consent Agenda – **Board Action** *(all items listed under the consent agenda are considered to be routine by the Board of Managers and will be enacted by one motion. There will be no separate discussion on these items unless a Manager removes an item from the consent agenda for discussion or there is a request to remove the item from the consent agenda, in which event the board will consider whether to remove the item from the consent agenda and consider it separately.)*
 - a) Approve Board Meeting Minutes of the May 10, 2023 Regular Meeting
 - b) Accept Permit Fee Statement
 - c) Approve BMP cost-share of 50%, not to exceed \$5,000, for the Nagle Residence on Bass Lake swale, native planting, and rain garden
 - d) Approve Applewood Hills Reuse Project Change Order No. 2 to extend the dates for substantial completion and final completion to July 15, 2023 and July 31, 2023 respectively
 - e) Approve registration and expenses for administrator and managers, as well as per diem for managers, for the MN Council of Nonprofits annual conference in Duluth, MN on September 20-21, 2023
- 5) Treasurer's Report
 - a) Review Authorized Funds Spreadsheet
 - b) Current Items Payable-**Board Action (Roll Call Vote)**
- 6) Permitting
 - a) BCWD Permit 23-10 Curio Dance Studio – **Board Action**
 - b) BCWD Permit 23-03 Boutwell Farms – Order Update
 - c) Resolution 23-02 Permit Fee Schedule – **Board Action**
- 7) Project
 - a) Stillwater Cost-Share Request – 62nd Street Trail Flood Risk Reduction – **Board Action**
- 8) Discussion Agenda - No Action Required
 - a) Updates
 - (1) Administrator
 - (a) Budget meeting – July 13, 2023 prior to regular meeting 5-6:30pm
 - (b) Board/CAC Tour August 30th at 5:30-8pm

Managers:

BCWD Board Packet 6-14-2023
Page 1
Klayton Eckles, President • Celia Wirth, Vice-President • Gerald Johnson, Treasurer • Chuck LeRoux, Secretary

- (2) Legal
 - (a) *Sackett* decision from the US Supreme Court
 - (3) Engineer
 - (a) Permit Inspection Update
 - (4) Managers
 - b) July 2023 Regular Meeting BCWD Board Agenda
- 9) Adjournment



1
2 DRAFT Minutes of the workshop and regular meeting of the Brown's Creek Watershed District
3 Board of Managers, Wednesday May 10, 2023
4

5 ROLL CALL

Managers Present:	Others Present:
Klay 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
	Mike Majeski, EOR, BCWD engineer
	John Sarafolean, EOR, BCWD engineer
	Derek Lash, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Paul Nation, EOR, BCWD engineer
	Aaron DeRusha, Washington Conservation District
	Joel Chirhart, Minnesota Pollution Control Agency
	Jason Palmby, Magellan Land Development
	Scott Dahlke, Civil Engineering Site Design
	Lisa Tilman, Stantec

- 6
7 **1) Call regular meeting to order**
8 President Klay Eckles called the regular meeting to order at 6:30 p.m.
9
10 **2) Approve Regular Meeting Agenda and Discussion Agenda**
11 **Manager Johnson moved, seconded by Manager Wirth, to approve the agenda as**
12 **presented. Motion carried, vote 4/0.**
13
14 **3) Public Comments**
15 There were no public comments.
16
17 **4) Consent Agenda**
18 **Manager Wirth moved, seconded by Manager Johnson, to approve the consent**
19 **agenda as presented:**
20 **a) Approve Board Meeting Minutes of the April 12, 2023 Regular Meeting.**
21 **b) Accept Permit Fee Statement.**

c) Approve flood risk assessment and community meetings scope for Benz, North School Section, South School Section, and Goggins Lakes not to exceed \$10,684 from account 923-0002 Flood Risk Assessment and \$6,890 from account 950-0001 South School Section.

d) Approve scope to develop Applewood Hills reuse project operations and maintenance plan not to exceed \$16,300.50 from account 929-0010.

e) Approve registration and expenses for staff, as well as per diems for managers for Minnesota Watersheds summer tour June 20-21 in Albert Lea.

f) Approve registration and expenses for staff as well as per diems for managers for the St. Croix River workshops on the water.

Motion carried 4/0.

5) Treasurer’s Report

a) Review Authorized Funds Spreadsheet

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

b) Current Items Payable

Manager Johnson moved, seconded by Manager Wirth, to approve the payment of bills as presented in the amount of \$105,362.88

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<u>Manager Eckles</u>	X			
<u>Manager Johnson</u>	X			
<u>Manager LeRoux</u>	X			
<u>Manager Wirth</u>	X			

Motion carried 4/0.

6) Permitting

a) BCWD Permit 23-03 Boutwell Farms/GreenHalo Builds LLC – Violation Hearing

President Klayton Eckles called the violation hearing to order. Michael Welch noted that John Sharkey and Paul Przybylowski, representatives of the property owner, GreenHalo Builders, were timely notified of the hearing and advised of that they could attend and be represented by counsel. But they appear to have decided not to attend.

Paul Nation provided the factual basis supporting the enforcement hearing. He explained that the permit approval for the Boutwell Farms subdivision, of which the property at 2545 Boutwell is a part, required the applicant to record on the title for the property a declaration requiring maintenance of the infiltration basin located, in part, on the property at 2545 Boutwell Farm Road. The BCWD inspector found in April 2023 that excavated soil had been stockpiled in the basin. The stockpile will impede infiltration, increasing risk that stormwater would overflow from the basin and cross other property and enter a tributary to Brown’s Creek and an adjacent wetland. The district issued a notice of probable violation (NOPV) to Mr. Sharkey and Mr. Przybylowski that direct the removal of the stockpile and restoration of the infiltration capacity of the basin. GreenHalo had the stockpile removed April 25, 2023, but no steps have been taken to restore the basin.

1 On May 2 the district issued an updated NOPV, providing notice of the hearing tonight.
2 GreenHalo Builds confirmed receipt of this notice. On May 2, GreenHalo submitted
3 updated erosion and sediment control plans to satisfy the one remaining condition on
4 issuance of permit 23-03 for the construction of the home at 2545 Boutwell, and the
5 district administrator issued the permit on May 3, 2023.

6 Mr. Nation explained that steps still needed include seeding the basin, testing the
7 infiltration rate to ensure it meets requirements, and maintaining the basin until
8 vegetation has established. Mr. Nation displayed photos of the completed basin in 2020,
9 the basin with the stockpiled material in April 2023, and photos from the May 2, 2023,
10 inspection showing the stockpile removed.

11 Mr. Welch noted the permit was issued without receiving the permit fee and Ms.
12 Kill explained this was due to an internal clerical error. The permit fee is still outstanding
13 so the applicant will be required to submit the original permit fee and reimburse BCWD
14 for its costs of seeking compliance.

15 The managers clarified with the administrator that permit 23-03 was issued after
16 the work had begun. The managers confirmed also that Mr. Sharkey has commenced
17 work on projects without a permit in the past. Staff prepared the materials on the matter
18 for hearing by the board because the degradation of the infiltration basin represents a
19 threat to water resources and potentially to adjoining properties.

20 Mr. Welch recommended the board consider issuing an order with a clear timeline
21 for actions needed to restore the function of the basin. Staff prepared a draft order for
22 board consideration.

23
24 **Manager Wirth moved, seconded by Manager Johnson, to order GreenHalo Builds**
25 **to:**

- 26 **1. Provide a plan to establish and maintain vegetation within the infiltration**
- 27 **basin for review and approval by BCWD by May 17, 2023.**
- 28 **2. Provide monthly updates to BCWD on the status of basin vegetation,**
- 29 **beginning June 1, 2023.**
- 30 **3. Submit to BCWD necessary documentation of completion of the necessary**
- 31 **grading and earthwork by close of business June 7, 2023, including double-**
- 32 **ring infiltrometer results by a qualified contractor (to document capacity)**
- 33 **and an as-built grading survey.**
- 34 **4. Advise BCWD of successful reestablishment of vegetation in the**
- 35 **infiltration basin by October 1, 2023, for confirmation by inspection by**
- 36 **BCWD.**
- 37 **5. Replenish the BCWD fee deposit for permit 23-03 to \$5,000 by May 24,**
- 38 **2023.**

39 **Motion carried 4/0.**

40
41 **7) Projects**

42 **a) Water Quality Monitoring Summary – 2022 data and long-term trends**

43 Aaron DeRusha from Washington Conservation District explained there were
44 some improving trends in water quality and lake grades across the watershed, which
45 reflect the efforts being made to protect and restore resources in the watershed. Long
46 Lake was listed as impaired for chloride pollution this year and chloride mostly observed

1 in lake-bottom conditions. Chloride is present and increasing in Brown’s Creek, but not
2 yet at an impairment threshold. Chlorides are considered a permanent pollutant and best
3 addressed by prevention techniques. Mr. DeRusha noted the overall high water-quality
4 conditions across the watershed resources despite recent drought conditions.
5

6 **b) Biological Stream Monitoring**

7 **(1) Presentation 2022 data and long term trends**

8 Mike Majeski of EOR introduced Joel Chirhart from the Minnesota Pollution
9 Control Agency. Mr. Chirhart explained that the Index of Biological Integrity (IBI) score
10 of a water resource uses the presence of tolerant or intolerant aquatic animal species as an
11 indicator of the suitability of the resource to support aquatic life. There is an overall
12 improving trend in the IBI scores of Brown’s Creek. Mr. Chirhart explained the
13 Minnesota Pollution Control Agency (MPCA) does not regularly collect IBI data in the
14 spring; spring data cannot be used for delisting impaired resources. The methods and
15 analysis are based on macroinvertebrate communities in fall conditions. He said annual
16 measurements are not required for long-term trend analysis, but acknowledged that
17 sampling regimes are based on the goals of the district. The MPCA also requires
18 professionals collecting the data to follow agency protocols for the data to be used in
19 assessing the listing or delisting of a resource as impaired. He noted that Mr. Majeski
20 follows MPCA protocols.
21

22 **(2) 2023 Scope**

23 The board discussed potential value in continuing to collect IBI data in the spring
24 as this is when the effects of chloride pollution might be observed over time. Mr. Chirhart
25 said chloride pollution may still have a measurable impact in the fall depending on the
26 nature of the loading. The board also discussed the option of decreasing the sampling
27 frequency from annual to biennial. The managers saw value in continuing annual
28 sampling to more accurately gauge the impact of district projects. Manager Eckles stated
29 he did not see the value of spring sampling as the chloride levels in the creek do not seem
30 to be an issue yet. Ms. Kill noted the sampling has already occurred this spring and
31 further discussion can occur on future sampling regimes. She explained the Minnesota
32 Department of Transportation has switched its winter road-maintenance practices to using
33 all chloride products and this impact may become apparent in the chloride monitoring the
34 district has begun this year.
35

36 **Manager Wirth moved, seconded by Manager LeRoux to approve not to exceed**
37 **\$3,797 from account number 947-0018 to conduct fall 2023 macroinvertebrate**
38 **assessment. Motion carried 4/0.**
39

40 **c) Brown’s Creek Stream Assessment: Headwaters to Manning Avenue**

41 Mr. Majeski presented the drone and field assessment of Brown’s Creek and its
42 tributaries. These included observed channel conditions, beaver dams and fallen trees,
43 and a new bridge and trail crossing over one of the tributaries.
44

45 **d) Trout Habitat Protection Project (THPP) infiltration trench inspection**
46 **results and next steps**

1 Derek Lash explained the multistep assessment of the THPP infiltration trench,
2 which showed the practice was still performing well even though it was constructed
3 almost 20 years ago. The observed decreased infiltration at the facility may be due to
4 groundwater interaction, especially considering the historic high rainfall in years leading
5 up to 2020. The board can consider different options of evaluating the basin as a whole
6 including evaluating whether portions have become sealed with sedimentation,
7 preventing infiltration. Due to drought conditions the last two years the water levels have
8 fallen below the outlet so there is no immediate need to take action this year. Another
9 option the board can consider is piezometer monitoring of the practice, which would
10 provide a clearer picture of groundwater interactions occurring in the practice. The board
11 agreed to wait on any further action.
12

13 **8) Discussion Agenda**

14 **a) Updates**

15 **(1) Administrator**

16 **a. Board/CAC Tour August 30th at 5:30-8pm**

17 Ms. Kill confirmed the joint district board and Citizen Advisory
18 Committee watershed tour date and noted the CAC would be providing
19 further input at its June 12, 2023, meeting regarding tour locations.
20

21 **(2) Legal**

22 No update.
23

24 **(3) Engineer**

25 **(a) BCWD Permit 23- Stillwater Oaks – initial proposed project**

26 Camilla Correll overviewed the general site plan for the
27 redevelopment of the former Stillwater Oaks golf course into a 15-lot
28 residential development. The applicant is proposing to manage stormwater
29 via a combination of ponds, reuse and recorded conservation areas
30 providing evapotranspiration.

31 The applicant, Jason Palmby, clarified which areas were intended
32 to be restored with native vegetation and which areas are existing
33 woodland that they are planning to preserve.

34 Scott Dahlke, the civil engineer for the project, stated that their
35 goal is to seek permit approval and begin work this fall. Mr. Dahlke said
36 their goal is to preserve as much habitat and woodland area as possible. He
37 expects homeowners to also retain as much woodland and natural areas as
38 they can. The applicant is seeking flexibility as the lots are going to be
39 custom designed by the buyer. There are topographic restrictions in how
40 lots are going to be able to be laid out.

41 The applicant is considering a request for a variance from the
42 district rate-control requirement for some individual catchments where
43 there is no proposed disturbance and existing rates would be reduced, but
44 not to presettlement levels.

45 The managers asked to hear more about the proposed reuse system.
46 Ms. Correll explained the plan to use two reuse ponds and a system that

1 homeowners will connect to as the site develops. Mr. Palmby stated the
2 exact layout of the system will not be known until individual builders have
3 designed each lot. Not all 15 lots will be close enough to the reuse ponds
4 to be able to connect to the system, but the volume required to be used will
5 be communicated to each builder.

6 The managers discussed how the developer will stipulate that the
7 reuse water must be used. Mr. Palmby said this will be documented in the
8 homeowners' association documents. Mr. Welch explained the district will
9 not be involved in the HOA documents so the reuse system will need to be
10 outlined and recorded in the stormwater management declaration required
11 by the permit so the district can ensure the stormwater requirements are
12 being met.

13 The managers suggested there may be additional opportunities to
14 preserve more woodland space. They would like to see these additional
15 efforts made when the applicant officially submits their permit for board
16 approval.

17
18 (b) Permit Inspection Update

19 A notice of probable violation was issued for BCWD Permit 22-11 due to
20 lack of adequate erosion and sediment control. In response, the permittee
21 timely stabilized the site and came into compliance.
22

23 (4) Managers

24 Manager Eckles shared his observations from his wildlife cameras in his
25 backyard of wildlife activity in the Brown's Creek tributary area. Manager Wirth
26 recommended sharing those videos on the district's website or social media.
27

28 **9) Adjournment**

29 **Manager Wirth moved, seconded by Manager Johnson, to adjourn the regular meeting at**
30 **9:10 p.m. Motion carried 4/0.**

31
32 Respectfully submitted by

33 Cameron Blake, BCWD staff and Charles LeRoux, Secretary

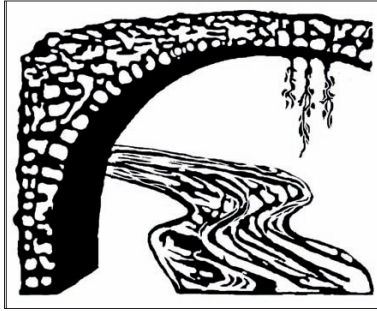
BROWN'S CREEK WATERSHED DISTRICT															
6/6/2023															
APPLICANT/PERMIT NO.	PERMIT DATE	RULES							TYPE				FEES OWED		
		2	3	4	5	6	7	Dec omp acti on	GOV	SF RES	RES DEV	COM	EXEMPT	AMT DUE	
Bergmann Development/Sanctuary Permit No. 05-12	10/14/2005	X	X	X			X			X				\$	-
Cannon Parking - Trellis Weddings & Events Permit 11-14		X	X									X			(\$2,480.25)
Brown's Creek Preserve Permit 13-10		X	X	X			X			X					\$11,041.20
Stillwater Medical Center Parking Permit 13-26		X	X				X				X				\$3,039.10
Brown's Creek Cove Permit 15-07		X	X	X			X			X					\$483.41
Heifort Hills Permit 16-03		X	X	X	X		X			X					\$778.49
Farms of Grant/White Oaks Savannah Permit 17-01		X	X	X			X			X					\$16,157.18
The Lakes of Stillwater Permit 17-04		X	X	X			X				X				(\$154.75)
West Ridge Permit 17-17		X	X	X			X	X		X					(\$1,171.83)
Heifort Hills Estates Permit 18-02		X	X	X			X	X		X					\$40,106.62
Boutwell Farms Permit 18-04A		X	X	X			X	X		X					(\$1,178.20)
Hazel Place/Heritage Ridge Permit 18-05 (Was 17-09)		X	X	X			X	X		X					(\$2,642.27)
Nottingham Village Permit 18-06		X	X	X			X			X					\$539.78
Ridgecrest Permit 18-11		X	X				X	X			X				\$16.68
St Croix Valley Recreation Center Expansion Permit 18-14			X				X	X	X	X				\$6,970.28	
Rogness Residence Permit 18-15	7/26/2018		X							X					\$73.69
Central Commons Permit 19-05	11/11/2025	X	X	X			X	X			X				(\$5,000.00)
TC_Orthopedics Permit 20-03	8/24/2020										X				\$1,388.08
Neal Ave Road Reconstruction Permit 20-05	(around June 2020?)	X	X							X					\$19,029.81
CSAH 15-36 Interchange Permit 20-08	3/24/2021 3 year approval		X			X	X			X					\$19,160.35
Wahlquist Permit 20-10	9/10/2022		X							X					(\$1,042.41)
White Pine Ridge	6/7/2021		X					X		X					(\$631.32)

APPLICANT/PERMIT NO.	PERMIT DATE	RULES							Dec omp acti on	TYPE				FEES OWED	
		2	3	4	5	6	7	GOV		SF RES	RES DEV	COM	EXEMPT	AMT DUE	
Permit 20-12	surety redution request 1/12/23														
Boutwell Farms Lot 2 Permit 21-05	5/13/2021		X					x		x					(\$436.54)
Boutwell Farms Lot 4 Permit 21-06	5/13/2021		X					x		x					(\$788.82)
Brown's Creek Cove Lot 11 Permit 21-07	5/13/2021		X							x					\$238.36
Brown's Creek Cove Lot 14- 1855 White Pine Ct Permit 21-08	5/13/2021		X							x					\$260.64
Westridge Block 1 Lot 1 Permit 21-09 - NOPV, no permit received	8/6/2021		X					x		x					\$2,683.03
White Oak Savannah Lot 107 Permit 21-11 -Sharkey	4/8/2022		X							x					(\$95.36)
Maryland Gateway Addition Permit 21-13	9/29/2021	x	x					x			x				(\$999.89)
Divine Custom - Heritage Ridge Lot 3- Permit 21-14	3/1/2022		x					x		x					(\$406.60)
Schwartz Residence Permit 21-15	5/6/2021 erosion control only	x	x							x					(\$319.38)
Ignagni Residence WOS B1L2 Permit 21-16	5/6/2021		x							x					(\$2.79)
Boutwell Farm (Lot 8)- Sharkey Permit 21-18	3/28/2022		x					x		x					(\$479.25)
Meron Residence-7950 Minar Ave Permit 21-19	no application		x							x				\$302.57	
Westridge (Block 2, Lot 2) - Sharkey Permit 21-20	3/28/2022		x					x		x					(\$491.82)
Millbrook Park- City of Stillwater Permit 21-21	8/25/2021	x	x	x					x					\$5,572.12	
Bond Residence Permit 21-22	8/12/2021		X	X						x					(\$109.31)
White Oak Savannah Lot 105- 7120 Lone Oak Trail Permit 21-24	8/18/2021		x							x					(\$260.56)
Juliene/Guerinno Permit 21-28	no permit fee		x							x					\$469.62
Lakeview EMS Permit 21-32	pre-application		x									x		\$15.50	
Fahey Permit 21-34	11/4/2021		x							x					(\$743.78)
White Oak Savannah B2L2 Permit 21-35	12/8/2021		x					?		x					(\$722.18)
White Oak Savannah B2L5 Permit 21-36	12/8/2021		x					?		x					(\$957.43)
White Pine Ridge 152 Northland Terrace Permit 21-38	sent repeatedly march/april 2022, called/made contact		x					x		x					(\$509.46)

APPLICANT/PERMIT NO.	PERMIT DATE	RULES							Dec omp acti on	TYPE				FEES OWED		
		2	3	4	5	6	7	GOV		SF RES	RES DEV	COM	EXEMPT	AMT DUE		
White Pine Ridge 454 Northland Terrace Permit 21-39	sent repeatedly march/april 2022, called/made contact		x						x		x					(\$904.46)
White Pine Ridge 507 Northland Terrace Permit 21-40	sent repeatedly march/april 2022, called/made contact		x						x		x					(\$906.19)
White Pine Ridge 256 Northland Terrace Permit 21-41	sent repeatedly march/april 2022, called/made contact		x						x		x					(\$906.19)
White Pine Ridge 559 Northland Terrace Permit 21-42	sent repeatedly march/april 2022, called/made contact		x						x		x					(\$906.19)
MNDOT TH-36 Permit 21-43	1/19/2022		x							x				\$2,123.00		
Norell Ave N Improvements Permit 21-45	(Fall 2022 BMP still needs to be finalized spring 2023)	x	x						x					\$10,328.74		
Wash Co. CSAH 15 Permit 22-01	3/14/2022		x							x				\$971.22		
Gonyea (8 lots) Permit 22-02	sent repeatedly march/april 2022, called/made contact		x								x					(\$1,543.58)
Wetridge (12 lots) - Sharkey/GreenHalo Permit 22-03 (Transferred 21-30 and 21-31)	3/25/2022		x								x					(\$937.61)
Boutwell Farm Lot 9 - Sharkey/GreenHalo Permit 22-04	3/25/2022		x								x					(\$263.26)
13290 Boutwell Road N - Sharkey/GreenHalo Permit 22-05	3/25/2022		x								x					(\$619.76)
Heritage Ridge Lot 2 (605 Heritage Place) - Sharkey/GreenHal Permit 22-06	3/25/2022		x								x					(\$545.73)
Liberty Classical Academy Permit 22-07	6/15/2022	x	x													(\$2,478.25)
Boutwell Farm- Sharkey remaining lots- Transferred to 23-03 Permit 22-08	placeholder, no app received		x								x				\$818.72	
Helmer Residence (Thomas Building Co.) Permit 22-09	8/15/2022		x							x						(\$1,459.81)
Caribou (Herberger's Redevelopment) Permit 22-10	9/29/2022	x	x									x				(\$4,048.90)
7125 Lone Oak Trail (WOS L106) Permit 22-11	9/25/2022		x							x					\$4,095.86	
7171 Mid Oaks Ave N Permit 22-12	7/15/2022		x							x						(\$799.74)
Cahill Residence Permit 22-14	8/1/2022		x							x					\$269.56	
13199 Dellwood Rd Permit 22-15	???		x							x					\$169.37	
Stillwater Streets Improvement- paving 72nd st Permit 22-16	pre-application		x							x				\$0.00		
Read Residence	11/7/2022	x	x							x						\$1,022.57

