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2 FINAL Minutes of the regular meeting of the Brown’s Creek Watershed District Board of  
3 Managers, Wednesday October 9, 2024  
4

5 ROLL CALL

<b>Managers Present:</b>	<b>Others Present:</b>
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
	Ryan Fleming, EOR, BCWD engineer
	Anne Wilkinson, EOR, BCWD engineer
	Fran Miron, Washington County
	Rebekah Hagstrom, Liberty Classical Academy
	Mike Brandt, Liberty Classical Academy engineer
	John Seagrist, Kimley Horn
	Brandon Karmack, Robins Kaplan LLP
	Justin Olson, Carlson McCain
	Mark Guenther, Elliot Crossing
	Kenneth Schultz, resident
	Michael Heikkinen, resident
	Julie and John Johnston, resident
	Bruce Nelson, resident
	Craig and Marcia Dewolf, residents
	Christopher Hause, resident
	Salena Koster, resident
	Sue Kelly, resident
	Laverna Scholz, resident
	Carol and Steve Tregilgas, residents

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7 1) **Ceremony for Manager Jerry Johnson for service on BCWD board**  
8 Washington County Commissioner Fran Miron read a statement recognizing and  
9 thanking Manager Johnson for his service. Manager Klayton Eckles also thanked  
10 Manager Johnson and wished him well.

1 **Manager Wirth moved, seconded by Manager LeRoux, to adopt BCWD Resolution**  
2 **24-02 recognizing Jerry Johnson’s service to the watershed district. Motion carried**  
3 **5/0.**

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5 **2) Call to Order**

6 Manager Eckles called the regular meeting to order at 6:31 p.m.

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8 **3) Agenda**

9 **Manager Johnson moved, seconded by Manager Wirth, to approve the agenda as**  
10 **presented. Motion carried, vote 5/0.**

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12 **4) Public Comments**

13 There were no public comments.

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15 **5) Consent Agenda**

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

17 **a) Approve Board Meeting Minutes of the September 11, 2024 Regular Meeting**

18 **b) Accept Permit Fee Statement**

19 **Motion carried 5/0.**

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21 **6) Treasurer’s Report**

22 **a) Review Authorized Funds Spreadsheet**

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24 **b) Current Items Payable**

25 **Manager Wirth moved, seconded by Manager Johnson, to accept the authorized**  
26 **funds spreadsheet as presented and to authorize payment of the bills as**  
27 **presented totaling \$103,332.65.**

	<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>			
<u>Motion carried 5/0.</u>				

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36 **7) Permitting**

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

38 BCWD engineer Paul Nation presented the engineer’s report on the application for  
39 expansion of a school and regional stormwater-management in Hugo and May  
40 Township. He said the site is currently developed and under this plan, stormwater  
41 discharge will be reduced up to the two-year storm event, as water will be routed into  
42 a large stormwater holding pond. Michael Welch noted that the request is for  
43 approval of both a permit for the currently planned redevelopment and a regional plan  
44 for stormwater treatment, implementation of which would be completed now,  
45 creating capacity to treat runoff from later further expansion of the school. Ms. Kill

1 explained that a condition of approval is approval of the plan from both May  
2 Township and Hugo.

3 Manager Eckles clarified the district is not a land-use authority and is only reviewing  
4 the permit under the district rules. There are other agencies involved in other aspects  
5 of the project such as groundwater use and the septic system.

6 Mr. Nation explained the applicant is meeting all district rules, and the engineer's  
7 recommendation is for approval of the permit and regional plan with the conditions  
8 and stipulations in the engineer's report.

9 Brandon Karmack, litigation counsel for Liberty Classical Academy asked for  
10 clarification on the timeline if the permit was approved this evening. Ms. Kill  
11 explained that the approval period is one year, though extensions can be granted on a  
12 written request from the applicant. The applicant could also request a longer time  
13 period, which the district has approved in the past for bigger projects with a longer  
14 anticipated completion time. Mr. Welch explained that the permit would renew on its  
15 original terms, and if any material aspects of the compliance system is modified the  
16 board would need to review it again.

17 Chris Hause, 11120 121<sup>st</sup> Street, stated he felt the septic system location is  
18 encroaching on the district's 100-foot buffer requirement, and that he believes there is  
19 drainage running from the farm field to the Goggins Lake adjacent to the site, as he  
20 has seen erosion on the hill side. Mr. Nation explained the buffer was calculated from  
21 the 100-year high-water level of the lake and Goggins' outlet elevation. The drainage  
22 model was created using the survey of the site and LIDAR data. Ms. Kill said there  
23 may be localized rill erosion but part of the project will include restoring the buffer  
24 area which should address this concern.

