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2 FINAL Minutes of the regular meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday January 10, 2024
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
	Ryan Fleming, EOR, BCWD engineer
	John Sarafolean, EOR, BCWD engineer
	Randy Tweden, resident

6
7 1) **Call Annual Meeting to order**

8 President Klay Eckles called the annual business meeting to order at 6:32 p.m.
9

10 a) **Approve Annual & Regular Meeting Agenda**

11 Administrator Karen Kill

12 **Manager moved, seconded by Manager, to approve the agenda as amended.**

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

14
15 b) **Election of Officers**

16 After discussion of Manager Sahulka taking on the secretary position, Manager Wirth
17 suggested that elections should wait until all members of the board are present.

18 **Manager Wirth moved, seconded by Manager Johnson, to table this agenda item**

19 **until the next board meeting. Motion carried, vote 4/0.**

20
21 c) **Committee Appointments**

22 The managers reviewed the existing committee appointments. Manager Debra Sahulka
23 volunteered to serve as Metro Minnesota Watersheds liaison and proposed the other
24 existing appointments remain as is.

- 25 • Citizen Advisory Committee Liaisons – Celia Wirth, alternate Charles
- 26 LeRoux
- 27 • Technical Advisory Committee Liaison – Klayton Eckles
- 28 • East Metro Water Resources Education Program Liaison – Karen Kill
- 29 primary, Gerald Johnson as necessary
- 30 • Best Management Practices Program Subcommittee – Gerald Johnson

- 1 • Bylaws and Policies – Celia Wirth
- 2 • MAWD Board Liaison – Celia Wirth
- 3 • Metro MAWD Liaison – Debra Sahulka
- 4 • Lower St Croix One Watershed One Plan – Klayton Eckles; alternate Gerald
- 5 Johnson

6 **Manager Sahulka moved, seconded by Manager Johnson, to approve the**
7 **committee appointments and authorize per diems for committee attendance.**
8 **Motion carried, vote 4/0.**
9

10 d) **Selection of Bank and Financial Assurance Depository**

11 **Manager Wirth moved, seconded by Manager Johnson, to retain US Bank and**
12 **4M Fund as the BCWD bank with a separate 4M account as a depository for**
13 **permit fees and cash escrows, with letters of credit and bonds to be held at the**
14 **BCWD office. Motion carried, vote 4/0.**
15

16 e) **Selection of Official Newspapers**

17 **Manager Johnson moved, seconded by Manager Wirth, to retain *White Bear***
18 ***Lake Press* and the *Stillwater Gazette* as official newspapers.**
19 **Motion carried 4/0.**
20

21 f) **Schedule of Regular and Special 2023 meetings**

22 Ms. Kill noted all meetings will be held at 6:30 p.m. at Family Means, 1875
23 Northwest Avenue South, Stillwater, unless otherwise stated:

24 Wednesday, January 10, 2024

25 Wednesday, February 14, 2024

26 Tuesday, March 19, 2024 –location to be determined

27 Wednesday, April 10, 2024

28 Wednesday, May 8, 2024

29 Wednesday, June 12, 2024

30 Wednesday, July 10, 2024 - 2024 Budget Workshop 5 - 6:30 p.m. and Regular
31 Meeting

32 Wednesday, August 14, 2024 - 2024 Budget Workshop 5 - 6:30 p.m. and Regular
33 Meeting

34 Wednesday, September 11, 2024

35 Saturday, September 14, 2024 – 2024 Community Event at Brown’s Creek Park in
36 Stillwater 10 a.m. – 1 p.m.

37 Wednesday, October 9, 2024

38 Wednesday, November 13, 2024

39 Wednesday, December 11, 2024
40

41 The later March meeting will provide an extra week to seek and process bids for the
42 Brown’s Creek Restoration project.
43
44

45 **Manager Wirth moved, seconded by Manager Sahulka, to approve the schedule**
46 **of regular meetings and workshops as presented. Motion carried, vote 4/0.**

1
2 **g) Citizens Advisory Committee Membership**

3 Ms. Kill reported that Patty and Ron Johnson are not seeking reappointment to the
4 CAC this year. President Eckles requested they be thanked for their service on the
5 CAC during 2023.

