



Brown's Creek Watershed District

Preserving the integrity of the watershed for future generations

www.bcwd.org | 455 Hayward Ave N, Oakdale, MN 55128 | 651-330-8220

1 DRAFT Minutes of the regular meeting of the Brown's Creek Watershed District Board of Managers,
2 Wednesday January 8, 2025

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ROLL CALL

Managers Present:	Others Present:
Klayton Eckles, President	Karen Kill, BCWD administrator
Celia Wirth, Vice President/Treasurer	Camilla Correll, EOR, BCWD engineer
Chuck LeRoux, 2nd Vice President	Michael Welch, Smith Partners, BCWD counsel
	Hannah Peterson, BCWD staff
	Paul Nation, EOR, BCWD engineer
Managers Absent:	John Sarafolean, EOR, BCWD engineer
Debra Sahulka, Secretary	Julia Lau, EOR, BCWD engineer
Larry Odebrecht, Manager	Beth Carreño, BCWD contractor
	Ryan Hoefs, Washington County engineer
	Marty Morse, resident
	Erin Lambert, former permit applicant
	Troy Anderson, permit applicant
	Jerry McGibbon, permit applicant
	Paul Richtman, resident
	Lise Tschida, resident
	Brant Rooney, resident

5

1) Call annual meeting to order

President Klayton Eckles called the annual business meeting to order at 6:32 p.m.

a) Approve annual meeting agenda

Manager Wirth moved, seconded by Manager LeRoux, to approve the annual meeting agenda as presented. Motion carried, vote 3/0.

b) Election of officers

Deferred action on officer elections to February meeting.

c) Committee appointments

Deferred action on committee appointments to February meeting.

d) Selection of bank and financial assurance depository

Manager Wirth moved, seconded by Manager LeRoux, to retain US Bank and 4M Fund as the BCWD bank with a designated 4M account as a depository for permit fees and cash escrows, with letters of credit and bonds to be held at the BCWD office. Motion carried, vote 3/0.

e) Selection of official newspapers

Manager Wirth moved, seconded by Manager LeRoux, to retain White Bear Lake Press and the Stillwater Gazette as official newspapers. Motion carried, vote 3/0.

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1 **f) Schedule of regular and workshop 2025 meetings**

2 Karen Kill noted a change to the meeting schedule to incorporate management plan update
3 workshops prior to the regular meeting for the February through May meetings. Ms. Kill also
4 requested that the managers consider an alternate date for the June meeting since she will be
5 unavailable the second Wednesday. The managers approved the management plan update
6 workshop and regular meeting for February 12, 2025, and directed approving the remaining
7 schedule to the February meeting.

8 **g) Citizens Advisory Committee membership**

9 Ms. Kill reported that Aimee Eberle is not seeking reappointment to the Citizens Advisory
10 Committee due to other commitments. Michael Welch stated that state law requires a
11 minimum of five members with diverse representation. The managers discussed that 10-12
12 members would be ideal, and there is room for additional member recruitment.

13 **Manager Wirth moved, seconded by Manager LeRoux, to appoint Anne Maule-Miller, George**
14 **Vania, Jyneen Thatcher, Yihong Gao, Hallie Chasensky, Dory Herman, and Sandy Noreen-**
15 **Ruben to the Citizens Advisory Committee. Motion carried 3/0.**

16 **h) Board training plan**

17 Ms. Kill reviewed the list of education opportunities for the managers provided in the annual
18 meeting memo. Manager Celia Wirth noted interest in smart salting with experience at senior
19 housing facilities. President Eckles and Manager Wirth indicated that they would like Ms. Kill to
20 sign them up for the Minnesota Watersheds Day at the Capitol. The managers agreed to further
21 discuss training opportunities when all board members are present in February.

