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2 FINAL Minutes of the regular meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday October 11, 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
Charles LeRoux, Secretary	Michael Welch, Smith Partners, BCWD counsel
	Cameron Blake, BCWD staff
	Ryan Fleming, EOR, BCWD engineer (attended remotely)
Manager absent:	John Sarafolean, EOR, BCWD engineer
Gerald Johnson	Pat Conrad, EOR, BCWD engineer
	Anne Wilkinson, EOR, BCWD engineer

6
7 **1) Call Regular Meeting to Order @ 6:30 p.m.**

8 Manager Klayton Eckles called the regular meeting to order at 6:31 p.m.
9

10 **2) Approve Agenda**

11 Manager Celia Wirth asked to remove acceptance of the permit-fee statements and
12 approval of the Family Means waiver from the consent agenda.

13 **Manager Wirth moved, seconded by Manager LeRoux, to approve the agenda as**
14 **amended. Motion carried, vote 3/0.**
15

16 Administrator Karen Kill explained that Permit 23-05 Rocket Carwash is still on the
17 district’s permit fee statement despite not receiving approval from the city planning
18 commission, because the BCWD approval has not expired. Permit 23-05 will remain on
19 the BCWD permit list until the applicant no longer wishes to renew it.

20 Michael Welch recommended against authorizing execution of the Family Means waiver
21 because it waive Family Means’ negligence as a condition of using the meeting space.
22 The waiver has been the same for the last five years.

23 **Manager Wirth moved, seconded by Manager LeRoux, to approve Family Means**
24 **Waiver for 2024 meeting space. Motion carried, vote 3/0.**
25

26 **3) Public Comments**

27 None.
28

1 4) **Consent Agenda**
 2 **Manager Wirth moved, seconded by Manager LeRoux, to approve the consent**
 3 **agenda:**

4 **a) Approve minutes of the August 16, 2023, workshop & regular meeting**

5 **b) Approve minutes of September 13, 2023, regular meeting**

6 **Motion carried 3/0.**

7
 8 5) **Treasurer’s Report**

9 a) **Review Authorized Funds Spreadsheet**

10 Administrator Kill explain that there were no changes to the spreadsheet from the
 11 previous month.
 12

13 b) **Current Items Payable**

14 **Manager Wirth moved, seconded by Manager LeRoux, to accept the authorized**
 15 **funds spreadsheet and approve payment of bills as presented in the amount of**
 16 **\$79,258.47.**

	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>			

21 **Motion carried 3/0.**

22
 23 Ms. Kill noted there is about \$200,000 in the 4M account which is currently earning
 24 interest. The account is set up so the district can withdraw what is needed for
 25 payables each month.
 26

27 6) **Project**

28 a) **Marketplace Reuse 2024 Chloride Monitoring**

29 Ms. Kill reminded the managers that the feasibility study of stormwater reuse in the
 30 Marketplace subwatershed supported further development of the project. Among the
 31 questions that managers had regarding the project the suitability of stormwater runoff
 32 for irrigation considering the unknown chloride content. The Washington
 33 Conservation District scope of work in the meeting packet would add monitoring of
 34 the ponds in 2024 to better assess the question.

35 Manager Eckles wondered whether Wildwoods pond, one of the ponds identified for
 36 monitoring and possible inclusion the reuse system, is a wetland or part of the
 37 stormwater treatment system, and whether it is a viable option for use. He stated he is
 38 supportive of looking into the chloride content but noted his previous concern of
 39 making sure the district is investing time and resources into solving a problem. Ms.
 40 Kill explained one goal the proposed monitoring would address in addition to the
 41 chloride impairment in Long Lake is setting up a regional system to address rate and
 42 volume control ahead of coming redevelopment in the area. There could be additional
 43 benefits to a reuse system as well and there are potential avenues to pay for this
 44 project including developers reimbursing district costs. She noted that such an
 45 approach would be similar to other systems in the metro area. The ponds selected for

1 monitoring are wet storage ponds identified in the feasibility report. The monitoring
2 data could inform what kind of vegetation could be used in a reuse setting.
3

4 **Manager Wirth moved, seconded by Manager LeRoux, to authorize the president to**
5 **amend the 2023-2024 agreement with Washington Conservation District to include**
6 **not to exceed \$19,183 from account 929-0012 and \$1,680 that will be subcontracted**
7 **to the Metropolitan Council for lab sample analysis. Motion carried 3/0.**
8

9 **b) Long Lake – Chloride Presentation**

10 Anne Wilkinson presented the science behind chloride pollution, its impact on
11 freshwater ecosystems, and background on the limited monitoring data available from
12 Long Lake, which has recently been listed by the state as impaired for chloride. There is
13 limited data from limited locations and elevations in the lake so it is difficult to make a
14 clear assessment of Long Lake’s status. The bathymetry of the lake may also affect the
15 way chloride will impact Long Lake’s ecosystem.

16 The managers discussed current strategies for reducing salt use, and what
17 municipalities in the watershed are doing. Ms. Kill noted that she does not know how
18 modern the watershed cities equipment is. Before chloride use became widespread for
19 deicing, other techniques such as studded tires, sand, and road closing were used in the
20 winter, but these had impacts on commerce and to roads. The managers noted there is
21 some chloride use in the summer for dust suppression on gravel roads.

22 Ms. Wilkinson explained currently there is no feasible way to remove chloride from
23 the water, but there can be reductions in chloride concentrations in systems with short
24 residence time by reducing the amount of chloride entering a system. Long Lake has a
25 longer residence time but the district can work to keep the chloride levels from getting
26 worse, which could reduce impact to the ecosystem. Ms. Wilkinson explained that 78
27 percent of applied chloride washes into receiving waters. Manager Eckles noted there is
28 also a concern for infiltration as a volume strategy in areas where shallow aquifers are
29 used for drinking water.