6 **Manager Johnson moved, seconded by Manager Wirth, appointment of Anne**
7 **Maule-Miller, George Vania, Jvneen Thatcher, Yihong Gao, Stephen Merchant,**
8 **Aimee Eberle, and Hallie Chasensky to the Citizens Advisory Committee.**
9 **Motion carried 4/0.**

10
11 **h) Board Training Plan**

12 Ms. Kill reviewed a list of education opportunities for the managers:

- 13 • Washington County Water Consortium monthly meetings
14 • Legislative Water Commission monthly Meetings
15 • Minnesota Watersheds Day at the Capitol (Feb), Summer Tour (June), and
16 Annual Meeting (Dec)
17 • Metro Minnesota Watersheds quarterly meetings
18 • Water Resources Conference (Oct)
19 • Internal Trainings
20 ○ Private data – natural heritage data, archeological data,
21 endangered/threatened species data
22 ○ Diversity, equity and inclusion
23

24 Regarding training topics, President Eckles suggested the managers might be well-
25 served by an online DEI or implicit-bias training. Manager Sahulka suggested
26 conflicts of interest as a topic. Manager Eckles asked if new managers could receive
27 some technical training, especially as related to the permitting program. Minnesota
28 Watersheds offers a basic training at its annual conference and Ms. Kill typically
29 meets with new managers as well. She noted that the manager committee meetings
30 are authorized for per diem.
31

32 **i) Bylaws and Policies Review**

33 Michael Welch reviewed governance topics. He explained that an update to BCWD's
34 technology policy is needed. Ms. Kill said seven new tablets will be purchased for the
35 managers and the old tablets will be liquidated.
36

37 Mr. Welch suggested that the managers consider a per diem for preparation for
38 meetings and a revision of the current \$100 per day rate to the statutory maximum of
39 \$125 per day.
40

41 Mr. Welch said he will work with Manager Wirth and Ms. Kill on revisions for board
42 review at an upcoming meeting.
43

44 Manager Eckles asked for an update on efforts to amend the rules for single-family
45 homes. Ms. Kill said the analysis was completed and the board decided to look into
46 the issue further as part of the management planning process. The goal would be for

1 this issue to be addressed as part of the management plan's Technical Advisory
2 Committee meetings and will come back for board direction after this.

3
4 **j) Adjourn Annual Meeting**

5 President Eckles adjourned the annual meeting at 7:36 p.m.

6
7 **2) Call Regular Meeting to Order**

8 President Eckles called the regular meeting to order at 7:36 p.m. He welcomed Randy
9 Tweden. Staff recommended that managers move the Tweden resident permit application
10 to the first item on the agenda.

11
12 **Manager Wirth moved, seconded by Manager Johnson, to approve the agenda.**
13 **Motion carried, vote 4/0**

14
15 **3) Permitting**

16 **a) BCWD Permit #23-02 Tweden Residence**

17 Ms. Kill explained the application is for a single-family home property with the Farms of
18 Grant development.

19
20 John Sarafolean presented analysis of Mr. Tweden's request for a variance to allow
21 placement of solar panels in the wetland buffer established under the original
22 development permit. He said the panels represent impervious surfaces in buffer area. He
23 said the impact to the wetland is minimal.

24
25 The managers noted the minimal impact on the ground and to vegetation beneath the
26 panels. The managers noted that the proposed placement of the panels is a
27 recommendation from the solar consultant to maximize efficiency. Manager Eckles noted
28 that the district should support green energy as benefitting the environment.

29 Mr. Welch explained there is currently a recorded declaration on the property that does
30 not allow for placement of these panels in the buffer zone and recommended the board
31 address this in its motion.

32
33 **Manager Wirth moved, seconded by Manager Johnson, to approve the variance for**
34 **permit #23-02 with the conditions and stipulations recommended by the engineer,**
35 **and to authorize the administrator to enter into a modification of the declaration to**
36 **reflect the approval of solar panel placement in the buffer. Motion carried 4/0.**

37
38 In response to a question from Ms. Kill, the managers decided not to specify the timing of
39 the declaration revision. The board thanked the applicant for his efforts to comply with
40 the rules.

41
42 **4) Public Comments**

43 There were no public comments.
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- 1 5) **Consent Agenda**
- 2 **Manager Wirth moved, seconded by Manager Johnson, to approve the consent**
- 3 **agenda:**
- 4 **a) Approve Board Meeting Minutes of the December 13, 2023 Regular Meeting**
- 5 **b) Accept Permit Fee Statement**
- 6 **c) Approve water monitoring equipment repair scope.**

7 **Motion carried 4/0.**

8

9 6) **Treasurer’s Report**

- 10 a) **Review Authorized Funds Spreadsheet**
- 11 Ms. Kill explained that the spreadsheet has been updated to reflect the 2024 budget
- 12 items, and that there is currently an estimated carryforward value that will be
- 13 finalized after the audit.
- 14 **Manager Johnson moved, seconded by Manager Wirth, to approve the**
- 15 **authorized funds spreadsheet as presented. Motion carried, vote 4/0.**

