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2 FINAL Minutes of the special and regular meetings of the Brown's Creek Watershed District  
3 Board of Managers, Wednesday August 16, 2023  
4

5 ROLL CALL

<b>Managers Present:</b>	<b>Others Present:</b>
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
	Fathuma Muhammed, EOR, BCWD engineer (attended via Zoom)*
	Ron & Mary Kargel, residents*
	Dan Pohl, resident *
	John & Judith Rice, residents*
	Carol Rydel, resident *
	Ronald Gillaspy, resident*
	Craig Reed, Heifort Hills Estates resident
	John & Kriss Bromback, Heifort Hills Estates residents*
	Eileen Blasko, Heifort Hills Estates resident*
	Brett Robinson, Heifort Hills Estates resident*
	Scott & Steve Austin, Heifort Hills Estates residents*
	Jeff Olsen, Heifort Hills Estates resident*
	Bill & Connie Milder, Heifort Hills Estates residents*
	Chris Keely, Heifort Hills Estates resident*
	Larry Kelly, Heifort Hills Estates resident*
	Sharon Caldwell, Heifort Hills Estates resident*
	Hannah Huley, Heifort Hills Estates resident*
	Terrence & Jane Dreyer, Heifort Hills Estates residents*
	Jeanette Johnson Reed, Heifort Hills Estates resident*
	Kathy Henke, Heifort Hills Estates resident*
	R.R. & L.T. Howell, Heifort Hills Estates residents*
	Maurice Eagan, Heifort Hills Estates resident*
	Greg Eger, Heifort Hills Estates resident*
	Jasmine and Ajar Shid, Heifort Hills Estates residents*
	Jane Drayer, Heifort Hills Estates resident*

6 \* regular meeting only

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**1) Call special meeting to order @ 5:00PM**

President Klay Eckles called the special budget-review meeting at Stillwater Township Town Hall to order at 5:03 p.m.

**2) 2024 Budget and Levy**

Karen Kill presented the proposed draft 2024 budget, which includes a 2.6 percent levy increase, an increase of approximately \$30,000 over 2023 and consistent with the watershed management plan proposed 3 percent annual increase. The watershed taxable market value increased approximately 18 percent.

The managers reviewed the proposed budgets for development of the next 10-year management plan, the marketplace reuse project, and a hydrologic and hydraulic modeling update. The managers agreed to the draft budget as presented, and will refine the individual tasks for specific tasks in approving the scopes in 2024.

President Eckles and Vice President Celia Wirth will meet with the administrator and the county commissioners in advance of the November Washington County budget workshop.

**Manager Wirth moved, seconded by Manager Johnson, to schedule the public hearing for the September 13 regular meeting. Motion carried, vote 4/0.**

The budget workshop adjourned at 6:09 p.m.

**3) Call regular meeting to order**

President Klay Eckles called the regular meeting to order at 6:30 p.m.

**4) Approve agenda**

**Manager Wirth moved, seconded by Manager Johnson, to approve the agenda as presented. Motion carried, vote 4/0.**

**5) Public Comments**

President Eckles welcomed the members of the public and noted that the application for permit 22-18 for the Stillwater Oaks project in Grant will not be reviewed this evening at the request of the applicant.

Craig Reed, 2502 Neal Court North in Stillwater, presented materials relating to concerns on behalf the Heifort Hills Estates homeowners association regarding the work on the subdivision conducted under BCWD permit 18-02. He said residents had concerns about erosion-control practices that have been in place for years and the responsibilities for maintenance of stormwater facilities that will fall on the HOA. He said residents were not made aware of the maintenance responsibilities when they purchased their homes, and are concerned that noncompliant conditions will not be remedied. The board thanked Mr. Reed for the information and noted that staff spent considerable time trying to bring the Heifort Estates development into compliance with BCWD requirements. The managers directed staff to continue to work with city staff on compliance.

Ronald Gillaspy, 8635 Kimbro Lane, provided questions and comments related to the public notice he received about the Stillwater Oaks permit. The managers thanked Mr.

Gillaspy for his notes and stated that the engineer’s report for this permit will be available on the district’s website in advance of the next board meeting, when the applicant will be present to answer questions.

6) **Consent Agenda**

**Manager LeRoux moved, seconded by Manager Wirth to approve the consent agenda:**

**a) Approve minutes of the July 12, 2023 regular meeting**

**b) Accept permit fee statement**

**c) Approve board and citizen advisory committee expenses for August 30, 2023 watershed tour**

**d) Approve Applewood Hills Golf Course reuse project change order No. 4**  
**Motion carried 4/0.**

7) **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 \$150,536.98**

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

**Motion carried 4/0.**

8) **Permits**

a) **BCWD Permit 23-03 Boutwell Farms GreenHalo**

Ms. Kill updated the board on the progress that was made on bringing the single-family home project subject to BCWD permit 23-03 into compliance. The restoration work for the infiltration basin has been completed and maintenance specifics have been provided. However the outstanding permit fee still has not been received; staff sent a letter to John Sharkey and GreenHalo Builds, the permittees, in late July outlining potential actions the district could take if the fee was not received. Ms. Kill noted reports in the media of GreenHalo’s significant financial difficulties. Michael Welch said that the state has revoked GreenHalo’s contractor license. There is about \$6,200 in unpaid fees outstanding. The board directed legal counsel to assess BCWD’s options for recovering the costs.

