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2 FINAL Minutes of the regular meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday April 10, 2024
4

5 ROLL CALL

Managers Present:	Others Present:
Celia Wirth, Vice President	Karen Kill, BCWD administrator
Gerald Johnson, Treasurer	Ryan Fleming, EOR, BCWD engineer
Chuck LeRoux	Michael Welch, Smith Partners, BCWD counsel
Debra Sahulka, Secretary	Cameron Blake, BCWD
	Camilla Correll, EOR, BCWD engineer (attended virtually)
Managers Absent:	
Klay Eckles, President	

- 6
7 **1) Call to Order**
8 Vice President Celia Wirth called the regular meeting to order at 6:30 p.m.
9
10 **2) Approve Agenda**
11 **Manager Johnson moved, seconded by Manager Sahulka, to approve the agenda as**
12 **presented. Motion carried, 4/0**
13
14 **3) Public Comments**
15 There were no public comments
16
17 **4) Consent Agenda**
18 **Manager LeRoux moved, seconded by Manager Johnson, to approve the consent**
19 **agenda:**
20 **a) Approve Board Meeting Minutes of the March 19, 2024 Regular Meeting**
21 **b) Accept Permit Fee Statement**
22 **c) Approve scope of work for newsletter, not to exceed \$3,800 from account**
23 **910-0000**
24 **Motion carried 4/0.**
25

1
2 **5) Treasurer’s Report**

3 **a) Review Authorized Funds Spreadsheet**

4 Karen Kill explained that the board authorized \$4,000 for fen management in March,
5 but funds will need to be transferred into the account 953-000 from contingency
6 reserve to fund this expense.

7 **Manager Johnson moved, seconded by Manager Sahulka, to transfer \$4,000**
8 **from the contingency reserve to account 953-0000 Fen Management Plan**
9 **Implementation and to approve the authorized funds spreadsheet. Motion**
10 **carried, 4/0.**

11
12 **b) Current Items Payable**

13 **Manager Johnson moved, seconded by Manager LeRoux, to approve payment of**
14 **bills as presented in the amount of \$105,912.89. Motion carried on a roll call**
15 **vote, 4/0.**

16
17 **c) Board Treasurer Position Training**

18 Manager Johnson notes that he is not reapplying for appointment to the board next
19 fall. The managers agreed that Manager Johnson should train Manager Wirth on
20 treasurer duties.

21
22 **6) Projects**

23 **a) 62nd Street Trail – Stillwater Cost-Share Request**

24 Ms. Kill reminded the managers that a flood-risk assessment performed by the BCWD
25 engineer identified townhomes around the 62nd Street stormwater pond that no longer
26 have adequate flood freeboard for the 100-year storm event. The City of Stillwater has
27 developed plans and specifications for lowering the 62nd Street Trail adjacent to the pond
28 to increase freeboard for the townhomes. The city requested BCWD cost-share for the
29 work last year, but quotes came in higher than expected so the city delayed the work. The
30 city has received a better price this year and has again requested BCWD support of
31 around \$15,000.

32 The managers discussed the precedent of the district assisting the city with
33 funding for projects. Ms. Kill reminded the board that the district does not typically own
34 the land in which the management plan needs to be implemented and so partnerships are
35 essential. There is a precedent for the city to partner on district projects and efforts and
36 vis versa, including contribution of funding.

37 Ms. Kill stated that to dedicate funding to the work, BCWD would need to have a
38 public hearing at next month’s meeting, then consider ordering the project. Michael
39 Welch advised that the managers must find that the spending would be consistent with
40 the Public Purposes Doctrine, which requires the board to find that the spending would
41 accrue to the public benefit and be consistent with watershed purposes.

42
43 **b) Flood-risk Assessments and Community Meetings for Woodpile, Masterman, and**
44 **Long**

45 Ms. Kill explained that the district has not yet completed systematic flood-risk and water
46 quality assessments for Woodpile, Masterman and water quality for Long Lake.

