



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

3
4 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

6 **1) Call annual meeting to order**

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

8 **a) Approve annual meeting agenda**

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

11 **b) Election of officers**

12 Board members tabled officer elections to the February board meeting.

13 **c) Committee appointments**

14 Board members tabled committee appointments to the February board meeting.

15 **d) Selection of bank and financial assurance depository**

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

19 **e) Selection of official newspapers**

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

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

2 Ms. 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 board consider an alternate date for the June meeting, as she will be
5 unavailable the second Wednesday. The board approved the management plan update
6 workshop and regular meeting for February 12, 2025 and tabled approving the remaining dates
7 to the February board meeting.

8 **g) Citizens Advisory Committee membership**

9 Ms. Kill reported that Aimee Eberle is not seeking reappointment to the CAC this year due to
10 other commitments. Mr. Welch stated that Minnesota statute requires a minimum of five
11 members with diverse representation. The board discussed that 10-12 members would be ideal,
12 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 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 board 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. Motion carried,**
31 **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 Board members tabled the meeting minutes of the November 13, 2024 regular meeting and the
38 December 11, 2024 regular meeting to the February board meeting to allow managers sufficient
39 time to review.
40

1 **6) Treasurer’s Report**

2 **a) Review Authorized Funds Spreadsheet**

3 Ms. Kill stated that the 2025 budget was included and has not yet been updated with actual
4 carry forward and all 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 – engineer review**

11 EOR engineer Paul Nation presented the engineer’s report for permit 24-18. Mr. Welch clarified
12 that Washington County is only acquiring the rights needed for the permit and that the property
13 owners did not pass the buffer requirement to the county. Landowners will be required to
14 record a buffer declaration under any future District permitting. Manager Eckles asked why the
15 county is proposing to de-compact the road bed. Mr. Nation stated that this was the solution
16 proposed by the county to ensure no downstream flood impacts on Long Lake until stormwater
17 management is included in the next phase of the project. Manager Eckles asked why the county
18 is not pursuing a permanent solution now. Ryan Hoefs shared that the grading and tree clearing
19 needs to be done first. Trees must be cleared by the end of March to protect long-eared bats.
20 The county will then need to get utilities across and coordinate with Central Commons on any
21 work underneath the road before they move forward on road construction. Mr. Hoefs also
22 shared that Washington County is planning for two basins: one to the south of the Central
23 Commons property and one on the Anderson property, but the county would ultimately just
24 utilize the Central Commons property basin. He also noted that they will begin bidding on the
25 road plan early summer 2025 and hope to have road crews out by late summer. There will be no
26 additional impacts to the ravine after grading.

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

29 **8) Projects**

30 **a) City of Stillwater cost-share request**

31 **(1) Public hearing**

32 Ms. Kill explained the water quality benefits of the project and that Brewer’s Pond was
33 added to the most recent watershed plan with a directive for water quality improvement.
34 She noted the active erosion and that the City of Stillwater stuck a camera in the pipe to
35 determine that it needed replacement. The city requested cost-share reimbursement for a

1 stormwater separator to be installed for stormwater management in the new pipe.
 2 Manager Eckles commented on the importance of partnerships with member communities
 3 and opened the discussion for public input. Paul Richtman, a former CAC member who
 4 assists with pond sampling, shared that he has lived on Brewer’s Pond for 19 years and was
 5 concerned with its F+ rating. He added that it does not look or smell bad and is more
 6 aesthetically pleasing than Long Lake by having no lily pads or algae, but there has been
 7 some color change over the years. Ms. Kill shared that it was an F+ in 2022 and had
 8 increased to a C- in 2023, noting that quality fluctuates year-to-year but seems to be
 9 improving. Resident Marty Morse shared that she has lived on the pond for 14 years, and it
 10 has looked worse the past two. Manager Eckles noted that the district has only been
 11 collecting data since 2017 and continued collection will show long-term trends. He thanked
 12 Mr. Richtman for his work sampling the pond and noted that water quality improvements
 13 are not always reflected in the water’s appearance, especially when residents want open
 14 water that shallow bodies do not support.

