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2 DRAFT Minutes of the regular meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday December 13, 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
Debra Sahulka, Manager	Cameron Blake, BCWD staff
Charles LeRoux, Secretary	John Sarafolean, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD Engineer
	Mike Majeski, EOR, BCWD Engineer
	Roger Tomten, Sustainable Stillwater
	Chris and Pam Wells, Residents
	Sam Eaton, Timberland Partners
	Dan Sjololom, Alliant Engineering

- 6
7 **1) Call to Order**
8 Manager Klayton Eckles called the regular meeting to order at 6:32 p.m.
9
- 10 **2) Approve Agenda**
11 **Manager Wirth moved, seconded by Manager LeRoux, to approve the agenda as**
12 **presented. Motion carried, vote 5/0.**
13
- 14 **3) Public Comments**
15 None.
16
- 17 **4) Consent Agenda**
18 **Manager Wirth moved, seconded by Manager Johnson, to approve the consent**
19 **agenda:**
20 **a) Approve board meeting minutes of the November 8, 2023 regular meeting**
21 **b) Accept permit fee statement**
22 **c) Approve the Lower St. Croix Partnership's 2024 Annual Work Plan**
23 **d) Appoint Hallie Chasensky to the citizen advisory committee**
24 **e) Approve Oak Glen Golf Course reuse project operation and maintenance**
25 **scope for 2024**
26 **Motion carried, vote 5/0.**

Regarding the scope for additional work by the engineer on the reuse system at Oak Glen Golf Course, Administrator Karen Kill clarified that although the golf course is responsible for the long-term operation and maintenance of the reuse project, the district is continuing to be involved in startup work as troubleshooting is still occurring.

5) **Treasurer’s Report**

a) **Review Authorized Funds Spreadsheet**

Ms. Kill explained the spreadsheet has been updated to reflect the authorized items from the last board meeting. Manager Jerry Johnson noted that BCWD had received its levy payment from the county.

b) **Current Items Payable**

Manager Johnson moved, seconded by Manager Wirth, to accept the authorized funds spreadsheet and approve payment of bills as presented in the amount of \$286,758.45.

	Yea	Nay	Abstain	Absent
Manager Eckles	X			
Manager LeRoux	X			
Manager Wirth	X			
Manager Sahulka	X			
Manager LeRoux	X			
Motion carried 5/0.				

6) **Permits**

a) **BCWD Permit #23-17 Sundance Townhomes**

Camilla Correll presented the engineer’s report on this permit; no variances are being requested and the engineer’s recommendation is to approve the permit with the conditions outlined in the report. Manager Eckles asked if the recent plumbing-code decision restricting design of stormwater features will be an issue for the applicant’s proposed stormwater-management plan. Dan Sjololom, the engineer for this project, noted that it is his understanding the plumbing board has been authorizing design even when they include discharge into stormwater features below the 100-year flood elevation, contrary to the prior decision of the board.

Mr. Sjololom and Sam Eaton, the developer, said they would be able to meet the proposed conditions of the permit. The managers noted the significant investment the applicant will make in the reuse system it will use to meet district standards. Manager Eckles recommended the developer invest in a high-quality components to make future operations and maintenance more effective. Ms. Kill noted the project is unique in the area in that the housing will be rental with one underlying property owner and manager. Mike Majeski suggested the developer look into native trees for the buffer planting area to help ensure their future survival. The board discussed the proposed size of the trees that will be planted and Manager Eckles recommended the applicant talk to the City of Stillwater to see what size of trees they would recommend using in this setting.

1 Michael Welch suggested the board delegate authority to the administrator in case there
2 is a recommendation to adjust the permit conditions based on the conversation with the
3 City of Stillwater on the tree size and number, as long as the stormwater performance
4 requirements are still met.
5

6 **Manager Wirth moved, seconded by Manager LeRoux to approve Permit #23-17**
7 **Sundance Townhomes with the conditions and stipulations in the engineer's report,**
8 **and with the additional condition of the buffer plantings being native species, and to**
9 **delegate authority to the administrator to adjust the permit conditions if needed as**
10 **they relate to the size and number of trees while meeting the same stormwater**
11 **performance aspect of the permit. Motion carried, vote 5/0.**
12

13 7) **Projects**

14 a) **Brown's Creek Restoration Project**

15 (1) **Public Hearing – Environmental Assessment Worksheet**

16 Manager Eckles opened the public hearing at 7:28pm. No members of the public
17 were present and the hearing was closed at 7:30pm. Administrator Kill updated
18 the board that no substantial comments have been received yet, but the comment
19 period closes December 21. Mike Majeski commented that as the Responsible
20 Governmental Unit for this project, the board would consider and decide whether
21 an Environmental Impact Statement is necessary. He does not believe an EIS will
22 be necessary and this would complete the environmental-review process.
23

24 (2) **Signage Scope**

25 The managers review the proposed scope of work from the engineer for signage
26 for the project. The signage will address questions the public may have about the
27 project, and is expected to be needed given the very public and high traffic in the
28 location of the project. Project information will be added to the district website
29 and signage on site will have a description of the project and a QR code directed
30 to this webpage which will be updated frequently as to what is currently occurring
31 on site.
32