22 **i) Bylaws and policies review**

23 Ms. Kill noted that she had nothing prepared at this time and will bring to February board
24 meeting.

25 **j) Adjourn annual meeting**

26 President Eckles adjourned the annual meeting at 6:53 p.m.

27 **2) Call regular meeting to order**

28 President Eckles called the regular meeting to order at 6:53 p.m.

29 **3) Approve agenda**

30 **Manager Wirth moved, seconded by Manager LeRoux, to approve the agenda as presented.**
31 **Motion carried, vote 3/0.**

32 **4) Public Comments**

33 There were no public comments.

34 **5) Consent Agenda**

35 **Manager Wirth moved, seconded by Manager LeRoux, to accept the permit fee statement.**
36 **Motion carried 3/0.**

37 Action on the meeting minutes of the November 13, 2024, and the December 11, 2024, regular
38 meetings was deferred to the February meeting to allow managers sufficient time to review the
39 draft minutes.

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1 **6) Treasurer’s Report**

2 **a) Review Authorized Funds Spreadsheet**

3 Ms. Kill stated that the 2025 budget has not yet been updated with actual carry-forward and all
4 authorized funds.

5 **b) Current Items Payable – Board Action**

6 **Manager Wirth moved, seconded by Manager LeRoux, to authorize payment of the bills as**
7 **presented, totaling \$154,572.67.**

	Yea	Nay	Abstain	Absent
Manager Eckles	X			
Manager Odebrecht				X
Manager LeRoux	X			
Manager Wirth	X			
Manager Sahulka				X

8 **Motion carried on a roll call vote 3/0.**

9 **7) Permits**

10 **a) BCWD Permit 24-18 Washington County Road 15B Grading**

11 EOR engineer Paul Nation presented the engineer’s report for permit 24-18 for Washington
12 County’s grading of proposed right-of-way for a frontage road south of Highway 36 and west of
13 Manning Avenue. The county has applied for a variance from BCWD’s floodplain requirements
14 because the location of its compensatory storage for certain floodplain filling is not compliant
15 with the applicable BCWD Rule 7.3.1 requirement

16 **Manager Wirth moved, seconded by Manager LeRoux, to approve the application and**
17 **requested variance. Motion carried, vote 3/0.**

18 **8) Projects**

19 **a) Brewers Pond – City of Stillwater cost-share request**

20 **(1) Public hearing**

21 Ms. Kill explained active erosion along a city storm sewer pipe needs to be stabilized, and
22 that the City of Stillwater plans to replace the pipe. The city requested cost-share
23 reimbursement for a stormwater separator to be installed for stormwater management in
24 the new pipe as suggested by BCWD staff and engineer. Manager Eckles opened the
25 discussion for public input. Paul Richtman, a former CAC member who assists with pond
26 sampling, stated that he has lived on Brewer’s Pond for 19 years and was concerned with its
27 low rating from the watershed district. He added that it does not look or smell bad and has
28 no lily pads or algae, but there has been some degradation in recent years. Resident Marty
29 Morse said that she has lived on the pond for 14 years, and it has looked worse the past
30 two. Manager Eckles noted that the district has only been collecting data since 2017 and
31 continued collection will show long-term trends. He thanked Mr. Richtman for his work
32 sampling the pond and noted that water-quality improvements are not always reflected in
33 the water’s appearance, especially when residents want open water that shallow bodies do
34 not support.

35

1 **(2) Resolution 25-01**

2 The managers discussed the importance of partnerships and their support for working with
 3 the city on the project. Ms. Kill noted that the request is \$25,000 rather than the \$23,000
 4 stated in the memo, because the city will incur additional costs for mobilization, which have
 5 been documents. She requested transfer of funds from the contingency budget.

6 **Manager Wirth moved, seconded by Manager LeRoux, to adopt Resolution 25-01 as**
 7 **amended and authorize reimbursement to the City of Stillwater not to exceed \$25,000**
 8 **from account 929-0014.**

	Yea	Nay	Abstain	Absent
Manager Eckles	X			
Manager Odebrecht				X
Manager LeRoux	X			
Manager Wirth	X			
Manager Sahulka				X

9 **Motion carried on a roll call vote 3/0.**

10 **Manager Wirth moved, seconded by Manager LeRoux, to transfer \$9,250 from the**
 11 **contingency reserve to account 929-0014. Motion carried 3/0.**

12 **b) Brown’s Creek stream restoration**

13 **(1) Stillwater cooperative agreement amendment - buckthorn removal**

14 With regard to the expansion of the Brown’s Creek Restoration project to include vegetative
 15 improvements by Stillwater, as introduced by the administrator at the December meeting,
 16 Mr. Welch said he had worked with counsel for the city on the draft amendment in the
 17 packet.