15 **(2) Resolution 25-01 order project**

16 The board discussed the importance of partnerships and their support for working with the
 17 City of Stillwater. Ms. Kill noted that the cost would be \$25,000 rather than \$23,000 and
 18 requested movement of funds from the contingency budget.

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

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

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

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

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

26 **(1) Stillwater cooperative agreement amendment - Buckthorn removal expansion**

27 Mr. Welch shared that he worked with legal at the City of Stillwater on the agreement, and
 28 there were no significant changes.

29 **Manager Wirth moved, seconded by Manager LeRoux, to authorize President Eckles to**
 30 **sign the amended agreement.**

31 **c) White Pine Ridge swale – This was moved up from 11a1a**

32 Mr. Sarafolean provided background on the permit, sharing that the development plan had
 33 swales between the property line and a 20ft stormwater easement, but the swales were
 34 constructed into the yards of lots 11 and 12. Manager Eckles inquired if it was actually possible
 35 to construct the swales where they planned, and Ms. Kill stated that the original plan included
 36 tree removal, which the developer did not do. Ms. Kill shared that options were updating the

1 recorded declarations to not include the swales or have the builder remove the trees and move
2 the swales to match the original plan. She requested board direction on next steps. Manager
3 Eckles noted the legal and technical issues and asked the residents what they wanted changed.
4 Lise Tschida of lot 11 shared her flooding concerns and that her yard is virtually unusable. She
5 said she would hate to see the trees cut down but wants use of her backyard and for the
6 developer to fix the problem. Brant Rooney of lot 12 shared that there is one step from his deck
7 to the swale, which is a safety risk. He could turn the staircase, but that brings up the issue of
8 who pays for it. He also thought that the road was not built as planned, pushing yards even
9 closer to the lot lines. Manager Eckles stated that it is predominately an issue between residents
10 and the builder. He clarified that the district's goal is to make sure water flows downhill, which it
11 appears to be doing, so while the district may have a role, they won't be able to fully fix the
12 problem. Ms. Tschida expressed her desire to work together to correct the problem. Ms. Kill
13 stated that next steps will likely include property surveys and working with residents.

14 **d) CIP operations and maintenance**

15 John Sarafolean shared the annual update on capital improvement projects throughout the
16 watershed district. There are currently 20 projects in place to address water quality and
17 quantity. The board discussed the presence of beavers at the iron-enhanced sand filter at
18 Settler's Glen, and Mr. Sarafolean explained the leveler that EOR installed.

19 **9) Management plan update**

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

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

24 **(1) Rules**

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

26 The board discussed that comparing the BCWD rules with other watershed districts'
27 rules is an important step and that consistency between watershed districts is more
28 beneficial than having unique rules. Their consensus was to explore options and prepare
29 for a future rule revision after the watershed management plan update is completed.

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

31 The board questioned what type of flexibility partners are looking for and requested to
32 ask partners how they define flexibility and to clarify what they are looking for with
33 examples.

34 **(c) Regional Solutions**

35 The board discussed how they are already implementing regional solutions and should
36 share what they are doing with partners. Ms. Correll inquired if it is clear what the
37 partners mean by regional solutions. The board consensus was to get more information
38 from partners on what they meant by regional solutions.

39 **(2) Processes**

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

42 The board discussed the challenges to doing this, but that they do want to ensure that
43 permit projects sustain long-term longevity and function. Ms. Kill proposed that this
44 could be a good opportunity for a focus group with stakeholders. Manager Eckles

1 inquired as to how others deal with this. The board consensus was to continue the
2 conversation.

3 **(b) Improve handoff from developers to HOAs**

4 The board discussed how this aligns closely with the process of following up on closed
5 permits. Manager Wirth noted that there is benefit to working with real estate agents,
6 which is already part of the management plan update. The board consensus was to
7 direct staff to continue to explore options and integrate them into the watershed
8 management plan update.

