



1
2 DRAFT Minutes of the regular meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday December 11, 2024
4

5 ROLL CALL

Managers Present:	Others Present:
Klayton Eckles, President	Karen Kill, BCWD administrator
Celia Wirth, Treasurer	Camilla Correll, EOR, BCWD engineer
Debra Sahulka, Secretary	Michael Welch, Smith Partners, BCWD counsel
Larry Odebrecht, Manager	Cameron Blake, BCWD staff
	Alexander Furneaux, EOR, BCWD engineer
Managers Absent:	Anne Wilkinson, EOR, BCWD engineer
Chuck LeRoux, 2 nd Vice President	Pat Conrad, EOR, BCWD engineer
	Jimmy Marty, EOR, BCWD engineer
	Hannah Peterson, BCWD staff
	Reabar Abdullah, City of Stillwater

- 6
7 **1) Call to Order**
8 President Klayton Eckles called the regular meeting to order at 6:35 p.m.
9
- 10 **2) Agenda**
11 **Manager Wirth moved, seconded by Manager Sahulka, to approve the agenda as**
12 **presented. Motion carried, vote /0.**
13
- 14 **3) Public Comments**
15 There were no public comments.
16
17 *Manager Larry Odebrecht arrived, 6:40 p.m.*
18
- 19 **4) Consent Agenda**
20 **Manager Wirth, seconded by Manager Sahulka, to approve the consent agenda:**
21 **a) Approve minutes of the November 13, 2024, regular meeting**
22 **b) Accept Permit Fee Statement**
23 **c) Decline to waive liability monetary limits in Minnesota Statutes section 466.04**
24 Administrator Karen Kill requested item 4a be removed from the consent agenda.
25 Manager Sahulka inquired as to item 4c, and Ms. Kill explained the insurance
26 covered the district as an entity.
27 **Motion carried 4/0.**

1 5) **Treasurer’s Report**

2 a) **Authorized Funds Spreadsheet & Current Items Payable**

3 **Manager Wirth moved, seconded by Manager Odebrecht, to accept the**
 4 **authorized funds spreadsheet as presented and to authorize payment of the bills**
 5 **as presented totaling \$187,656.46.**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Odebrecht</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>			
<u>Motion carried 4/0.</u>				

14 6) **Budget**

15 a) **Public Meeting regarding 2025 Budget and Levy**

16 Manager Eckles opened the public meeting for the 2025 budget and levy. No members of
 17 the public were present to comment on the budget or levy. Karen Kill explained that there
 18 were no proposed changes since the September’s budget meeting. Manager Eckles
 19 explained that the budget and levy have been presented to the county commissioners,
 20 who were supportive.

22 b) **Resolution 24-05 Final 2025 Budget and Levy**

23 **Manager Odebrecht moved, seconded by Manager Wirth, to approve Resolution 24-**
 24 **05 2025 Final Budget & Certified 2024 Tax Levy Resolution: All Funds.**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Odebrecht</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>			
<u>Motion carried 4/0.</u>				

33 7) **Projects**

34 a) **City of Stillwater Cost-Share Request**

35 Ms. Kill explained that the declining water quality of Brewers Pond has been a concern
 36 of residents. As a result district staff approached City of Stillwater staff to look into
 37 retrofit opportunities for the stormwater systems leading to the pond. The city identified
 38 erosion issues and pipe corrosion resulting in increased sediment loading. There is
 39 limited space for many project opportunities, but replacing the pipe and adding a device
 40 called a hydroseparator will provide a water quality benefit. The retrofit will provide a
 41 reduction of 480 pounds of suspended solids a year. The city will monitor and maintain
 42 the system and is asking for a cost share contribution of \$25,000 from the district for the
 43 hydroseparator. Ms. Kill explained that if the board agrees to pursue this project the
 44 managers will need to hold a public hearing at the January board meeting to consider
 45 ordering the project. This would not impact the planned spring timeline of the project.

1 Manager Eckles inquired as to why this project was considered a capital improvement
2 project, and asked if there was a way to streamline the process for projects like these.
3 Michael Welch explained that having another entity contract for the construction does not
4 alter the fact that this is a district capital project. He said he will work with staff to
5 develop draft language for the capital improvements program in the plan that facilitated
6 taking advantage of opportunity projects like this one.
7 Manager Odebrecht noted that he is on the Stillwater City Council, but had no conflict of
8 interest with this project. Mr. Welch confirmed that he had no concerns regarding a
9 conflict of interest.