25 Craig Dewolf, 11900 Manning Trail North, expressed concern about potential effects  
26 of the project on the amount of water that flows through the Trout Habitat  
27 Preservation Project, then overflows into Brown's Creek. Mr. Nation said that there  
28 are no proposed changes to the THPP outlet and no increase in flow to Goggins Lake  
29 from the project, as the drainage boundary was going to stay the same.

30 Mr. Hause expressed concern as to where water would go if the holding pond fills.

31 Mr. Nation explained that the applicant would pump water out of the pond to create  
32 more storage in preparation for a large stormwater event. Mr. Hause expressed  
33 concern as to this water containing chemicals from the parking lot from the  
34 stormwater runoff such as oil and chlorides. Mr. Nation explained there are  
35 pretreatment requirements for stormwater systems. Manager Eckles explained that  
36 stormwater pond functions by allowing sediment and other contaminants to settle out  
37 of the water column and so water leaving the pond will have been treated.

38 Kenneth Schultz who lives north of the school, asked about the pipe configuration of  
39 the stormwater pond. Mike Brandt, the engineer for the applicant, explained that the  
40 irrigation pipe will be 2 feet above the bottom of the pond to allow for the sediment  
41 accumulation as discussed. If there is not enough water in the pond, there won't be  
42 any irrigation on site.

43 Mr. Dewolf asked about the basin sizing and expressed concern about large storm  
44 events. Manager Eckles explained the district's standard for stormwater treatment is  
45 up to the 100-year rainfall event. Mr. Brandt explained the pond's function with the

1 bypass pump being turned on after the 10-year event, which would create storage  
2 space for the 100-year event.

3 Manager Eckles explained the district was beginning a rule-evaluation process and  
4 encouraged the public to participate.  
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6 **Manager Wirth moved, seconded by Manager LeRoux, to approve permit 23-19**  
7 **phase I and regional stormwater treatment plan with the conditions and**  
8 **stipulations outlined in the engineer's report. Motion carried 5/0.**  
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10 **b) BCWD Permit 24-09 CSAH 5 Phase 3**

11 Washington County is proposing to improve County State Aid Highway 5 in  
12 Stillwater, a project that the board reviewed at last month's board meeting. Paul  
13 Nation explained that the linear project will meet the district standards for runoff rate  
14 but not at each discharge point. County project engineer John Seagrist explained that  
15 most of the discharge points go to an infiltration basin, but there are some where there  
16 is not enough space to provide treatment. Salena Koster, 8710 Stonebridge Trail, said  
17 she lives at discharge point D, where there is going to be an increase in runoff and  
18 phosphorus loading, and expressed concern, explaining her drinking water comes  
19 from a well on her property. She also thinks the survey done for the right of way was  
20 incorrect. In her understanding the right-of-way is narrower than shown in the permit  
21 report, and the project would change the grade on her property. Mr. Nation explained  
22 that the wetland receiving runoff from the project will treat stormwater. Mr. Welch  
23 asked the county to follow up on the property-configuration questions.  
24

25 **Manager LeRoux moved, seconded by Manager Johnson, to approve permit 24-**  
26 **09 with the variance, conditions, and stipulations in the engineer's report.**  
27 **Motion carried 5/0.**  
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29 **c) BCWD Permit 24-07 Elliot Crossing – project overview**

30 Ms. Kill said the applicant is proposing a redevelopment project near the Kimbro  
31 basin in Grant, and she is seeking board feedback on the proposal. The managers  
32 discussed the proposed reuse system and high water level of the Kimbro basin.  
33 Manager Eckles said he would not like to see any increase in the high-water level of  
34 the basin, given historic flooding issues and impacts to the Trent property adjacent to  
35 this landlocked basin. The project engineer, Justin Olson said his view is that the  
36 district is asking for stormwater treatment above the 100-year standard by modeling  
37 the system by assuming the pond as full. The project proponent, Mark Guenther,  
38 stated that the project is meeting district rules and that this has been a challenging  
39 permit process. Ms. Kill explained the district asked for the model to be run as if the  
40 reuse pond is full as that is one possibility for actual conditions. If the irrigation  
41 system isn't being used and there is a rainfall event the district wants to evaluate  
42 potential impacts. Manager Eckles pointed out that the applicant was asking for a  
43 variance and so managers were looking for no unreasonable downstream impacts.  
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1 8) New Business

2 a) Regulatory Review Scope

3 Manager Sahulka moved, seconded by Manager Wirth, to approve the scope of  
4 work as presented for rule-review, not to exceed \$14,056.60 from account 909-  
5 0000. Motion carried 5/0  
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7 b) Diversion drainage subwatershed water quality analysis scope

8 Ms. Kill explained that the scope in the packet is proposed to assist in the  
9 management plan update, as one of the existing plan's implementation activities,  
10 by investigating further the increased heavy metal concentrations from the  
11 Diversion Drainage. It could be done in conjunction with sediment cores taken to  
12 evaluate for phosphorus-loading hot spots. Ms. Kill pointed out the scope  
13 included a subcontract.

