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

5 ROLL CALL

<b>Managers Present:</b>	<b>Others Present:</b>
Klay Eckles, President	Karen Kill, BCWD administrator
Celia Wirth, Vice President	Camilla Correll, EOR, BCWD engineer
Chuck LeRoux	Michael Welch, Smith Partners, BCWD counsel
Debra Sahulka, Secretary	Cameron Blake, BCWD
	Ryan Fleming, EOR, BCWD engineer
<b>Manager Absent:</b>	John Sarafolean, EOR engineer
Gerald Johnson, Treasurer	Alexander Furneaux, EOR engineer
	Beth Carreno (attended virtually)
	Rebekah Hagstrom, Liberty Classical
	Mike Brandt, Liberty Classical Engineer
	Nancy Wong, Pope Design Group
	Elise Kelly, Pope Design Group
<b>Residents/Community Members</b>	
Amanda Matson	Jean Carr
Rusty and Sheryl Ferguson	Paul and Mary Rice
Karen Ukura	Kate Faltesck
Steven and Carol Tregilgas	Sheila and Chris Hause
Nealy Patrick	Marcus Brandt
Beth and Cort Jerome	Heidi and Chuck Harvieux
Staci O’Connell	Beth Juran
Mark Stoitz	Steve and Carol Courteau
Laverna Scholz	Vicki Kappus
LeAnne Latham	Kirk and Tracey Hillquist
Jody and Sonia Moran	Chris Ecker
Lia Hogan	Bill Wright
Carley and Kelsey Milanovich	Jyneen Thatcher
Tracy and Terry Poirier	David Scholz
David Truax	

6  
7 1) **Call to Order**  
8 President Klay Eckles called the regular meeting to order at 6:32 p.m.

1  
2 **2) Approve Agenda**

3 Administrator Karen Kill requested to add two items to the agenda: amendment of the  
4 Agreement with Patrick and Jody Rooney for the Brown's Creek Restoration Project and  
5 amendment of the agreement with Washington Conservation District to add  
6 administrative services capacity.  
7

8 **Manager Wirth moved, seconded by Manager LeRoux, to approve the agenda as**  
9 **amended. Motion carried, 4/0**

10  
11 **3) Public Comments**

12 There were no public comments separate from items on the agenda.  
13

14 **4) Consent Agenda**

15 **Manager Wirth moved, seconded by Manager Sahulka, to approve the consent**  
16 **agenda:**

17 **a) Approve minutes of the June 12, 2024, regular meeting**

18 **b) Accept Permit Fee Statement**

19 **c) Authorize payment of Geomorphic Restoration pay application #1**

20 **d) Authorize expenses for September 21, 2024, community event, not to**  
21 **exceed \$1,300 from account 910-0000**

22 **Motion carried 4/0.**  
23

24 **5) Treasurer's Report**

25 **a) Review Authorized Funds Spreadsheet**

26 **Manager Wirth moved, seconded by Manager LeRoux, to accept the authorized**  
27 **funds spreadsheet as presented. Motion carried, 4/0.**  
28

29 **b) Current Items Payable**

30 Administrator Kill noted that the total disbursement amount did not include a  
31 payment of \$550 for per diems to Manager Debra Sahulka. She corrected the total  
32 shown in the items payable accounting to \$114,203.84.  
33

34 **Manager Wirth moved, seconded by Manager Sahulka, to approve payment of**  
35 **bills as corrected in the amount of \$114,203.84. Motion carried on a roll call**  
36 **vote, 4/0.**  
37

38 **6) Permits**

39 **a) BCWD Permit 23-19 Liberty Classical Academy**

40 In response to a request from President Eckles, Michael Welch explained that  
41 watershed districts' regulations pertain particularly to stormwater management to  
42 protect resources and flood-risk mitigation. Watersheds' regulatory role is limited to  
43 how something is built, rather than what the project is. Manager Eckles explained that  
44 the watershed district does not have land use authority and often the district's  
45 approval is conditional on city or township approval of a project.  
46

