

**Brown's Creek Watershed District
Board of Managers**

**In the matter of construction of impervious area
without required stormwater management
at and near 8865 – 105th St. North,
Grant, Washington County**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
and ORDER**

Property Owner: Katherine D. Wick and Joseph B. Wick
BCWD Permit No.: 25-10 (unissued)
Permittee: Joseph Wick, property owner

FINDINGS OF FACT

1. An enforcement hearing on the above-captioned matter was held as part of the regular meeting of the Brown's Creek Watershed District Board of Managers at 6:30 p.m., September 9, 2026, at Stillwater Township Town Hall, 13636 – 90th Street North, Stillwater, Washington County, Minnesota.
2. All BCWD managers – Klayton Eckles, Celia Wirth, Chuck LeRoux, Luke Mattson and Griffin Brod – were in attendance. Also attending were BCWD administrator Karen Kill, BCWD engineer Camilla Correll and inspector John Sarafolean, BCWD communications assistant Hannah Peterson and BCWD legal counsel Michael Welch.
3. Joseph Wick and Katherine Wick, owners of the subject property (the Wicks), were notified of the enforcement hearing and their right to be represented by email sent 4:41 p.m., August 17, 2026, by BCWD administrator Karen Kill. Mr. Wick confirmed receipt of notice of the hearing and stated his intent to attend via August 17, 2026, email to Ms. Kill. Mr. Wick appeared at the violation hearing and represented himself.
4. The matter concerns construction of a pole barn at 8865 – 105th St. North, Grant (the Wick Property), without contemporaneous construction of a stormwater-management facility or facilities to prevent pollution and degradation of an onsite preserve-quality wetland and Bass Lake, which is downgradient from the Wick Property.
5. The following documents were presented at the hearing:
 - a. BCWD Permit 24-14, September 11, 2024, Wick Property home construction.
 - b. Preliminary stormwater management design for Wick Property pole barn construction (February 13, 2025).

- c. BCWD permit application (April 16, 2025).
- d. Email correspondence among J. Sarafolean, K. Kill and J. Wick (January 2025 - June 2025).
- e. City of Grant building permit application (June 12, 2025).
- f. Three site-inspection photos (June 24, 2026).
- g. Notice of Probable Violation (June 30, 2026).
- h. Email correspondence among J. Sarafolean, K. Kill and J. Wick, advising Mr. Wick of the opportunity to appear before and present evidence to the BCWD Board of Managers, and acknowledgement by J. Wick; July 6, 2026 - August 17, 2026.
- i. Flowage map - 8865 - 105th St. North, Grant; Emmons & Olivier Resources, August 27, 2026.
- j. Aerial dimensions drawing - 8865 - 105th St. North, Grant; Emmons & Olivier Resources, August 31, 2026.

These materials, along with the testimony of Ms. Kill, Mr. Sarafolean and Mr. Wick provided during the hearing, constitute the record in this matter.

- 6. At the September 9, 2026, hearing, Ms. Kill presented the following testimony:
 - a. In 2024, Mr. Wick received a BCWD permit for and completed construction of a 7,955 single-family home and driveway on the Wick Property. The work did not trigger BCWD's stormwater-management requirements.
 - b. On February 18, 2025, Mr. Wick submitted to BCWD a preliminary stormwater management design including a swale and raingarden in conjunction with a construction plan showing a proposed pole barn.
 - c. In a series of emails and a telephone conversation in spring 2025, Ms. Kill informed Mr. Wick that his proposed construction of a pole barn on the Wick Property would cause the total impervious area (given the existing house) to increase to more than the 10,000 square foot threshold in subsection 2.2(b) of BCWD's Rule 2.0 - Stormwater Management, mandating the submission to BCWD for approval of a permit application and necessary supporting materials. Ms. Kill advised Mr. Wick that he would need to submit plans for a stormwater-management facility sized and designed to manage runoff from the proposed constructed impervious area, as well as an erosion-and-sediment-control plan compliant with BCWD Rule 3.0 - Erosion Control.
 - d. Mr. Wick submitted an application April 16, 2025, and the necessary application fee of \$4,000. (The fee was paid via check for an account held by Katherine E.W. Desprez.)

