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2 FINAL Minutes of the workshop and regular meeting of the Brown's Creek Watershed District
3 Board of Managers, Wednesday April 12, 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 |
| | Matt Hegland, EOR, BCWD engineer |
| | John Sarafolean, EOR, BCWD engineer |
| | Stu Grubb, EOR, BCWD engineer |
| | Michael Givens, Mikden of Stillwater |
| | Shari Ahrens, Westwood |
| | Tyler See, Abdo, BCWD auditor |

- 6
7 **1) Call Regular Meeting to order**
8 Vice President Celia Wirth called the regular meeting to order at 6:30 p.m.
9
10 **2) Approve Regular Meeting Agenda and Discussion Agenda**
11 **Manager Johnson moved, seconded by Manager LeRoux, 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 Michael Welch noted a couple of nonsubstantive corrections and edits needed for the
19 newsletter and annual report. Manager Eckles commented that he was happy to see
20 another new member for the Citizen Advisory Committee.
21 **Manager Eckles moved, seconded by Manager Johnson, to approve the consent**
22 **agenda with the recommended changes to the newsletter and annual report:**
23 **a) Approve minutes of the February 8, 2023 workshop & regular meeting**
24 **b) Approve minutes of the March 8, 2023 regular meeting**
25 **c) Accept permit fee statement**
26 **d) Appoint Aimee Eberle to the Citizen Advisory Committee**
27 **e) Approve newsletter for distribution**

- f) Approve annual report for distribution**
- g) Approve community event scope**
- Motion carried 4/0.**

5) **Treasurer’s Report**

a) **Review Authorized Funds Spreadsheet**

Manager Johnson moved, seconded by Manager LeRoux, 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 \$76,795.14.

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

Motion carried 4/0.

c) **2022 Audit Presentation**

Tyler See presented the results of the 2022 audit. The auditor has drafted an unmodified opinion, which Mr. See explained indicates no violation findings. There were two internal control findings. First was preparation of the financial statements are done by the auditor and not separately audited, which is common for an organization of BCWD’s size. The second was for a material audit adjustment resulting from a change in the recommended approach to capital asset valuation. A previous auditor had recommended all capital improvement projects be added to BCWD’s capital-asset list, but this is being changed to only those elements that the BCWD owns, which is significantly fewer.

Manager Wirth moved, seconded by Manager Johnson, to accept the 2022 audit and authorize Administrator Kill to instruct the auditor to submit the final report to the Board of Water and Soil Resources. Motion carried, vote 4/0.

6) **Permitting**

a) **BCWD Permit 23-05 Rocket Carwash**

Camilla Correll presented the BCWD engineer’s report on permit 23-05. The plan includes stormwater basins and landscaping that will provide volume control through evapotranspiration. Stormwater reuse is not being proposed due to limited green space to utilize the water for irrigation on site. Ms. Correll clarified the applicant’s evapotranspiration values assume plants at full maturity.

Manager Eckles stated that he felt comfortable with assuming full maturity for the calculation even though it may take more than 10 years for the plants to reach that stage. The board expressed interest in the landscaping have a significant native plant composition. The board discussed the benefits the green space would provide to this area. Manager Eckles inquired as to the snow management plan for the site noting that this

1 could impact the long-term success of the landscape and plantings. Michael Givens, the
2 property owner, explained the snow would be managed on a different part of the site. The
3 board discussed the need for a long-term maintenance plan for the plantings.

4 The board proposed requesting that 50% of the planting plan be native species.
5 Mr. Welch recommend the board include this as a recommendation rather than a
6 condition of approval.

7 Mr. Welch clarified the definition of “the site” for this project and the overall re-
8 development is the 9.52-acre property of record at the time of the initial application for
9 work on the property. If redevelopment surpasses 50 percent of the site in the future, the
10 applicant will be required to manage stormwater for the entire site. The work for both
11 Caribou and the Rocket Carwash will be included in the total redevelopment calculation.
12 Mr. Givens acknowledged his understanding of this basis for future review and
13 permitting. He also noted that the maintenance declaration for this permit will need to
14 include performance metrics that would ensure the landscaping is achieving the proposed
15 evapotranspiration benefits.

16
17 **Manager Eckles moved, seconded by Manager Johnson, to approve permit 23-05**
18 **and the variances, with the stipulations and conditions in the engineer’s report, and**
19 **to recommend the landscape plan include 50 percent native species. Motion carried**
20 **4/0.**

21
22 Mr. Givens thanked the board and confirmed his long-term interest in making sure the
23 landscaping is maintained.

24
25 **7) Projects**

26 **a) Groundwater Pump Test – initial findings and recommendations**

27 Stu Grubb presented that groundwater and pumping data near Brown’s Creek was being
28 analyzed to identify a strategy for the groundwater pumping test the board approved in
29 2022. Engineers discovered a drawdown effect of Oak Glen Golf course’s high capacity
30 wells on the aquifer that provides groundwater to Brown’s Creek.