1 Ryan Fleming described the application from Liberty Classical Academy for  
2 multiphase expansion of its school facility in May Township and Hugo. He updated  
3 the board on the status of BCWD's review of the application, which seeks approval of  
4 a regional stormwater-management plan and a permit for an initial round of land-  
5 disturbing activities for the expansion project. The review to date has determined that  
6 the applicant's plan will meet the BCWD volume and rate requirements.  
7

8 Mike Brandt, engineer for the project, stated the depth of the pond will be 8-10 feet  
9 and the plan is for phase I to begin this fall with the phase II expansion planned for  
10 some time in the next five years based on growth of the school.  
11

12 President Eckles opened the floor for questions from neighbors. David Scholz, 12962  
13 Keller Avenue North, stated the maximum capacity of the pool based on the design  
14 appears to be equal to that of 25 Olympic swimming pools.  
15

16 Chuck Harvieux, 12935 Jody Avenue North, stated he was concerned about potential  
17 buildup and release of phosphorus from the farm field.  
18

19 Bill Wright, 12388 Keller Avenue North, said he was concerned about the current  
20 stormwater system design relying on a pump to move excess water from the pond,  
21 and asked what would happen if no one was present to run the pump. Ms. Kill noted  
22 this aspect was being addressed by the district and is why the applicant is being asked  
23 to adjust the design of the stormwater system to document that it will provide  
24 adequate flood protection independent of mechanical operation. Mr. Wright asked  
25 what the appearance of the pond will be from an aesthetic standpoint. Mr. Fleming  
26 stated the water level will likely fluctuate throughout the year depending on weather  
27 conditions. Mr. Wright asked why the district is not evaluating the proposed septic  
28 system. Mr. Fleming stated the district is looking at how the stormwater management  
29 system will operate under the 100 year event and the septic system does not discharge  
30 into the stormwater system. Manager Eckles clarified that the district does not review  
31 septic systems other than to confirm they are located outside of required buffers,  
32 which is the case in this design. Mr. Wright asked how the project will impact the  
33 122<sup>nd</sup> Street culvert and Mr. Fleming explained the proposed turn lane to be  
34 constructed on Keller Avenue is far enough away that it will not impact the culvert.  
35

36 Karen Kilberg, 12945 Keller Avenue North, expressed concern about the size of the  
37 septic system and distance from the buffer. She also asked if this project would  
38 impact the district's Trout Habitat Preservation Project. Mr. Fleming said the project  
39 will not change the operation and maintenance of the THPP.  
40

41 Steve Courteau, 12545 Keller Avenue North, noted two private culverts to the north  
42 of the school property that drain four residential properties. Mr. Fleming explained  
43 that both culverts will remain and the drainage from this area will continue to flow  
44 unaltered into the project site. During phase I the water will flow through temporary  
45 ditches to direct this water to the stormwater pond and the water will be conveyed by  
46 pipes in phase II.

1  
2 Manager Eckles noted that district standards require matching the pre-settlement  
3 condition for the rate of stormwater leaving the site for up to a 100-year event. Mr.  
4 Fleming explained the post-project discharge rates should improve current conditions  
5 based on the design and modeling.  
6

7 Chris Ecker, 9988 122nd Street North, expressed concern about the accuracy of the  
8 stormwater flow depicted as she observes standing water near her home in the spring.  
9 Staff will field review the site and verify the existing conditions near the intersection.  
10

11 Carol Courteau, 12545 Keller Avenue North, asked how the stormwater pond will be  
12 used for irrigation and who will be tracking groundwater use. Manager Eckles  
13 explained that stormwater reuse is a viable system as the excess nutrients in  
14 stormwater is taken up by vegetation when it is used for irrigation to reduce  
15 groundwater use.  
16

17 Marcus Brandt, 13120 Manning Avenue, and Paul Rice, 12743 Keller Avenue North,  
18 asked about well and groundwater usage. Manager Eckles explained that the  
19 Department of Natural Resources regulates groundwater appropriations permits and  
20 the proposed school usage is under the permit threshold of 10,000 gallons per day  
21 and/or 1,000,000 gallons per year.  
22

