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2 FINAL Minutes of the regular meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday November 13, 2024
4

5 ROLL CALL

Managers Present:	Others Present:
Klayton Eckles, President	Karen Kill, BCWD administrator
Celia Wirth, Treasurer	Camilla Correll, EOR, BCWD engineer
Charles LeRoux, 2 nd Vice President	Michael Welch, Smith Partners, BCWD counsel
Debra Sahulka, Secretary	Cameron Blake, BCWD staff
Larry Odebrecht, Manager	Alexander Furneaux, EOR, BCWD engineer
	Paul Nation, EOR, BCWD engineer
	Mark Guenther, Elliot Crossing
	Justin Olson, Carlson McCain
	Mike Reagan, Elliot Crossing
	Matthew Eddy, resident

- 6
7 **1) Call to Order**
8 President Klayton Eckles called the meeting to order at 6:30 p.m.
9
- 10 **2) Agenda**
11 **Manager Wirth moved, seconded by Manager LeRoux, to approve the agenda as**
12 **presented. Motion carried, vote 5/0.**
13
- 14 **3) Oath of Office for Celia Wirth & Larry Odebrecht**
15 Larry Odebrecht and Celia Wirth each took the manager’s oath of office.
16
- 17 **4) Election of officers**
18 **Manager LeRoux moved, seconded by Manager Sahulka, to appoint Manager**
19 **Wirth as the treasurer and alternate for the Lower St. Croix Policy Committee.**
20 **Motion carried, vote 5/0.**
21
- 22 **5) Public Comments**
23 There were no public comments.
24
- 25 **6) Consent Agenda**
26 **Manager LeRoux, seconded by Manager Sahulka, to approve the consent agenda:**
27 **a) Approve Minutes of the October 9, 2024, Meeting**

b) Accept Permit Fee Statement

c) Authorize administrator to execute Oak Glen Golf Course agreement amendment #2

d) Approve Lower St. Croix Partnership watershed-based implementation funding workplan for 2025-2026 as recommended by the partnership policy committee.

Motion carried 4/0/1 Manager Odebrecht abstained.

7) **Treasurer’s Report**

a) **Authorized Funds Spreadsheet and Current Items Payable**

Manager Wirth moved, seconded by Manager Odebrecht, to accept the authorized funds spreadsheet as presented and to authorize payment of the bills as presented totaling \$158,407.82.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<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>			

Motion carried 5/0.

8) **Permitting**

a) **Permit 24-07 Elliot Crossing**

Paul Nation presented the engineer’s report for the proposed subdivision of 189 acres into 17 single-family residential lots with two new cul-de-sacs. The proposed stormwater-management plan provides treatment of runoff with two reuse ponds and two infiltration basins. Since the October 2024 presentation of the project, the reuse system is now being proposed to irrigate only common area, not individual lots, with the native buffer also being irrigated. Responsibility for operation of the reuse system will fall on the homeowners’ association. Mr. Nation explained that stormwater management on the site is challenging because the site is landlocked and historic flooding concerns.

Matthew Eddy from 7060 Lake Elmo North expressed concern about the lowering levels of the pond on his property and questioned whether this project would impact the drainage leading to the pond considering he is directly adjacent to the site. Mr. Nation explained that Mr. Eddy’s pond is actually upgradient from the site.

In response to an inquiry from Michael Welch, Mark Guenther indicated that he has reviewed the conditions and stipulations on approval in the engineer’s report and has no concern about fulfilling them.

Manager Wirth moved, seconded by Manager Odebrecht, to approve permit 24-07 Elliot Crossing with the conditions and stipulations outlined in the engineer’s report. Motion carried 5/0.

1 Manager Eckles stated that there was a missed opportunity here to reuse stormwater
2 for irrigation rather than simply disposing of it on buffer. He would like the district
3 revisit the topic of reuse versus disposal of stormwater as a policy matter at a future
4 meeting.
5

6 **9) New Business**

7 **a) Washington Conservation District Service Agreement 2025-2026**

8 **Manager Wirth moved, seconded by Manager Sahulka, to authorize the**
9 **president on advice of counsel to execute the 2025-2026 Washington**
10 **Conservation District service agreement at cost not to exceed \$1,036,325.**
11 **Motion carried 5/0**
12

13 **b) Biennial request for services**

14 Karen Kill explained that there are two items of the board's consideration with
15 regard to the retention of consulting services from engineering, legal, accounting
16 and auditing professionals. One being if the board would like to include language
17 reflecting the new equity policy the board adopted in August. She also wonders
18 whether the managers would like, beyond the consulting engineer, to solicit
19 proposals from engineering firms for various services to form a pool the board
20 could draw on for various projects. Manager Eckles explained that county
21 commissioners have expressed concern about the district solely using EOR. There
22 are benefits, including efficiency, but drawbacks including not getting exposed to
23 different ideas. He wants to propose a middle ground of continuing to retain a
24 primary engineering firm, but opening the door to other firms by creating a
25 project pool that could be considered for individual projects. Managers discussed
26 whether there could be a threshold for either big projects or smaller projects,
27 considering smaller projects may be where other firms would have a chance of
28 offering services. The board discussed what selection criteria could be considered
29 for the engineering pool. The board asked the administrator and attorney to
30 develop language to propose for the considerations for the engineering pool, while
31 continuing with the other request for letters of interest for other district services.
32 Staff was directed to bring the engineering pool back to the board for discussion
33 after selection of the primary engineer.
34

35 **10) Management Plan Update**

36 **a) Lake Management**

37 With regard to lake management goals and strategies in the updated plan, Alex
38 Furneaux asked the managers to focus on what success in this arena looks like.
39 The managers expressed support for the draft lake-management content in the
40 updated plan. The managers discussed adaptive management as a strategy for
41 unknown long-term implications of climate change. The managers discussed
42 pollutants of emerging concern and the relationship to diversity, equity, inclusion
43 and accessibility when considering groundwater treatment for drinking water. The
44 managers discussed chloride and how to target largest sources and concerns in the
45 watershed.
46

1 **b) Land Conservation**

2 The plan was updated to include the district’s acquisition of the conservation area.
3 The board discussed the idea proposed by the citizen advisory committee in
4 working with neighboring property owners to implement restoration activities as
5 an alternate strategy to land acquisition. Other existing strategies include estate
6 planning and encouraging voluntary land conservation.
7

8 **11) Discussion Agenda**

9 **a) Updates**

10 **(1) Administrator**

11 Ms. Kill reminded the managers about the upcoming BCWD regulatory review
12 workshop on November 21 at the Lakes of Stillwater. She asked the board to
13 extend invitations to parties who may be interested and explained the district
14 would like to receive feedback even if folks are unable to make it to the meeting.
15

16 **(2) Legal**

17 Mr. Welch reminded the board that Manager Celia Wirth will attend the
18 Minnesota Watersheds conference and will vote on behalf of the district. Items of
19 interest for the district include a proposal for watershed districts to have
20 representation on Wetland Conservation Act Technical Evaluation Panels, and a
21 proposed regulatory approach to reducing chloride use.
22

23 **12) Adjournment**

24 **Manager Eckles moved, seconded by Manager Wirth, to adjourn the regular meeting at**
25 **9:46 p.m. Motion carried 5/0.**

26
27 Respectfully submitted by

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