31
32 Manager Eckles questioned why engineers are proposing further investigation and why
33 the district would get further involved in this issue. He suggested this issue may already
34 be being addressed with the stormwater reuse project that was operational for the first
35 time last year. Mr. Grubb explained the drawdown effect could be more impactful than
36 just the removal of a certain volume of groundwater and could explain some unusual
37 measurements of groundwater leaving Brown’s Creek in the lower reaches of the gorge.
38 Ms. Correll explained that because Brown’s Creek is a groundwater-dependent natural
39 resource with a thermal impairment, the baseflow of groundwater to the creek is of high
40 importance to the health of the creek and its coldwater fishery. There could be
41 opportunity to work with Oak Glen in developing a pumping and irrigation management
42 strategy that would lower the impact of these high-capacity wells on Brown’s Creek and
43 benefit the resource. The proposed analysis would provide data that would refine the
44 district’s understanding of the groundwater in this area and lead to greater understanding
45 of effective projects and management techniques for the creek.

1 The board agreed there could be a mutual benefit for the golf course and BCWD
2 to work together with these data to benefit the creek. Manager Eckles explained his
3 hesitation on looking for an issue that is not currently a major problem and his concern
4 that collecting data for a groundwater model could be a bigger investment than makes
5 practical sense for the district. He is also reluctant to alienate the golf course, which has
6 been a good partner in working with the district on current and previous projects and
7 wondered why other high-capacity wells in the aquifer were not being proposed for
8 analysis. Ms. Kill clarified that she already confirmed the Department of Natural
9 Resources is not interested in getting involved with this from a groundwater-
10 appropriations perspective. DNR is interested in understanding more about the
11 groundwater system in this area.

12 The board inquired as to next steps. Mr. Grubb agreed the engineers could look
13 into the cumulative effect of other high-capacity wells in the area and provide ideas for
14 management strategies that could be implemented to lessen the impact of these wells on
15 the aquifer and Brown's Creek. The district could also reach out to the DNR to see if staff
16 there are interested in installing another observation well in this area.

17 District staff confirmed they were not approaching this as an investigation into the
18 golf course with intent to address this from a regulatory perspective. Mr. Welch agreed
19 that this would not be his recommendation. The goal would be to identify management
20 options the golf course could choose to apply which would also benefit the creek. Ms.
21 Correll stated that the board direction is clear.

22
23 **8) Discussion Agenda**

24 **a) Updates**

25 **(1) Administrator**

26 **a. Permit Fee Structure**

27 Ms. Kill said she met with the board treasurer to discuss some of the
28 current permitting fee policies of the district. Staff have begun analysis
29 comparing the BCWD policies to other watershed districts in the metro
30 area. The next step would be meeting with legal counsel to bring
31 recommendations for the board to consider.

32 **b. 72nd Street Road Improvements**

33 Ms. Kill updated the board regarding the city of Stillwater's permit
34 application for 72nd Street road improvements, which will be an erosion
35 control permit subject to administrative approval. The project does not
36 trigger stormwater management. Staff are not applying the buffer rule
37 because the 2017 lot rearrangement, which delineated the city's right-of-
38 way along 72nd Street, was a process of formalizing an existing
39 prescriptive easement over a road that was in place prior the BCWD
40 establishing rules.

41 **c. Citizen Advisory Committee Watershed Tour**

42 The Citizen Advisory Committee has requested a tour of historic projects
43 in the watershed. The board was interested in attending as well. Ms. Kill
44 will find a date.
45
46

1 **d. Other**

2 Ms. Kill updated the board that the Carnelian Marine St. Croix Watershed
3 District/Brown’s Creek Watershed District boundary update is on the
4 Board of Water and Soil Resources May 24 agenda. County
5 commissioners are meeting next Tuesday to discuss all vacant board
6 positions, including the vacant position on the BCWD board. She
7 suggested board members reach out to anyone they know who may be
8 interested in applying. EOR and DNR staff met to discuss design of the
9 Brown’s Creek restoration project and the DNR provided good feedback.
10 Ms. Kill will be following up with Mr. Welch to determine if an
11 Environmental Assessment Worksheet will be needed.
12

13 **(2) Legal**

14 Mr. Welch explained the limited liability chloride state legislation is not going
15 forward this session due to concerns with the operation of the liability limitation.
16 The plan is to reconvene after this legislative session and strategize about a
17 different way to approach chloride-use reductions.
18

19 **(3) Engineer**

20 No discussion.
21

22 **(4) Managers**

23 The board discussed flooding projections for the St. Croix River and whether the
24 district could expect any impact on any capital infrastructure. Manager Eckles
25 discussed the diversion drainage structure and the background of city
26 management of the control structure at the end of McKusick Lake.
27

28 **9) Adjournment**

29 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the regular meeting at**
30 **8:57 p.m. Motion carried 4/0.**
31

32 Respectfully submitted by

33 Cameron Blake, BCWD staff and Charles LeRoux, Secretary