18 **Manager Wirth moved, seconded by Manager LeRoux, to authorize the president to**
 19 **execute, on advice of counsel, the amendment.**

20 **c) White Pine Ridge swale**

21 John Sarafolean explained that in completing work under BCWD permit 20-12, the developer
 22 placed stormwater-management swales in locations inconsistent with the approved plans, and
 23 that swales encroached into the back yards of lots 11 and 12. Ms. Kill stated that the approved
 24 plans included tree removal to accommodate the swales, , which the developer did not do. Ms.
 25 Kill shared that options were to update the recorded declaration to include the current
 26 placement of the swales or to have the builder remove the trees and move the swales to match
 27 the original plans. She requested board direction on next steps. Manager Eckles asked the
 28 residents in attendance for their thoughts. Lise Tschida of lot 11 shared her flooding concerns
 29 and that her yard is virtually unusable. She said she would hate to see the trees cut down but
 30 wants use of her backyard and for the developer to fix the problem. Brant Rooney of lot 12
 31 shared that there is one step from his deck to the swale, which is a safety risk. He could turn the
 32 staircase, but that brings up the issue of who pays for it. He also thought that the road was not
 33 built as planned, pushing yards even closer to the lot lines. Manager Eckles stated that it is
 34 predominately an issue between residents and the builder. He clarified that the district’s goal is
 35 to make sure water flows downhill, which it appears to be doing, so while the district may have
 36 a role, it will not be able to fully fix the problem. Ms. Tschida expressed her desire to work

1 together to correct the problem. Ms. Kill stated that next steps will include property surveys of
2 the approved swale location and working with residents, builder, and developer.

3 **d) Capital improvement project operations and maintenance**

4 Mr. Sarafolean provided an update on capital improvement projects throughout the watershed.
5 There are currently 20 projects in place to address water quality and quantity. The managers
6 discussed the presence of beavers at the iron-enhanced sand filter at Settler's Glen, and Mr.
7 Sarafolean explained that a leveler had been installed.

8 **9) Management plan update**

9 **a) Regulatory partner meeting feedback summary**

10 Beth Carreño presented a summary of the feedback received from the November regulatory
11 partner meeting, including key themes and recommendations for rules, processes, and outreach
12 and information. She asked the board for direction on each recommendation.

13 **(1) Rules**

14 **(a) Prepare for future rules revision/begin process after WMP**

15 The managers discussed that comparing the BCWD rules with other watershed districts'
16 rules is an important step and that consistency between watershed districts is
17 beneficial. Their consensus was to prepare for a future rule revision after the watershed
18 management plan update is completed.

19 **(b) Flexibility without increasing variances**

20 The managers questioned what type of flexibility partners are looking for and requested
21 to ask partners how they define flexibility and to clarify what they are looking for with
22 examples.

23 **(c) Regional Solutions**

24 The managers discussed how they are already implementing regional solutions and
25 should share what they are doing with partners. The managers agreed that BCWD
26 should get more information from partners on what they mean by regional solutions.

27 **(2) Processes**

28 **(a) Develop process to follow up and inspect closed permits/projects and implement
29 enforcement process**

30 The managers discussed the challenges and importance of enforcement.. The managers
31 directed staff to continue the conversation with other watershed districts and/or focus
32 groups.

33 **(b) Improve handoff from developers to homeowners' associations**

34 Manager Wirth noted that there is benefit to working with real estate agents to address
35 homeowners' associations' challenges with maintaining stormwater facilities, which is
36 already part of the management-plan update. The managers directed staff to continue
37 to explore options and integrate them into the watershed management plan update.