23 Ms. Kill stated the school's water use is below the state appropriations threshold, and  
24 will be capped at the same as residential wells in this area. She noted that  
25 groundwater levels fluctuate for a variety of reasons and any changes observed could  
26 not necessarily be attributed to this project.  
27

28 Mr. Brandt stated the planned water use is 9,000 gallons a day at full buildout and the  
29 septic system is sized for 16 four-bedroom homes.  
30

31 Cort Jerome, 12444 Keller Avenue North, asked if the stormwater pond would release  
32 excess phosphorus in its runoff to the THPP if it overflowed. Ms. Kill explained the  
33 project will not change the operation or operation of the THPP.  
34

35 David Truax, 10123 Kerry Court North, asked about the ordinary high water level  
36 elevation and how the district is interpreting this for its buffer rule application. Mr.  
37 Fleming explained the district is using a 100 foot buffer measurement from the  
38 wetland edge and does not reference the ordinary high-water level for the buffer rule.  
39

40 Jyneen Thatcher, 12999 Keller Avenue North, noted a concern that the project would  
41 alter the current onsite seasonal wetland to a deeper open-water system, resulting in a  
42 loss of habitat. Heidi Harvieux, 12935 Jody Avenue North, asked if a wetland  
43 delineation had been completed. Ms. Kill noted that Wetland Conservation Act  
44 approval has already been issued for this project, and the delineation performed is  
45 public information. Ms. Thatcher also raised a concern with culverts freezing each  
46 year and flooding conditions onsite.

1 Kirk Hillquist, 11150 121st Street North, asked if the planned stormwater pipes in  
2 phase II would also have issues with ice, and Manger Eckles said these kinds of pipes  
3 are usually buried below the frost line, but staff will look into this.  
4

5 Mr. Welch recommended that the managers extend the application-review period  
6 under state law to allow completion of the analysis by the BCWD engineer.  
7

8 **Manager Wirth moved, seconded by Manager LeRoux, to extend the review**  
9 **period for 23-19 Liberty Classical Academy by 60 days. Motion carried, 4/0.**

10  
11 In response to a question from the managers, Mr. Welch said the board could  
12 condition approval of the permit on preliminary plat approval from the city or  
13 township.  
14

15 **7) Projects**

16 **a) Oak Glen Reuse Project – Flow meter installation and remote monitoring**  
17 **equipment**

18 Ms. Kill explained that the flow rates for the reuse system installed as part of the water-  
19 quality improvement work at Oak Glen Golf Course is insufficiently monitored. The  
20 reuse system is not being managed as well as it could be because of a lack of data. The  
21 equipment described in the engineer’s memo in the meeting packet should last five to 10  
22 years. Remote access to the data will reduce staff needed to monitor the equipment.  
23

24 Mr. Welch noted that the district did not solicit quotes from companies other than Tri-  
25 State Pump for the monitoring system because, Ms. Kill explained, the equipment is  
26 specialized to the system installed by Tri-State.  
27

28 **Manager LeRoux moved, and Manager Wirth seconded, to authorize the**  
29 **administrator to enter into an agreement with Tri-State Pump and Control for the**  
30 **purchase and installation of pump-flow monitoring equipment at Oak Glen Golf**  
31 **Course for not to exceed \$13,738.40 and to approve the EOR scope of services for**  
32 **not to exceed \$4,610 from 948-0000.**  
33 **Motion carried, 4/0.**  
34

35 **8) Planning**

36 **a) Management Plan Update**  
37 **(1) Regulatory Review Facilitation Proposals**

38 Ms. Kill explained that she received three proposals for facilitating public  
39 engagement in the rule revision, and staff recommends contracting with Beth  
40 Carreno. Ms. Kill noted Ms. Carreno proposed an evaluation of the permitting  
41 process, which is something the managers have expressed interest in. The  
42 managers postponed action on the proposal until next month to allow more time  
43 for the managers to review the proposals.  
44