APPLICANT/PERMIT NO.	PERMIT DATE	RULES							Dec omp acti on	TYPE				FEES OWED	
		2	3	4	5	6	7	GOV		SF RES	RES DEV	COM	EXEMPT	AMT DUE	
Permit 22-17															
Stillwater Oaks Permit 22-18	new submittal 4/12/2023- incomplete (not June 14th meeting)	x	x								x				\$25,587.38
Miller Flood Protection Permit 22-19	10/20/2022						x			x				\$2,816.00	
Popeyes OPH Permit 22-20	11/9/2022		x									x			(\$604.50)
3837 Tending Green Permi 22-21	10/20/2022	x	x							x					(\$5,252.32)
Fanberg Residence - Manning Estates L4B3 Permi 22-22	10/21/2022		x							x					(\$848.53)
Carl Lee Builder - Heritage Ridge L4B1 Permi 22-23	11/3/2022		x							x					(\$633.19)
7138 Lone Oak Trl N (WOS L109) Permit 22-24	12/6/2022		x							x					(\$488.68)
7164 Lone Oak Trl (WOS L113) Permit 22-25	12/6/2022		x							x					(\$634.70)
Gagne Tending Green Permit 22-26	12/6/2022		x							x					(\$843.64)
WOS L102 Permit 22-27 transfer to 2023 permit #?	pre-permit - reviewed new lowest floor elevation		x							x					\$0.00
WOS L118 Permit 22-29 transfer to 2023 permit #23-07	pre-permit-reviewed new lowest floor elevation		x							x					\$519.13
Wash Co. CSAH 5 Phase II Permit 22-30	1/19/2023		x						x					\$519.13	
Wash Co. CSAH 57 culverts Permit 22-31	2/2/2023		x						x					\$0.00	
Cty Rd 61 Re-alignment Permit 23-01	4/12/2023	x	x						x					\$7,394.96	
WOS L114 - Cates (7211 Lone Oak Trail Tweden) Permit 23-02	5/4/2023		x	x			x			x					\$650.05
Boutwell Farm Lot 1 (2545 Boutwell Farm Rd) Permit 23-03	5/3/2023 NOPV Board Order Items		x												\$6,092.97
Westridge B1L4 (986 Creekside) Permit 23-04	5/3/2023		x												(\$755.25)
Rocket Carwash Permit 23-05	conditional approval 4/12/2023	x	x												\$4,824.00
Stillwater Street Improvements 2023 Permit 23-06	5/19/2023		x						x					\$1,170.00	
7239 Lone Oak Trail (WOS L118) Permit 23-07	5/3/2023		x												\$179.72
72nd St Road and Trail Improvements Permit 23-08	5/26/2023													\$2,808.50	

APPLICANT/PERMIT NO.	PERMIT DATE	RULES							Dec omp acti on	TYPE				FEES OWED		
		2	3	4	5	6	7	GOV		SF RES	RES DEV	COM	EXEMPT	AMT DUE		
Kirn Residence (McLafferty 8000 Neal Ave) Permit 23-09	ready to permit upon ownership verification 6/7/23		x							x						(\$806.53)
Curio Dance Studio Permit 23-10	5/17/2023 Application and Fee received 5/12/2023 complete	x	x										x			(\$553.00)
7273 Lone Oak Trail- WOS Lot 122 - Freiroy Residence Permit 23-11	5/17/2023 Fee Received Under review		x													\$384.00
CSAH 9 -Keystone Ave - Culvert Replacement Permit 23-12	6/7/23 (sent for signature)								x						\$346.00	
The Lakes - Phase III/Sandhill Shores Permit 23-13	Ready to permit 6/7/23		x													(\$1,250.00)
TOTAL NON-EXEMPT DUE BCWD:		90	326	34	15	27	160			71	153	13	119	\$79,210.11		\$126,263.87
Total due back to applicants if closed:																(\$50,614.21)



**BROWN'S
CREEK
WATERSHED
DISTRICT**

1380 W FRONTAGE RD
HIGHWAY 36
STILLWATER, MN
5 5 0 8 2

651.275.1136 x26 [PHONE]
651.275.1254 [FAX]
WWW.BCWD.ORG

MEMORANDUM

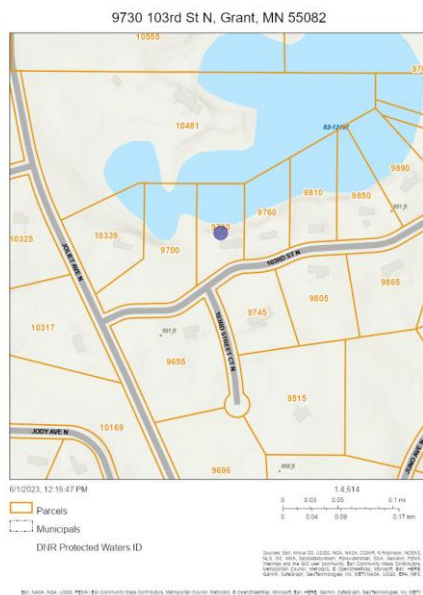
TO: BCWD Board of Managers
FROM: Brett Stolpestad, Washington Conservation District
RE: Nagle Native Landscaping Plan
DATE: June 1st, 2023

City of Grant residents Melissa & Ryan Nagle are applying for BCWD BMP cost-share to improve habitat and implement stormwater best management practices at their residence located at 9730 103rd St N adjacent to Bass Lake East. This project proposes (1) installation of a bioinfiltration practice at the SW corner of property to capture and infiltrate stormwater from the adjacent homes, driveways, and road (2) vegetative enhancement of the upstream ditch situated partially within city right-of-way, and (3) conversion of approximately 0.5 acres of turf to native shortgrass prairie vegetation for habitat enhancement.

Project Estimate: \$22,333.00
Amount of Phosphorus removed: 0.35 lbs/yr
Cost Share requested: \$5,000.00




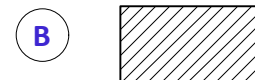

Requested Board Action: Motion by Board Member 1, seconded by Board Member 2, to approve encumbrance of \$5,000.00 BMP cost share for basin installation, turf conversion to native prairie, and other eligible activities highlighted in the 'Nagle Native Landscape' concept plan.

Location & Photos:



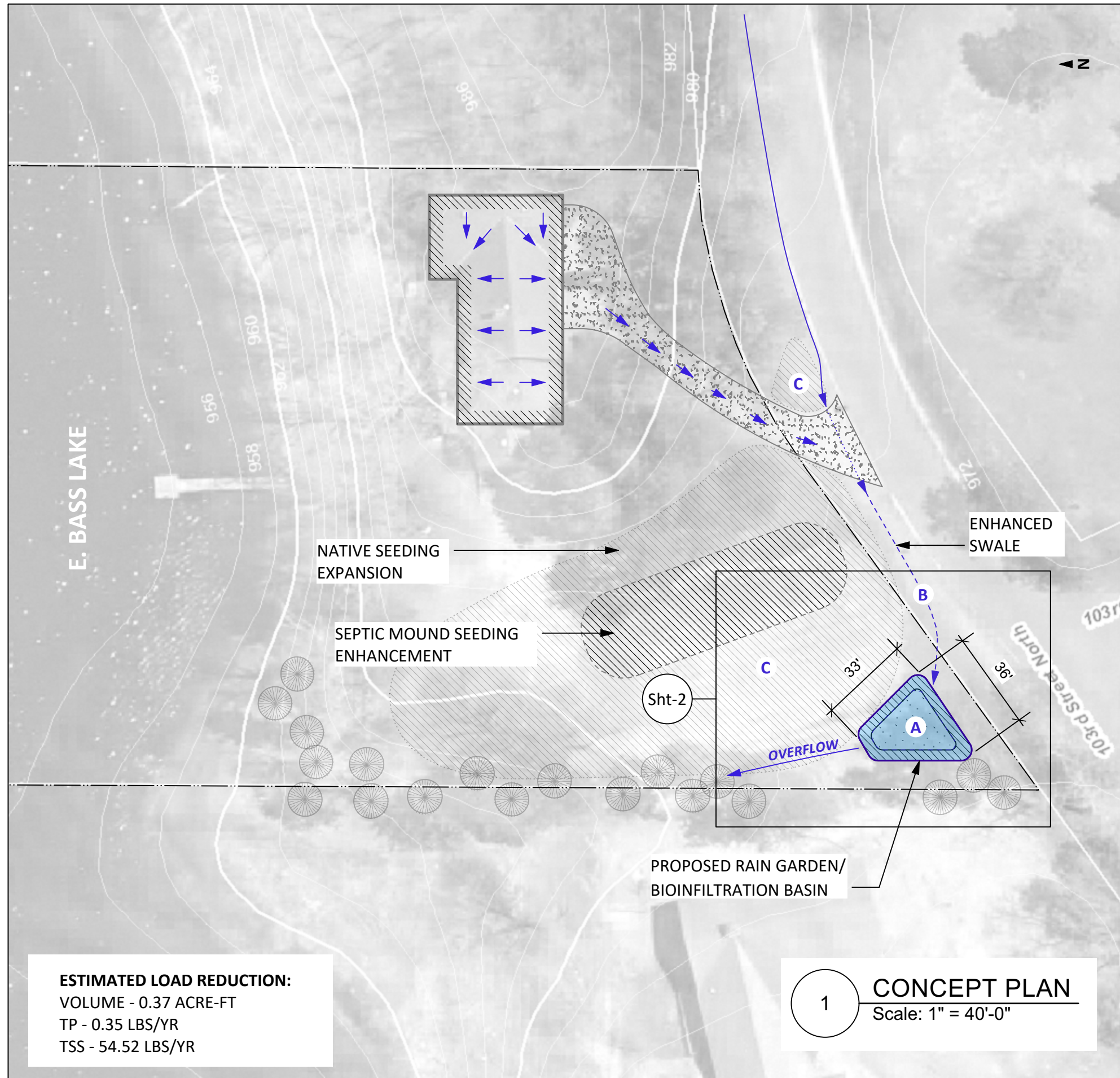
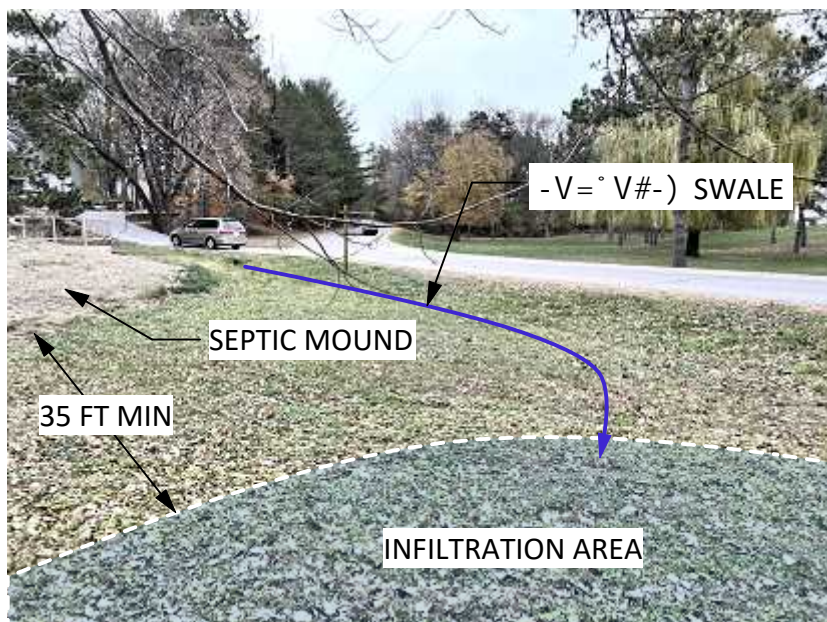
Managers:

LEGEND

-  PROPERTY LINE
-  FLOW PATHS
-  **A** PROPOSED BIOINFILTRATION BASIN
1,000 SQ-FT/12" MAX PONDING DEPTH
-  **B** NATIVE SEEDING AREAS
0.5 ACRE
-  **C** ENHANCED SWALE
75 LINEAR FEET/10' WIDTH



NOTES:

1. ENSURE MINIMUM SETBACK REQUIREMENTS ARE MET BETWEEN ANY INFILTRATION BMP AND SEPTIC TANK OR LEACH FIELD.
2. SEED MIX FOR SEPTIC MOUND MUST BE CUSTOM DESIGNED WITH APPROPRIATE NATIVE SPECIES.
3. CONCEPTUAL DRAWING FOR REFERENCE USE ONLY -- SIZE AND SHAPE OF BMPs MAY VARY.
4. GRANT AWARD TO BE DETERMINED BY SIZE AND LOCATION OF PROPOSED BMPs AND ASSOCIATED LOAD REDUCTIONS.

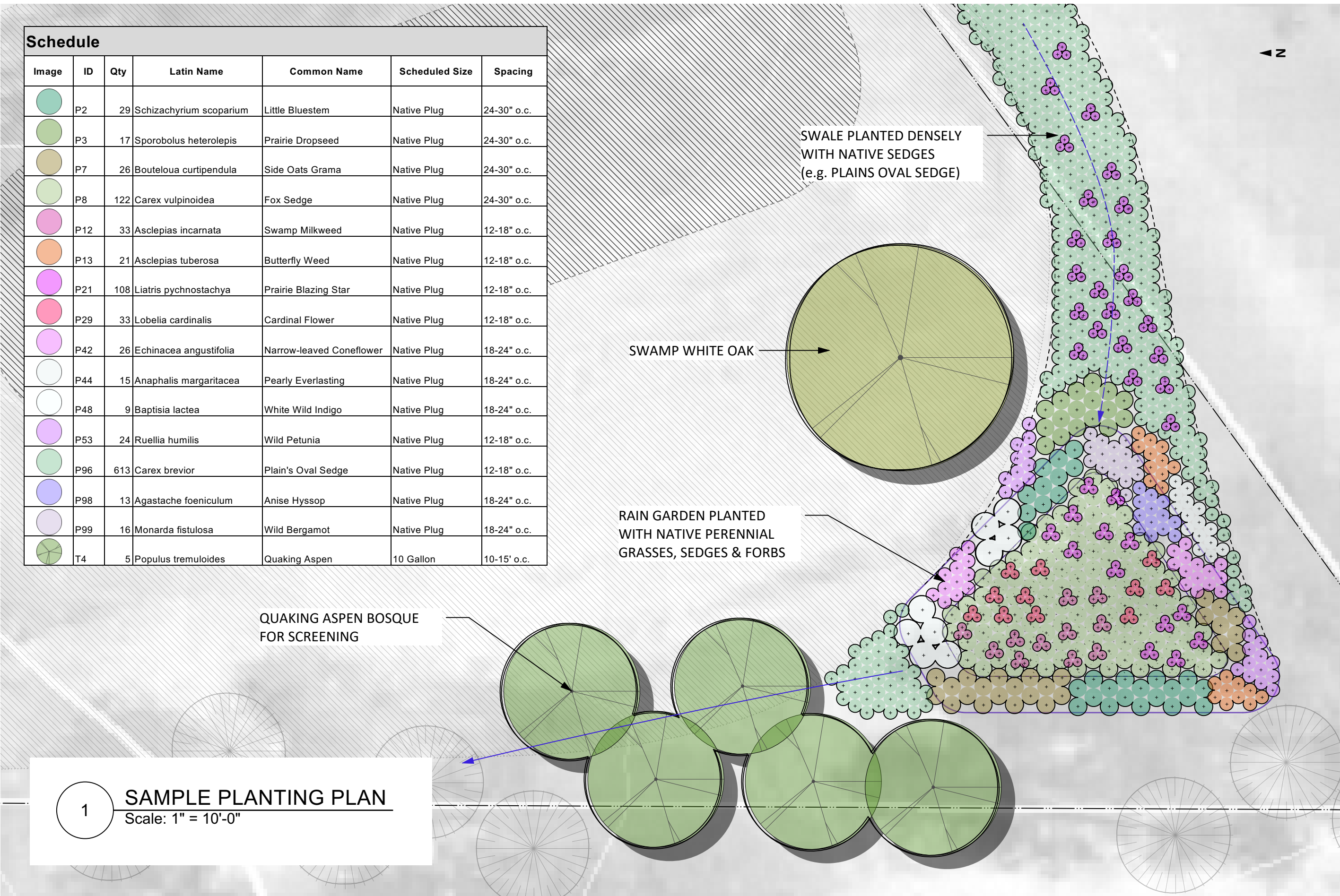


ESTIMATED LOAD REDUCTION:
 VOLUME - 0.37 ACRE-FT
 TP - 0.35 LBS/YR
 TSS - 54.52 LBS/YR

1 CONCEPT PLAN
 Scale: 1" = 40'-0"

<p>Washington Conservation District 455 Hayward Ave N Oakdale, MN 55128 (651) 330-8220 www.mnwcd.org</p>	
<p>plan created by:</p> 	
<p>Project Address 9730 103rd St N, Stillwater, MN 55082</p>	<p>Drawn Reviewed Revision</p>
<p>Project Manager Brett Stolpestad Washington Conservation District</p>	<p>Revision</p>
<p>BROWN'S CREEK WATERSHED DISTRICT</p>  <p>455 Hayward Ave N - Oakdale, MN 55128 (651) 330-8220 xt 26 www.bcwd.org</p>	
<p>Project Title NAGLE LANDSCAPE CONCEPT</p>	<p>Sheet Title CONCEPT PLAN</p>
<p>CAD File Name: Nagle Concept.vrx</p>	
<p>Date 2/3/2023</p>	
<p>Sht-1 of 3</p>	

Schedule						
Image	ID	Qty	Latin Name	Common Name	Scheduled Size	Spacing
	P2	29	Schizachyrium scoparium	Little Bluestem	Native Plug	24-30" o.c.
	P3	17	Sporobolus heterolepis	Prairie Dropseed	Native Plug	24-30" o.c.
	P7	26	Bouteloua curtipendula	Side Oats Grama	Native Plug	24-30" o.c.
	P8	122	Carex vulpinoidea	Fox Sedge	Native Plug	24-30" o.c.
	P12	33	Asclepias incarnata	Swamp Milkweed	Native Plug	12-18" o.c.
	P13	21	Asclepias tuberosa	Butterfly Weed	Native Plug	12-18" o.c.
	P21	108	Liatris pycnostachya	Prairie Blazing Star	Native Plug	12-18" o.c.
	P29	33	Lobelia cardinalis	Cardinal Flower	Native Plug	12-18" o.c.
	P42	26	Echinacea angustifolia	Narrow-leaved Coneflower	Native Plug	18-24" o.c.
	P44	15	Anaphalis margaritacea	Pearly Everlasting	Native Plug	18-24" o.c.
	P48	9	Baptisia lactea	White Wild Indigo	Native Plug	18-24" o.c.
	P53	24	Ruellia humilis	Wild Petunia	Native Plug	12-18" o.c.
	P96	613	Carex breviar	Plain's Oval Sedge	Native Plug	12-18" o.c.
	P98	13	Agastache foeniculum	Anise Hyssop	Native Plug	18-24" o.c.
	P99	16	Monarda fistulosa	Wild Bergamot	Native Plug	18-24" o.c.
	T4	5	Populus tremuloides	Quaking Aspen	10 Gallon	10-15' o.c.