10 **Manager Wirth moved, seconded by Manager Odebrecht, to direct the**
11 **administrator to notice the public hearing for the January board meeting to**
12 **consider ordering the project. Motion carried, vote 4/0.**
13

14 **b) Applewood Hills Reuse Operations and Maintenance Plan scope**

15 Ms. Kill explained the board had already approved funding for the operations and
16 maintenance plan for the Applewood Hills reuse project in 2023, but construction of the
17 project was delayed by utility connection, and the engineer's hourly rates have changed
18 in the interim. The new scope also includes a year of enhanced operation and
19 maintenance assistance. This is being proposed in light of lessons learned from the Oak
20 Glen Golf Course reuse system. Manager Eckles agreed that the party responsible for
21 operation of the system must fully understand, and training is more cost effective than
22 errors that could damage the system or lead to it not being used. Manager Eckles said he
23 did think it seemed like a lot of money and hoped it would cost less over time as the
24 district becomes more familiar with reuse projects.

25 **Manager Wirth moved, seconded by Manager Odebrecht, to approve the amended**
26 **scope of services not to exceed \$22,350 from account 929-0010. Motion carried, vote**
27 **4/0.**
28

29 **c) Brown's Creek Stream Restoration**

30 **(1) Spur trail from Brown's Creek State Trail and fishing access in**
31 **coordination with Department of Natural Resources Fisheries**

32 Ms. Kill explained that the original project design included an Americans With
33 Disabilities Act accessible spur trail from Brown's Creek State Trail near the Brown's
34 Creek crossing where trail users have been causing erosion due to foot traffic. BCWD has
35 entered into a cooperative agreement with the state to construct and maintain an asphalt
36 spur trail. During final survey before construction, an error was discovered in the
37 elevation data used in the design, making the original design unable to be built to ADA
38 specifications or without interference with the existing drainage swale while staying in
39 the narrow corridor. Options are being explored by district staff and the
40 recommendation is to proceed with stabilizing steps, to coordinate with Department of
41 Natural Resources Trails to determine if amendment of the cooperative agreement is
42 necessary, and bring back final design and costs to the board for approval.
43

44 Managers and staff discussed possible partners and funding options for the constructing
45 the revised trail and steps, and Ms. Kill indicated she would explore funding from the
46 state for the work and possible partnership with the city.

1 **Manager Wirth moved, seconded by Manager Sahulka, to direct the administrator**
2 **to work with staff and the engineer to proceed with construction of stabilizing steps**
3 **and coordinate administration and contracting with the state for presentation of**
4 **final design and costs to the board approval, and to authorize the first three steps of**
5 **the EOR scope of services not to exceed \$8,878 from account 947-0022. Motion**
6 **carried, vote 4/0.**
7

8 **(2) Buckthorn removal expansion in cooperation with Stillwater**

9 Ms. Kill explained the Brown's Creek stream restoration project came in under budget by
10 approximately \$20,000 and the remaining grant funds need to be used by July 30, 2025.
11 Stillwater staff have identified an opportunity for 5 acres of buckthorn removal adjacent
12 to the project area. The city is interested in doing vegetative restoration in this area and
13 the grant funds would be used to reimburse the city for the work. Manager Eckles
14 requested educational signage be placed around the work area so the public understands
15 why tree removal is occurring. The work needs to be done while the ground is frozen.
16 The board directed staff to present an amended cooperative agreement to proceed with
17 this work in 2025.
18

19 **8) New Business**

20 **a) Education- Artist Proposal**

21 Ms. Kill stated that she has identified an artist in the enhanced stakeholder engagement
22 process who has developed a proposal for a project with the district and A House Unbuilt
23 titled "The Water Where We Live," in which unique art pieces will be created by local
24 artists and exhibited for 23 weeks in a space in downtown Stillwater. The art pieces could
25 be incorporated into the new watershed management plan and used for outreach and
26 engagement.
27

28 **Manager Wirth moved, seconded by Manager Odebrecht, to authorize the**
29 **administrator to enter, on advice of counsel, a contract with A House Unbuilt not to**
30 **exceed \$3,850 from account 910-0000. Motion carried, vote 4/0.**
31

32 **9) Management Plan Update**

33 **a) Ecological Health**

34 Alexander Furneaux shared the input received from the Citizen Advisory
35 Committee on ecological health for the plan and the additions proposed for the
36 draft plan. Manager Eckles requested more information on what other watershed
37 districts are doing to approach incentivizing local wetland banking before
38 formalizing anything in the management plan. He recalled a constructed
39 expansion of a wetland in Stillwater that was used as banking credits. The board
40 discussed a rolling process of updating the district's wetland inventory.