45 **(2) Public consultation plan- Board Action**

1 Alexander Furneaux explained that the Board and Water of Soil Resources  
2 requires a public-engagement plan for the watershed management plan update.  
3 **Manager Wirth moved, seconded by Manager Sahulka, to approve the**  
4 **public consultation plan as presented and distribute for Board of Water and**  
5 **Soil Resources input. Motion carried, 4/0.**  
6

7 Mr. Welch recommended the board consider adopting a policy that formalizes the  
8 connection between the district’s work and the diversity, equity, inclusion and  
9 accessibility activities proposed to be part of the plan update. The managers asked  
10 Mr. Welch to prepare a draft policy for consideration at next month’s meeting.  
11

12 **(3) Kick-off meeting recap**

13 The managers discussed the plan-update kickoff meeting held July 9 at Stillwater  
14 Library with the technical advisory committee and the public. Managers agreed it  
15 was a good opportunity to see how other organizations operated and a good  
16 opportunity for relationship building.  
17

18 **(4) Schedule for future workshops**

19 After discussion of a schedule for managers’ engagement in development of the  
20 plan update, Ms. Kill suggested meeting a half hour before regular meetings  
21 starting in September. The managers agreed with this schedule.  
22

23 **b) 2025 Budget – Discussion**

24 In response to inquiry from Ms. Kill , the managers directed Ms. Kill to reallocate  
25 funding for the study of stormwater reuse in the Marketplace area.  
26

27 Ms. Kill noted a need for increased district-specific education and outreach. The  
28 district currently participates in the East Metro Watershed Education Program and  
29 the Lower St. Croix Partnership. The managers noted support for an increase of  
30 the budget for education and outreach in the watershed.  
31

32 In response to inquiry from Ms. Kill, the managers directed her to allocate  
33 funding in 2025 for stormwater management above and beyond district  
34 requirements applicable to development of the Lakeview Hospital site.  
35

36 Ms. Kill asked if the board wished to consider a feasibility scope for enhancement  
37 of the rock crib at Brown’s Creek Park along McKusick Road. The board  
38 requested a cost-benefit estimate based on current performance of the rock crib in  
39 Brown’s Creek Park.  
40

41 **c) Rooney Landowner Agreement**

42 Ms. Kill noted that Patrick and Jody Rooney requested a change from the  
43 authorized agreement for work on their property as part of the Brown’s Creek  
44 Restoration Project: Rather than a recorded easement, the Rooneys would like a  
45 three-year maintenance agreement.

1                   **Manager Wirth moved, seconded by Manager Eckles, to authorize a revision**  
2                   **to the Patrick and Jody Rooney landowner agreement to provide a three-**  
3                   **year maintenance term rather than a permanent maintenance easement.**  
4                   **Motion carried, 4/0.**  
5

6           d)    **2024 Administrative Services**

7                   To accommodate increased administrative activities surrounding the management  
8                   plan update process, Ms. Kill said she would like the managers to consider  
9                   increasing spending for administrative support under the existing Washington  
10                  Conservation District service agreement.

11               **Manager Wirth moved, seconded by Manager LeRoux, to authorize the**  
12               **president on advice of counsel to amend the existing Washington**  
13               **Conservation District service agreement for additional administrative**  
14               **services not to exceed \$15,000. Motion carried, 4/0.**  
15

16   9)    **Discussion Agenda**

17           a)    **Updates**

18                   **Administrator**

19                       (a) Minnesota Watersheds Resolutions Packet

20                       Ms. Kill asked the managers if they had any ideas for a resolution seeking  
21                       support for a particular legislative initiative from Minnesota Watersheds.

22                       Manager Wirth asked if there were any items related to chloride.

23                       Managers will discuss at the next board meeting, in time for the  
24                       September 1 deadline for resolution.

25                       **Managers**

26                       Manager Johnson's last meeting will be October.  
27  
28

29   10)   **Adjournment**

30               **Manager Eckles moved, seconded by Manager Sahulka, to adjourn the meeting at**  
31               **10:06 p.m. Motion carried 4/0.**  
32

33   Respectfully Submitted by

34   Karen Kill, BCWD Administrator and Debra Sahulka, Secretary