



1
2 FINAL Minutes of the regular meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday November 8, 2023
4

5 ROLL CALL

Managers Present:	Others Present:
Klayton Eckles, President	Karen Kill, BCWD administrator
Celia Wirth, Vice President	Camilla Correll, EOR, BCWD engineer
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel (attended remotely)
Debra Sahulka, 2 nd Vice President	Cameron Blake, BCWD staff
	John Sarafolean, EOR, BCWD engineer
Manager absent:	
Charles LeRoux, Secretary	

- 6
7 1) **Call Regular Meeting to Order @ 6:30 p.m.**
8 Manager Klayton Eckles called the regular meeting to order at 6:32 p.m.
9
10 2) **Oath of Office – Debra Sahulka**
11 Debra Sahulka took the oath of office, and becomes the newest BCWD Board Manager.
12
13 3) **Approve Agenda**
14 **Manager Johnson moved, seconded by Manager Wirth, to approve the agenda as**
15 **presented. Motion carried, vote 4/0.**
16
17 4) **Public Comments**
18 None.
19
20 5) **Consent Agenda**
21 Manager Wirth requested to pull agenda item c “Approve modification of BCWD Permit
22 23-10 Curio Dance studio” from the consent agenda for discussion.
23 **Manager Johnson moved, seconded by Manager Wirth, to approve the consent**
24 **agenda as amended:**
25 **a) Approve Board Meeting Minutes of October 11, 2023 Regular Meeting**
26 **b) Accept Permit Fee Statement**
27 **e) Approve modification of BCWD Permit 23-10 Curio Dance studio**
28 **d) Determine completeness of Brown’s Creek Restoration Environmental**
29 **Assessment Worksheet and approve for distribution**

1 **e) Approve Minnesota Watersheds registration not to exceed \$325 for Rosie**
2 **Russell to facilitate session on behalf of BCWD as part of our enhanced**
3 **stakeholder engagement in our watershed.**

4 **Motion carried, vote 4/0.**
5

6 Manager Wirth asked why the plumbing board’s document seemed to indicate the
7 design did not meet requirements but in the end approved it anyway. Administrator
8 Kill explained the district doesn’t have any comment or review on the plumbing
9 board’s decision; this document was included by the applicant as proof the board
10 approved their modified design. Administrators Kill also clarified that Rainguardian
11 bunkers are a type of pre-treatment structure that ensure stormwater features function
12 as intended.

13 **Manager Wirth moved, seconded by Manager Johnson, to approve modification**
14 **of BCWD Permit 23-10 Curio Dance studio. Motion carried, vote 4/0.**
15

16 Manager Eckles commented on the EAW for the Brown’s Creek Restoration project,
17 wondering if the language about the wetland being “changed but not eliminated”
18 should be expanded to reflect the change being beneficial. Mike Majeski explained
19 there was more detailed information on page 22 of the EAW which specifies
20 supporting wetland habitat as one of the project benefits.
21

22 **6) Treasurer’s Report**

23 **a) Review Authorized Funds Spreadsheet**

24 Ms. Kill explained the highlighted items reflecting last meeting’s board decisions.
25 One was for the district’s Hydrologic and Hydraulic model maintenance, of which
26 about \$9,000 is funded from 923-0000 Management Plan Implementation, and about
27 \$15,000 from the district’s contingency reserve to cover work done under the 2023
28 budget. The second change was showing the \$4,000 of funds from the legal counsel
29 budget item for the chloride liability legislative work.

30 **Manager Johnson moved, seconded by Manager Wirth, to accept the Authorized**
31 **Fund’s Spreadsheet as amended. Motion carried, vote 4/0.**
32

33 **b) Current Items Payable**

34 Manager Eckles explained to Manager Sahulka that the current items are a monthly
35 item that reflect past services, and the total budget balances can be seen in the
36 monthly treasurer’s report.