33 **Manager Johnson moved, seconded by Manager LeRoux to approve this**
34 **scope of services for an estimated cost of \$2,675.00 from account 910-0000.**
35 **Motion carried 5/0.**
36

37 (3) **Agreements: Van Tassel, City of Stillwater, Department of Natural**
38 **Resources**

39 Ms. Kill noted that agreements with the project-site landowners are in the works,
40 and will come to the board for authorization in January.
41

42 b) **Resolution 23-06 Adopting the Washington County All Hazard Mitigation Plan**

43 Ms. Kill explained that adopting this plan will allow the county to be considered eligible
44 for federal flood-mitigation funding.
45

Manager Wirth moved, seconded by Manager Johnson, to approve Resolution 23-06 Adopting the Washington County All Hazard Mitigation Plan:

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

8) Planning

a) 2027-2036 Watershed Management Plan – 60-day initial notice and initial meeting

The district is required to have an initial meeting as part of the management plan update. Valley Branch Watershed District is also beginning this process and had an open house this month. The board agreed that they liked the idea of an open house and suggested a weekday in March that doesn't conflict with local spring breaks. Ms. Kill suggested the location be the Lakes of Stillwater, which has a large meeting space and parking lot.

Manager Wirth moved, seconded by Manager Sahulka to approve the 60-day initial notice and meeting for the 2027-36 Watershed Management Plan. Motion carried 5/0.

b) Enhanced Stakeholder Engagement

Camilla Correll reviewed the list of stakeholders. Staff will perform some interviews to finalize the interview questions before distributing them to board managers. Contact information will be sent out with the final interview questions, and data will be entered in a shared Google form. Managers suggested they join staff or staff accompany them at the start until managers feel comfortable conducting them alone. Ms. Kill noted that she is not expecting everyone on the list to be interviewed and expects the response rate to vary. She suggested managers pick five organizations to interview. Staff can also assign organizations to managers. The group noted that as well as the management plan process, this will also have the benefit of introducing the district to organizations that may not know about it.

- (1) The list will be emailed to managers to select from and staff will assign interviews.

The managers reviewed a proposed engineer scope of work for a handout with details about the district would be beneficial to bring to interviews and to send to organizations active in the watershed.

Manager Wirth moved, seconded by Manager Johnson to approve the scope of services for Educational 'Leave-Behind' Flyer for not to exceed \$2,329 from account number 910-0000.

1 **9) Budget**

2 **a) Public Meeting regarding 2024 Budget and Levy**

3 Manager Eckles opened the public meeting for the 2024 budget and levy. No members of
4 the public were present to comment.

5
6 **b) Resolution 23-07 Final 2024 Budget and Levy**

7 **Manager Wirth moved, seconded by Manager Johnson, to approve Resolution 23-07**
8 **2024 Final Budget & Certified 2024 Tax Levy Resolution: All Funds.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
9 <u>Manager Eckles</u>	X			
10 <u>Manager Johnson</u>	X			
11 <u>Manager LeRoux</u>	X			
12 <u>Manager Sahulka</u>	X			
13 <u>Manager Wirth</u>	X			
14 <u>Motion carried 5/0.</u>				

15
16
17 **10) Training**

18 **a) Homeowners Associations**

19 Mr. Welch gave an overview of homeowners’ associations. He explained that HOAs are
20 important because the district requires recorded declarations for maintenance of
21 stormwater features, and often those features are located on properties owned by the
22 HOA for a development. Ms. Kill explained that HOAs tend to be decentralized, with
23 unreliable record keeping, with short-term boards and offsite property management
24 companies. She noted Stillwater has HOAs with stormwater features that are reaching the
25 age at which costly maintenance procedures are going to start to be necessary for their
26 continued function. Staff are developing HOA engagement and education materials.

27
28 The role of the district is to ensure the stormwater-treatment capacity in the watershed is
29 maintained.

30
31 **11) Discussion Agenda**

32 **a) Updates**

33 **(1) Administrator**

34 Ms. Kill updated the board that the state has released a draft updated Impaired
35 Waters list was released and no new impairments were listed in the watershed.

36
37 Manager Debra Sahulka and Ms. Kill needed new BCWD nametags and this
38 order will be placed. The board was supportive of a BCWD apparel order in light
39 of the new board manager and new Citizen Advisory Committee member. Lastly,
40 Ms. Kill reminded managers that they are required by law to fill out the form they
41 will be sent by the Campaign Finance Board.

42
43 **(2) Legal**

44 Mr. Welch updated the board that the Minnesota Watersheds organization passed
45 resolutions at its annual conference, none of which pertain particularly to the
46 district.

1 **(3) Engineers**

2 No update.

3
4 **(4) Managers**

5 Manager LeRoux will not be able to attend the January board meeting.

6
7 **11) Adjournment**

8 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the regular meeting at**
9 **9:15 p.m. Motion carried 5/0.**

10
11 Respectfully submitted by

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