30 Ms. Kill explained the board can consider the district’s approach to reducing salt
31 usage in the watershed through rules, such as requiring snow management plans through
32 the permitting program, and cost sharing for improved salt application equipment for
33 municipalities, among other options.
34

35 **7) Planning**

36 **a) Limited Liability Chloride Legislation**

37 Michael Welch explained how one approach to reducing salt use was through passing
38 a state law reducing liability for salt applicators if they follow state-approved
39 guidelines for application. Such legislation did not pass last session. Mr. Welch said
40 he has been working on the legislative language with a team of experts and lobbyists,
41 supported by Nine Mile Creek Watershed District. The request before the managers is
42 for BCWD to join in supporting the effort, not to exceed \$4,000.

43 The managers discussed other potential policy approaches to reducing private
44 chloride use such as municipal ordinances and applicator licensure requirements. The
45 board discussed how limited liability legislation compared to existing municipal
46 immunity.

1 The board discussed the need for engagement with legislators, acknowledging the
2 difficulties in doing so on these complicated issues. Manager Eckles expressed
3 interest in seeing the bill once it is drafted by the end of the year and offered to testify
4 if needed, given his experience in municipal road management and public works.
5

6 **Manager LeRoux moved, seconded by Manager Wirth, to authorize not-to-exceed**
7 **\$4,000 for 2023-24 services developing and lobbying for legislation providing**
8 **certified salt applicators with a limitation on property liability and other**
9 **efforts to reduce chloride pollution in Minnesota rivers and lakes from account 300-**
10 **4410. Motion carried 3/0.**
11

12
13 **b) H&H Model Update – Phase I scope**

14 Ryan Fleming explained said the district has maintained a current, updated hydrology
15 and hydraulic model of the watershed, adding better topographical resolution and
16 elevation data. The last major update was in 2015. The model is used by the district in
17 many program areas and activities, and is shared with municipalities. The next update
18 could involve updated elevation, landscape and land-cover data that is going to
19 become available and some local updates concerning drainage questions and
20 impervious surface from large developments. Mr. Fleming clarified this scope of
21 services would be considered phase I of the larger model update, which could involve
22 more effort to incorporate climatology changes.
23

24 **Manager LeRoux moved, seconded by Manager Wirth, to approve the scope of**
25 **services for an estimated cost of \$43,400 from account #923-?. Motion carried**
26 **3/0.**
27

28
29 **c) Enhanced Stakeholder Engagement**

30 Camilla Correll reminded the managers that the board approved a scope of work for
31 enhanced stakeholder engagement in anticipation of the upcoming watershed
32 management plan update. She presented the background on the first steps in setting
33 up such engagement and said the district's Citizens Advisory Committee would
34 participate in the same exercise. The goal for the board meeting was to review the
35 stakeholder list to identify organizations that may be missing. The managers
36 discussed the importance of communicating complex scientific ideas and district
37 efforts in a way that is accessible, as well as the importance of introducing the district
38 to people who are unaware of the district's existence or mission or how they could
39 benefit from or relate to the district. The managers noted that people who use the
40 watershed for recreation should also be considered stakeholders, not just residents.
41 Mr. Welch noted the managers should be intentional about the goal of stakeholder
42 engagement and the risk of a perception of gathering input then not doing what the
43 stakeholder asked, in case it is outside the mission of the district. Some of the benefits
44 to this engagement could be to identify opportunities for collaboration.
45

46 **8) Discussion Agenda**

1 **a) Plumbing Code Stormwater Surcharge Interpretation – District**
2 **Ramifications**

3 Ms. Kill explained that the state Plumbing Board is interpreting the plumbing
4 code in a way that precludes standard best-practice design of common infiltration
5 systems. There have been efforts to change the decision but the board has not made
6 any changes as of yet. The biggest impact for the district at this time is for the
7 permitting program and design review.
8

9 **b) Updates**

10 **(1) Administrator**

11 No additional updates.
12

13 **(2) Legal**

14 Mr. Welch updated the board that there is a legislative housekeeping effort
15 to update Minnesota Statutes chapter 103D that will focus on procedural
16 issues for out-of-state projects. It shouldn't effect the district as it is a
17 metro watershed district operating under Minnesota Statutes chapter 103B
18 as well.
19

20 **(3) Engineers**

21 John Sarafolean updated the managers on concern with erosion and
22 sediment control at White Oak Savannah lot 106. With the recent rains
23 and lack of stabilization on the site, the inspectors are concerned that
24 sediment-laden runoff will reach onsite wetlands and other water bodies.
25 He is communicating these concerns to the site supervisor and builder. He
26 is trying to bring the property owner into these conversations as well. The
27 homeowner has been receiving invoices from the builder for erosion and
28 sediment control and the district has reached out to inform them of the
29 issues occurring. There were concerns about the site earlier this year that
30 resulted in the site coming into compliance. He noted the configuration of
31 the site is challenging and the district is not holding financial-assurance
32 funds to address these concerns at this time.
33

34 **c) October 11, 2023 Regular Meeting BCWD Board Agenda and Location**

35 Managers did not have any suggestions for the November agenda.
36

37 **9) Adjournment**

38 **Manager Eckles moved, seconded by Manager Wirth, to adjourn the regular meeting at**
39 **9:06 p.m. Motion carried 3/0.**
40

41 Respectfully submitted by

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