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2 DRAFT 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	Cameron Blake, BCWD staff
	John Sarafolean, EOR, BCWD engineer
Manager absent:	
Charles LeRoux, Secretary	

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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 become a BCWD 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 Celia Wirth requested to removal of the approval of modification of BCWD
22 Permit 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 **d) Determine completeness of Brown’s Creek Restoration Environmental**
28 **Assessment Worksheet and approve for distribution**

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

Motion carried, vote 4/0.

With regard to modification of permit 23-10 Curio Dance Studio, Manager Wirth asked why the state Plumbing Board approved the project even though the board seemed to indicate the design did not meet requirements. Administrator Kill explained the district doesn't have any comment or review on the plumbing board's decision. The Plumbing Board decision was included by the applicant as proof the board approved its modified design. Administrator Kill also clarified that Rainguardian bunkers are a type of pretreatment structure that ensure stormwater features function as intended.

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

Manager Eckles asked whether the language in the environmental assessment worksheet for the Brown's Creek Restoration project about a wetland being "changed but not eliminated" should be expanded to reflect the change being beneficial. Mike Majeski explained there was more detailed information elsewhere in the EAW which specifies supporting wetland habitat as one of the project benefits.

6) Treasurer's Report

a) Review Authorized Funds Spreadsheet

Ms. Kill explained the highlighted items reflecting board decisions made at the last meeting: the district's hydrologic and hydraulic model maintenance, of which about \$9,000 is funded from 923-0000 Management Plan Implementation, and about \$15,000 from the district's contingency reserve to cover work done under the 2023 budget. The second change shows \$4,000 added to the legal counsel budget item for the chloride liability legislative work.

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

b) Current Items Payable

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

Manager Johnson moved, seconded by Manager Wirth, to approve payment of 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>

Motion carried 4/0.

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2 Ms. Kill explained that the Royal Credit Union certificates of deposit will mature next
3 week and the board's intent is to withdraw those funds and add them to the district's
4 4M fund. Ms. Kill needs two managers who are authorized signers to withdraw the
5 funds and transfer into the 4M fund. Managers Eckles and Johnson will assist her
6 with this.
7

8 **7) Planning**

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

10 Ms. Kill introduced the item, noting that BCWD has recently explored the feasibility
11 of restoring the Mendel Road wetland to achieve numerous district goals. The
12 wetland is a large bog and fresh meadow wetland complex that has been altered by an
13 artificial drainage system. It has a mix of good quality and highly degraded plant
14 communities. Hydrologic restoration through removal or reduction of the artificial
15 drainage coupled with invasive species management would enhance the wetland and
16 would also likely reduce nutrient and thermal loading to Brown's Creek. During the
17 growing seasons of 2021 and 2022 the district monitored local groundwater to assess
18 impacts stemming from the project on grazing in adjacent fields. The findings of the
19 monitoring indicated that hydrologic restoration would not degrade grazing of the 15
20 acres currently grazed.

21 Ms. Kill explained that she requested a scope and fee for the board to consider that
22 would advance the project further by a meeting with landowners and stakeholders,
23 likely once virtually and once in-person. Six private landowners would need to agree
24 with the district's project to move forward, and one of them is currently using his land
25 for grazing. Ms. Kill explained the landowner has expressed the most concern in the
26 past and she would make sure he are available for the meeting. The timing of this
27 effort would likely be after the holidays in 2024.
28

29 **Manager Wirth moved, seconded by Manager LeRoux, to approve an engineering**
30 **budget not to exceed \$6,800 for EOR to assist district staff in engaging landowners**
31 **and stakeholders from account 961-0000. Motion carried 4/0.**
32

33 **b) Enhanced Stakeholder Engagement**

34 Camilla Correll reminded the managers that they had been assigned the task of
35 identifying stakeholders that may be missing from the list as well as stakeholders they
36 have a relationship with. Additionally, Karen Kill asked the managers to identify
37 organizations that they think would be especially important to engage with. If the
38 managers don't have a contact for them, they can indicate this and district staff will
39 follow up on identifying a contact. Manager Eckles wondered if some groups may be
40 more important than others to engage with such as engineer's and land surveyor
41 companies. Ms. Correll explained that those types of stakeholders already engage
42 with the watershed district and the goal is to explore and expand outreach to them as
43 well as others the district doesn't normally engage with. The managers suggested
44 railroad companies, the Lily Lake Association, and St. Croix water recreation
45 companies. The managers are asked to submit their lists by November 15 and the
46 process update will occur at the December board meeting.

