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2 FINAL Minutes of the regular meeting of the Brown's Creek Watershed District Board of
3 Managers, Tuesday March 19, 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
Chuck LeRoux, 2 nd Vice President	Cameron Blake, BCWD
Debra Sahulka, Secretary	John Sarafolean, EOR, BCWD engineer

- 6
7 **1) Call to Order**
8 President Klayton Eckles called the regular meeting to order at 6:30 p.m.
9
- 10 **2) Approve Agenda**
11 **Manager Wirth moved, seconded by Manager Johnson, to approve the agenda as**
12 **presented. Motion carried, 5/0**
13
- 14 **3) Public Comments**
15 There were no public comments
16
- 17 **4) Distribution of technology/basic start up training**
18 Administrator Karen Kill distributed iPads to the managers.
19
- 20 **5) Consent Agenda**
21 Michael Welch noted that for item 5c, water-monitoring equipment repair, the entire \$6,300
22 scope is entirely subcontracted by the Washington Conservation District with the equipment
23 supplier, Tech Sales Co; item 5d, the EOR weather station monitoring scope of \$3,642
24 includes a potential subcontract of \$320; and item 5f, the EOR vegetative maintenance
25 scope of is a \$15,800 subcontract with Natural Shore Technology plus \$500 in EOR
26 costs.
27
- 28 **Manager Wirth moved, seconded by Manager Johnson, to approve the consent**
29 **agenda as amended.**
30 **Motion carried 5/0.**
31
32

1 **6) Treasurer's Report**

2 **a) Review Authorized Funds Spreadsheet**

3 Ms. Kill explained that the authorized-funds spreadsheet had been updated with the
4 actual 2023 carryforward and the amended 2024 budget. Actions that have been
5 approved in 2024 are highlighted to reflect those changes.

6 **Manager Johnson moved, seconded by Manager LeRoux, to approve the**
7 **amended 2024 budget. Motion carried, 5/0.**

8 Manager Eckles asked how the carryforward compared to previous years. Ms. Kill
9 explained the carryforward was less this year but the total budget was lower this year
10 due to grant timing.

11 **Manager Johnson moved, seconded by Manager Wirth, to approve the**
12 **authorized funds spreadsheet as presented. Motion carried, 5/0.**

13
14 **b) Current Items Payable – Board Action**

15 **Manager Johnson moved, seconded by Manager Wirth, to approve payment of**
16 **bills as presented in the amount of \$70,352.91. Motion carried on a roll call vote,**
17 **5/0.**

18
19 **7) Permits**

20 **a) BCWD Permit 24-01 Take 5 Oil Change, Oak Park Heights – Engineer**
21 **Review**

22 Camilla Correll presented the engineer's report for permit application #24-01, explaining
23 that because the project site is within a high vulnerability zone of a designated Drinking
24 Water Supply Management Area, infiltration is not an option for the site. Stormwater
25 management for this project will be provided, in part, by an existing biofiltration practice
26 that is off the parcel being developed but part of the redevelopment site for purposes of
27 BCWD stormwater analysis. The applicant's stormwater-management plan also will rely
28 in part on evapotranspiration from the planted trees. The managers asked about the tree
29 species selection and requested the applicant work with the engineer on recommendations
30 for native species suited for the stormwater practice conditions. The applicant is
31 requesting a variance from compliance with the BCWD rate-control standard because
32 there is a slight increase in runoff rate at the south discharge point for the 100-year storm.
33 The engineer included several recommended conditions and stipulations of approval in
34 the report.

35
36 **Manager Wirth moved, seconded by Manager Johnson, to approve permit**
37 **application #24-01 Take 5 Oil Change with the conditions and stipulations as**
38 **outlined in the engineer's report, plus consideration of including native tree species,**
39 **and with the permit fee replenished to \$3,500, not \$5,000. Motion carried, 5/0**
40

41 **8) Projects**

42 **a) Brown's Creek Restoration Project – Select Contractor**

43 Ms. Kill explained the lowest bid for the project also has stream restoration experience
44 and is a reputable operator.