- e. In June 2025, Ms. Kill returned Mr. Wick's permit fee by issuing a check on June 26, that was subsequently picked up in person by Mr. Wick. (The check was issued to Katherine E.W. Desprez.)
 - f. Ms. Kill emailed Mr. Wick on May 8, 2026, indicating that the permit withdrawal notwithstanding, the BCWD inspector had observed that a pole barn of a size and configuration consistent with Mr. Wick's 2025 application had in fact been constructed on the Wick Property.
 - g. Via subsequent email and phone conversation, Ms. Kill advised Mr. Wick that resubmission of the necessary permit application and supporting materials, including plans for a stormwater-management facility, would resolve the noncompliant conditions at the Wick Property.
 - h. On June 30, 2026, Ms. Kill sent Mr. Wick a notice of probable violation, advising him that the construction of the pole barn without the required stormwater management in place represented a probable violation of BCWD Rules.
 - i. On July 6, 2026, Mr. Wick provided Ms. Kill with June 12, 2025, documentation pertaining to a City of Grant permit application for the pole barn. On the Grant document, a check box is ticked, indicating that a watershed district permit is not required.
 - j. On August 6, 2026, Mr. Wick indicated in a phone conversation with Ms. Kill that he did not intend to voluntarily comply with applicable BCWD regulatory requirements and instead wished to appear before the board of managers with regard to the matter.
7. At the September 9, 2026, hearing, Mr. Sarafolean presented the following testimony:
- a. Pursuing his routine BCWD permit-inspection route on May 6, 2026, BCWD inspector John Sarafolean observed that a pole barn had been constructed on the Wick Property. The pole barn had been the subject of an application for the BCWD permit in spring 2025, but Mr. Sarafolean recalled that the application had been withdrawn in June 2025.
 - b. On June 20, 2025, Mr. Wick advised Mr. Sarafolean that he had determined that construction of the rain garden would be cost prohibitive, that he would not pursue construction of the pole barn and wished to withdraw his permit application.
 - c. The construction of the pole barn increased the impervious surface area on the Wick Property from 7,955 square feet to approximately 11,922 square feet, which increased the total area of impervious surface to exceed the 10,000 square foot threshold in subsection 2.2(b) of BCWD's Stormwater Management Rule, mandating the submission of a permit application and

necessary supporting materials, including but not limited to plans for a stormwater-management facility sized and designed to manage runoff from the proposed constructed impervious area, as well as an erosion-and-sediment-control plan compliant with BCWD Rule 3.0 – Erosion Control.

- d. Mr. Sarafolean stated and provided an illustration showing that the Wick Property drains to an onsite preserve-quality wetland and from there to West Bass Lake, such that the lack of a stormwater-management facility means and increase risk of downstream flooding to landlocked basins and that pollutants in untreated stormwater create a risk of pollution and degradation to the water bodies.

8. At the September 9, 2026, hearing, Mr. Wick presented the following testimony:

9. The BCWD Board of Managers finds the above-summarized stated testimony of Mr. Sarafolean and Ms. Kill, as well as the evidence, facts and statements set forth in the above-cited documents, to be credible and adopts them as its factual findings in this matter.

10. The board of managers finds that the noncompliant conditions on the Wick Property constitute a real and present threat of increased pollution in stormwater runoff to Bass Lake and an associated high-quality wetland.

CONCLUSIONS OF LAW

1. BCWD possesses authority under Minnesota Statutes sections 103D.335 and 103D.341 to adopt rules applicable to disturbances of land to protect water resources, to require permits, and to issue orders for compliance with those rules and permits, including orders requiring remediation of noncompliant conditions and restoration of property to a compliant condition.

2. BCWD rules 2.0 – Stormwater Management and 3.0 – Erosion Control are duly adopted and in force pursuant to BCWD's statutory authority and applicable provisions of law throughout the period encompassing the events that are the subject of this order.

3. Mr. Wick and Ms. Wick received adequate notice of the September 9, 2026, hearing, and Mr. Wick attended the hearing and was provided with an opportunity to be heard.

4. The board of managers may hear the evidence of a violation and issue a compliance order on the basis of that evidence.

5. Mr. Wick and Ms. Wick or parties acting at their direction undertook construction on the Wick Property without a duly issued BCWD permit and created 11,922 square feet of impervious area on the Wick Property without submitting plans compliant with applicable BCWD regulatory requirements and without constructing a stormwater-management facility or facilities to manage stormwater runoff from the

Wick Property, despite having been duly informed of applicable BCWD requirements by Ms. Kill. The Wicks' actions constitute a violation of BCWD rule 2.0 and 3.0.

ORDER

Accordingly, the Brown's Creek Watershed District Board of Managers hereby ORDERS the Wicks to:

1. Submit an application requesting reinstatement of permit 25-10, along with the required fee of \$4,000 plus \$XX,XXX to cover costs expended by BCWD in bringing this matter forward for board action by XXXXXXXX, 2026.
2. Provide a plan to establish and maintain stormwater management to treat runoff flowing from the pole barn for review and approval by BCWD by XXXXXXXX, 2026.
3. After approval by the BCWD administrator of the stormwater-management plan (with any modifications deemed necessary by BCWD), construct the required stormwater facility or facilities by XXXXXXXX, 2026.

This order may be enforced in district court through criminal misdemeanor prosecution, civil injunction or other appropriate order pursuant to Minnesota Statutes sections 103D.545 and 103D.551.

Date: September XX, 2026

Klayton Eckles, President
BCWD Board of Managers

Delivered via:

☐ **Email** (email: _____) **Date:** _____

☐ **IN PERSON** **Date:** _____

☐ **OTHER** (specify: _____) **Date:** _____

ISSUED TO/RECEIVED BY:

Name/Title Date: _____

Title/Organization _____

Address & telephone

Signature

Your signature here indicates only that you received this order.