1
2 **8) Program**

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

4 Cameron Blake presented pictures from the 2023 Open Yard Series and Community
5 event put on by the BCWD Citizen Advisory Committee. Ms. Kill explained the CAC
6 also performs biological surveying efforts at the Brown's Creek Conservation Area.
7

8 Manager Eckles asked if signage could be created for the public for ongoing district
9 capital improvement projects. The signs could have a short description of the project
10 and a QR code to the district's website for current status updates. Ms. Kill agreed and
11 explained this would be part of the planning for the upcoming Brown's Creek
12 Restoration project as a way to help the public understand what changes they will be
13 seeing. The EAW will also be posted on the webpage.
14

15 **9) Training**

16 **a) Climate Resiliency Planning Tools**

17 Ms. Correll shared climate resiliency tools she learned about at the Midwest Climate
18 Resilience Conference in October. CliMat TOOL from the University of Minnesota
19 provides climate change projections for different emissions scenarios, providing great
20 information that can be used in conversations with the county, Citizen Advisory
21 Committee and Technical Advisory Panel. The university also has a hazard mitigation
22 planning tool which has been developed for one third of the counties in the state so far. It
23 provides information on what a hazard mitigation plan is as well as provides information
24 regarding risk and vulnerability for counties that have been completed. This is a good
25 resource for counties that don't have the staff and capacity to do this kind of planning
26 work on their own. It can be useful to counties, communities, and residents.

27 Ms. Correll noted that the 5th National Climate Assessment is at the White House waiting
28 to be released. This assessment will be a valuable tool for the watershed management
29 plan update.
30

31
32 **10) Discussion Agenda**

33 **a) Updates**

34 **(1) Administrator**

35 Ms. Kill said the BCWD office will be closed Friday in recognition of
36 Veteran's Day. She attended a meeting of the plumbing board's stormwater
37 facility committee on the recent plumbing code decision. The City of Hutchinson
38 brought forward a request for interpretation of this decision and explained the
39 basics of stormwater features and their function. She felt the board did not seem
40 to have knowledge of these systems, did not know other stakeholders have
41 already been reviewing them, but also did not seem to indicate any movement on
42 the decision that was made. The main concern of the plumbing board is surcharge,
43 of which stormwater systems are not applicable. The board discussed the
44 engineering, environmental, and financial implications of this decision if it is not
45 reinterpreted. Manager Eckles explained the decision would result in inferior
46 designs and stressed the importance of this issue being resolved.

1 Ms. Kill updated the board that the Minnesota Department of Health (has
2 engaged EOR to explore stormwater capture and reuse, and has invited watershed
3 organizations and municipalities with reuse projects to provide input. The concern
4 for the district is if the MDH decides that stormwater needs to be held to drinking
5 water standards. This would be cost prohibitive for using reuse systems as a tool
6 to address volume standards in areas in which infiltration is not feasible. This
7 action is following criticism of the MDH releasing a white paper on this topic
8 with engaging stakeholders of interest to this topic.

9 Ms. Kill said Minnesota Watersheds' annual meeting in Alexandria
10 November 28 to December 1. Minnesota Watersheds also has a legislative
11 meeting in February and host a summer tour, along with additional education
12 opportunities for watershed staff and managers. The organization also have a
13 lobbyist on behalf of watersheds in Minnesota who will be changing after this
14 year. The requirement to be on their board is to also be a board manager of a
15 watershed district. The organization's business meeting is December 1 and
16 BCWD needs to select two voting members on behalf of the BCWD. Manager
17 Wirth plans to attend and Manager Johnson may be.

18
19 **Manager Sahulka moved, seconded by Manager Eckles, to designate**
20 **Manager Wirth and Manager Johnson as BCWD voting members for the**
21 **Minnesota Watersheds annual meeting. Motion carried 4/0.**
22

23 **(2) Legal**

24 Mr. Welch said the Metropolitan Council is seeking input on the policy
25 underlying its regional planning, which is the framework for its review of
26 cities' comprehensive plans. Ms. Kill will forward the information to
27 managers to provide input.
28

29 **(3) Engineers**

30 John Sarafolean said White Oak Savannah lot 106 has addressed cited
31 erosion and sediment problems and is stabilize.
32

33 **11) Adjournment**

34 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the regular meeting at**
35 **8:33 p.m. Motion carried 4/0.**
36

37 Respectfully submitted by

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