1

SAMPLE PLANTING PLAN

Scale: 1" = 10'-0"

Washington Conservation District
 455 Hayward Ave N
 Oakdale, MN 55128
 (651) 330-8220
 www.mnwcd.org

Project Address
 9730 103rd St N, Stillwater, MN 55082

Project Manager
 Brett Stolpestad
 Washington Conservation District

Drawn
 Reviewed
 Revision

BROWN'S CREEK WATERSHED DISTRICT
 455 Hayward Ave N - Oakdale, MN 55128
 (651) 330-8220 xt 26
 www.bcwd.org

Project Title
 NAGLE LANDSCAPE CONCEPT

Sheet Title
 SAMPLE PLANTING PLAN

CAD File Name
 Nagle Concept.vrx

Date
 2/3/2023

Sht-2
 of
 3

DRY-MESIC PRAIRIE

SCIENTIFIC NAME	COMMON NAME	HEIGHT (ft)	BLOOM COLOR	BLOOM TIME	SUBTYPE
Trees & Shrubs					
<i>Amorpha canescens</i>	Leadplant	1 to 4	Purple	6 7 8	DP/MP/SV
<i>Corylus americana</i>	American Hazelnut	6 to 8	Purple/Green	3 4	SV
<i>Quercus macrocarpa</i>	Bur Oak	70 to 80	Green	6	SV
<i>Quercus ellipsoidalis</i>	Northern Pin Oak	70 to 80	Green	6	SV
<i>Rhus glabra</i>	Smooth Sumac	3 to 15	Red	6 7	DP/MP/SV
<i>Prairie Rose</i>	Rosa arkansana	0.5 to 3.5	Pink	6 7	DP/MP/SV
<i>Prunus Americana</i>	Wild Plum	5 to 25	White	5	DP/MP/SV
<i>Prunus virginiana</i>	Chokecherry	10 to 25	White	5 6	SV
<i>Symphoricarpos occidentalis</i>	Wolfberry	1 to 4	Pink/White	6 7 8	DP/MP/SV
Forbs					
<i>Achillea millefolium</i>	Yarrow	1 to 3	White	6 7 8 9	DP/MP/SV
<i>Agastache foeniculum</i>	Anise Hyssop	2 to 4	Blue	7 8 9 10	DP/MP/SV
<i>Allium stellatum</i>	Prairie Onion	1 to 1.5	Pink	7 8 9	DP
<i>Anemone canadensis</i>	Canada Anemone	1 to 2	White	5 6 7	MP
<i>Anemone cylindrica</i>	Thimbleweed	1 to 2	White	6 7 8	DP
<i>Anemone Patens</i>	Pasque Flower	0.5	Lavender	4 5	DP
<i>Antennaria neglecta</i>	Prairie Pussytoes	0.5	White	4 5 6	DP
<i>Antennaria plantaginifolia</i>	Plantain-leaved Pussytoes	0.5	White	4 5 6	DP
<i>Artemisia ludoviciana</i>	Prairie Sage	1 to 3	White	7 8 9 10	DP/MP
<i>Asclepias tuberosa</i>	Butterfly Weed	1 to 2	Orange	6 7 8 9	DP/MP
<i>Asclepias syriaca</i>	Common Milkweed	2 to 5	Pink	6 7 8	DP/MP
<i>Astragalus canadensis</i>	Canada Milk Vetch	1 to 4	Cream/White	6 7 8	DP/MP
<i>Astragalus crassicaarpus</i>	Ground Plum	0.5 to 2.5	White	4 5	DP
<i>Baptisia alba</i>	White Wild Indigo	2.5 to 3.5	White	6 7 8	DP/MP
<i>Coreopsis palmata</i>	Prairie Coreopsis	2.5 to 3.5	Yellow	6 7 8 9	DP/MP
<i>Dalea candida</i>	White Prairie Clover	1.5 to 2.5	White	6 7 8 9	DP/MP/SV
<i>Dalea purpurea</i>	Purple Prairie Clover	1.5 to 2.5	Purple	6 7 8 9	DP/MP/SV
<i>Desmodium canadense</i>	Showy Tick-trefoil	2 to 6	Pink	7 8 9	DP/MP/SV
<i>Drymocallis arguta</i>	Tall Cinquefoil	1 to 3	White	6 7 8	DP/MP/SV
<i>Euphorbia corollata</i>	Flowering Spurge	2 to 3.5	White	5 6 7 8	DP
<i>Geum triflorum</i>	Prairie Smoke	0.5 to 1	Red	5 6	DP
<i>Helianthus maxmilliani</i>	Maxmillian Sunflower	6.0+	Yellow	8 9 10	MP
<i>Helianthus pauciflorus</i>	Stiff Sunflower	4 to 5	Yellow	7 8 9	DP/MP
<i>Heliopsis helianthoides</i>	False Sunflower	4 to 5	Yellow	6 7 8 9 10	MP/SV
<i>Heuchera richardsonii</i>	Prairie Alumroot	1.5 to 3	Beige	5 6 7	MP/SV
<i>Lespedeza capitata</i>	Bush Clover	2 to 3	White	7 8 9 10	DP/MP
<i>Liatis aspera</i>	Rough Blazing Star	1.5 to 3	Purple	7 8 9	DP/MP
<i>Liatis punctata</i>	Dotted Blazing Star	1.5 to 2.5	Purple	7 8 9	DP/MP
<i>Lithospermum canescens</i>	Hoary Puccoon	0.5 to 1.5	Orange	5 6 7 8	SV
<i>Lobelia spicata</i>	Pale-spike Lobelia	1 to 2	White	6 7 8	MP
<i>Lupinus perennis</i>	Wild Lupine	1.5 to 2	Blue	5 6 7	DP
<i>Monarda fistulosa</i>	Wild Bergamot	3 to 4	Lavender	7 8	DP/MP/SV
<i>Monarda punctata</i>	Spotted Bee Balm	3 to 4	Frosted Pink	7 8	DP

SCIENTIFIC NAME	COMMON NAME	HEIGHT (ft)	BLOOM COLOR	BLOOM TIME	SUBTYPE
<i>Pedicularis canadensis</i>	Wood Betony	0.5 to 2.5	Yellow/White	5 6	MP/SV
<i>Pediomelum esculentum</i>	Prairie Turnip	1 to 1.5	Light Blue	5 6 7	DP
<i>Penstemon grandiflorus</i>	Large Beardtongue	1 to 3	Pink	5 6 7	DP
<i>Phlox pilosa</i>	Prairie Phlox	1.5 to 2	Pink	5 6	DP/MP
<i>Ratibida pinnata</i>	Yellow Coneflower	2 to 4.5	Yellow	7 8 9 10	DP/MP
<i>Rudbeckia hirta</i>	Black Eyed Susan	2 to 3	Yellow	6 7 8 9 10	DP/MP
<i>Ruellia humilis</i>	Wild Petunia	1.0	Pink	6 7 8 9	DP
<i>Sisyrinchium campestre</i>	Prairie Blue-eyed Grass	0.5 to 1.5	White/Blue	5 6 7	DP
<i>Solidago nemoralis</i>	Gray Goldenrod	2 to 3	Yellow	8 9	DP/MP/SV
<i>Solidago rigida</i>	Stiff Goldenrod	2 to 3	Yellow	8 9	DP/MP/SV
<i>Solidago speciosa</i>	Showy Goldenrod	2 to 3	Yellow	8 9	DP/MP/SV
<i>Symphotrichum ericoides</i>	Heath aster	1 to 3	White	8 9 10	DP/SV
<i>Symphotrichum laevis</i>	Smooth Aster	1.5 to 2.5	Blue	7 8 9 10	DP/MP
<i>Symphotrichum oblongifolius</i>	Aromatic Aster	1 to 2	Violet	8 9 10	DP
<i>Symphotrichum oolentangiense</i>	Sky-blue Aster	1 to 3	Blue	8 9 10	DP
<i>Symphotrichum sericeus</i>	Silky Aster	1 to 2	Purple	8 9 10	DP/MP
<i>Tradescantia bracteata</i>	Prairie Spiderwort	1.5 to 2.5	Blue	6 7 8	DP
<i>Verbena stricta</i>	Hoary Vervain	1 to 3	Blue	6 7 8 9	DP
<i>Viola pedata</i>	Bird's Foot Violet	0.5	Purple	4 5 6	DP
<i>Viola pedatifida</i>	Prairie Violet	0.5	Purple	4 5 6	DP
<i>Zizia aptera</i>	Heart-leaf Alexanders	1.5 to 2.5	Yellow	5 6	DP/MP
Grasses & Sedges					
<i>Andropogon gerardii</i>	Big Bluestem	3 to 6	Purplish	7 8 9	DP/MP/SV
<i>Bouteloua curtipendula</i>	Side Oats Grama	1.5 to 2.5	Red-green	7 8 9	DP/MP
<i>Bouteloua gracilis</i>	Blue Grama	1.0	Purplish	7 8 9	DP
<i>Bouteloua hirsuta</i>	Hairy Grama	0.5 to 2.5	Red-green	6 7 8	DP
<i>Bromus kalmii</i>	Kalm's Brome	2 to 3	Green	6 7	DP/MP
<i>Calamovilfa longifolia</i>	Sand Reed Grass	5 to 6	Beige	7 8 9	DP
<i>Carex muhlenbergii</i>	Sand-bracted Sedge	1.0	Green	5 6	DP
<i>Carex brevior</i>	Plains Oval Sedge	1.0	Brown	5 6	DP
<i>Danthonia spicata</i>	Poverty Oat Grass	1.0	Tan	6	SV
<i>Elymus canadensis</i>	Canada Wild Rye	3 to 4	Green	7 8	DP/MP/SV
<i>Eragrostis spectabilis</i>	Purple Lovegrass	1 to 2	Purple	7 8	MP/SV
<i>Koeleria macrantha</i>	June Grass	1 to 2	Green	6 7	DP
<i>Muhlenbergia cuspidata</i>	Plains Muhly	1 to 2	Beige	8 9 10	DP
<i>Panicum acuminatum</i>	Hairy Panic Grass	1 to 2	Beige	7 8 9	DP/MP
<i>Panicum oligosanthes</i>	Scribner's Panic Grass	1 to 2	Beige	7 8 9	DP
<i>Panicum virgatum</i>	Switch Grass	3 to 6	Purplish	6 7 8 9 10	DP/MP/SV
<i>Schizachyrium scoparium</i>	Little Bluestem	1.5 to 3	Amber	7 8 9	DP/MP/SV
<i>Sorghastrum nutans</i>	Indian Grass	4 to 6	Amber	7 8 9	DP/MP/SV
<i>Sporobolus heterolepis</i>	Prairie Dropseed	1.5 to 3	Green	8 9 10	DP/MP
<i>Stipa spartea</i>	Porcupine Grass	2 to 4	Beige	5 6	DP

DP = Dry Prairie
MP = Mesic Prairie
SV = Savanna

Washington Conservation District
 455 Hayward Ave N
 Oakdale, MN 55128
 (651) 330-8220
 www.mnwcd.org



plan created by:

Project Address 9730 103rd St N, Stillwater, MN 55082	Project Manager Brett Stolpestad	Drawn	Reviewed	Revision
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BROWN'S
 CREEK
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 DISTRICT
 455 Hayward Ave N - Oakdale, MN 55128
 (651) 330-8220 xt 26
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Project Title NAGLE LANDSCAPE CONCEPT	Sheet Title SPECIES RECOMMENDATIONS	CAD File Name Nagle Concept.vrx
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ITEM NO.	DESCRIPTION	SPEC	UNITS	EST. QTY.	UNIT PRICE	AMOUNT
2021.501	MOBILIZATION	2021	LS	1	\$ 1,500.00	\$ 1,500.00
2106.507	EXCAVATION - COMMON	2106	CY	25	\$ 100.00	\$ 2,500.00
2575.605	WEED SPRAYING SPECIAL	2575	ACRE	0.9	\$ 600.00	\$ 540.00
2575.505	SOIL BED PREPARATION	2575	ACRE	0.45	\$ 500.00	\$ 225.00
2574.505	SUBSOILING	2574	ACRE	0.02	\$ 5,000.00	\$ 100.00
2575.505	SEEDING	2575	ACRE	0.45	\$ 500.00	\$ 225.00
2574.507	FILTER TOPSOIL BORROW	2572	CY	15	\$ 65.00	\$ 975.00
2571.502	DECIDUOUS TREE 2" CAL B&B	2571	EACH	6	\$ 750.00	\$ 4,500.00
2571.527	PERENNIAL PLUGS	2571	PLT	1200	\$ 3.50	\$ 4,200.00
2575.508	SEED MIXTURE 35-621 (OR APPROVED EQ)	2575	LB	5	\$ 100.00	\$ 500.00
2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	2573	LF	175	\$ 5.00	\$ 875.00
2573.503	SILT FENCE, TYPE HI	2573	LF	200	\$ 2.65	\$ 530.00
2575.504	ROLLED EROSION PREVENTION CATEGORY 10	2575	SY	500	\$ 2.00	\$ 1,000.00
2575.507	MULCH MATERIAL TYPE 6	2575	CY	10	\$ 125.00	\$ 1,250.00
2575.509	MULCH MATERIAL TYPE 8	2575	TON	0.25	\$ 2,000.00	\$ 500.00
Subtotal						\$ 19,420.00
Contingency (15%)						\$ 2,913.00
Total Estimate Cost						\$ 22,333.00

Project Name | Applewood Hills Golf Course Stormwater Reuse

Date | 5/30/2022

To / Contact info | BCWD Board of Managers

Cc / Contact info | Karen Kill, District Administrator

From / Contact info | Derek Lash

Regarding | Change Order No. 2

Purpose

The purpose of this memorandum is to summarize the Contractor's request to extend the dates for Substantial Completion and Final Completion.

Summary of Change Order No. 2

The Contractor (GM Contracting, Inc.) has requested the dates for Substantial Completion and Final Completion be extended to accommodate work following Xcel Energy's installation date of the project transformer that will provide power to the pump station. Xcel Energy is planning to install the transformer on June 26th and 27th.

The current completion dates are June 1, 2023 for Substantial Completion and June 30, 2023 for Final Completion. The Contractor has requested those dates be extended to July 15, 2023 and July 31, 2023 respectively. The Contractor's revised schedule plans for connecting the pump station to the electrical source in early July.

Requested Action

EOR requests the Board of Managers to approve Change Order No. 2 to extend the dates for Substantial Completion and Final Completion.

SECTION 006363

CHANGE ORDER

NO. 2

Date of Issuance: 6/6/2023 Effective Date: _____

Project: Applewood Hills Golf Course Stormwater Reuse	Owner: Brown's Creek Watershed District	Owner's Contract No.: <u>N/A</u>
Contract: <u>N/A</u>	Date of Contract: <u>3/22/2022</u>	
Contractor: <u>GM CONTRACTING, INC.</u>		Engineer's Project No.: <u>00041-0373</u>

The Contract Documents are modified as follows upon execution of this Change Order:

Description: CHANGE THE DATES FOR SUBSTANTIAL COMPLETION AND FINAL COMPLETION TO ACCOMODATE WORK FOLLOWING XCEL ENERGY'S INSTALLATION DATE OF THE PROJECT TRANSFORMER THAT WILL PROVIDE POWER TO THE PUMP STATION.

Attachments (list documents supporting change): N/A

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:
\$ _____

Original Contract Times: Working days Calendar days
Substantial completion (~~days or~~ date): 11/30/2022
Ready for final payment (~~days or~~ date): 2/28/2023

[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____
\$ _____

[Increase] [~~Decrease~~] from previously approved Change Orders No. 1 to No. 2 :
Substantial completion (days): 183
Ready for final payment (days): 122

Contract Price prior to this Change Order:
\$ _____

Contract Times prior to this Change Order:
Substantial completion (~~days or~~ date): 6/1/2023
Ready for final payment (~~days or~~ date): 6/30/2023

[Increase] [Decrease] of this Change Order:
\$ _____

[Increase] [~~Decrease~~] of this Change Order:
Substantial completion (~~days or~~ date): 7/15/2023
Ready for final payment (~~days or~~ date): 7/31/2023

Contract Price incorporating this Change
\$ _____

Contract Times with all approved Change Orders:
Substantial completion (days or date): 7/15/2023
Ready for final payment (days or date): 7/31/2023

RECOMMENDED:
By: *Jack J. Walsh*
Engineer (Authorized Signature)

ACCEPTED:
By: _____
Owner (Authorized Signature)

ACCEPTED:
By: _____
Contractor (Authorized Signature)

Date: 6/6/2023

Date: _____

Date: _____

Approved by Funding Agency (if applicable):

Date: _____

EJCDC C-941 Change Order

Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Construction Specifications Institute.



Duluth | September 20 & 21

Making waves and breaking **barriers.**

2023 MCN Annual Conference

Minnesota's largest annual nonprofit gathering is coming to Duluth this fall!

Register now to save \$80 off regular rates

Join hundreds of nonprofit staff, board members, volunteers, and allies as we take part in two days of learning, networking, and celebration of YOU, Minnesota's amazing nonprofits.

Hosted at the Duluth Entertainment Convention Center on September 20-21, your MCN Annual Conference registration includes:

40+ breakouts on timely topics with a mixture of skill-building and action-oriented sessions and big-idea, vision-oriented sessions

Two keynote sessions that offer equal parts application and inspiration

Offerings centering rural, BIPOC, and small nonprofits

Facilitated networking opportunities

Award luncheon featuring the presentation of the 2023 Minnesota Nonprofit Mission Awards

Exhibitor Hall featuring 40+ resource vendors and prizes

Wellness and creative activities

Social Hour with food, drink, and prizes

And so much more!

Learn more about Travel and Lodging

2023 MCN Annual Conference

September 20-21, 2023
Duluth Entertainment Convention Center
350 Harbor Drive, Duluth

PDF Registration Form

Conference Rates

	MCN Member	Non-Member
Super Saver Rate <i>(by June 29)</i>	\$169	\$299
Early Bird Rate <i>(by August 16)</i>	\$189	\$299
Standard Rate <i>(by September 13)</i>	\$249	\$299
Late/Onsite Rate <i>(after September 13)</i>	\$289	\$339

Registration Rates and Accommodations

Pay What You Can Rates (PWYC):

(Available through September 13) We encourage you to pay the registration rate that is meaningful to and possible for you. While earned revenue from our events is a significant portion of our operating budget, supporting the policy and advocacy work we do on behalf of nonprofits, we aim to keep our fees accessible, often below market rate, and offer further reduced entry points for those who need them to participate in professional development. If your participation is dependent on a PWYC rate, please register with the promo code that corresponds with your accessible price point below.

PWYC Rates	Code
\$69	PWYC69
\$89	PWYC89
\$109	PWYC109
\$129	PWYC129

You will not be asked to complete an application to prove need. PWYC rates are the scholarship model for this year's Annual Conference. The rates are for individuals and do not apply to small- and large-group registrations.

Small Team Rate:

Send more people and get more out of the conference. Register three people from the same organization and your fourth registration is free! Visit our Events and Registration FAQ page for instructions on how to complete online group registrations. Please email our help desk with any questions or issues during registration.

Large Team Rate:

Do you have more than four people from your organization to send to the conference? Register a group of up to ten people from the same organization at the rate of \$1,489 for MCN members and \$2,152 for Nonmembers.

Thursday Luncheon & Award Ceremony (included in conference registration):

Do you have a special guest who wants to attend Thursday's Luncheon and 2023 Nonprofit Mission Awards Ceremony? Here's an option:

- \$50 each for members and nonmembers (by September 6)
- \$80 each for members and nonmembers (after September 13)

Please email our help desk to register someone.

Accommodation Requests:

Plenty of standard and vegetarian meals will be provided, as well as vegan and gluten-free. Please ask a server if you have questions on the day of the conference.

A new parent's room, prayer space, and all gender restrooms will be provided. Please check the conference program on-site for details about locations.

MCN strives to ensure that this conference is accessible to all individuals. If you have accommodation requests, such as sign language interpreters or other accessibility requirements, please submit your request during the online registration process or by emailing our help desk.

Traveling to the Conference / Lodging

Duluth Entertainment Convention Center
350 Harbor Drive Duluth, MN 55802
decc.org | Directions and Parking

Lodging

MCN has arranged for special conference rates for a limited number of rooms at select Duluth/Canal Park hotels on September 20, 21, and 22. Room blocks will be held until August 21, 2023 at 12 p.m. CST, after which regular rates and availability will apply.

To learn about more lodging, dining, and experience options in Duluth, please visit visitduluth.com.

The Inn on Lake Superior

350 Canal Park Drive | Duluth, Minnesota 55802
218-625-0406
www.innonlakesuperior.com

Room Rates: from \$199 to \$227 for seven room options

Conference attendees should call 218-726-1111 and ask for 2023 MCN Annual Conference or booking ID 10639. Cut off date is 8/21/2023.

Holiday Inn & Suites Duluth - Downtown

200 W 1st St, Duluth, MN 55802
218-722-1202
HolidayInn.com/DuluthMN | HolidayInnExpress.com/DuluthNorth

Room Rates: \$154 (9/20 or 9/21), \$209 (9/22)

To make your reservations, please call 218-722-1202. Reservations must be made by 8/21/23.

The Suites Hotel at Waterfront Plaza

325 South Lake Avenue, Duluth, MN 55802
218-727-4663
www.thesuitesduluth.com

Room Rates: multiple room, suite, and condo sizes ranging from \$159 to \$314

To receive conference room rates, attendees are asked to call the hotel directly to book accommodations.

The Lift Bridge Lodge

408 Canal Park Dr, Duluth, MN 55802
218-727-1378
www.liftbridgelodge.com

Room Rates: Still to come

Special thanks to our conference sponsors!

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BROWN'S CREEK WATERSHED DISTRICT
 6/14/2023
 CURRENT ITEMS PAYABLE-PAGE 1 of 2

	YES	NO	ABSTAIN	ABSENT
ECKLES	_____	_____	_____	_____
JOHNSON	_____	_____	_____	_____
LEROUX	_____	_____	_____	_____
WIRTH	_____	_____	_____	_____

VENDOR

Emmons & Olivier Resources, Invoices May 2023

	ACCOUNT #	ITEMS	TOTAL	CK NO
Inv. 41-0000-210 Retainer	300-4500	\$ 7,078.50		
Inv. 41-0000-210 Retainer	200-4500	\$ 2,359.50		
Inv. 41-0001-213 Permits 2000-2007	300-4703	\$ 8,219.75		
Inv. 41-0215-99 Permits 2013				
Permitting #13-10 Grant Holdings Subd	300-4703	\$ 86.50		
Inv. 41-0255-59 Permits 2013				
Permitting #15-07 Brown's Creek Cove	300-4703	\$ 320.00		
Inv. 41-0276-74 Permits 2016				
Permitting #16-03 Heifort Hills	300-4703	\$ 36.75		
Inv. 41-0307-75 Permits 2017				
Permitting #17-01 Grant Holdings Subd	300-4703	\$ 52.33		
Permitting #17-04 Stillwater Senior Living	300-4703	\$ 808.50		
Permitting #17-17 West Ridge	300-4703	\$ 382.80		
Inv. 41-0330-64 Permits 2018				
Permitting #18-02 Heifort Hills Estate	300-4703	\$ 1,386.45		
Permitting #18-05 Hazel Place	300-4703	\$ 52.33		
Inv. 41-0365-38 Permits 2020				
Permitting #20-10 Wahlquist Residence	300-4703	\$ 36.47		
Permitting #20-12 White Pine Ridge	300-4703	\$ 52.33		
Inv. 41-0384-26 Permits 2021				
Permitting #21-09 Westridge	300-4703	\$ 283.20		
Permitting #21-21 Millbrook West Park	300-4703	\$ 122.97		
Permitting #21-22 Bond Residence	300-4703	\$ 88.80		
Permitting #21-35 WOS Lot 104	300-4703	\$ 88.80		
Permitting #21-36 WOS Lot 110	300-4703	\$ 88.80		
Permitting #21-45 Norell Ave Improvements	300-4703	\$ 145.00		
Inv. 41-0402-16 Permits 2022				
Permitting #22-02 Gonyea at White Pine Ridge	300-4703	\$ 219.79		
Permitting #22-03 Sharkey/Westridge (4 lots)	300-4703	\$ 139.05		
Permitting #22-09 Helmer Residence	300-4703	\$ 33.50		
Permitting #22-10 Caribou Coffee	300-4703	\$ 143.85		
Permitting #22-11 WOS Lot 106	300-4703	\$ 2,266.30		
Permitting #22-14 Cahill Heritage Ridge L5	300-4703	\$ 52.33		
Permitting #22-18 Stillwater Oaks	300-4703	\$ 5,773.38		
Permitting #22-22 Fanberg Residence	300-4703	\$ 36.47		