- 17 b) **Current Items Payable – Board Action**
- 18 **Manager Johnson moved, seconded by Manager Sahulka, to approve payment**
- 19 **of bills as presented in the amount of \$80,200.00. Motion carried on a roll call**
- 20 **vote, 4/0.**

21

22 7) **Projects**

- 23 a) **Brown’s Creek Restoration Project – Environment Review Resolution 24-01 --**
- 24 **adopting a record of decision for the environmental review and making a negative**
- 25 **declaration of need for an environmental impact statement**

26

27 Ms. Kill said comments on the Environmental Assessment Worksheet were

28 received and none required proceeding to an environmental impact statement. She

29 mentioned a comment received from the Metropolitan Council regarding zoning

30 will need to be addressed by the City of Stillwater.

31

32 **Manager Johnson moved, seconded by Manager Eckles, to adopt Resolution**

33 **24-01 – adopting a record of decision for the environmental review and**

34 **making a negative declaration of need for an environmental impact**

35 **statement:**

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

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42 **Motion carried 4/0.**

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44 **Manager Eckles moved, seconded by Manager Johnson, to appoint Manager**

45 **Sahulka as recording secretary pro tem. Motion carried 4/0.**

46

1 **(2) Van Tassel Agreement– Board Action**

2 Ms. Kill said the Van Tassels are enthusiastic about the Brown’s Creek
3 restoration project. Mr. Welch suggested the managers may wish to authorize the
4 administrator to make minor, nonsubstantive changes to the agreement with the
5 Van Tassels as needed. Ms. Kill said the next agreements with board will see for
6 this project will be with the Department of Natural Resources and the city.

7 **Manager Eckles moved, seconded by Manager Johnson, to authorize the**
8 **administrator to execute the Van Tassel agreement with advice of counsel**
9 **and with any minor, nonsubstantive revisions that she and legal counsel find**
10 **necessary to comport with the intent of the managers. Motion carried 4/0.**

11
12 **8) Projects**

13 **a) Enhanced Stakeholder Engagement – updates and per diems**

14 Ms. Kill distributed materials for managers’ interviews with community stakeholders and
15 explained that interviews should be submitted to a shared google document online. Ms.
16 Kill has completed three interviews so far and identified some great synergies for the
17 district to explore. She noted her interviews took longer than 30 minutes, but said she felt
18 the time will likely vary. The goal is to have as many done before the next board meeting
19 as possible. She shared that she sent an introductory email to initiate conversation, using
20 a modified version of the script in the materials provided to the board. She said there are
21 multiple benefits to the board managers completing these interviews and encouraged
22 managers to reach out to other organizations if they feel an interview would be worth
23 doing.

24
25 The board discussed approving a per diem for these interviews and what that amount
26 should be. The board discussed how much time will be involved in this process and
27 whether the per diem should be an amount per interview rather than per day.

28
29 **Manager Wirth moved, seconded by Manager Johnson, to approve a per diem of**
30 **\$50 per completed interview not to exceed the statutory maximum of \$125 per day.**
31 **Motion carried 4/0.**

32
33 **b) Initial Planning Meeting potential dates**

34 No potential dates presented yet. The board discussed potential locations and agreed the
35 Lakes of Stillwater was a good option with a large space and parking, as well as being
36 located in the watershed.

37
38 **9) Discussion Agenda**

39 **a) Updates**

40 **(1) Administrator – US Bank Signatories**

41 Ms. Kill explained signatures are needed to correct the type of bank account the
42 district has, and this is the next step to set up the zero-balance account the district
43 is working toward.

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1 **(2) Legal**

2 Mr. Welch updated the managers on the limited-liability chloride bill, noting that
3 unfortunately prospects are looking grim for passage this session. He explained
4 that Minnesota Watersheds is bringing in a new lobbyist and he hopes to have an
5 update for the board by next board meeting.
6

7 **(3) Engineer**

8 There is no permit inspection report this month as inspections have slowed due to
9 the weather.

10
11 **9) Adjournment**

12 **Manager Johnson moved, seconded by Manager Sahulka, to adjourn the regular**
13 **meeting at 9:04 p.m. Motion carried 4/0.**
14

15 Respectfully Submitted by
16 Cameron Blake, BCWD staff and Charles LeRoux, Secretary
17