37 **Manager Johnson moved, seconded by Manager Wirth, to approve payment of**
38 **bills as presented in the amount of \$118,366.57.**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Manager Sahulka</u>	<u>X</u>			
<u>Manager LeRoux</u>				<u>X</u>
<u>Motion carried 4/0.</u>				

1 Ms. Kill explained that the Royal Credit Union CD's will mature next week and the
2 board's intent is to withdraw those funds and add them to the district's 4M fund. Ms.
3 Kill needs two managers who are authorized signers to withdraw the funds and
4 transfer into the 4M fund. Managers Eckles and Johnson will assist her with this.
5

6 **7) Planning**

7 **a) Mendel Wetland Community Engagement Scope**

8 The BCWD has recently explored the feasibility and suitability of restoring the
9 'Mendel Road Wetland' to achieve numerous District goals. The wetland is a large
10 bog and fresh meadow wetland complex that has been altered by an artificial drainage
11 system. It has a mix of good quality and highly degraded plant communities.

12 Hydrology restoration (removal or reduction of artificial drainage) coupled with
13 invasive species management would enhance this wetland and would also likely
14 reduce nutrient and thermal loading to Brown's Creek. During the growing seasons of
15 2021 and 2022 the District monitored local groundwater to aid in the determination of
16 impact(s) stemming from the potential project on grazing. The findings of the
17 monitoring indicated that hydrology restoration as proposed would not degrade
18 grazing of the ~15 acres currently grazed.

19 Per the positive feasibility findings thus far, Ms. Kill explained that she requested a
20 scope and fee for the board to consider that would advance the project further by a
21 meeting with landowners and stakeholders- likely once virtually and once in-person.
22 Six private landowners would need to agree with the district's project in order to
23 move forward, and one of them is currently using his land for grazing. Ms. Kill
24 explained this landowner has expressed the most concern in the past and she would
25 make sure they are available for the meeting. The timing of this effort would likely be
26 after the holidays in 2024.
27

28 **Manager Wirth moved, seconded by Manager LeRoux, to approve an engineering**
29 **budget not to exceed \$6,800 to assist district staff in engaging landowners and**
30 **stakeholders from account 961-0000. Motion carried 4/0.**
31

32 **b) Enhanced Stakeholder Engagement**

33 Camilla Correll reminded the board of the task assigned to them at the last board
34 meeting in managers identifying stakeholders of which they knew someone and could
35 engage with them. If managers feel a particular organization is especially important to
36 engage with but do not know of a contact for them, they can indicate this to district
37 staff to follow up on. Manager Eckles wondered if some groups may be more
38 important than others to engage with such as engineer's and land surveyor companies
39 and Ms. Correll explained those types of stakeholders already engage with the
40 watershed district and the goal is to explore and expand outreach to them as well as
41 others the district doesn't normally engage with. The managers suggested railroad
42 companies, the Lily Lake Association, and St. Croix water recreation companies. The
43 managers are asked to submit their lists by the 15th and the process update will occur
44 at the December board meeting.
45

46 **8) Program**

1 **a) Citizen Advisory Committee 2023 events summary**

2 Cameron Blake presented pictures from the 2023 Open Yard Series and Community
3 event put on by the BCWD Citizen Advisory Committee. Ms. Kill explained the CAC
4 also performs biological surveying efforts at the Brown's Creek Conservation Area.
5

6 Manager Eckles asked if signage could be created for the public to reference for
7 ongoing/active district Capital Improvement Projects (CIPs). This signage could have
8 a short description of the project and a QR code to the district's website for current
9 status updates. Ms. Kill agreed and explained this would be part of the planning for
10 the upcoming Brown's Creek Restoration project as a way to help the public
11 understand what changes they will be seeing. The EAW will also be posted on this
12 webpage.
13

14 **9) Training**

15 **a) Climate Resiliency Planning Tools**

16 Ms. Correll presented some climate resiliency tools she learned about from a recent
17 conference that are available to the board and district. CliMat TOOL from the University
18 of Minnesota (UMN) provides climate change projects for different emissions scenarios,
19 providing great information that can be used in conversations with the county, Citizen
20 Advisory Committee and Technical Advisory Panel. The UMN also has a hazard
21 mitigation planning tool which has been developed for one third of the counties in the
22 state so far. It provides information on what a hazard mitigation plan is as well as
23 provides a risk and vulnerability assessment for counties that have been completed. This
24 is a good resource for counties that don't have the resources to do this kind of planning
25 efforts on their own. It can be useful to counties, communities, and residents.
26 Lastly, Ms. Correll updated that the 5th National Climate Assessment is at the White
27 House waiting to be released. This assessment can be used in the management plan
28 update.
29