41 **b) Wetland Health**

42 Jimmy Marty presented the wetland inventory results developed using a new
43 system call the Wetland Assessment Tool, which is replacing the Routine
44 Wetland Assessment Method. He said the WAT was used to evaluate 12 district
45 wetlands, the assessment of which was extrapolated via a desktop analysis across
46 the watershed. Manager Eckles inquired as to whether there is concern about a

1 disagreement of wetland classification for permitting projects and Mr. Welch
2 explained as long as the decision making is based on sound science, this is what
3 the district is intended to do, and the framework for this is created in the
4 management plan. The board noted that smaller wetlands are still protected under
5 WCA, as well as through district rules regarding bounce and inundation and
6 buffers for groundwater dependent wetlands. The board clarified that there are
7 approximately 700 wetlands in the district based on the national wetland
8 inventory which does not include marginal wetlands, and so far the district has
9 only evaluated wetlands larger than an acre.
10 Part of the new assessment includes a rating for restoration-opportunity value,
11 which the district could consider in its rules.
12

13 **c) Pollutants of Emerging Concern**

14 Anne Wilkinson reviewed pollutants of emerging concern such as *E. coli*,
15 microplastics, and per- and polyfluoroalkyl substances, known as PFAs,
16 suggesting that the managers consider the district's role in addressing such
17 contaminants. Manager Eckles explained he felt these were big issues and the
18 district is not going to be the one responsible for solving them. Manager Wirth
19 stated the district could consider taking an educational and outreach role in the
20 same way the board chose in the issue of flooding. She noted if the district
21 includes these pollutants in the plan there could be more information in the next
22 ten years of the plan that the board could respond to. The board discussed
23 monitoring of PFAS in district lakes and adding this to the current monitoring
24 regimen. The board discussed the *E. coli* impairment in Brown's Creek and what
25 if anything should be done about it, including monitoring for soil borne sources in
26 the upstream wetlands, or posting signage at the stream access sites the district is
27 creating as part of the restoration project. Manager Eckles feels the district has
28 done its due diligence in confirming the *E. coli* is not of human source.
29 The board discussed how the management plan-update process could be made
30 more efficient. Manager Eckles noted the management plan is a lot of work but
31 this update only happens every ten years and wants to make sure the board is
32 doing sufficiently good work on this to avoid the need for plan amendments in the
33 future. The board suggested pushing the ecological health topic out a couple of
34 months and only reviewing two topics at each meeting. Ms. Kill noted the
35 regulatory meetings feedback will be discussed at the next board meeting so there
36 will be no management plan activity scheduled. Staff will bring a revised
37 planning schedule for board feedback at the January meeting.
38

39 **11) Discussion Agenda**

40 **a) Updates**

41 **(1) Administrator**

42 Ms. Kill stated there was a new University of Minnesota homeowners' association
43 stormwater leaders course pilot program with Washington County residents as
44 priority for signing up. Managers are encouraged to share this information with
45 interested parties.

46 (a) Minnesota Watersheds conference

1 The district had two presentations at the conference this year; one
2 about the enhanced stakeholder engagement process and one about the
3 HOA stormwater resources the district produced. Angie Hong of the
4 East Metro Water Resources Education Program (EMWREP), of
5 which the district is a partner, was the keynote speaker during lunch at
6 the conference.

7
8 (b) Diversion Drainage – beaver damming improving wet meadow habitat
9 Ms. Kill explained there are some beaver damming activities the district is
10 aware of that are currently improving conditions along some of portions of
11 the Brown’s Creek tributaries. One dam has just caused an exceedance at
12 the district’s iron-enhanced sand filter harvest pond and so will be lowered
13 to an acceptable elevation but otherwise left.

14
15 (b) County State Aid Highway 15 extension
16 This permit will come forward at the January board meeting.

17
18 (d) Lakeview Hospital site
19 The board has budgeted \$100,000 that can be used as an incentive for
20 above and beyond stormwater treatment projects on the hospital site. It
21 could be used for heated sidewalks that would reduce chloride usage as
22 this area flows to Long Lake which is already impaired for chloride. The
23 project is a few months out from coordinated submittals, and
24 municipalities are selecting contractors for utility work.

25
26 **(2) Legal**

27 Mr. Welch updated the board that the chloride regulatory resolution was adopted
28 by delegates at the Minnesota Watersheds conference. He also explained that the
29 Minnesota Pollution Control Agency is initiating its triannual water standards
30 review and is accepting comments through February 7.

31
32 **(3) Engineers**

33 Ms. Correll explained that there were hydraulic and hydrology model update talks
34 at the Minnesota Watersheds conference that were relevant to district concerns
35 such as using future rainfall conditions. Minnehaha Creek Watershed District has
36 coupled their surface model with their groundwater model to help determine how
37 groundwater levels impact flooding, and use 2d modeling to help communities
38 figure out their risks and vulnerabilities. Manager Eckles asked what the role of
39 watershed districts are for communities who are unable to retrofit their systems to
40 meet the new 100-year storm standard. Ms. Kill said she feels the watershed
41 district’s role is to inform communities about problems and help figure out what
42 to do. Some communities are using weather predictions and smart systems to
43 achieve adaptive level control.

44
45 **12) Adjournment**

1 **Manager Wirth moved, seconded by Manager Odebrecht, to adjourn the regular meeting**
2 **at 9:58 p.m. Motion carried 4/0.**

3

4 Respectfully submitted by

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