EOR (Cont.)	Permitting #22-23 Ferguson, Heritage Ridge L4	300-4703	\$	69.08		
	Permitting #22-24 WOS Lot 109	300-4703	\$	88.80		
	Permitting #22-25 WOS Lot 113	300-4703	\$	88.80		
	Permitting #22-30 CSAH 5 Ph2	300-4703	\$	397.63		
	Inv. 41-0420-5 Permits 2023					
	Permitting #23-01 CR 61	300-4703	\$	131.96		
	Permitting #23-02 WOS Lot 114	300-4703	\$	620.30		
	Permitting #23-03 Boutwell Farm Lot 1	300-4703	\$	1,722.28		
	Permitting #23-05 Rocket Carwash	300-4703	\$	49.50		
	Permitting #23-06 2023 Street Improvements	300-4703	\$	58.50		
	Permitting #23-07 WOS Lot 118	300-4703	\$	347.72		
	Permitting #23-08 72nd Street	300-4703	\$	389.25		
	Permitting #23-09 Kirn Residence, 8000 Neal	300-4703	\$	119.97		
	Permitting #23-10 Curio Dance Studio	300-4703	\$	3,697.00		
	Permitting #23-11 WOS Lot 122	300-4703	\$	1,384.00		
	Permitting #23-12 CSAH 9 Culvert Replacement	300-4703	\$	346.00		
	Inv. 41-0421-5 IESF OM 2023	948-4500	\$	2,727.68		
	Inv. 41-0418-6 Brown's Ck Pk Restoration	947-0022	\$	1,557.00		
	Inv. 41-0406-8 BCWD 2022 Bio Survey	947-0018	\$	519.00		
	Inv. 41-0425-2 2023 THPP	903-0001	\$	120.00		
	Inv. 41-0205-70 CIP Operation and Maintenance	948-4500	\$	445.60		
	Inv. 41-0391-19 Millbrook HOA Restoration	947-0022	\$	136.00		
	Inv. 41-0414-5 OGGC Reuse Maintenance and Monitoring	947-0023	\$	1,297.94	\$	46,668.46
Washington Conservation Dist	Inv. 6042 April 2023- Water Monitoring					
	Baseline Water Monitoring- labor	300-4710	\$	10,133.33		
	Baseline Water Monitoring- equipment	300-4640	\$	4,115.24		
	Inv. 6053 April 2023- BMP Program	914-0000	\$	690.00		
	Inv. 6065 Administration Q1 2023					
	Administration (1/3)	200-4320	\$	18,804.17		
	Administration (2/3)	300-4320	\$	37,608.33		
	Expenses	200-4949	\$	104.77		
	IESF Harvest Pond Maintenance- DNR Permit Fee	948-4500	\$	300.00		
	MN Watersheds Tour - Admin	200-4265	\$	238.77	\$	71,994.61
Smith Partners	May 2023 Invoices					
	Inv. 44055 Retainer - Meetings, Preparation	200-4410	\$	2,071.21		
	Inv. 44056 General Legal Services	300-4410	\$	242.10		
	Inv. 44057 Planning	300-4410	\$	26.90		
	Inv. 44061 Capital Project Development	300-4410	\$	645.87		
	Inv. 44060 Trout Stream Mitigation Project	300-4410	\$	161.67		
	Inv. 44058 Permits	300-4703	\$	3,661.28		
	Inv. 44059 Policy Issues	300-4410	\$	322.80		

	Inv. 44062 Highway 36/Manning Reuse	300-4410	\$ 53.89	\$ 7,185.72
Xcel Energy	Inv. 829542728- Iron Enhanced Sand Filter pump operation	948-4500	\$ 26.24	\$ 26.24
Dave McCord	Inv. 4090 April 2023 Accounting Services	200-4330	\$ 380.00	\$ 380.00
GM Contracting Inc.	Applewood Reuse Project Pay Request #3	929-0010	\$ 50,308.65	\$ 50,308.65
Heritage Embroidery	Inv. 53488 BCWD CAC Apparel Order	910-0000	\$ 63.00	\$ 63.00
Karen Iverson	Inv. 1202 BCWD Spring Newsletter 2023	910-0000	\$ 600.00	\$ 600.00
Total Amount Disbursed				\$ 177,226.68

BROWN'S CREEK WATERSHED DISTRICT

6/14/2023

MONTHLY ITEMS DEPOSITED - Page 1 of 1

VENDOR	INVOICE/DESCRIPTION	ACCOUNT #	CK NO	DEPOSIT DATE	TOTAL
The Goodman Family	Permit Fee #17-04 The Lakes of Stillwater	300-4703	27143	5/19/2023	\$ 1,608.40
JAM Freedom LLC	Permit Fee #21-13 Marylane Gateway Addition	300-4703	5423	5/19/2023	\$ 2,535.00
CDS Properties, LLC	Permit Fee #23-10 Curio Dance Studio	300-4703	177	5/12/2023	\$ 4,250.00
Cates Fine Homes, LLC	Permit Fee #23-11 7273 Lone Oak Trail	300-4703	33295	5/18/2023	\$ 1,000.00
The Goodman Family	Permit Fee #23-13 The Lakes of Stillwater Phase I	300-4703	919941	5/24/2023	\$ 1,250.00
Sherco Construction, Inc	Permit Fee #23-09 Kirn Residence (8000 Neal Ave	300-4703	56659	5/31/2023	\$ 1,000.00
TOTAL AMOUNT DEPOSITED:					\$ 11,643.40

Brown's Creek Watershed District

Treasurer's Report

06-14-23

Checking balance (9903)	\$578,044.73
Money Market balance (6671) :	\$2,447.89
Permit balance (6614) :	\$400,853.88
Certificate of Deposit balance:	\$204,879.62
Total :	<u>\$1,186,226.12</u>
Accounts payable:	<u>\$177,226.68</u>
Unrecorded deposits:	<u>\$1,000.00</u>
Total balance :	<u>\$1,009,999.44</u>

I certify that the bank statements have been reviewed for consistency with the previously approved checks.

Gerald Johnson, BCWD Treasurer

Project Name | BCWD Permit 23-10 Curio Dance Studio

Date | 06/09/2023

To / Contact info | BCWD Board of Managers

Cc / Contact info | T.J. Rose Larson Engineering

Cc / Contact info | Karen Kill, Administrator / BCWD

From / Contact info | Camilla Correll, PE / EOR; John Sarafolean, EOR

Regarding | Permit Application No. 23-10 Engineer's Report

The following review of the above mentioned project located within the legal jurisdiction of the Brown's Creek Watershed District (BCWD) was conducted to determine compliance with the BCWD rules for purposes of the engineer's recommendation to the Board of Managers for its determination of the permit application.

Applicant: Patricia Schaber, CDS Properties LLC

Permit Submittal Date: 05/12/2023

Completeness Determination: 06/02/2023

Board Action Required By: 08/01/2023

Review based on BCWD Rules effective April 1, 2020

Recommendation: Approve with Conditions

GENERAL COMMENTS

Existing Conditions: The 1.3-acre project is located northeast of the intersection of Washington Avenue and Curve Crest Boulevard, immediately north of the Stillwater Veterinary Clinic. The existing project site consists of an open field of turf grass, prairie grass, and trees. Under existing conditions, portions of the site drainage are conveyed to the east, south, and west, all to existing stormwater conveyance systems that drain to the Washington Avenue/Trunk Highway 36 Pond, and ultimately to Long Lake.

The site is located within 2,000 feet of Long Lake, which is an impaired resource. The site is also located in a Drinking Water Supply Management Area that has been classified as having moderate vulnerability in the City of Stillwater's Wellhead Protection Plan. Because the site is not also within an Emergency Response Area, the state Construction Stormwater General Permit does not restrict the use of infiltration, and as explained in more detail below, the applicant does intend to meet BCWD stormwater-management requirements, in part, through an infiltration facility.

Proposed Conditions: The proposed project includes the construction of a dance studio, parking lot, and associated stormwater and utilities as illustrated in Figure 1. Stormwater facilities are proposed to capture stormwater from the site by storm catch basins and a swale along the south side of the property that drain to a constructed infiltration basin along the east side of the lot. The infiltration basin outlets by storm pipe into an existing manhole located at the northeast corner of the site and into the existing stormwater basin to the east. The project will disturb 1.3 acres and the total proposed impervious area will be 0.73 acres.

Recommendation: The BCWD engineer recommends that the Board approve the application with the conditions outlined in the report.

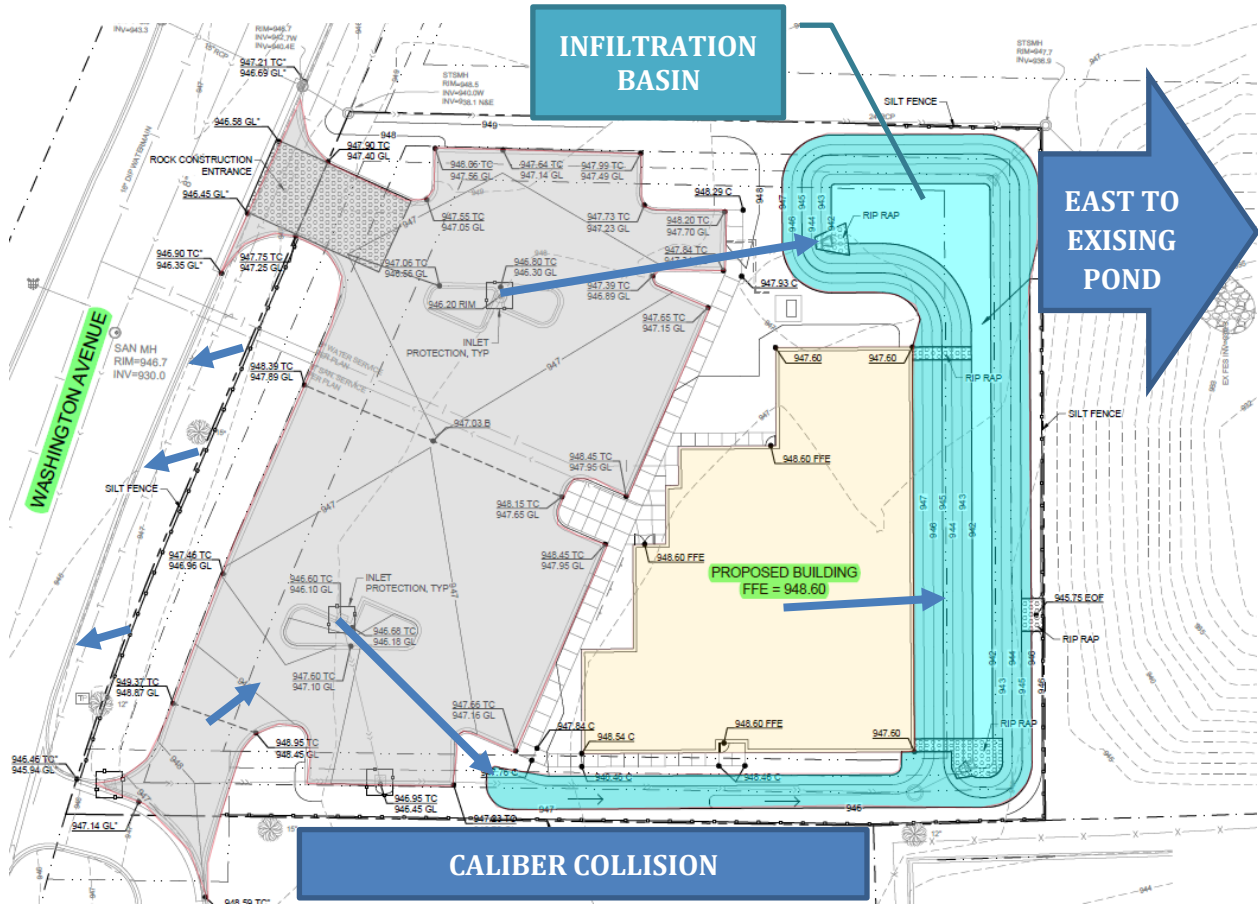


Figure 1: Site plan for Curio Dance Studio.

Rule 2.0—STORMWATER MANAGEMENT

Under 2.2(b) of the rule, the proposed project triggers the application of Rule 2.0 Stormwater Management because it creates more than 10,000 square feet of impervious area on the site. The site is located within the Diversion Structure Subwatershed, so the stormwater criteria in subsection 2.4.1(b) apply.

The stormwater management plan for the project includes:

- *Constructing an infiltration basin to treat runoff from the proposed project (Curio Dance Studio and a 51-stall parking lot).*
- *Catch basin manhole sumps (pretreatment devices in two storm structures collecting stormwater runoff from the parking lot prior to discharging into the infiltration basin).*

Drainage from the site's three discharge points will be altered in the following ways:

- *East Discharge – Approximately 0.74 acres of the site drains to an existing stormwater basin to the east. Under proposed conditions this area will drain to an infiltration basin, which has an outlet structure connecting it to the existing stormwater basin (located on the Lakeview Medical Center property). The infiltration basin has been sized to address impacts to downstream stormwater management facilities that are currently subject to flooding for the existing 100-year, 24-hour design event. As a result, the infiltration basin retains all runoff for the 2-, and 10-year, 24-hour events and has limited discharge for the 100-year, 24-hour event.*
- *South Discharge – Approximately 0.44 acres of the site drains to the south onto the Caliber Collision property. This runoff drains to a parking lot storm sewer that is piped to the Washington Avenue/Trunk Highway 36 Pond via the Curve Crest Boulevard storm sewer system. Under proposed conditions, this runoff will be collected via a vegetated swale and routed to the infiltration basin.*
- *West Discharge – Approximately 0.10 acres of the site drains to the Washington Avenue storm sewer system, thence to the Washington Avenue/Trunk Highway 36 Pond. Proposed conditions will divert 0.05 acres of this area to the east where it will be treated in the proposed infiltration basin.*

Rate Control

According to BCWD Rule 2.4.1(b)(i), an applicant must submit a stormwater-management plan providing no increase in the existing peak stormwater flow rates from the site for a 24-hour precipitation event with a return frequency of two, 10 or 100 years for all points where discharges leave the site.

Rule Requirement Met

The stormwater management plan developed for the site was evaluated using a HydroCAD model of existing and post-development site conditions. A comparison of the modeled peak flow rates is included in Table 1 thru 3.

Table 1 – Summary of Peak Discharge Rates to the East

<i>Event</i>	<i>Existing Runoff Rate (cfs)</i>	<i>Proposed Runoff Rate (cfs)</i>
2-year (2.80")	0.14	0.00
10-year (4.17")	0.63	0.00
100-year (7.23")	2.30	0.64

Table 2 – Summary of Peak Discharge Rates to the South

<i>Event</i>	<i>Existing Runoff Rate (cfs)</i>	<i>Proposed Runoff Rate (cfs)</i>
2-year (2.80")	0.08	0.00
10-year (4.17")	0.38	0.00
100-year (7.23")	1.37	0.00

Table 3 – Summary of Peak Discharge Rates to the West

<i>Event</i>	<i>Existing Runoff Rate (cfs)</i>	<i>Proposed Runoff Rate (cfs)</i>
2-year (2.80")	0.05	0.03
10-year (4.17")	0.18	0.09
100-year (7.23")	0.57	0.28

Volume Control

According to BCWD Rule 2.4.1(b)(ii), an applicant must submit a stormwater-management plan providing retention onsite of 1.1 inches of stormwater volume from the regulated impervious surface.

Rule Requirement Met

The applicant is proposing to utilize an infiltration basin along the east side of the property for volume control.

Soil borings in the location of the infiltration basin indicate that the soil is conducive to infiltration, with a design rate of 0.8 inches per hour, and that there is no sign of the groundwater table within 10 feet of the bottom of the basin. Due to the relatively shallow depth of the soil borings (10 feet) and the potential for shallow groundwater indicated by the Washington County Geologic Atlas, a groundwater mounding analysis was performed by EOR to ensure that the minimum distance from the seasonally high groundwater table or groundwater mound to the bottom of the infiltration basin is maintained. The results indicate that the top of the mound at 927.6 feet, or 14.3 ft below the bottom of the infiltration basin. This meets the requirement of 3 ft separation between the bottom of the basin and the water table.

A summary of the required stormwater volume shown in Table 4 demonstrates that the required retention volume is met. Due to sensitivity to flooding of downstream resources, further analysis for discharge volume at all discharge points from the site is discussed under Rule 7.3.5.

Table 4 - Discharge Volume

<i>Impervious Surface Area (acres)</i>	<i>Required Volume (acre-ft)</i>	<i>Provided Volume (acre-ft)</i>
0.73	0.067	0.26

Infiltration Pretreatment

According to BCWD Rule 2.5.2 surface flows to infiltration facilities must be pretreated for long-term removal of at least 50 percent of sediment loads.

Rule Requirement Met with Conditions

The project includes an infiltration basin to meet the stormwater requirements (rate, volume and water quality). Therefore, pretreatment is required for runoff directed to this facility.

All runoff being routed to the infiltration basin will first be directed to two 4' storm structure sumps. The permit applicant submitted results from the Sizing Hydrodynamic Separators and Manholes (SHSAM) model demonstrating compliance with Rule 2.5.2. The pretreatment requirement is met as demonstrated by the results in Table 5.

Table 5 - Infiltration Basin Pretreatment

<i>Practice</i>	<i>TSS Inflow Loading (lb/yr)</i>	<i>TSS Outflow Loading (lb/yr)</i>	<i>TSS Reduction (%)</i>
CB-1	862	268	69.0
CB-2	927	312	66.4

Lake/Wetland Bounce

According to BCWD Rule 2.4.1(b)(iii), an applicant must submit a stormwater-management plan providing no increase in the bounce in water level or duration of inundation for a 24-hour precipitation event with a return frequency of two, 10 or 100 years in the subwatershed in which the site is located, for any downstream lake or wetland beyond the limit specified in Appendix 2.1.

Rule Not Applicable to Permit.

Rule 2.0 Conditions:

- 2-1. The submitted civil plan set is unsigned and therefore not for construction. Provide BCWD with the final Civil Plan Set prior to start of construction. (BCWD 2.7.9)
- 2-2. Submit stormwater facility maintenance declaration in a form acceptable to the District for review and approval prior to recordation, and proof of recordation with Washington County. A template is available under the permit section of the District's website. (BCWD Rule 2.6).
- 2-3. Provide documentation as to the status of a National Pollutant Discharge Elimination System stormwater permit for the project from the Minnesota pollution Control Agency and provide the Storm Water Pollution Prevention Plan (SWPPP) as it becomes available (BCWD Rule 2.7.15).

Rule 3.0—EROSION CONTROL

According to BCWD Rule 3.2, all persons undertaking any grading, filling, or other land-altering activities which involve movement of more than fifty (50) cubic yards of earth or removal of vegetative cover on five thousand (5,000) square feet or more of land must submit an erosion control plan to the District and secure a permit from the District approving the erosion control plan. The proposed project triggers the application of Rule 3.0 Erosion Control because there will be both movement of more than 50 cubic yards of earth and removal of vegetative cover on 5,000 square feet of land.

Rule Requirements Met with Conditions

The erosion and sediment control plan includes:

- *Rock construction entrance*
- *Storm sewer inlet protection*
- *Temporary sedimentation basin*
- *Silt fence perimeter control*
- *Redundant silt fence perimeter control*
- *Rip rap at outlet structures*

To meet the criteria of BCWD Rule 3.2, the erosion and sediment control plan must include:

- a) Provide the Landscaping Plan for the project and include specifications for topsoil, identify seed mix or sod for areas outside of the infiltration basin.*
- b) Add the construction limits to the plan set.*
- c) Add redundant silt fence along the east side of the site. The disturbed area is within 50 feet of a surface water.*
- d) Change the rock construction entrance rock size to 1.5" to 3", as recommended in the Minnesota Stormwater Manual.*
- e) Add a note to the plan concerning construction of the infiltration basin stating, "excavation must extend to SP soils identified in geotechnical report."*

The following conditions must be addressed in the erosion and sediment control plan to comply with the District's requirements:

Rule 3.0 Conditions:

- 3-1. Address erosion control comments a through e above in a revised plan set (BCWD 3.2.2).
- 3-2. Provide the contact information for the erosion and sediment control responsible party during construction once a contractor is selected. Provide the District with contact information for the Erosion Control Supervisor and the construction schedule when available (BCWD 3.3.2).

Rule 4.0—LAKE, STREAM, AND WETLAND BUFFER REQUIREMENTS

According to BCWD Rule 4.2.1, Rule 4.0 applies to land that is (a) adjacent to Brown's Creek; a tributary of Brown's Creek designated as a public water pursuant to Minnesota Statutes section 103G.005, subdivision 15; a lake, as defined in these rules; a wetland one acre or larger; or a groundwater-dependent natural resource; and (b) that has been either (i) subdivided or (ii) subject

to a new primary use for which a necessary rezoning, conditional use permit, special-use permit or variance has been approved on or after April 9, 2007, (for wetlands and groundwater-dependent natural resources other than public waters) or January 1, 2000 (for other waters).

- Rule Not Applicable to Permit. *There are no lakes, streams or wetlands within the applicable buffer width of the site.*

Rule 5.0—SHORELINE AND STREAMBANK ALTERATIONS

According to BCWD Rule 5.2, no person may disturb the natural shoreline or streambank partially or wholly below the ordinary high water mark of a waterbody, without first securing a permit from the District.

- Rule Not Applicable to Permit. *There are no proposed shoreline or streambank alterations.*

Rule 6.0—WATERCOURSE AND BASIN CROSSINGS

According to Rule 6.2, no person may use the beds of any waterbody within the District for the placement of roads, highways and utilities without first securing a permit from the District.

- Rule Not Applicable to Permit. *There are no proposed watercourse or basin crossings.*

Rule 7.0—FLOODPLAIN AND DRAINAGE ALTERATIONS

According to Rule 7.2, no person may alter or fill land below the 100-year flood elevation of any waterbody, wetland, or stormwater management basin, or place fill in a landlocked basin, without first obtaining a permit from the District. No person may alter stormwater flows at a property boundary by changing land contours, diverting or obstructing surface or channel flow, or creating a basin outlet, without first obtaining a permit from the District.

- Rule Requirements Met

Because the BCWD Stormwater Management Rule is triggered, the applicant must show compliance with subsection 7.3.2, which requires all new and reconstructed buildings to be constructed such that the lowest floor is at least two feet above the 100-year high water elevation or one foot above the emergency overflow (EOF) of a constructed basin.

The 100-year high water elevations, EOFs, and lowest adjacent building elevations were evaluated and meet the District’s low floor requirement as demonstrated in Table 6.

Table 6 - Freeboard Requirement Summary

<i>Stormwater Facility</i>	<i>EOF</i>	<i>100-Year HWL</i>	<i>Allowable Basement Floor</i>	<i>Lowest Proposed Basement Floor</i>
Infiltration Basin	945.75	945.36	946.75	948.60

Under BCWD Rule 7.3.5, the District will issue a permit to alter surface flows under paragraph 7.2 only on a finding that the alteration will not have an unreasonable impact on an upstream or downstream landowner and will not adversely affect flood risk, basin or channel stability, groundwater hydrology, stream baseflow, water quality or aquatic or riparian habitat.

Flow from the site is currently divided to the east, south, and west. The proposed development will direct 96 percent of the drainage area to an infiltration basin that overflows to the east to an existing stormwater pond system (2 ponds) adjacent to the Lakeview Medical Center. Therefore, the flow of stormwater is altered at the property boundary.