45

1 **Manager Sahulka moved, seconded by Manager Johnson, to award the construction**
2 **contract, with add-alternate, to the low responsible, responsive bidder, Geomorph**
3 **Restoration Inc., and to enter a contract not to exceed \$355,261.50 for the work, and**
4 **to authorize the administrator to execute change orders in an aggregate amount not**
5 **to exceed 5percent of the contract amount. Motion carried 5/0.**
6

7 Manager Wirth asked if any of the bidders were woman-owned businesses. Mr. Welch
8 explained the district did not include a diversity criterion among the qualifications for the
9 in a sealed-bid process. Manager Wirth wondered if the district could provide feedback to
10 the applicants advising them that this information could be helpful to provide in the
11 future.
12

13 Ms. Kill explained the project needs to be completed between April 1 and the end of
14 September. All land-use agreements needed for the project are complete and educational
15 signage is nearing completion. The board asked for signage to be easily understood for
16 the average person.
17

18 **(b) Marketplace Reuse Feasibility**

19 The managers thanked EOR for putting the online video summary of the history of
20 management of Long Lake that had been provided prior the board meeting. The managers
21 and staff noted that upcoming development in the area tributary to Long Lake will
22 improve conditions in the lake because the work will be subject to the BCWD rules.
23

24 Ms. Kill stated That the district is interested in regional systems that could simplify the
25 permit process, but should verify expected costs and buy-in from the city.
26

27 Manager Eckles said he wanted to define a clear problem and solution, as reuse is only
28 one tool and it would not address all of the issues facing Long Lake. He suggested
29 revisiting the constructed weir height of the outlet of Long Lake or considering assistance
30 to the properties with structures at risk with flood design and retrofitting. Mr. Welch
31 noted that variable weir systems are used as part of adaptive management that relies on
32 predictive water level management. Ms. Kill stated that expectations for Long Lake have
33 potentially shifted over time as the lake has not been boatable for some time with its
34 transition to a more clear state with the presence of aquatic vegetation.

35 The manager agreed to connect with the city on goals and approach to redevelopment
36 before considering next steps for reuse in the marketplace area.
37

38 **9) Planning**

39 **a) Management Plan Components**

40 The managers directed staff to separately delineate rule review, wetland reclassification,
41 evaluation of groundwater dependency in a scope of work for updating the watershed
42 plan.
43

44 **a. Rule review and amendment**

45 Both the wetland inventory update and groundwater dependent resources analysis
46 could be useful for the rules review. Currently groundwater-dependency is
evaluated with each permit.

1
2 **b. Wetland Function and Value Assessment Update and Groundwater**
3 **Dependent Resources**

4 Ms. Correll clarified the wetland and groundwater dependent inventories are not
5 on a routine schedule for updating. Updating them would allow for more current
6 information to be reflected in maps which could help both permit applicants and
7 staff during the permitting process.
8

9 **c. Initial Planning Meeting Scale**

10 The managers decided against a large open house at the last board meeting. Ms.
11 Correll outlined a different concept that would involve an initial planning meeting
12 followed by a meet and greet. The initial planning meeting is required in state
13 statute and will be attended by regulatory agencies and communities. The meet
14 and greet would be open to the public and board managers would be present. The
15 proposed timing is 2 to 4 p.m. for the initial planning meeting, which will involve
16 a presentation and opportunity to gather feedback, then 4 to 6 p.m. for the meet
17 and greet. The board concurred and asked to review a scope of work at a future
18 meeting.
19

20 **b) Enhanced Stakeholder Engagement – interview update and baseline survey**
21 **scope**

22 Ms. Kill explained the survey questions are being selected from a national survey
23 tool that has been vetted as a tool for social indicators and can be used to
24 duplicate and quantify change in behaviors and beliefs over time. The goal is also
25 to create one survey for all audiences.

26 The managers expressed concern over the number of questions and length of time
27 required to complete the survey. The managers also had concerns about overly
28 technical language and asked if questions could be modified to provide context.

29 The managers asked why soil decompaction was one of the topics and Ms. Kill
30 explained there was new state funding for soil health and it could be a topic of
31 note for the future.

32 The managers requested removing the questions about soil decompaction, moving
33 the demographic info to the top of the survey, and setting the expectation for the
34 amount of time required to complete the survey.
35

36 **10) New Business**

37 **a) Apparel Order**

38 Staff added an insulated vest and a women’s polo shirt as options for BCWD apparel.

39 **Manager Wirth moved, seconded by Manager Johnson to approve of an apparel**
40 **order from Heritage Embroidery from 200-4949 Miscellaneous Expense not to**
41 **exceed \$1,000.**
42

43 **11) Discussion Agenda**

44 **a) Updates**

45 **(1) Administrator**

46 No items.

1 **(2) Legal**

2 Mr. Welch said Minnesota Watersheds, Minnesota Association for Justice, the
3 Minnesota Center for Environmental Advocacy, Stop Over Salting and
4 Freshwater Society have signed on to a joint letter supporting a framework for a
5 liability-limiting bill in the state legislature. A meeting with Minnesota
6 landscapers, who have yet to sign onto the letter.

7 **(3) Engineer**

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

10 **(4) Managers**

11 No items.

12
13 **12) Adjournment**

14 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the meeting at**
15 **8:30 p.m. Motion carried 5/0.**

16
17 Respectfully Submitted by

18 Karen Kill, BCWD Administrator and Debra Sahulka, Secretary

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