14 Manager LeRoux moved, seconded by Manager Sahulka, to approve this scope  
15 of services not to exceed \$15,189 from account 927-0000, of which \$1,150 will be  
16 subcontracted to University of Minnesota Soil Test Lab for sediment core lab  
17 analysis. Motion carried 5/0  
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19 c) Hydrologic and Hydraulic Model Update Phase 3

20 Ryan Fleming explained that the final phase for the district's hydraulic and  
21 hydrologic model had to be adjusted due to a delay in receiving updated land-  
22 cover data from the University of Minnesota. He also recommended the board use  
23 the upper bound of the 100-year event percentile (10 inches in 24 hours) for the  
24 next management plan. Ms. Kill explained the board had budgeted sufficient  
25 funds for this update and there would still be funds remaining to incorporate the  
26 data from the university when they become available.

27 Manager Sahulka moved, seconded by Manager Wirth, to approve the scope of  
28 services as presented, not to exceed \$43,300 from account 923-0000. Motion  
29 carried 5/0  
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31 d) East Metro Water Resources Education Program agreement 2025-2027

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33 Manager Wirth moved, seconded by Manager Johnson, to authorize the  
34 president to enter into a three-year agreement with the East Metro Water  
35 Resources Education Program. Motion carried 5/0  
36

37 e) Family Means Waiver

38 Mr. Welch recommended against authorizing the waiver presented by Family  
39 Means, as it is against public policy to waive negligence on the part of Family  
40 Means. He had hoped to address this in previous years but Family Means was not  
41 willing to discuss it. Ms. Kill explained that alternate meeting locations had been  
42 considered but had significant drawbacks, either cost, location, or hours of  
43 availability, and this space was free to use at the hours the district needs it.  
44 Manager Eckles said the board understood the concern but accepts the risk.

45 Manager LeRoux moved, seconded by Manager Wirth, to authorize the  
46 administrator to sign the 2025 Family Means waiver. Motion carried 5/0

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2 **9) Discussion Agenda**

3 **a) Updates**

4 **(1) Administrator**

5 Ms. Kill updated the managers on an issue with the Brown's Creek Restoration  
6 project in which the spur trail location needs to be reconfigured due to a design  
7 error. There are some alternatives that will be considered and the work can still be  
8 completed in the spring of 2025 in time for the grant closing deadline of June 30.  
9 She said there were to be several public meetings scheduled on Woodpile,  
10 Masterman, and Long Lakes.

11 The next Technical Advisory Committee and Citizens Advisory Committee  
12 meetings are approaching, as well as a need to schedule the facilitated regulatory  
13 program review meeting. The next board agenda will include more management-  
14 plan activities and new manager Larry Odebrecht will take the oath of office.

15 The Minnesota Watersheds Conference will be taking place at a new location in  
16 Nisswa and Ms. Kill asked managers to let her know if they would like to be  
17 registered. The district will be participating in two presentations, the enhanced  
18 stakeholder interview process and the homeowners association workshop.

19 **Manager Johnson moved, seconded by Manager LeRoux, to select Manager**  
20 **Wirth as the district's delegate for the Minnesota Watersheds meeting. Motion**  
21 **carried 5/0**

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23 **(3) Engineers**

24 While completing the wetland inventory task, district engineers found a unique  
25 resource in the watershed district; a cranberry bog with unique and carnivorous  
26 plants.

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28 **(4) Managers**

29 Manager Eckles said a dead fisher was found near the creek at the McKusick  
30 crossing which is outside of its usual range. Manager Wirth stated the mayor of  
31 Grant called her to talk about chemicals the railroad company sprays along the  
32 railroad. Ms. Kill explained that railroads are their own entity and district rules do  
33 not regulate pesticides or whatever activity may be occurring on railroad property.

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35 **10) Adjournment**

36 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the regular meeting at**  
37 **9:20 p.m. Motion carried 5/0.**

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39 Respectfully submitted by

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

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