The ponds adjacent to the medical center were designed and constructed when the 100-year event design standard was 5.9 inches of rainfall instead of 7.2 inches per the current standard (NOAA Atlas 14). The updated 7.2 inch 100-year event has been run using the BCWD H&H model, and the resulting high water level of both ponds is 943.5 feet. The pond water level at this elevation will result in overflow into Curve Crest Boulevard, and water up to the curb line of the medical center entrance road. All flow from these ponds, the Curve Crest Boulevard storm sewer, and street overland flow, is conveyed to the Washington Avenue Pond, aka Herberger's Pond, located at the intersection of Washington Avenue and Trunk Highway 36 frontage road, an area identified as having high risk of flooding for the 100-year event. Therefore, the areas downstream of the project are sensitive to additional discharge volume that will increase the risk of flooding. The applicant's design maintains the existing discharge volume up to the 100-year event for all discharge points from the site, thereby not adversely affecting flood risk or basin stability to upstream or downstream landowners (see Table 7 thru 9). Due to the sensitivity to flood elevations downstream, the BCWD engineer reviewed the impact of additional volume to the downstream pond system should the infiltration basin be full prior to a 100-year rainfall, such as can occur with back-to-back rainfall events. The result will raise the water level less than 0.1 feet on the downstream ponds, which will still contain water below the medical center driveway curb line and therefore not prevent ingress or egress of the medical facility.

Table 7 – Summary of Discharge Volume to the East

Event	Existing Volume (Cubic Feet)	Proposed Volume (Cubic Feet)
2-year (2.80")	512	0
10-year (4.17")	1,856	0
100-year (7.23")	6,598	6,333

Table 8 – Summary of Discharge Volume to the South

Event	Existing Volume (Cubic Feet)	Proposed Volume (Cubic Feet)
2-year (2.80")	305	0
10-year (4.17")	1,107	0
100-year (7.23")	3,936	0

Table 9 – Summary of Discharge Volume to the West

Event	Existing Volume (Cubic Feet)	Proposed Volume (Cubic Feet)
2-year (2.80")	111	91
10-year (4.17")	311	207
100-year (7.23")	989	560

Rule 8.0—FEES

Fees for this project as outlined below:

1. Stormwater management fee	\$3,000
2. Erosion control fee for grading	\$1,250
3. Shoreline and streambank alterations fee	\$NA
4. Stream and lake crossings fee	\$NA
5. Floodplain and drainage alterations fee	\$NA
▪ TOTAL FEES	\$4,250

Rule 9.0—FINANCIAL ASSURANCES

Financial assurances for this project are as outlined below:

1. Grading or Alteration (1.30 acres disturbed x \$2,000/acre)	\$2,600
2. Stormwater Management Facilities (125% of facility cost)	\$126,370
▪ TOTAL FINANCIAL ASSURANCES (\$5,000 Minimum Performance Financial Assurance)	\$128,970

Rule 10.0—VARIANCES

According to BCWD Rule 10.0, the Board of Managers may hear requests for variances from the literal provisions of these Rules in instances where their strict enforcement would cause undue hardship because of the circumstances unique to the property under consideration. The Board of Managers may grant variances where it is demonstrated that such action will be keeping with the spirit and intent of these rules. Variance approval may be conditioned on an applicant's preventing or mitigating adverse impacts from the activity.

Rule Not Applicable to Permit. *There are no requested variances.*

RECOMMENDED CONDITIONS OF THE PERMIT:

The following is a summary of the remaining tasks necessary to bring the project into compliance with the BCWD Rules in all respects other than where variances are requested as discussed above:

1. Demonstrate that the plan has received preliminary plat approval (BCWD Rule 1.3a).
2. Address all stormwater management requirements (Conditions 2-1 to 2-3).
3. Address all erosion control requirements (Conditions 3-1 to 3-2).
4. Replenish the Permit fee deposit to \$4,250 (BCWD Rule 8.0). If the permit fee deposit is not replenished within 60 days of receiving notice that such deposit is due, the permit application or permit will be deemed abandoned and all prior approvals will be revoked and collection proceedings will begin on unpaid balances.
5. Provide the required financial assurances (BCWD Rule 9.0):
 - a. Total grading or alteration assurance 1.3 acres (\$2,600).
 - b. Stormwater management facilities assurance (\$126,370).

STIPULATIONS OF APPROVAL:

1. Note that the permit, if issued, will require that the applicant notify the District in writing at least three business days prior to commencing land disturbance. (BCWD Rule 3.3.1)
2. To ensure that construction is carried out according to the approved plan, provide verification that construction standards have been met for all infiltration basins and the conveyance swale. This includes but is not limited to confirmation that infiltration basin sub-cut reaches soil material reflected in the geotechnical report and that the vegetation establishment procedures have been followed per the landscaping/restoration plan. This can be achieved by scheduling a BCWD inspection during the excavation of the basins, independent geotechnical engineer observation and note of confirmation, or clear photographic evidence by the onsite engineer along with collected survey elevations of the basins.
3. Provide the District with As-built record drawings showing that the completed grading and stormwater facilities conform to the grading plan.

Resolution 23-02
Brown's Creek Watershed District
Board of Managers

Revising permit fees

Manager _____ offered the following resolution and moved its adoption, seconded by Manager _____:

Whereas Brown's Creek Watershed District has duly adopted rules and permitting requirements pursuant to Minnesota Statutes sections 103D.335 and 103D.341;

Whereas BCWD incurs substantial costs to administer its permitting program, including costs of services by consultants, analysis of proposed activities, inspection of permitted projects and compliance assurance;

Whereas under Minnesota Statutes section 103D.345, subdivision 2, BCWD may apply a permit fee to cover the actual costs of its permitting program, except that public entities may not be charged a permit fee;

Whereas BCWD Rule 8.0 establishes policies and a framework for permit fees;

Whereas the Brown's Creek Watershed District Board of Managers reviews and revises BCWD's permit-fee schedule from time to time to ensure continued compliance with applicable state law and BCWD's policies, and to ensure that BCWD's permit-fee structure operates in harmony with BCWD's regulatory program to contribute to the achieving BCWD's overarching goals and purposes;

Whereas at its on May 12, 2003, the Board of Managers adopted Resolution 03-03 establishing a policy regarding permit fees, stating that:

- Permit-processing costs should be borne by those obtaining permits rather than the taxpayers of the watershed at large;
- A permit fee schedule should be adopted and publicized to ensure consistency and clarity in permit processing for the benefit of those subject to BCWD permit requirements; and
- Permit fees should be set and revised periodically to reflect the actual cost to process a permit application, monitor permit compliance and take any action within its authority to address non-compliance, without being excessive;

Whereas at its December 10, 2007, regular meeting the board adopted Resolution 07-11, establishing that:

- fee deposits would be held in escrow and applied to reimburse BCWD for permit inspection-related costs incurred;

- when a permit application is approved, the deposit must be replenished to the deposit amount by the applicant before the permit will be issued;
- the unused portion of a deposit balance will be returned to the permittee when BCWD determines that authorized work has been completed in compliance with BCWD rules and the applicable permit;

Whereas at its January 14, 2008, regular meeting the board adopted Resolution 08-01, establishing that:

- when a permit application is conditionally approved, the deposit must be replenished to the deposit amount within 60 days of receiving notice that such deposit is due, or the permit application or permit shall be deemed abandoned and all prior approvals shall be revoked and collection proceedings shall begin on unpaid balances;
- all permit applicants, permittees, or parties found to be in violation of District Rules to pay invoices of actual permit fees due within 30 days, and that failure to pay said fees within 35 days shall result in the charging of interest at the rate of 0.5% per month plus administrative costs;

Whereas the BCWD Board of Managers affirms its prior policies and resolutions, and finds that it wishes to incentivize compliance with BCWD's rules and permitting requirements by applicants for single-lot single-family residential projects (i.e., not subdivisions), who often have less experience and professional expertise at their disposal, by simplifying and streamlining applicable permit-fee requirements, including establishing a set fee amount rather than the established deposit-and-charge system; and

Whereas the BCWD Board of Managers finds further that BCWD incurs substantially greater costs when project proponents and properties owners fail to obtain a required BCWD permit prior to commencing regulated work, compared to projects permitted in advance.

Now, therefore, be it resolved that the Brown's Creek Watershed District Board of Managers adopts the attached revised permit-fee schedule, effective immediately;

Be it further resolved that the board of managers directs the administrator to provide written notice of the amended schedule policies in all relevant BCWD application and guidance materials.

The question was on the adoption of the resolution and there were _____ yeas and _____ nays as follows:

	Yea	Nay	Absent
Eckles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LeRoux	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wirth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the chair declared the resolution adopted, June 14, 2023.

* * * * *

I, Charles LeRoux, secretary of the Brown's Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the BCWD and find the same to be a true and correct transcript thereof.

In testimony whereof, I have hereunto set my hand this ____ day of _____, 2023.

Charles LeRoux, Secretary

**Brown's Creek Watershed District Rules
Permit Fee Schedule**

<u>Permit Type</u>	<u>Permit Fee Deposit</u>
Rule 2.0 Stormwater Management	
Rule 2.2a - land development/subdivision	
4 or fewer lots	\$2,000
More than 4 lots	\$2,000 + \$100/additional lot
Rule 2.2b-f - all other stormwater-rule applications	\$3,000
Rule 3.0 Erosion Control	
Activities/grading less than 1 acre	\$1,000
1.0 - 4.99 acres	\$1,250
5.0 - 19.9 acres	\$1,500
20 or more acres	\$2,000
Rule 5.0 Shoreland & Streambank Alterations	\$1,500
Rule 6.0 Watercourse & Basin Crossings	\$1,500
Rule 7.0 Floodplain and Drainage Alterations	\$500
Single-lot single-family residential flat fee	\$1,000
<u>All</u> after-the-fact applications	<i>2x amounts listed</i>

Except for single-lot single family residential projects, the applicable rule-specific amount is required for each rule triggered by a specific application. E.g., the applicable deposit for a project triggering rules 5.0 and 7.0 is \$2,000 (\$1,500 for Rule 5.0 and \$500 for Rule 7.0). When an application is approved, the permit-fee deposit must be replenished to the deposit amount by the applicant before the permit will be issued to cover actual costs incurred to monitor compliance and address non-compliance with the BCWD Rules. Except for single-lot single family residential projects, costs incurred by BCWD greater than the permit-fee deposit balance will be billed to the applicant. Except for single-lot single family residential projects, any unused portion of the deposit balance will be returned to the applicant when BCWD determines that the authorized work has been completed in compliance with applicable rules and the permit.

Memorandum

Memorandum

To: Karen Kill, Director of Brown's Creek Watershed District

From: Reabar Abdullah, Assistant City Engineer

City of Stillwater, MN

Date: June 7, 2023

Re: 62nd Street Trail

Background

The properties along the south side of Long Lake Drive in Stillwater were built in 2004 with a low floor opening of 907.27. The high water elevation at the pond south of the properties was designed to be at 905.5. When 62nd Street trail was built, the over flow was at 906.04. This raised the high water elevation in the pond to 907.27, which does not line up with the current regulations of the BCWD and the City of Stillwater to have 2-feet freeboard separation between the low opening of properties and the 100-year high-water elevation. EOR ran a few scenarios of lowering the trail. The table below shows the result and the effect on the separation.

Trail Elevation Scenario	100-Year HWL	Freeboard (LFE 907.27)
Existing @ 906.04	907.27	0
Lower 903.90	905.70	1.57
Lower 903.75	905.47	1.80
Lower 903.50	905.27	2.00

The Project

The City of Stillwater discussed the best scenario with BCWD and EOR and decided to lower the trail to 903.50 in order to provide the 2-foot freeboard for the properties along the pond. The estimated cost of lowering the trail by two feet is \$19,970.

The City would like to ask the BCWD for a contribution of 50% of the total cost toward the project. The City will be responsible for the other half. The City of Stillwater will enter in an agreement with BCWD to implement the project.

Attachment

- 62nd Street trail plan set
- Engineers estimate of quantities.

CITY OF STILLWATER, MINNESOTA

2023 62nd STREET POND PROJECT PROJECT # 2023-MISC

SHEET # INDEX DESCRIPTION

1	TITLE SHEET
2	SITE DEMOLITION PLAN
3	GRADING AND DRAINAGE PLAN

THIS PLAN SET CONTAINS 3 SHEETS

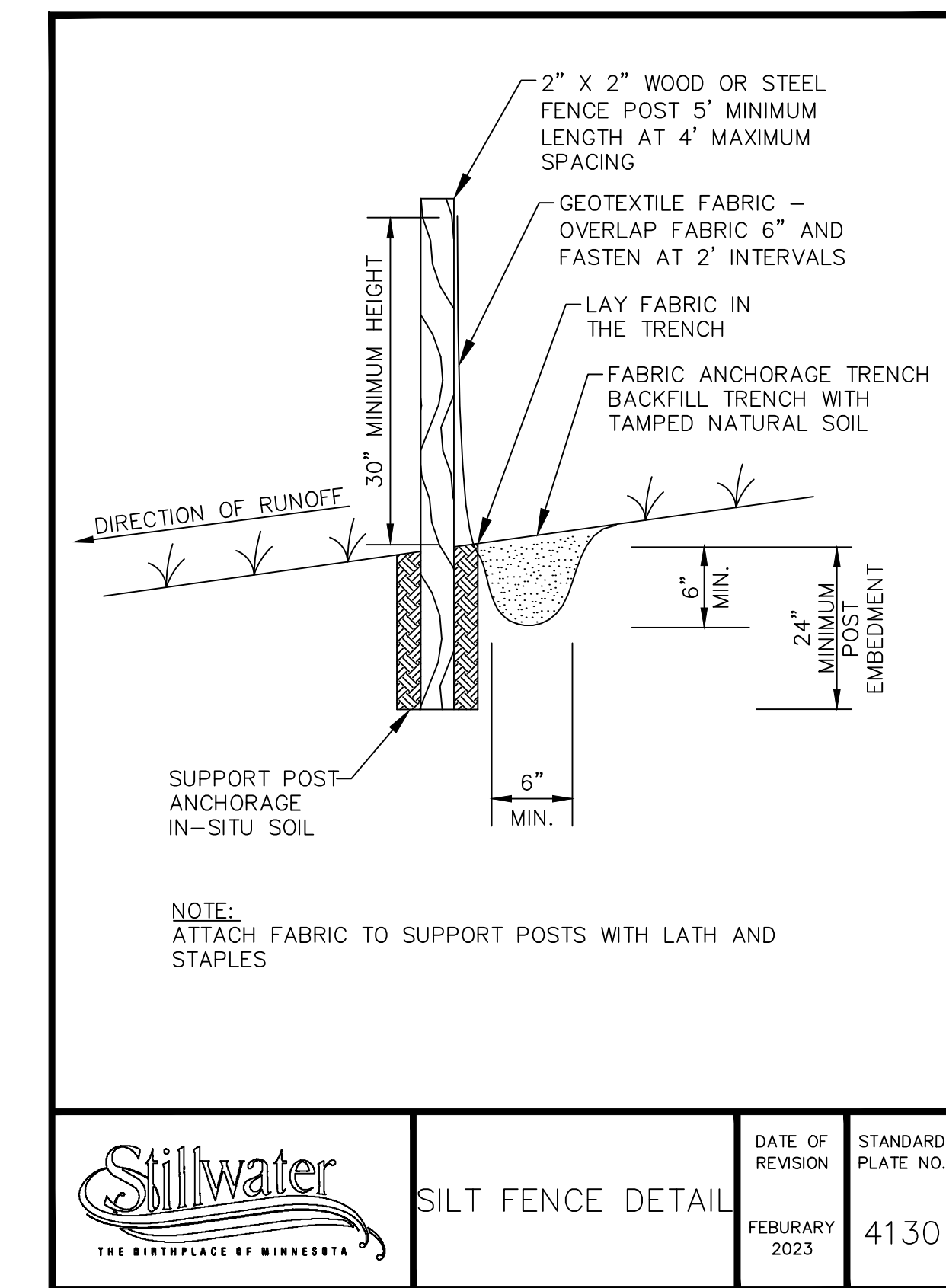
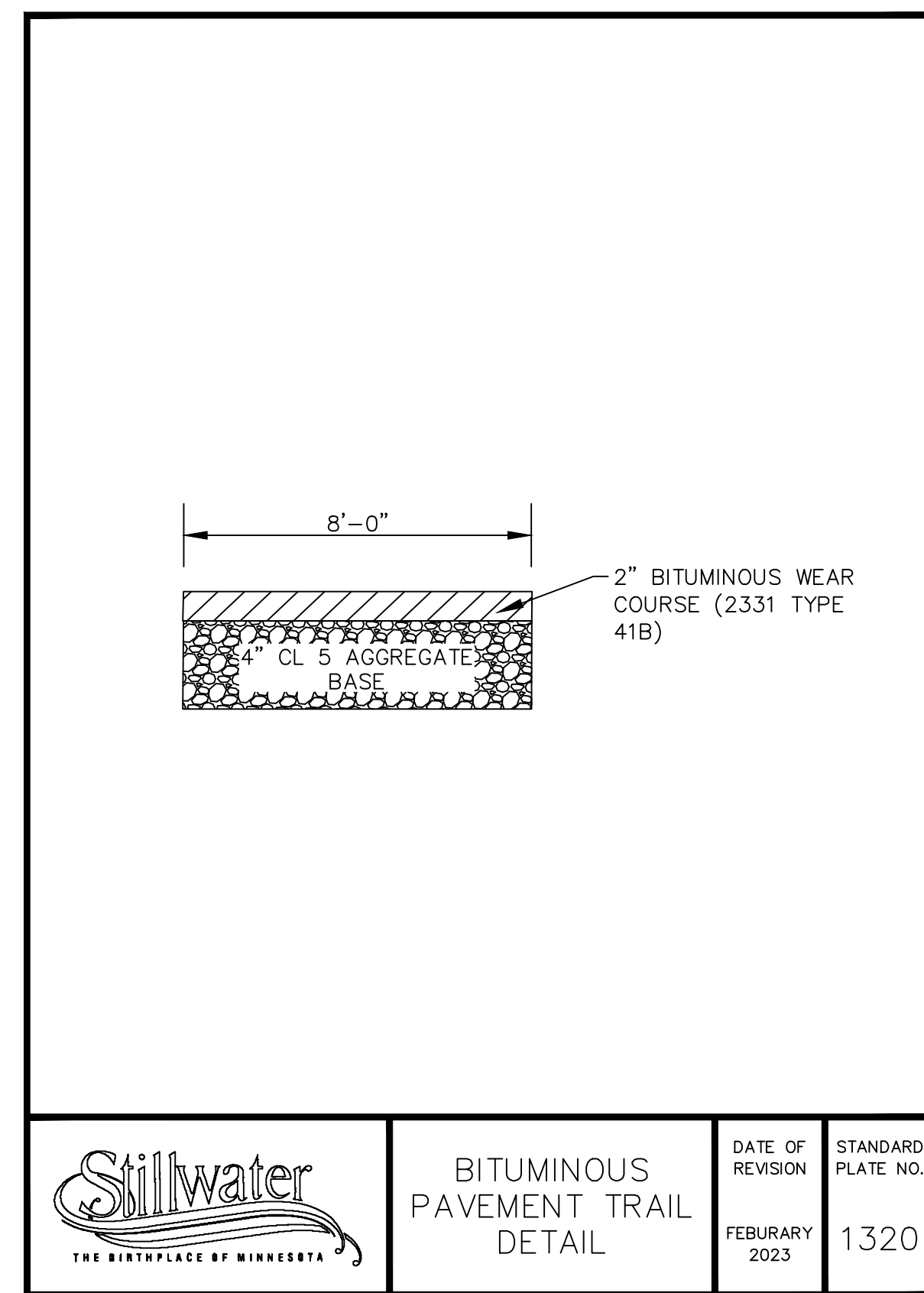
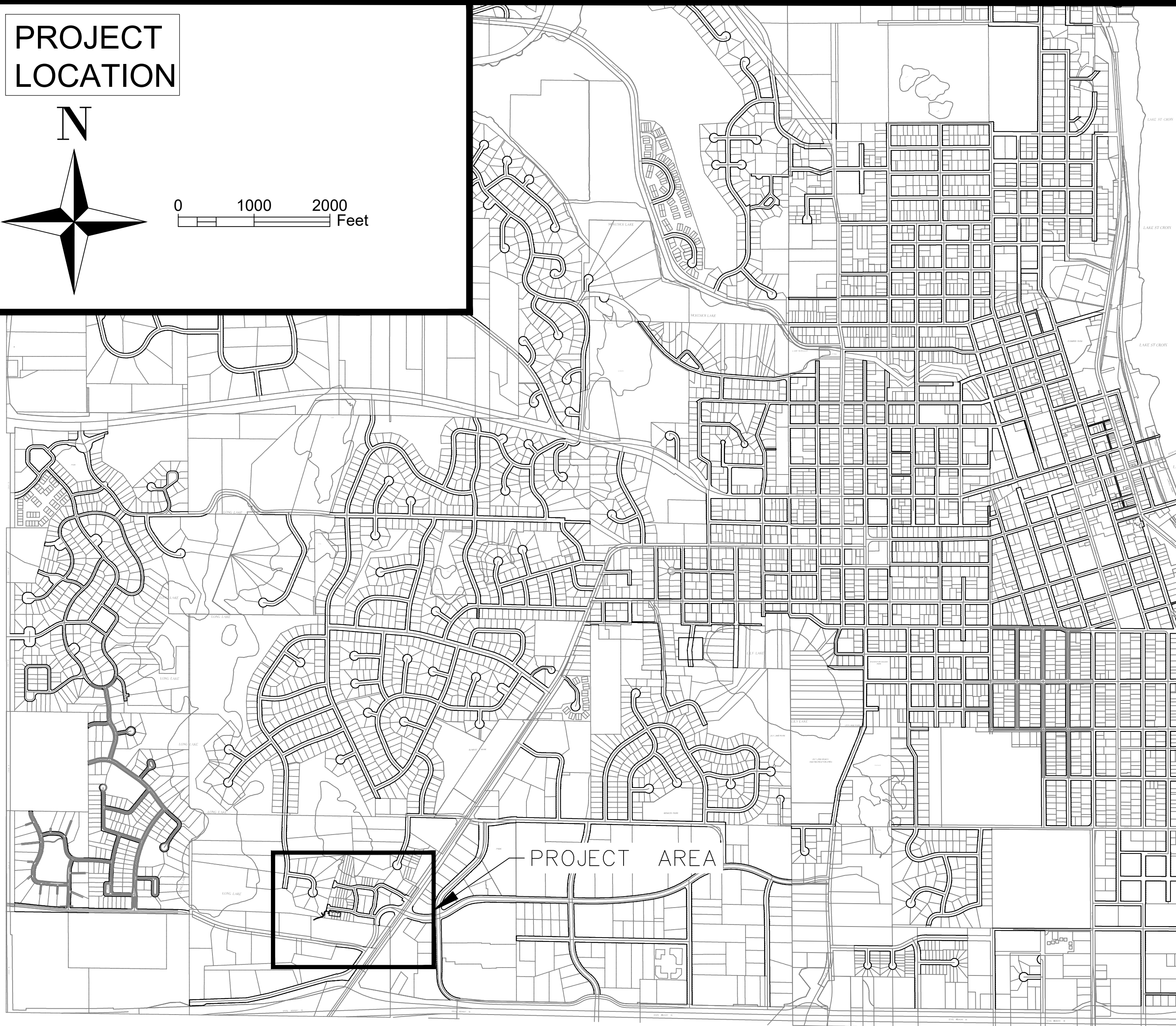
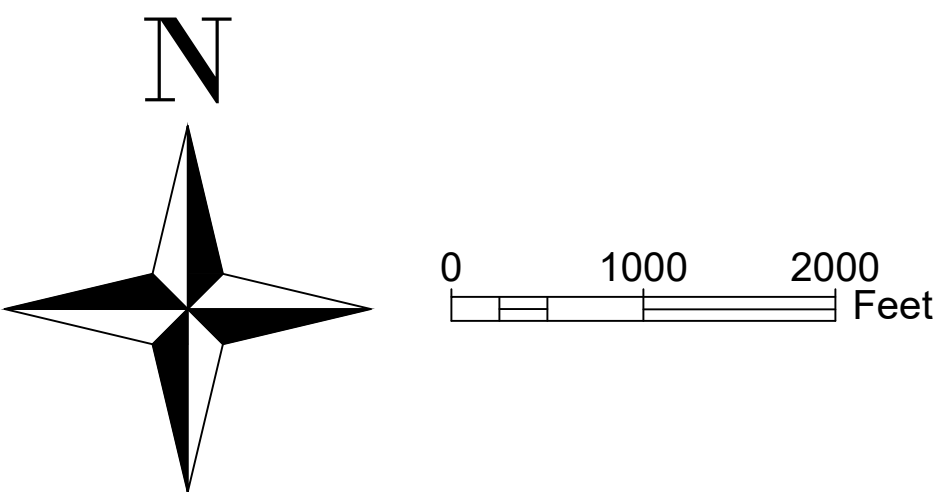
GENERAL NOTES:

1. THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL "D". THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."
2. THE EXACT LOCATION OF UNDERGROUND GAS, TELEPHONE, FIBEROPTIC, ELECTRIC, CABLE TV AND PIPELINES ARE UNKNOWN. THE CONTRACTORS SHALL CONTACT GOPHER STATE ONE PRIOR TO COMMENCING EXCAVATION.
3. ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE MOST RECENT EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING "FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS"

GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND THE 2020 EDITION OF THE "MATERIALS LAB SUPPLEMENTAL SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

PROJECT LOCATION



	BITUMINOUS PAVEMENT TRAIL DETAIL	DATE OF REVISION FEBRUARY 2023	STANDARD PLATE NO. 1320

	SILT FENCE DETAIL	DATE OF REVISION FEBRUARY 2023	STANDARD PLATE NO. 4130

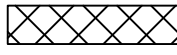


NO.	DRAWN	CHECKED	DATE	REVISIONS

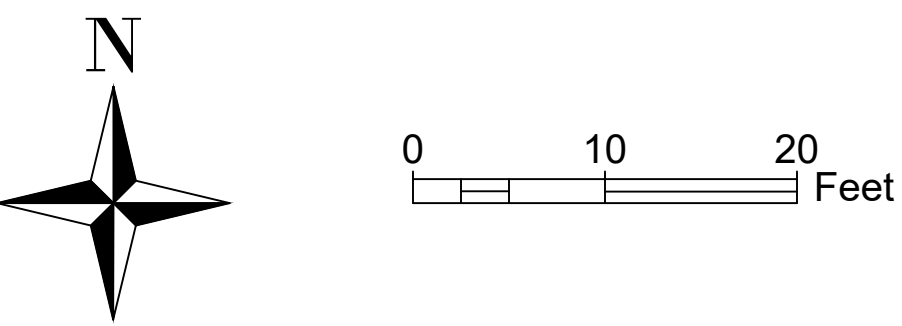
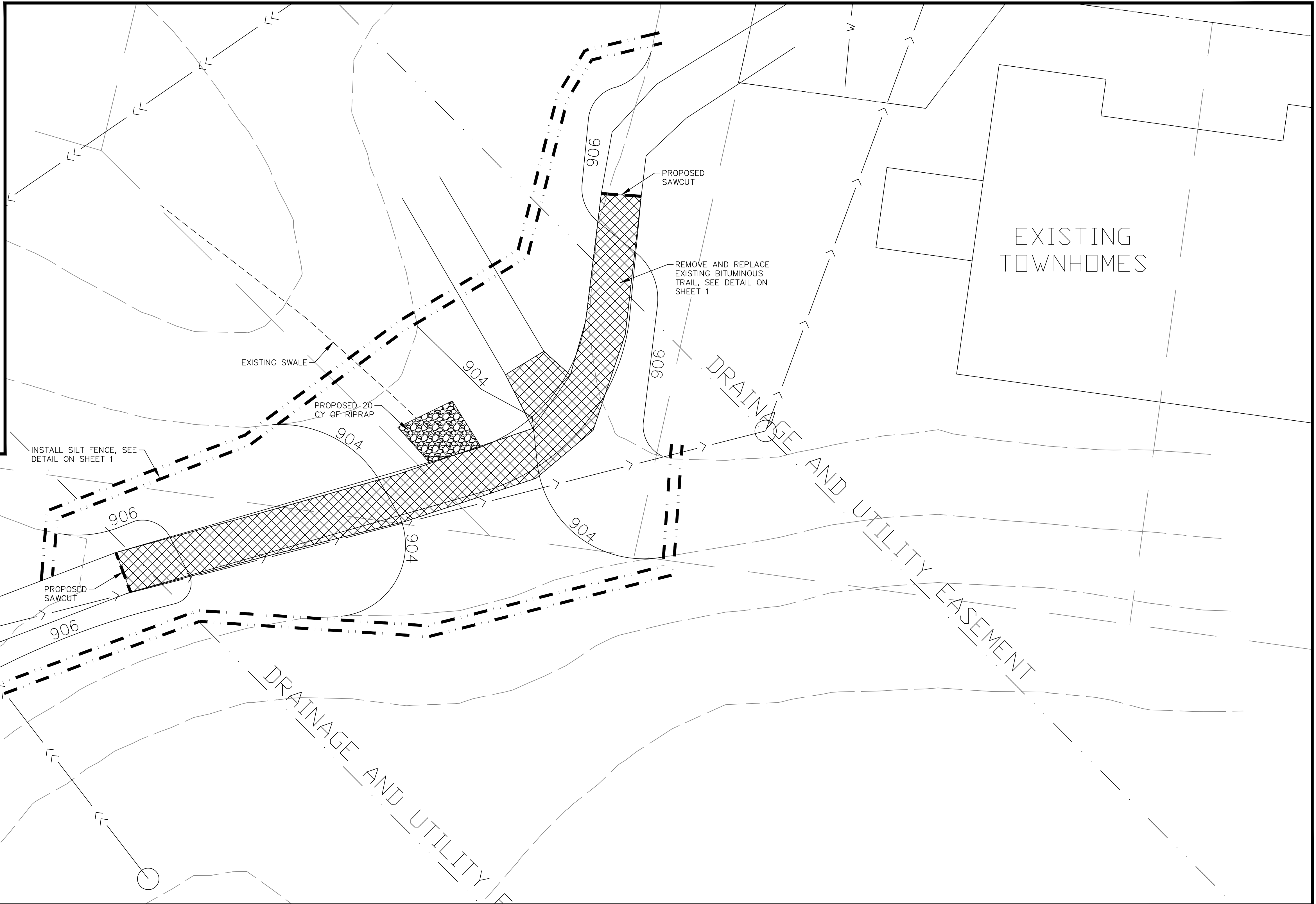
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

Date: _____ Reg. No. _____

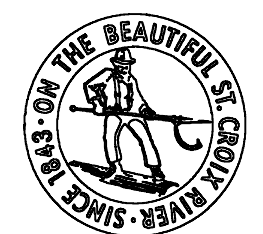
TITLE SHEET AND DETAILS	62ND STREET N POND	FILE NO. 2023 MISC	1 3
	62ND STREET NORTH		

LEGEND

-  REMOVE AND REPLACE BITUMINOUS TRAIL
-  SILT FENCE EROSION CONTROL
-  PROPOSED SAWCUT



NO.	DRAWN	CHECKED	DATE	REVISIONS



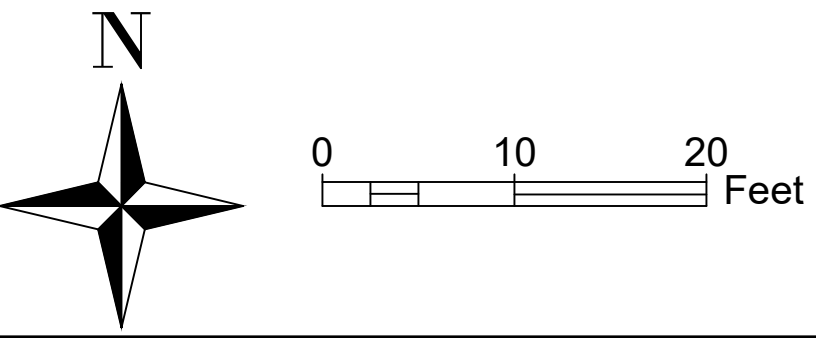
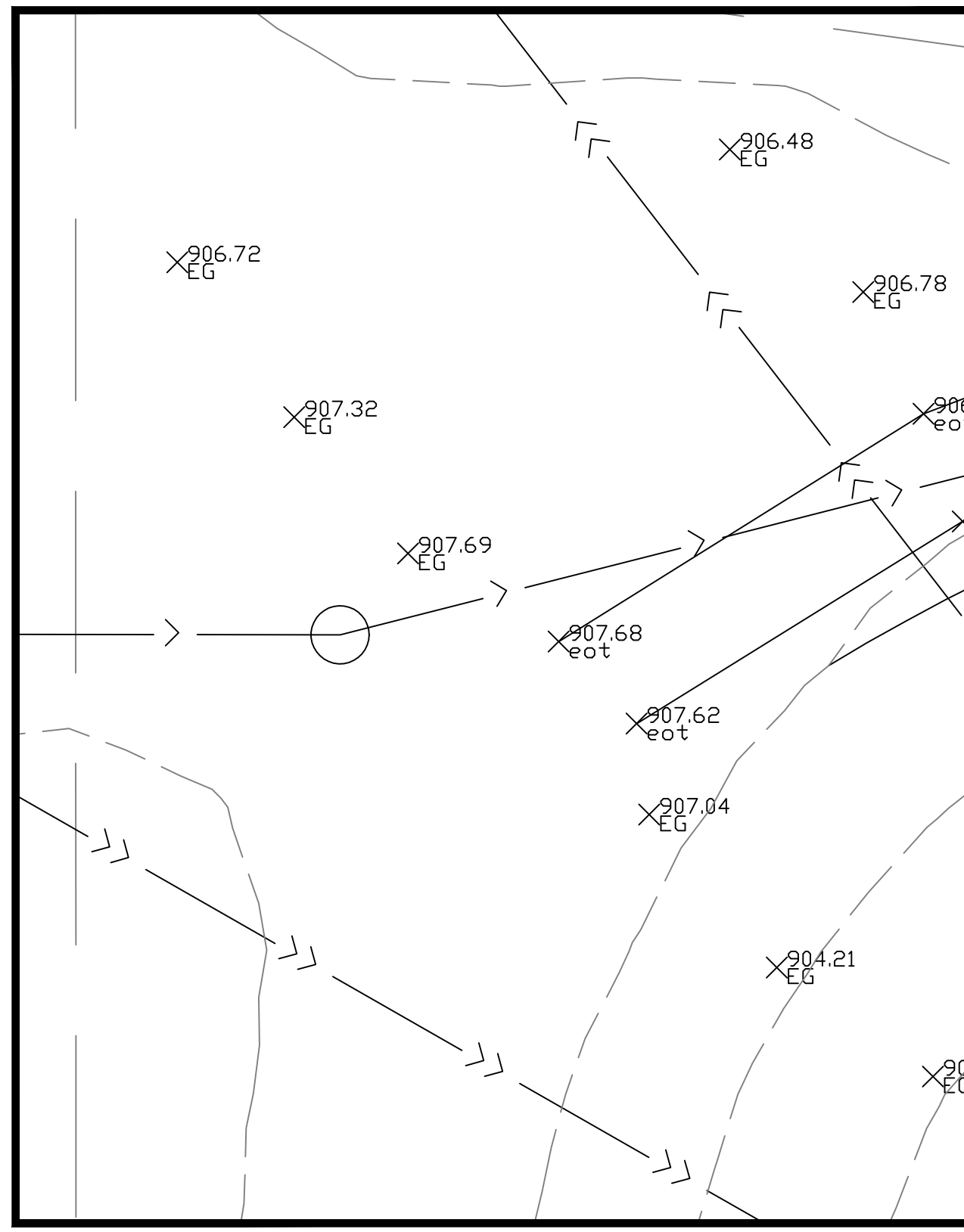
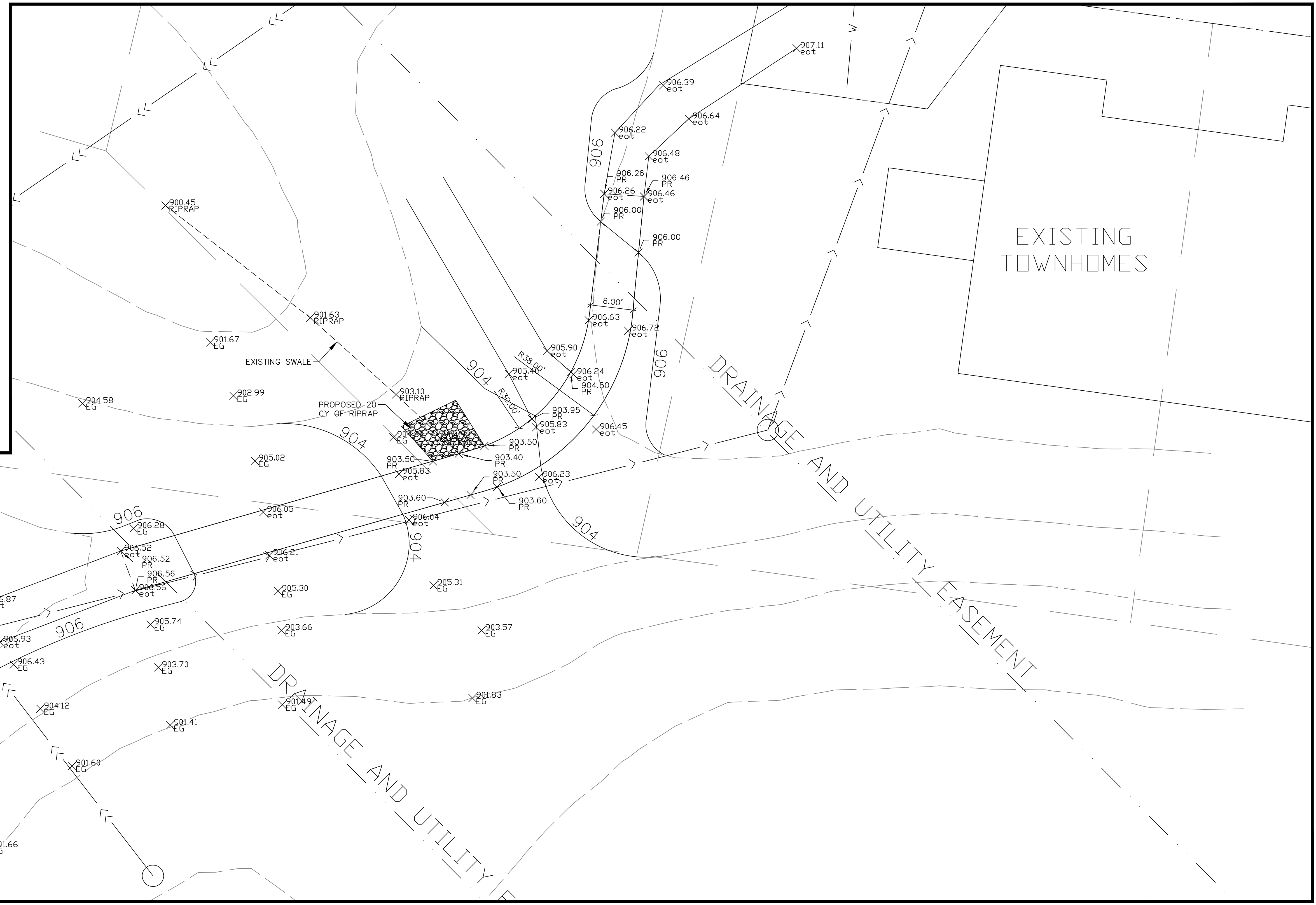
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

Date: _____ Reg. No. _____

SITE DEMO AND EROSION PLAN	62ND STREET N POND	FILE NO. 2023 MISC	2 3
	62ND STREET NORTH		

LEGEND

- EXISTING CONTOURS
- X_{EG} 906.00 EXISTING SPOT ELEVATIONS
- 906 PROPOSED CONTOURS
- X_{PR} 906.00 PROPOSED SPOT ELEVATIONS



NO.	DRAWN	CHECKED	DATE	REVISIONS



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

Date: _____ Reg. No. _____

GRADING AND DRAINAGE PLAN - ALT	62ND STREET N POND	FILE NO. 2023 MISC	3
	62ND STREET NORTH		

**City Of Stillwater
62nd Street Trail project**

Item #	Item	Units	Quantity	Unit Price	Amount
1	Mobilization	LUMP	1	\$ 2,500.00	\$ 2,500.00
2	Remove Bituminous Pavement	SY	128	\$ 10.00	\$ 1,280.00
3	Subgrade Excavation	CY	43	\$ 45.00	\$ 1,935.00
4	Common Excavation	CY	75	\$ 40.00	\$ 3,000.00
5	Class 5 Aggregate Base	TON	26	\$ 30.00	\$ 780.00
6	Wear Course Mixture (2331 Type 41B)	TON	15	\$ 150.00	\$ 2,250.00
7	Silt Fence	LF	645	\$ 5.00	\$ 3,225.00
8	Seed Mixture 34-171	SY	450	\$ 5.00	\$ 2,250.00
9	Errosion control blanket	SY	175	\$ 10.00	\$ 1,750.00
10	RipRap Class III with fabric	CY	20	\$ 50.00	\$ 1,000.00

TOTAL **\$ 19,970.00**



Minnesota Watersheds

2023 Legislative Session
End of Session Legislative Update

May 24, 2023

By Ray Bohn

The 2023 Legislative Session ended on Monday, May 22 with some goodwill after the majority and minority parties finally came together on bonding and cash capital investment bills for the 2023 session. There had not been a bonding bill passed by the legislature in the past three sessions, so there was much pent up demand and consternation regarding infrastructure issues. Eventually, both parties agreed on a bonding bill ([HF669](#)) and infrastructure bill ([HF670](#)) package totaling \$2.6 billion. In addition, the parties agreed to spend an additional \$300 million to aid nursing homes which are struggling to stay in existence throughout Minnesota. All three bills dealing with these topics were passed on Monday evening and will be signed by the governor.

Outlined in this update are the results of Minnesota Watershed's legislative initiatives for the session.

Priority A: Top Priorities for 2023 Legislative Action

Increase or remove the \$250,000 general fund tax levy limit. One of the more prominent watershed initiatives passed was increasing watershed district's general levy authority ([Laws 2023, Chapter 64, Article 3, Sec. 1](#)) from \$250,000 to \$500,000 or from 0.048 to 0.096, whichever is lower. While this looks like a significant increase, this levy has not been increased since 2001. The present value of the \$250,000 levy dollar limit is approximately \$418,000 in today's money. Plus, this language gives watershed districts the authority to raise general fund levy taxes up to this amount, and of course very few will probably do that immediately. This provision is effective beginning with the 2024 assessment year.

Seek capacity funding for the \$250,000 capped rural WDs and SWCDs from state and county general funds and Use Clean Water Funds (CWFs) for implementation, not capacity. Another tax provision ([Laws 2023, Chapter 64, Article 4, Sec. 1](#)) passed was state aid for the Soil and Water Conservation Districts (SWCDs). This provision will eliminate the need for SWCD's to receive capacity funds from the Clean Water Fund (CWF). They were given \$15 million in FY23 and \$15 million in FY24 to be distributed statewide with a formula and other provisions dealing with the distribution of the aid. For aids payable in FY25 and thereafter, they were given \$12 million each year. This provision frees up CWFs for implementation, which is needed by all local units of government.

Clarification of watershed district project establishment. Another provision (103D605, Subd. 5), was clarified in the final environment bill ([Laws 2023, Chapter 60, Article 5, Sec. 14](#)) that under watershed district's establishment of projects, it is the board of managers that orders the project, not the Board of Water and Soil Resources (BWSR). While board of managers orders have been the traditional process, because of the ambiguity of the statute, it was believed there was a need to clarify the provision. This provision was initially part of the BWSR housekeeping bill.

Obtain stable funding for Flood Damage Reduction and Natural Resources Enhancement Projects. The two capital investment bills provided much needed funding for the Flood Hazard Mitigation program. The statewide total is \$40.3 million. Of that, the Red River Watershed Management Board (RRWMB) received \$5 million for its flood projects. There was also an \$11 million grant to the City of Moorhead for their flood mitigation needs. The remaining \$15 million undesignated funds for the program will be allocated by Department of Natural Resources for statewide allocation. We anticipate that because the

RRWMB has several shovel-ready projects many of those funds will be allocated to the RRWMB projects. (While this does not meet the long-term stable funding needs, the funds will provide much needed funding for flood control projects.)

Require 60-day review periods when state agencies adopt new policies. The 60-day requirement when state agencies adopt new policies was not acted on this session. This should be a prime target for action in the non-budget 2024 session.

Priority B: Legislation to Support

Limited liability for Smart Salting-certified Commercial Salt Applicators. The Commercial Certified Salt Applicator legislation (HF820), even with 18 House sponsors, received very little interest this session. It was sent directly to the Judiciary Committee in the House and the committee did not afford the bill a hearing. In the Senate, the companion file, SF755 was heard in the Environment Committee and re-referred to the Senate Judiciary and Public Safety Committee. It was not heard in that committee. This legislation is still alive and could be activated again next session.

Legislation to Defeat

Drainage registry information portal. The provision dealing with drainage notice requirements via a drainage portal was not passed but sent back by the conference committee to the Drainage Work Group (DWG) for its recommendations for the 2024 session. In addition, the environment committees want recommendations from the DWG on outlet adequacy, which is presently being worked on by the group. These recommendations must be made by February 1, 2024. ([Laws 2023, Chapter 60](#), Article 5, Sec. 21) The legislature also directed the DWG to assess drainage district's powers "to consider the abandonment or dismantling of drainage systems; to re-meander, restore, or reconstruct a natural waterway that has been modified by drainage, or to deconstruct dikes, dams or other water-control structures". In addition, the DWG has already agreed to work with DNR on early coordination efforts. ([2023 Laws, Chapter 60](#), Article 1, Sec. 4(d)) So, it appears the DWG will have a very busy summer and fall dealing with these issues and others that may come up in the next several months.