38 **(c) Regional Solutions**

39 The managers requested more clarification from partners.

40 **(d) Assess viability of application portal and electronic payment process**

41 The managers discussed how to better communicate with permit applicants and liked
42 the idea of a cost-benefit analysis.

1 **(e) Review permit fee structure**

2 The managers discussed how a review of permit fees could be incorporated into the
3 watershed management plan update or the rule revision. Ms. Kill confirmed that the
4 permit fee structure can be updated by resolution as needed and is not a rules change.

5 **(f) Review appeals process and implement strategies to improve transparency and
6 timeliness**

7 The managers discussed what has happened in the past when applicants disagreed with
8 a permit decision, and asked what the partners wanted to see.

9 **(3) Outreach and Information**

10 **(a) Work to engage engineers and increase outreach opportunities**

11 Ms. Kill recommended bringing the list of proposed workshops and meetings to the
12 partners to see what they would actually want to attend, then add those activities to
13 the watershed management plan. The managers agreed.

14 **(b) Develop guidance documents for permittees and potential permittees**

15 The managers discussed that communications could use improvement, but they have
16 run into challenges every time they tried, tabling until a rules update. They considered
17 what we have now and how the partners could provide feedback. The consensus was to
18 explore and add to the watershed management plan's implementation plan.

19 **(c) Website**

20 **(d) Managers directed staff to make permit information improvements to the website.
21 Include regulatory program in annual reports and newsletters**

22 Managers and staff agreed to broadly distribute updates on the regulatory program.

23 **(e) Committee membership**

24 The managers discussed how to better involve the partners and make sure they hear
25 each other. They agreed to bring this back to the partners to see what involvement they
26 are looking for.

27 **10) New business**

28 **a) Selection of services: engineering, legal, auditing, accounting**

29 Ms. Kill shared that she only received proposals for continue technical, legal, auditing and
30 accounting services from BCWD's current consultants. She also noted that the board should
31 form a subcommittee at the February meeting to develop a pool of project engineers.

32 **Manager LeRoux moved, seconded by Manager Wirth, to retain Dave McCord for accounting,
33 Abdo for auditing, Smith Partners for legal, and Emmons & Olivier Resources for engineering.
34 Motion carried 3/0.**

35 **b) Review of the Washington County Groundwater Plan**

36 Ms. Kill shared that Washington County's updated groundwater plan was under 60-day review
37 and that Ms. Correll had completed a thorough review. A comment letter has been drafted. Mr.
38 Welch advised that the managers need to authorize issuance of BCWD comments to comply
39 with applicable statutory requirements. The managers agreed to have Ms. Kill share the draft
40 letter with Washington County and request an extension on the final letter until the board can
41 review and approve at the February meeting.

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1 **11) Discussion Agenda**

2 **a) Updates**

3 **(1) Administrator**

4 **(a) Nottingham financial assurance reduction**

5 Ms. Kill shared that a financial assurance was reduced for permit 18-06.

6 **(2) Legal**

7 Mr. Welch asked the board if they wanted him to continue his current strategy working with
8 the Minnesota Watersheds lobbyists on the chloride limited-liability legislation. The board
9 agreed that he should continue working on the issue. Mr. Welch also shared that Salt Week
10 is approaching in late January and that BCWD has received a subpoena for data on the
11 Liberty Classical Academy permit application.

12 **(3) Engineer**

13 Ms. Correll introduced Julia Lau, who is new to the EOR team and will be helping BCWD with
14 permitting projects. She has already helped with permit 24-18 and the Northland Ave water
15 quality and storm sewer pipe replacement project for Brewer's Pond.

16

17 Respectfully submitted by

18 Hannah Peterson, BCWD staff, and Debra Sahulka, Secretary

19

1 **12) Adjournment**

2 **Manager Wirth moved, seconded by LeRoux, to adjourn the regular meeting at 9:59 p.m. Motion**
3 **carried 3/0.**

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5 Respectfully Submitted by

6 Hannah Peterson, BCWD staff and Debra Sahulka, Recording Secretary