9) **Projects**

a) **Enhanced Stakeholder Engagement Scope**

Camilla Correll identified the deliverables that the proposed scope of work will produce, including a stakeholder map, survey and outreach materials for public

1 engagement with the district. The work will be completed early in 2024 so the output can  
2 be used for the development of a new watershed plan. The managers noted the enhanced  
3 stakeholder materials could be useful in engaging with district partners as well as the  
4 public.

5 **Manager Johnson moved, seconded by Manager Wirth, to authorize the engineer to**  
6 **complete the enhanced stakeholder engagement scope for not to exceed \$10,000**  
7 **from account 927-0000 management plan. Motion carried 4/0.**  
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9 **b) Brown's Creek Restoration Project**

10 Ms. Kill explained that staff, in keeping with board direction, asked for  
11 Department of Natural Resources input on whether the Brown's Creek restoration  
12 project should be subject to environment review in accordance with state law,  
13 given that the work will affect a trout stream. DNR responded, agreeing that  
14 BCWD is the proper responsible governmental unit under the Minnesota  
15 Environmental Policy Act and that BCWD should decide whether to complete a  
16 review. Staff recommended moving forward with the EAW, and the managers  
17 concurred.

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19 **Manager Wirth moved, seconded by Manager LeRoux, to schedule a public**  
20 **hearing to consider ordering the Brown's Creek restoration project at the**  
21 **regular meeting on September 13, 2023. Motion carried 4/0.**  
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23 **c) Monitoring Equipment Repair**

24 **Manager Wirth moved, seconded by Manager Johnson, to authorize**  
25 **monitoring equipment repair and replacement not to exceed \$4,500 plus**  
26 **applicable shipping from account 300-4640 Equipment Repairs. Motion**  
27 **carried 4/0.**  
28

29 **10) Discussion Agenda**

30 **a) Updates**

31 **(1) Administrator**

32 **(a) Permit status updates**

33 The managers asked for clarification on some of the items brought  
34 forward regarding the Heifort Hills permit. The board discussed what  
35 could be involved in removing the irrigation boxes in the buffer area and  
36 agreed this was not a priority for the board. The board clarified the  
37 district's approach to letters of credit and Ms. Kill explained in order to  
38 address the issue of expiration dates for letters of credit the district will be  
39 internally reviewing letters of credit to ensure they are consistent with the  
40 template listed on the district website in which they automatically renew.

41 **(b) Minnesota Watersheds Request for Abstracts**

42 An abstract of 150 words or less is due August 28<sup>th</sup> if the board is  
43 interested in putting anything forward from the district. Ms. Kill noted the  
44 diversity, equity, and inclusion group is submitting an abstract. The board  
45 suggested submitting a presentation on the Oak Glen reuse project in the  
46 future.

1                                   **(c) Community Event September 16, 2023**

2                                   Managers Wirth and Johnson plan to attend the community event this  
3                                   year. Manager Eckles may be able to attend.

4                                   **(d) Board Retreat**

5                                   The joint board/Citizens Advisory Committee tour is coming up on  
6                                   August 30, in which one portion will be recognizing the work Andy  
7                                   Weaver and Glenn Boettcher has done with the district at the Stillwater  
8                                   Area High School.

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10                                   The board discussed the idea of a future tour of stormwater best  
11                                   management practices to set up continuing discussions about the district  
12                                   permitting rules. This could also be part of a retreat, which the board  
13                                   agreed should wait until the new board member has joined. Manager  
14                                   Wirth suggested spring timing so the manager has time to get acquainted  
15                                   with the district's activities.

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17                                   **(2) Legal**

18                                   No updates.

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20                                   **(3) Engineer**

21                                   (a) Permit Inspection Update

22                                   The board clarified that the grade in these inspection reports is only related  
23                                   to erosion and sediment control concerns and not a grade for the permit as  
24                                   a whole. The board can consider whether other permit issues, such as  
25                                   working without an approved permit, should be considered in this grade.

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27                                   **(4) Managers**

28                                   Manager Eckles noted that he is the representative for the BCWD on the Lower  
29                                   St. Croix Policy Committee, but has not been receiving recent emails or meeting  
30                                   invitations. Ms. Kill will make sure this is rectified.

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32                                   **9) Adjournment**

33                                   **Manager Johnson moved, seconded by Manager Wirth, to adjourn the regular meeting at**  
34                                   **8:27 p.m. Motion carried 4/0.**

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36                                   Respectfully submitted by

37                                   Cameron Blake, BCWD staff and Charles LeRoux, Secretary