30 **b) Homeowner Associations**

31 This training is tabled for next month's agenda due to technical difficulties with the
32 audio and video capabilities of the meeting space. Ms. Kill explained this was on the
33 agenda because HOA's are required to maintain the stormwater features the district
34 requires developers to build through the permitting program. Michael Welch will be
35 presenting on the framework of HOA's through law.
36 Manager Eckles asked Mr. Welch to also update the board on any new occurrences with
37 the recent plumbing board's decision about applying plumbing code to stormwater
38 management features. Mr. Welch explained he does not have any updates at the moment
39 as things still seem to be stymied.
40

41 **10) Discussion Agenda**

42 **a) Updates**

43 **(1) Administrator**

44 Ms. Kill said the BCWD office will be closed on Friday in recognition of
45 Veteran's Day. She attended a meeting of the plumbing board's stormwater
46 facility committee on the recent plumbing code decision. The City of Hutchinson

1 brought forward a request for interpretation of this decision and explained the
2 basics of stormwater features and their function. She felt the board did not seem
3 to have knowledge of these systems, did not know other stakeholders have
4 already been reviewing them, but also did not seem to indicate any movement on
5 the decision that was made. The main concern of the plumbing board is surcharge,
6 of which stormwater systems are not applicable. The board discussed the
7 engineering, environmental, and financial implications of this decision if it is not
8 re-interpreted. Manager Eckles explained the decision would result in inferior
9 designs and stressed the importance of this issue being resolved.

10 Ms. Kill updated the board that the Minnesota Department of Health
11 (MDH) has Engaged EOR to explore stormwater capture and reuse, and have
12 invited WMOs and municipalities with reuse projects to provide input. The
13 concern for the district is if the MDH decides that stormwater needs to be held to
14 drinking water standards. This would be cost prohibitive for using reuse systems
15 as a tool to address volume standards in areas in which infiltration is not feasible.
16 This action is following criticism of the MDH releasing a white paper on this
17 topic with engaging stakeholders of interest to this topic.

18 Ms. Kill explained that Minnesota Watersheds is an organization the
19 district is a part of, who will be having their annual meeting at the upcoming 2023
20 conference. They also have a legislative meeting in February, and host a summer
21 tour, along with additional education opportunities for watershed staff and
22 managers. They also have a lobbyist on behalf of watersheds in Minnesota who
23 will be changing after this year. The requirement to be on their board is to also be
24 a board manager of a watershed district. Their meeting is Friday morning and the
25 district needs to delegate two voting members on behalf of the BCWD. Manager
26 Wirth plans on attending the conference and Manager Johnson may be.

27
28 **Manager Sahulka moved, seconded by Manager Eckles, to delegate**
29 **Managers Wirth and Johnson as BCWD voting members at the Minnesota**
30 **Watershed annual meeting. Motion carried 4/0.**
31

32 **(2) Legal**

33 Mr. Welch said the Metropolitan Council is seeking input on the process
34 they take to create and review plans for cities in the metro area. Ms. Kill
35 can forward this to managers as they are looking for board manager input.
36

37 **(3) Engineers**

38 John Sarafolean updated the managers that a recent permit site of concern,
39 White Oak Savannah lot 106, has now addressed the erosion and sediment
40 issues and is stabilized for the year.
41

42 **b) December 2023 Regular Meeting BCWD Board Agenda**

43 Managers did not have any suggestions for the November agenda.
44

45 **11) Adjournment**

1 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the regular meeting at**
2 **8:33 p.m. Motion carried 4/0.**

3

4 Respectfully submitted by

5 Cameron Blake, BCWD Staff and Charles LeRoux, Recording Secretary