9 **(c) Regional Solutions**

10 The board requested more clarification from partners.

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

12 The board discussed how to communicate with permit applicants differently and liked
13 the idea of a cost-benefit analysis. Manager Wirth noted that BCWD cannot built this,
14 but there was a vendor at the Minnesota Watersheds conference that has a solution she
15 wants to look into. The board consensus was to explore options.

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

17 The board discussed how this could be incorporated into the watershed management
18 plan update or as part of the rule revision process. Ms. Kill confirmed that the permit
19 fee structure can be updated by resolution as needed and is not a rules change. She also
20 told the board that they could direct staff to look into the current cost structure. The
21 board's consensus was to continue to explore through developing the updated
22 implementation plan and future rules changes.

23 **(f) Review appeals process and implement strategies to improve transparency and
24 timeliness**

25 The board discussed what has happened in the past when applicants disagreed with a
26 permit decision, and asked what the partners wanted to see. The consensus was to ask
27 the board what they wanted changed in the appeals process.

28 **(3) Outreach and Information**

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

30 Ms. Kill recommended bringing the list of proposed workshops and meetings to the
31 partners to see what they would actually want to attend and then add those activities to
32 the watershed management plan. The board agreed to bring these ideas back to the
33 partners and ask what they are interested in.

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

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

39 **(c) Website**

40 Ms. Kill noted that staff could begin this right away, and the board agreed to go for it.

41 **(d) Include regulatory program in annual reports and newsletters**

42 Manager Wirth shared that she likes the current annual report format and content and
43 would not care as much to read about the regulatory program. Ms. Carreño stated that

1 it should be shared when it is a huge portion of BCWD's time. Ms. Kill said that there
2 had never been a newsletter topic about permitting, and that there is room to include
3 more information. The consensus was to explore how to incorporate the regulatory
4 program into publications a bit more.

5 **(e) Committee membership**

6 The board discussed how to better involve the partners and make sure they hear each
7 other. They agreed to bring this back to the partners to see what involvement they are
8 looking for.

9 **10) New business**

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

11 Ms. Kill shared that she only received proposals from BCWD's current contractors. She also
12 noted that the board should form a subcommittee at the February meeting to develop a pool of
13 engineers.

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

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

18 Ms. Kill shared that Washington County's updated groundwater plan was under 60-day review
19 and that Ms. Correll had completed a thorough review. Their comments had been drafted into a
20 letter to send to the county. Mr. Welch stated that the board needed to review the plan and
21 letter and authorize Ms. Kill to send. This item had been added to the agenda late, as Ms. Kill did
22 not know it required board approval, and the board was not comfortable authorizing it without
23 reviewing the materials. The board agreed to have Ms. Kill share the draft report with
24 Washington County and request an extension on the final letter until the board can review and
25 approve at the February meeting.

26 **11) Discussion Agenda**

27 **a) Updates**

28 **(1) Administrator**

29 **(a) White Pine Ridge swale – This was moved up between 8b and 8c**

30 **(b) Nottingham financial assurance reduction**

31 Ms. Kill shared that this item was completed.

32 **(2) Legal**

33 Mr. Welch asked the board if they wanted him to continue his current strategy working with
34 the Minnesota Watersheds lobbyists on the limited liability legislation that has not yet been
35 passed. The board agreed that he should continue working on this issue. Mr. Welch also
36 shared that Salt Week is approaching in late January and that there is now a subpoena for
37 Liberty Classical Academy through federal court.

38 **(3) Engineer**

39 Ms. Correll introduced Julia Lau who is new to the EOR team and will be helping BCWD with
40 permitting projects. She has already helped with permit 24-18 and the Northland Ave Water
41 Quality and Storm Sewer Pipe replacement project for Brewer's Pond.
42

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.**

4

5 Respectfully Submitted by

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