There were a number of initiatives in various bills adopted by the legislature this past session that affect or are of interest to watersheds. We will be reviewing those bills and presenting a final legislative update in the near future capturing these new legislative initiatives and regulatory actions for your information.

Jan Voit and I would like to thank everyone who help move our legislation along by talking with your local legislators or by testifying on watershed legislation. Please feel free to contact me or Jan Voit if you have any questions about this update or the legislative session just ended.

Thank you!

PRIORITY A: TOP PRIORITIES FOR 2023 LEGISLATIVE ACTION		
TAX BILL	2018-02	Increase or remove the \$250k General Fund tax levy Limit
	2021-01, 02	Seek capacity funding for the \$250k capped rural WDs and SWCDs from state and county general funds
	2021-06	Require 60-day review periods when state agencies adopt new policies
	2021-04, 07	Use CWFs for implementation, not capacity; require metro watershed-based implementation grants to go through approved 103B plans
23 Bonding Bill	2022-03, 2016-08	Obtain stable funding for Flood Damage Reduction and Natural Resources Enhancement Projects
	2022-04	Clarification of watershed district project establishment
PRIORITY B: LEGISLATION TO SUPPORT		
	2022-02	Limited liability for Smart Salting-certified Commercial Salt Applicators
	2021-03	Allow greater flexibility in open meeting law for virtual attendance, not just during a pandemic
	2021-05	Change crop insurance provisions to cover crop losses within impoundment areas
	2020-01	Allow appeals for public waters designations
	2022-06	Limiting negative impacts from wake boats by supporting scientific studies by the University of Minnesota
PRIORITY C: TOP PRIORITIES FOR 2023 ADMINISTRATIVE LOBBYING RESOURCES		
	2022-03	Increased support and participation for the Minnesota Drainage Work Group
	2022-01	MDH - WD/WMO representation on Stormwater Reuse Task Force
	LGWRT	CWC - Increase Clean Water Funding for watershed-based implementation programs
	2020-04	DNR - temporary water storage on DNR wetlands during major flood events
Resolutions for the Parking Lot (Support if opportunities arise)		
	2018-04	Require WD Permits for the DNR
	2019-04	Clarify county financing obligations and allow WD G.O. bonds for drainage systems
	2017-06	Stable General Fund allocation for flood damage reduction projects
	2017-05	WD general operating levy adjustment: Middle Fork Crow River
	2019-08	WD general operating levy adjustment: Heron Lake
	2019-09	WD general operating levy adjustment: Shell Rock River
	2019-10	WD general operating levy adjustment: Pelican River
	2019-11	WD general operating levy adjustment: Buffalo Red River
	2018-06	DNR - ensure timely updates to Wildlife Management Area (WMA) plans
	2017-02	DNR - temporary lake quarantine authorization to control the spread of aquatic invasive species
	2019-07	DNR - change Chinese Mystery Snail designation and support research needs
	2019-01	DNR - streamline DNR permit process
	2018-08	DNR - reinforce existing rights to maintain/repair 103E drainage systems
	2020-03	BWSR - require soil health goals in metro watershed management plans
	2019-05	BWSR - WD Membership on Wetland Technical Evaluation Panels
	2019-03	BWSR - Support watershed-based management in MN River Basin through increased storage
	2018-03	BWSR - require timely appointments to the BWSR Board
	2019-02	MPCA - default classification for artificial watercourses that serve as public drainage ditches
LEGISLATION TO DEFEAT - This legislation died at the end of the session. Watch to see if reintroduced.		
HF 0368/SF 0711	Green/Utke	Remove eminent domain powers for WDs
HF 0884/SF 1539	Green/Utke	Requires county commissioners to only appoint county commissioners to serve as WD managers
HF 0989/SF 0881	Marquart/Ruud	\$22M CWF appropriation to SWCDs
HF 1586/SF 2214	Torkelson/Johnson	Fund a SWCD/WD merger study once a 1W1P is approved
HF 1718	Fischer	Establish SWCD account in the special revenue fund, \$12M/year for capacity, 1% for BWSR administration
HF 2030/SF 1835	Nelson/Kiffmeyer	Modifying uses of positive general fund; removes CWF payback from \$22M SWCD capacity funds
HF 4274, 4274A	Lippert/Hansen	Drainage registry information portal
	DNR	Incorporating environmental, land use, and multipurpose water management criteria M.S. 103E.015 requirements



Small-leaf Bramble

Rubus parvifolius

Identification & Management Guide



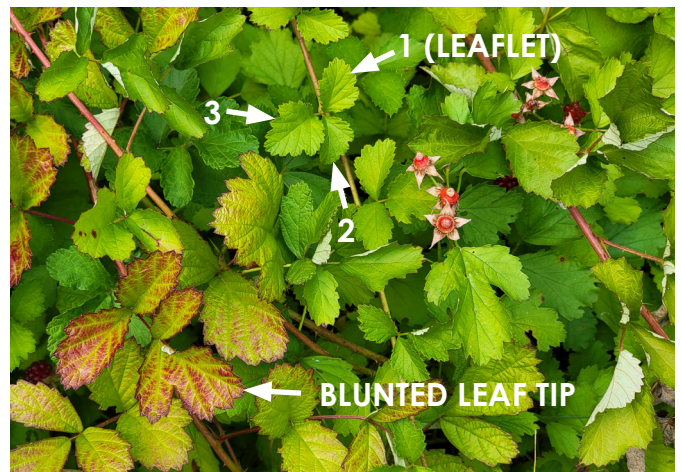
Background & Identification

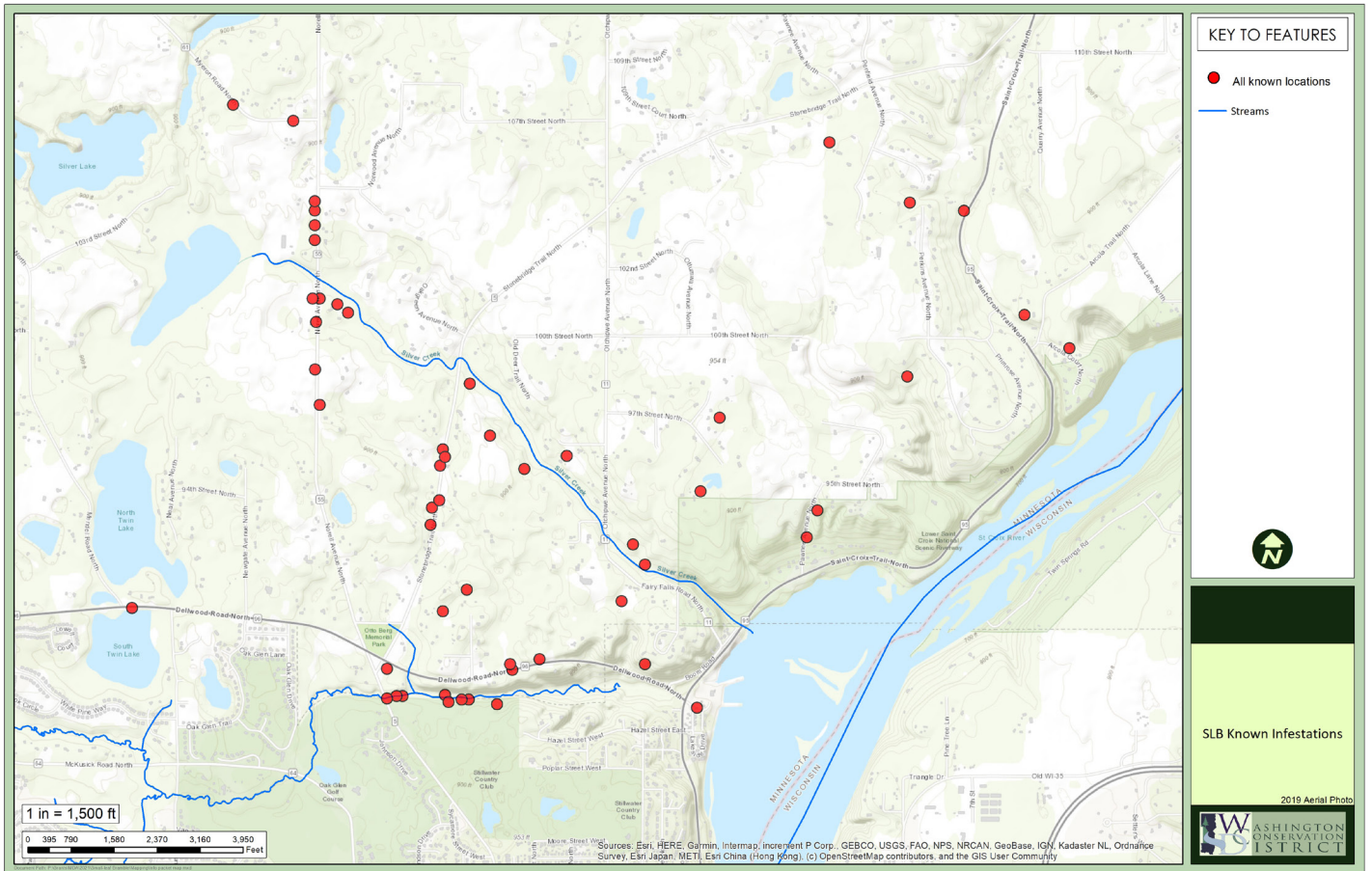
Small-leaf bramble is a low-growing shrub in the raspberry family native to parts of eastern Asia and Australia. It has been introduced to the United States and can quickly form dense colonies that crowd out native species. Small-leaf bramble can invade a wide variety of habitats from woodland and pine stand understories, pasture and prairies, and even turf lawns. Its ability to grow in both full sun and dense shade is part of what makes this species so successful and difficult to control.

Washington County is currently the only county known to have infestations of small-leaf bramble in Minnesota, making early detection and management a top priority. State-wide it is considered an *emerging species* and is not yet on the state list for noxious and invasive species.

Key identifying characteristics for small-leaf bramble include:

- Low, arching canes 4 to 24 inches high.
- Leaves with 3 to 5 fan-shaped leaflets.
- Leaflets rounded at the tip, as opposed to pointed.
- Hairy or prickly stems.
- Rosy-pink five-petaled flowers.
- Bright red fruit.





What We Know

Small-leaf bramble is wide-spread in other areas throughout the United States, but so far the only known populations in Minnesota occur along the Silver Creek and Brown’s Creek corridors near Stillwater. Recent mapping and outreach efforts by Washington Conservation District (WCD) staff have started to reveal the extent of small-leaf bramble along these corridors, but so far little is known about effective integrated pest management (IPM) strategies for control and eradication of the species.

What’s Working

WCD is in the process of testing three different control methods (mowing, foliar herbicide application, and a combination thereof) to evaluate the efficacy of each method and to determine which of these is the most cost-effective and efficient option for controlling the spread of this emerging species. Early results from the research experiment suggest several possible methodologies for managing small-leaf bramble in both forested and grassland environments.

Mowing:

Repeated mowing is one possible way to control the spread of small-leaf bramble by limiting vegetative growth and preventing fruit and seed production. Mowing alone may not be sufficient for eradication, however. If you choose to implement mowing as a management strategy, we recommend you mow at least three times annually during the growing season and consider at another strategy to use in conjunction with mowing (e.g. herbicide application, grazing, or prescribed fire).

Herbicide Application:

Broad-leaf herbicides containing the active ingredient *triclopyr* can be effective in controlling established populations if applied responsibly (*always* adhering to the product label) and timed appropriately. Herbicides can be applied to the leaf surface using a backpack sprayer, boom, or wick applicator in the fall to maximize the efficacy of the treatment and to avoid non-target impacts to desirable vegetation. Herbicide application can also be done proceeding one or multiple rounds of mowing to improve site access and augment the effects of the treatment.

Combined Approach:

Early research results from WCD plot experiments indicate that a combination of mowing and herbicide application may be the most effective way to control existing small-leaf bramble populations. Repeated mowing throughout the growing season can deplete the plant of its nutrient and energy stores, stressing the plant and making it more vulnerable to systemic herbicides. For best results, apply herbicides in the fall (late September to Early October). Herbicides absorbed through the leaf tissue will move readily into the root system at this time of year as the plant prepares for winter. Cut-stem treatment is also a viable option for smaller infestations or in high-quality areas with desirable vegetation. Please contact WCD staff for questions on specific treatment methods, herbicide products, safety, and handling. Product labels include *legally enforceable* information on appropriate use, mixing, handling and disposal, environmental hazards, personal protective equipment, safety procedures and much more. Always read the label before handling or using pesticides. Remember, the label is the law!



Remaining Questions

While early research from WCD staff and other practitioners through the county have started to shed light on possible control options, there are many questions that still remain unanswered, for example:

- *What is the long-term impact of grazing or prescribed fire on this species?*
- *How is this species moving across the landscape and where else can it be found?*
- *What non-chemical methods can be used to result in eradication over the long term?*

We would like to hear from you as a landowner to help us investigate some of these questions and to find the best way forward in preventing the spread of small-leaf bramble to other areas of the state.

Conclusion

Small-leaf bramble is an emerging species in Minnesota with the capacity to rapidly invade prairies, woodlands, pastures, and even turf. WCD staff are now working with the Minnesota department of agriculture staff to gather more information on the biology and phenology, along with distribution information within the county and effective methods for control. Please contact WCD staff if you suspect you have small-leaf bramble on your property so a staff member can schedule an in-person site visit, confirm small-leaf bramble identification, and discuss management options. It takes all of us to fight the spread of invasive species in the state and protect our native ecosystems. We look forward to working with you!

The Washington Conservation District (WCD), in coordination with the Minnesota Department of Agriculture, has identified the Stillwater area as a high priority area for Small-leaf Bramble management. In order to prevent its spread and succeed in eradication, WCD is offering free on-site evaluation and technical assistance.

Please visit www.mnwcd.org/invasive-plants for more information or to schedule a site visit.



Project Name	BCWD Permit Program	Date	6/6/2023
To / Contact info	BCWD Board of Managers		
Cc / Contact info	Karen Kill, District Administrator		
From / Contact info	John Sarafolean; Paul Nation, PE / EOR		
Regarding	June Permit Inspection Update		

Background

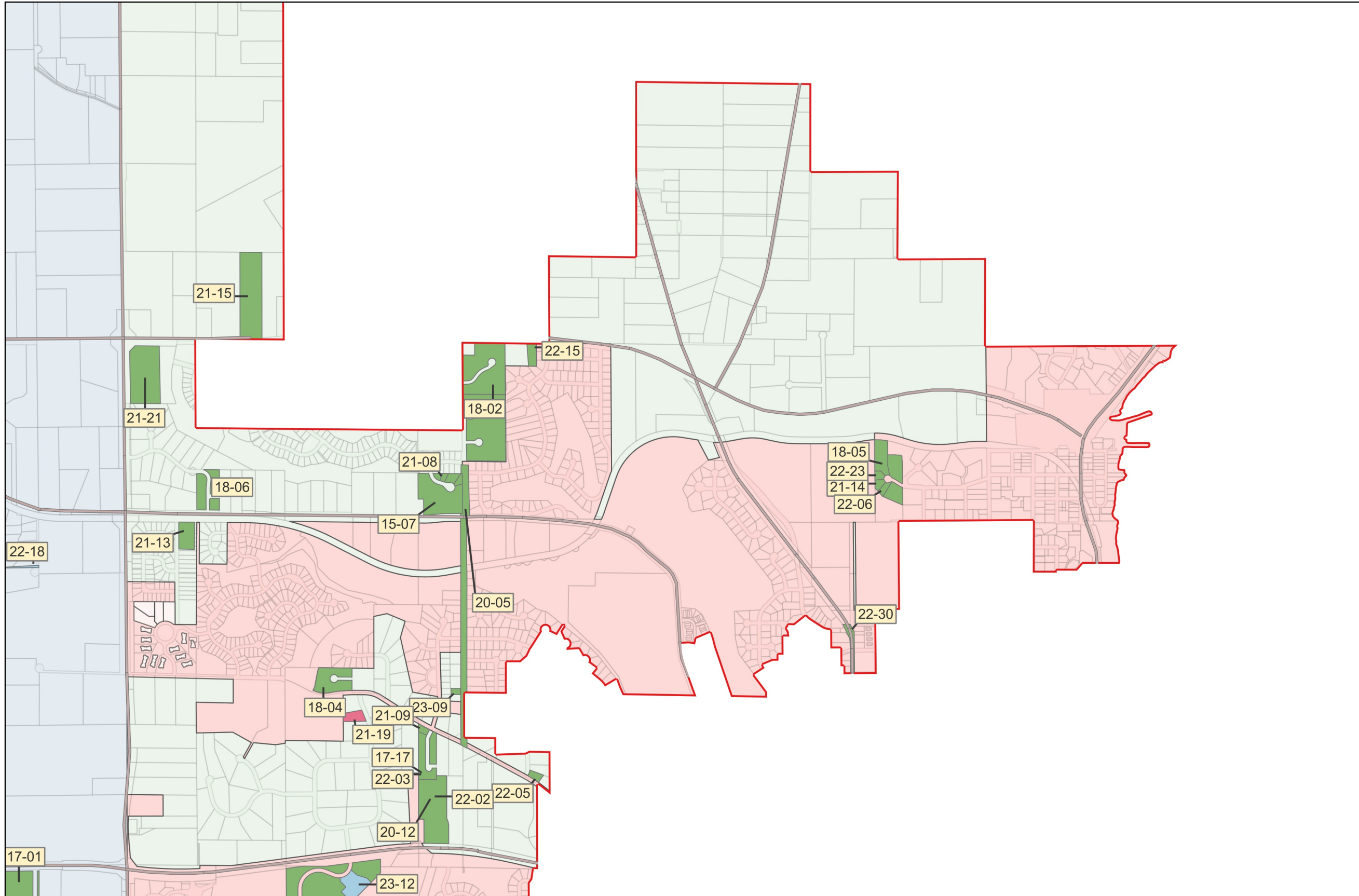
BCWD has an on-going permit review process in support of the District Rules. Developments within the District Jurisdictional Boundary are reviewed for compliance with the Rules and conditions of the permit. This memo documents inspections from 5/4/2023 through 6/6/2023.

Inspection of Existing Permits

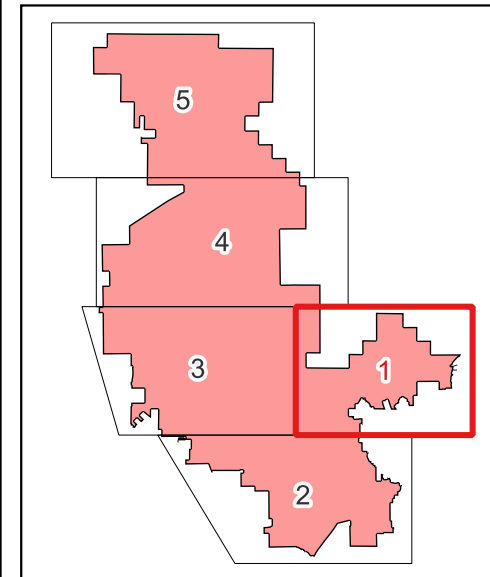
Project Name	Permit ID	Date	Grade
White Oaks Savanna	17-01	5/9/2023	A
West Ridge General Development	17-17	5/9/2023	C
		5/31/2023	B
Heifort Estate	18-02	5/9/2023	C
		5/31/2023	C
Heritage Ridge	18-05	5/9/2023	B
Wahlquist Residence	20-10	5/31/2023	B
White Pine Ridge	20-12	5/9/2023	C
Westridge Block 1 Lot 1	21-09	5/9/2023	C
		5/31/2023	C
Millbrook Park	21-21	5/31/2023	A
Bond Residence	21-22	5/9/2023	C
		5/31/2023	B
White Oaks Savanna Lot 104	21-35	5/9/2023	B
		5/31/2023	B
Valdres Residence (WOS Lot 110)	21-36	5/9/2023	C
		5/31/2023	C
Gonyea Homes at White Pine Ridge	22-02	5/9/2023	B
GreenHalo Builds at Westridge	22-03	5/9/2023	C
		5/31/2023	B
Mikden of Stillwater - Caribou Coffee	22-10	5/31/2023	C
Wiechmann Residence (WOS Lot 106)	22-11	5/31/2023	C

Cahill Residence (Heritage Ridge Lot 5)	22-14	5/9/2023	B
Fanberg Residence	22-22	5/31/2023	B
Ferguson Residence (Heritage Ridge Lot 4)	22-23	5/9/2023	B
Benjamin-Mohammed Residence (WOS Lot 109)	22-24	5/9/2023	B
		5/31/2023	B
Miller-Duis Residence (WOS lot 113)	22-25	5/9/2023	B
		5/31/2023	C
3823 Tending Green	22-26	5/31/2023	B
CSAH 5 Phase 2	22-30	5/31/2023	B
CR61 Improvements	23-01	5/9/2023	B
		5/31/2023	B
Tweden Residence (WOS Lot 114)	23-02	5/9/2023	B
		5/31/2023	B
Villa Rococo Residence (WOS Lot 118)	23-07	5/31/2023	B
Kirn Residence	23-09	5/31/2023	A

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Permit No.	Applicant/Permit Name	Status
15-07	Brown's Creek Cove	Active
16-03	The Ponds at Heifort Hills	Active
17-01	White Oaks Savanna	Active
17-04	The Lakes of Stillwater	Active
17-17	Westridge	Active
18-02	Heifort Hills Estates	Active
18-04	Boutwell Farm	Active
18-05	Heritage Ridge	Active
18-06	Nottingham Village	Active
20-05	Neal Avenue Reconstruction	Active
20-12	White Pine Ridge	Active
21-07	Brown's Creek Cove Lot 11	Active
21-08	Brown's Creek Cove Lot 14	Active
21-09	Westridge B1L1	Active
21-13	Marylane Gateway	Active
21-14	Heritage Ridge (lot 3)	Active
21-15	Schwartz Residence	Active
21-21	Millbrook West Park	Active
22-02	White Pine Ridge, remaining lots	Active
22-03	Westridge, remaining lots	Active
22-05	13290 Boutwell Rd N	Active
22-06	Heritage Ridge Lot 2	Active
22-08	Boutwell Farm, remaining lots	Active
22-14	Cahill Residence (Heritage Ridge Lots 5/6)	Active
22-15	13199 Dellwood Rd	Active
22-18	Stillwater Oaks	Review
22-23	Ferguson Residence (Heritage Ridge Lot 4)	Active
22-30	CSAH 5 Phase 2	Active
23-09	Kirn Residence	Review
23-12	Sandhill Shores (Phase III of Lakes at Stillwater)	Review