1 **Manager Wirth moved, seconded by Manager Johnson, to approve the scope of**
2 **services of \$25,956 by from 923-0002 by transferring \$10,206 from account 923-0000**
3 **to account 923-0002. Motion carried, 4/0**
4

5 **7) Planning**

6 **a) Management Plan update scope**

7 Ms. Kill reminded the managers that the plan-update process started with 60-day notice
8 of initiation to plan-review agencies, and would continue under this scope with technical
9 advisory committee meetings, three board workshops, citizen advisory committee
10 workshops and a kickoff meeting. There will be engineering, legal, and administration
11 time. The total for the engineering scope within the budgeted amount and reflects the
12 total budget for 2024 and 2025. Camilla Correll explained that the board workshops will
13 focus on issue and goal identification, development of measurable goals and actions, and
14 prioritization of fund allocation. The managers noted the importance of identifying and
15 address pollutants of emerging concern such as PFAS in groundwater. Ms. Correll noted
16 the other critical issues are climate change adaptation strategies, flooding, and an
17 operations and maintenance program.
18

19 **Manager LeRoux moved, seconded by Manager Sahulka, to approve the scope of**
20 **services in the amount of \$152,142 from account number 927-0000. Motion carried**
21 **4/0.**
22
23

24 **8) New Business**

25 **a) Annual Report**

26 **Manager Johnson moved, seconded by Manager LeRoux, to authorize the**
27 **administrator to distribute the 2023 annual report as required by statute. Motion**
28 **carried 4/0.**
29

30 **b) Macroinvertebrate Monitoring in Brown's Creek**

31 Ms. Kill explained the macroinvertebrate monitoring provides the district with
32 information about the quality of water resources in the watershed. Ms. Kill clarified the
33 monitoring will be conducted annually at three locations in the fall 2024 based on
34 guidance from the Minnesota Pollution Control Agency. Manager Johnson requested
35 Mike Majeski present the 2023 monitoring results at a future board meeting.
36

37 **Manager Johnson moved, seconded by Manager Sahulka, to approve not to exceed**
38 **\$3,776 from account number 947-0018 to conduct the 2024 Macroinvertebrate**
39 **Assessment, including a subcontract to RMB Labs for macroinvertebrate specimen**
40 **identification and reporting for \$1,537. Motion carried 4/0.**
41

42 **9) Discussion Agenda**

43 **a) Updates**

44 **(1) Administrator**

45 Ms. Kill explained that the Brown's Creek Restoration project will likely start in
46 mid-May. Educational signs will be posted along the project site with a QR code

1 to a project update page on the district’s website, and a mailing is planned for
2 nearby residents. The management plan update kickoff meeting is planned to run
3 from 2 to 4 p.m. with the technical advisory members, followed by an open house
4 from 4 to 6 p.m. for the public. The date has not yet been selected. Ms. Kill said
5 she will bring a scope for rule revision meeting facilitation to the next board
6 meeting. The last round of flood-assessment letters are soon to be sent out and the
7 drone flight of Brown’s Creek occurred.

8
9 **(2) Legal**

10 Mr. Welch said that the state landscapers group does not support the chloride
11 limited liability legislation approach being advanced by coalition assembled by
12 Minnesota Watersheds because it would not exempt property owners and
13 managers from negligence, which is not feasible from a legal standpoint. Mr.
14 Welch said he would provide an update about the plumbing code stormwater
15 conflict at the next board meeting.

16
17 **(3) Engineer**

18 Brown’s Creek Watershed District capital improvement projects will be featured
19 in EOR’s company tour this year.

20
21 **(4) Managers**

22 Manager Wirth updated the board that the Citizens Advisory Committee will be
23 co-hosting the annual community event with Sustainable Stillwater again and the
24 event will again have a raptor show. The district’s annual newsletter is available
25 for CAC and board review.

26
27 **12) Adjournment**

28 **Manager Sahulka moved, seconded by Manager Johnson, to adjourn the meeting at**
29 **8:18 p.m. Motion carried 4/0.**

30
31 Respectfully Submitted by
32 Karen Kill, BCWD Administrator and Debra Sahulka, Secretary
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