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2 FINAL Minutes of the regular meeting of the Brown’s Creek Watershed District Board of  
3 Managers, Wednesday September 11, 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
Charles LeRoux, 2 <sup>nd</sup> Vice President	Michael Welch, Smith Partners, BCWD counsel
Gerald Johnson, Treasurer	Cameron Blake, BCWD staff
Debra Sahulka, Secretary	Paul Nation, EOR, BCWD engineer
	Andrew Giesen, Washington County engineer
	Ron Leaf, Kimley-Horn
	Kathy Vollmer, resident

- 6  
7 **1) Call Regular Meeting to Order**  
8 Manager Eckles called the regular meeting to order at 6:01 p.m.  
9
- 10 **2) Approve Agenda**  
11 **Manager Wirth moved, seconded by Manager Johnson, to approve the agenda as**  
12 **presented. Motion carried, vote 5/0.**  
13
- 14 **3) Public Comments**  
15 Kathy Vollmer, 1281 Amundson Circle, Stillwater, who was responsible for construction  
16 oversight for the earthwork being completed for the Brown’s Creek restoration project.  
17 She expressed concern about the amount of disturbance and exposure of the soils around  
18 the creek. Manager Klay Eckles explained that the project is a significant change, but will  
19 restore a portion of the creek both structurally and through vegetation improvements.  
20 Administrator Karen Kill explained that the district is overseeing the project, and that the  
21 disturbed soils have been stabilized by hydromulch and seeding. Ms. Kill said project  
22 information can be found on the district website, and on signs along the Brown’s Creek  
23 State Trail and around the project site. Ms. Kill invited Ms. Vollmer to attend the  
24 district’s September 21 community event on to learn more about the project.  
25
- 26 **4) Consent Agenda**  
27 **Manager Johnson moved, seconded by Manager LeRoux, to approve the consent**  
28 **agenda:**  
29 **a) Approve Board Meeting Minutes of the August 14, 2024 Regular Meeting**

**b) Accept Permit Fee Statement**

**c) Geomorphic Restoration pay application #3 in the amount of \$142,849.66  
Motion carried 5/0.**

**5) Treasurer’s Report**

**a) Review Authorized Funds Spreadsheet**

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

**b) Current Items Payable**

Ms. Kill corrected an error in the current items payable report. The total payment for Geomorphic Restoration Inc is \$142,849.66 for pay application number 3, not \$73,534.99 which was the total last month for pay application number 2. This makes the total for the month \$317,890.33 rather than the \$248,575.66 shown in the report.

**Manager Wirth moved, seconded by Manager Johnson, to authorize payment of bills as presented in the total amount of \$317,890.33.**

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

**Motion carried 5/0.**

**6) Permitting**

**a) Rule Review Facilitation Agreement**

Michael Welch said that the agreement with Beth Carreño to facilitate a rule-review effort presented last month is still for a not-to-exceed amount of \$9,800. The contract will be with Ms. Carreño as an individual and the insurance required by the draft agreement in the packet is standard liability and comprehensive automobile insurance coverage only. Mr. Welch said that he doesn’t recommend reducing BCWD’s standard insurance requirements, but in this case, where the work being done is facilitation of meetings and reporting, he cannot say the risk is significant.

**Manager Wirth moved, seconded by Manager Sahulka, to authorize the administrator to execute the regulatory outreach facilitation agreement with Beth Carreño as presented. Motion carried 5/0.**

**b) BCWD Permit 24-09 CSAH 5 Phase 3 – Project overview**

Paul Nation explained that Washington County has been working through the permitting process for a linear project on County State Aid Highway 5 and will be requesting variances from district rules when the permit comes to the board next month for approval. Ron Leaf, who is working with the county, explained that one of the issue areas identified in this project was historic high water levels around Johnson Pond. One variance will be to increase the discharge rates leaving this pond. The

1 permit plan includes lowering the culvert to help manage water levels from the pond  
2 and direct water into the infiltration basin. He discussed with the managers the  
3 challenges of stormwater treatment for linear projects, and how this applies to this  
4 permit in which the one proposed basin will accomplish much of the overall goal with  
5 some discrepancies at certain discharge points. Mr. Leaf explained this was a  
6 complex corridor with many challenges for the project.  
7

8 The managers thanked the permit applicants for attending the meeting and indicated  
9 they understood the variances being requested.  
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11 **7) 2025 Budget**

12 **a) Public Hearing**

13 Ms. Kill explained that staff proposes a budget calling for a levy increase of 2.3  
14 percent, which is below the management plan’s proposed increase of 3 percent  
15 annually. At last month’s budget workshop the board reviewed the draft budget and  
16 no changes were made to the budget or levy. Manager Eckles opened the public  
17 hearing at 6:41 p.m. The managers discussed the two different funding sources based  
18 in state statute (103B.241 and 103D.905) and the structure the district uses for the  
19 budget (general fund vs. management planning fund). The average tax burden per  
20 household in the district is around \$200 a year.  
21