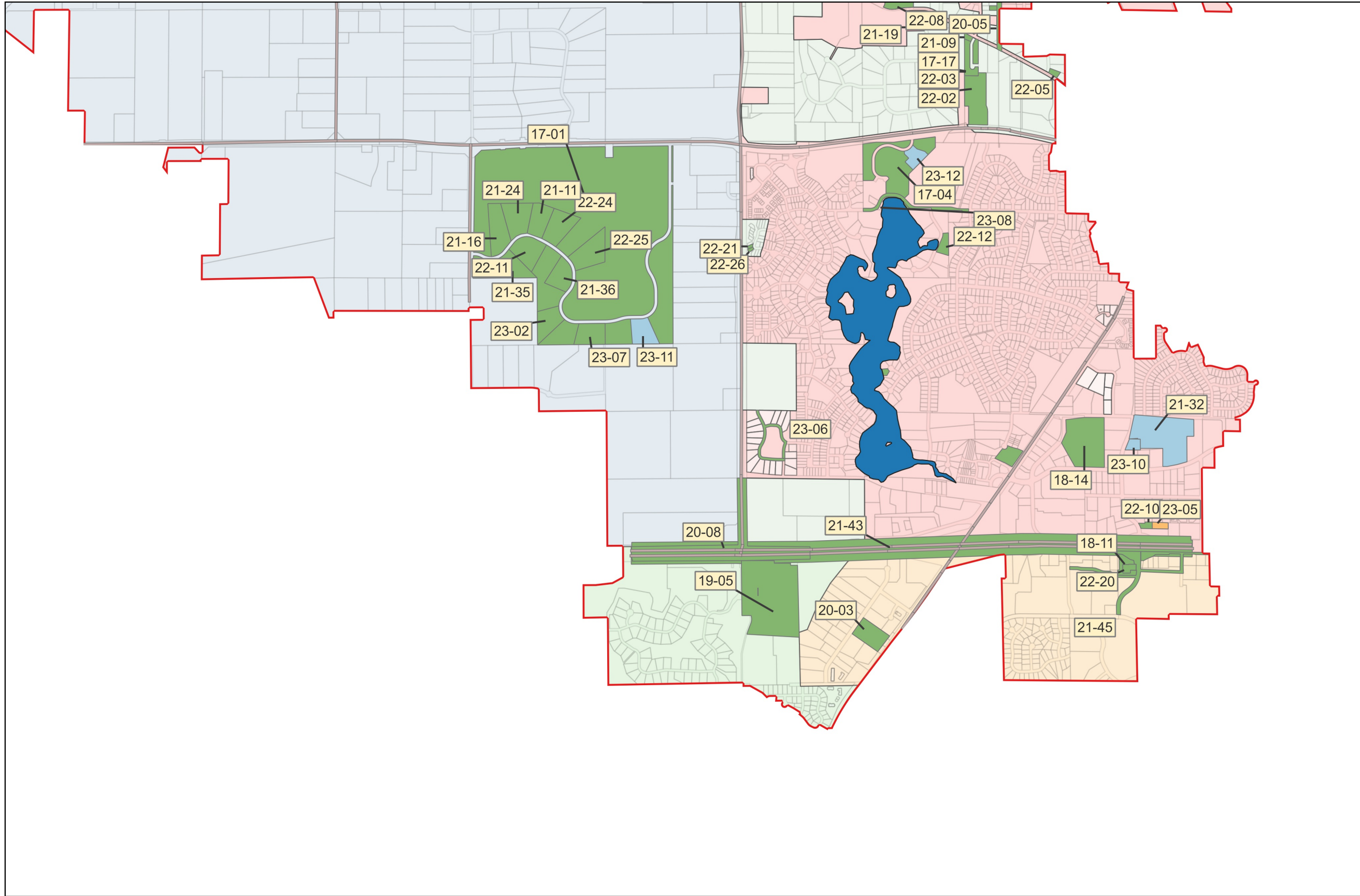


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 BCWD Political Boundary

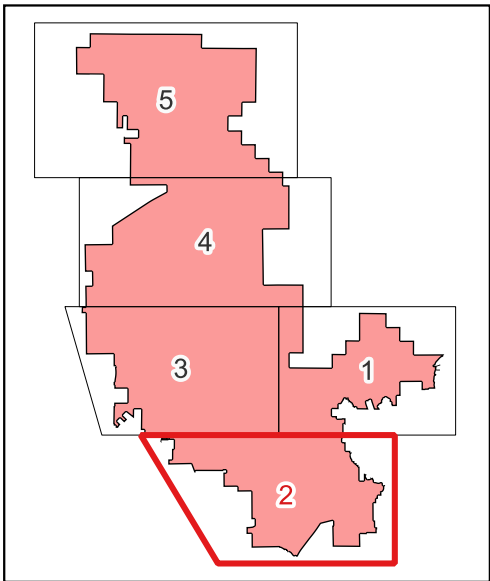
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Allison
Author:
Date:
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Permit No.	Applicant/Permit Name	Status
17-01	White Oaks Savanna	Active
17-04	The Lakes of Stillwater	Active
17-14	Parkwood Townhomes	Active
17-17	Westridge	Active
18-04	Boutwell Farm	Active
18-11	Ridgecrest	Active
18-14	St. Croix Valley Recreation Center Expansion	Active
19-05	Central Commons	Active
20-03	Twin Cities Orthopedics	Active
20-05	Neal Avenue Reconstruction	Active
20-08	TH36 CSAH 15 Interchange	Active
20-12	White Pine Ridge	Active
21-09	Westridge B1L1	Active
21-11	Hegarty Residence (WOS Lot 107)	Active
21-16	Ignagni Residence - WOS B1L2	Active
21-24	Nepal Residence - WOS B1L3	Active
21-32	Lakeview EMS	Review
21-35	WOS Lot 104	Active
21-36	Valdres Residence (WOS Lot 110)	Active
21-43	MnDOT TH-36	Active
21-45	Norell Avenue Improvements	Active
22-02	White Pine Ridge, remaining lots	Active
22-03	Westridge, remaining lots	Active
22-05	13290 Boutwell Rd N	Active
22-08	Boutwell Farm, remaining lots	Active
22-10	Caribou	Active
22-11	Wiechmann Residence	Active
22-12	7171 Mid Oaks Ave Pool	Active
22-19	Miller Flood Protection	Active
22-20	Popeyes OPH	Active
22-21	Kreller Residence	Active
22-24	Benjamin-Mohammed Residence (WOS Lot 109)	Active
22-25	Miller-Duis Residence (WOS Lot 113)	Active
22-26	3823 Tending Green	Active
23-02	Tweden Residence	Pending
23-05	Rocket Carwash	Pending
23-06	Stillwater 2023 Street Improvements	Review
23-07	Villa Rocco Residence	Review
23-08	72nd St Improvement	Review
23-09	Kirn Residence	Review
23-10	Curio Dance Studio	Review
23-11	Freiroy Residence	Review
23-12	Sandhill Shores (Phase III of Lakes at Stillwater)	Review



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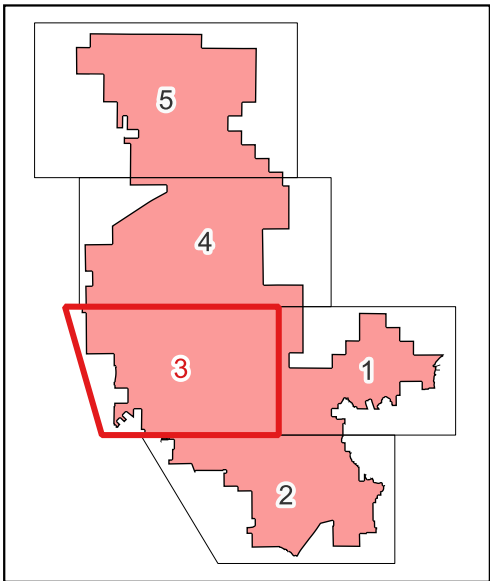
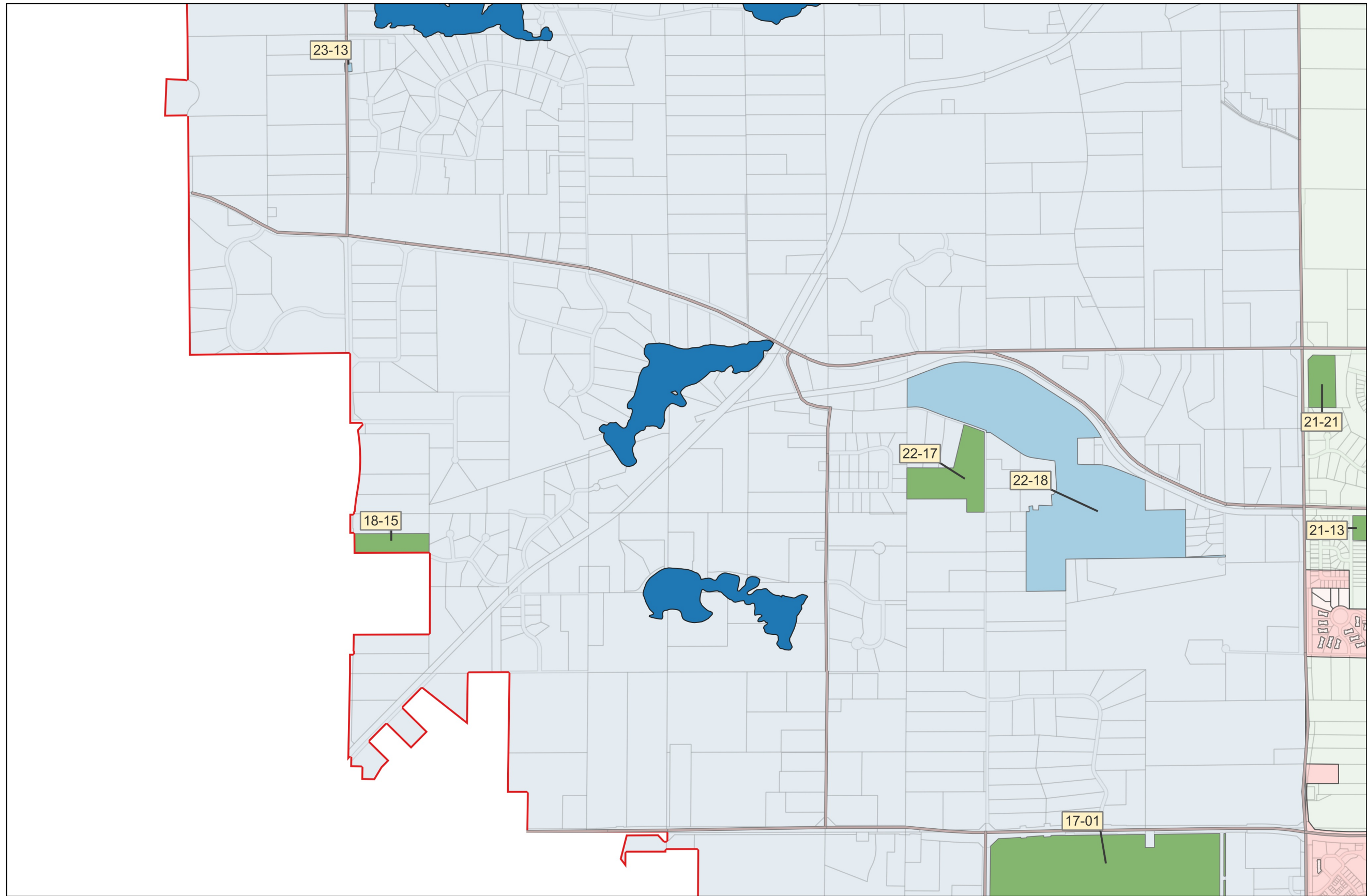
- Active Permit
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BCWD Permit Sites
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Permit No.	Applicant/Permit Name	Status
17-01	White Oaks Savanna	Active
18-15	Rogness Residence	Active
21-13	Marylane Gateway	Active
21-21	Millbrook West Park	Active
22-17	Read Residence	Active
22-18	Stillwater Oaks	Review
23-13	CSAH 9 Culvert Replacement	Review

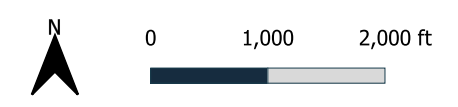


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water ecology
community

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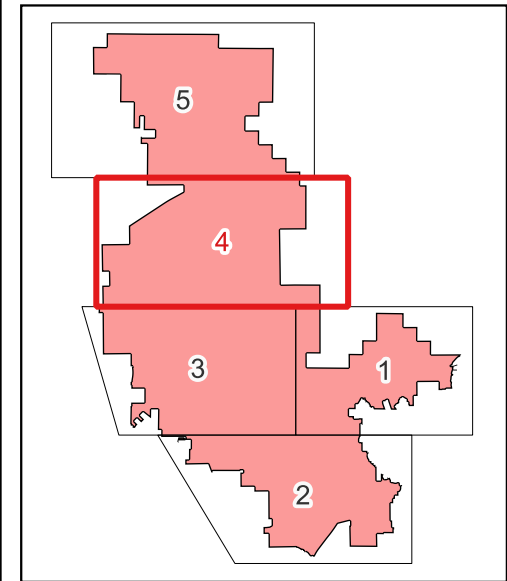
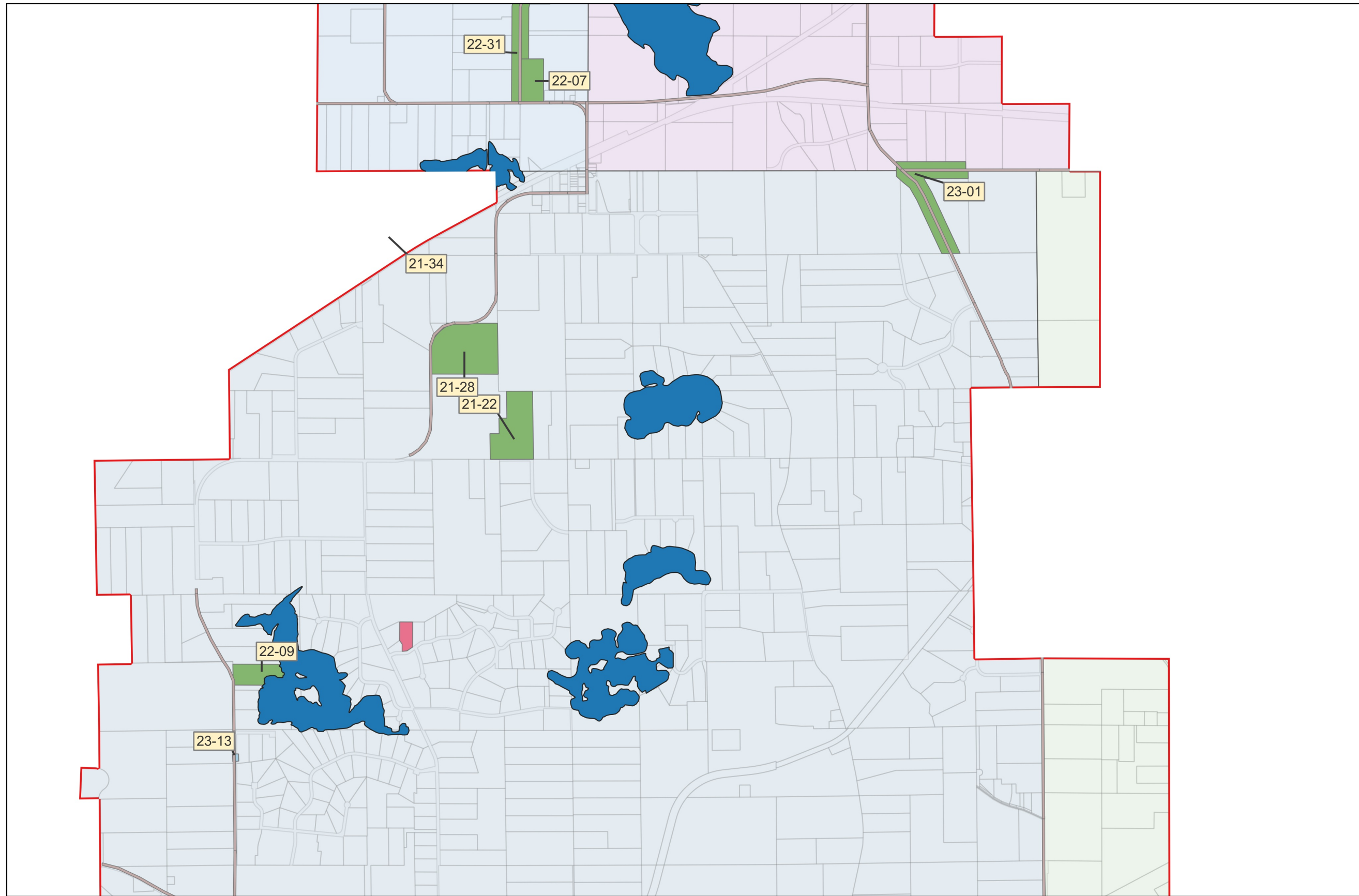
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Permit No.	Applicant/Permit Name	Status
21-22	Bond Residence	Active
21-28	Guerrino Residence	Active
21-34	Fahey Residence	Active
22-07	Liberty Classical Academy	Active
22-09	Helmer Residence	Active
22-31	County Road 57 Culverts	Active
23-01	County Road 61 Improvements	Active
23-13	CSAH 9 Culvert Replacement	Review

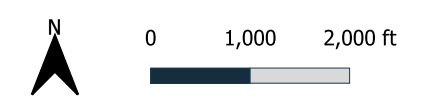


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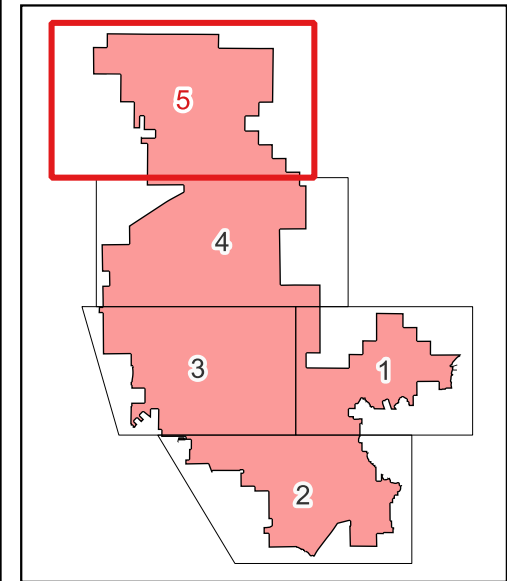
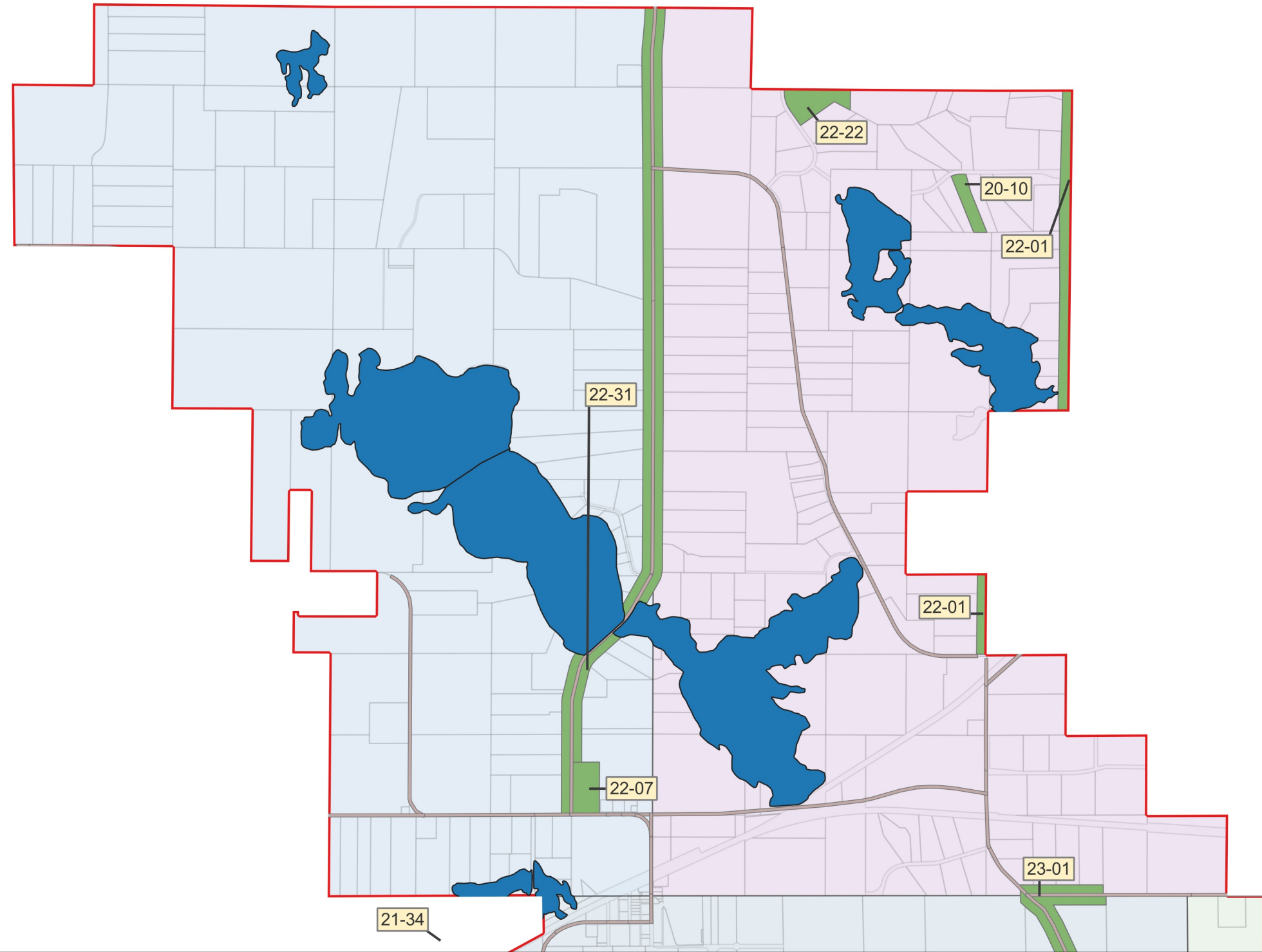
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Permit No.	Applicant/Permit Name	Status
20-10	Wahlquist Residence	Active
21-34	Fahey Residence	Active
22-01	CSAH 15 Culverts	Active
22-07	Liberty Classical Academy	Active
22-22	Fanberg Residence	Active
22-31	County Road 57 Culverts	Active
23-01	County Road 61 Improvements	Active



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