22 No member of the public was in attendance to comment on the proposed budget  
23 and levy.  
24

25 **b) Resolution 24-01: 2025 Budget and Levy**

26 Manager Eckles noted that there will be another opportunity for public comment at  
27 the December board meeting.  
28

29 **Manager LeRoux moved, seconded by Manager Wirth, to adopt resolution 24-**  
30 **01, adopting an operating and capital budget totaling \$2,088,911, including**  
31 **\$1,860,022 for management plan implementation and \$228,889 for operations;**  
32 **with 2024 carryover and certain non-levy revenues totaling \$881,380, resulting**  
33 **in a levy of \$1,207,531 including \$228,889 for the general fund as provided by**  
34 **Minnesota Statutes section 103D.905 and \$978,642 for the management**  
35 **planning fund as provided by the Minnesota Statutes section 103B.241.**

	Yea	Nay	Abstain	Absent
<b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
<b><u>Manager Johnson</u></b>	<b><u>X</u></b>			
<b><u>Manager LeRoux</u></b>	<b><u>X</u></b>			
<b><u>Manager Wirth</u></b>	<b><u>X</u></b>			
<b><u>Manager Sahulka</u></b>	<b><u>X</u></b>			
<b><u>Motion carried 5/0.</u></b>				

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1 **8) Planning**

2 **a) Management Plan Update**

3 Camilla Correll updated the board on some newer water quality concerns the  
4 Environmental Protection Agency has including contaminants of emerging concern,  
5 climate change and social vulnerability, and an upcoming requirement for communities to  
6 use projected rainfall instead of historical data in the next Municipal Separate Storm  
7 Sewer System general permit. Manager Eckles noted the contaminant issue of polycyclic  
8 aromatic hydrocarbons, which were once used in driveway sealant among other  
9 applications. This can accumulate in stormwater basin sediment and requires expensive  
10 disposal past a certain threshold. Ms. Correll said EOR will present more information  
11 about various contaminants of emerging concern at upcoming board meetings.

12 **(1) Education, Outreach & Stewardship**

13 The Citizen Advisory Committee provided input for this subject at their last  
14 meeting. New language was added based on the goals identified. The board  
15 requested language be specified and refined to be more concise. Much of this  
16 effort has come from the district's partnership with the East Metro Water  
17 Resource Education Program in the past.

18 **(2) Recreation**

19 The CAC identified a goal of creating access to the environment without  
20 impacting the resource negatively. The board stated they want to encourage  
21 projects that create access to the environment and be flexible in considering  
22 their benefits in relation to their potential adherence to district rules. The  
23 board would also like to emphasize the importance of signage to promote  
24 awareness of district projects especially in relation to public trails.

25 **(3) Stormwater Runoff Management**

26 Ms. Correll noted the purpose of this stage of the planning process was to  
27 identify issues and needs, with prioritization based on budgetary constraints  
28 would come in later. The board discussed the role of best management  
29 practices and their ongoing maintenance and operation needs. Continuing the  
30 work of engaging with Homeowner Associations and their stormwater feature  
31 maintenance obligations was a high priority. Other topics of discussion  
32 included the district's role in waterborne contaminants, stormwater retrofit  
33 opportunities in existing development, and stormwater treatment incentives.

34 Manager Eckles expressed that he sees the districts role as being on the  
35 leading edge of topics rather than the bleeding edge.

36  
37 **(4) Stream Management**

38 Managers requested the state's characterization of Brown's Creek as a cold  
39 water assembly be checked to be sure it is correct. Other issues previously  
40 identified were a finding of unusual copper levels in the creek, and a need for  
41 a beaver management policy.  
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1 **9) Discussion Agenda**

2 **a) Updates**

3 **(1) Administrator**

4 Ms. Kill extended the valid period for BCWD Permit 17-04 Lakes of Stillwater to  
5 December 31, 2025, and authorized a 60-day permit review extension permit for  
6 BCWD Permit 24-09 CSAH 5.

7 Ms. Kill noted that the next board meeting will be Manager Jerry Johnson's last  
8 and Washington County Commissioner Gary Kriesel will attend.

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10 **(2) Legal**

11 Mr. Welch requested direction regarding the BCWD board authorization of legal  
12 counsel work on chloride limited-liability legislation. Nine Mile Watershed  
13 District drafted a resolution for Minnesota Watersheds for a regulatory approach  
14 to reducing chloride use. The managers indicated support for legal counsel  
15 pursuing a regulatory approach to reduce chloride use.

16

17 **10) Adjournment**

18 **Manager Sahulka moved, seconded by Manager LeRoux, to adjourn the regular meeting at**  
19 **9:49 p.m. Motion carried 5/0.**

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21 Respectfully submitted by

22 Cameron Blake, BCWD Staff and Debra Sahulka, Recording Secretary

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