Approved Minutes

CALL TO ORDER
President Preiner called the meeting to order, a quorum being present, at 9:00 a.m.

ROLL CALL
Present: President Patricia Preiner, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Secretary Michael J. Bradley, and Treasurer Steve Wagamon.
Absent: None.
Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Technician Samantha Berger, Office Manager Theresa Stasica.
Consultants: District Engineers Mark Deutschman, Chris Otterness, and Larry Kramka, Houston Engineering, Inc. (HEI); and District Attorney Louis Smith from Smith Partners
Visitors: Stephanie Hatten.

SETTING OF THE AGENDA
District Administrator Belfiori indicated staff had no changes to the Agenda.

Motion by Manager Haake, seconded by Manager Bradley, to adopt the agenda as presented. Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the September 21, 2016, WJD 5, 6 & 7 Public Hearing Minutes.

Motion by Manager Wagamon, seconded by Manager Waller, to remove the minutes from the table. Motion carried 5-0.

Manager Bradley indicated he noticed another change he would like to add. Page 4 of the minutes, Line 111-112, “Manager Bradley asked Mr. Otterness what the series of blue hashmarks represented on JD-7. District Engineer Otterness stated the blue hashmarks are segments of the tile that have been previously repaired."
Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes with the change made by Manager Bradley. Motion carried 5-0.

Motion by Manager Waller, seconded by Manager Bradley, to approve the minutes with the revised changes. Motion carried 5-0.

Minutes of the October 10, 2016, Board of Managers Workshop Meeting, October 12, 2016, Board of Managers Meeting and October 12, 2016 Managers Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 5-0.

PERMIT APPLICATIONS REQUIRING BOARD ACTION

The following applications have been reviewed by the District Engineer and Staff and will be acted upon without discussion in accordance with the Engineer’s Recommendation unless a Manager or the Applicant or another interested person requests opportunity for discussion:

CONSENT AGENDA

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-076</td>
<td>City of Blaine</td>
<td>Blaine</td>
<td>Final Site Drainage</td>
<td>CAPROC 8 items</td>
</tr>
</tbody>
</table>

Motion by Manager Haake, seconded by Manager Waller, to conditional approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated October 17, 2016. Motion carried 5-0.

PUBLIC HEARING: PROPOSED RULE REVISION

State of President Patricia Preiner:

Good morning. I would like to open the public hearing to receive comments on the proposed amendments to the Rules of the Rice Creek Watershed District.

On September 28, 2016, the Board of Managers authorized the distribution of these proposed amendments for public comment. We are presently in the 45-day comment period; seeking comment on the proposed amendments. The hearing today is to allow interested members of the public to present comments to the Board directly.

Watershed districts are required by state law to adopt rules to accomplish the purposes of the Watershed Act. These purposes include, among others, preventing flooding; conserving water for public uses; controlling erosion and siltation of lakes, streams and wetlands; protecting water quality; and preserving wetlands for flood control, water quality and other public purposes. The proposed amendments focus mostly on the District’s stormwater rule as they apply to public linear projects and land development. They will be reviewed in a moment by Nick Tomczik, the District’s permit coordinator.

The proposed amendments and a memorandum that explains the proposed changes are available on the District web site and at the District office. We have also submitted the proposed amendments to the Minnesota Board of Water and Soil Resources, the Minnesota Department of Transportation, municipalities, counties and other interested parties to receive
their input. The Board of Managers encourages comment today and any further written
comment before the end of the comment period on November 18, 2016.

I will now ask Mr. Tomczik to offer further background on this rulemaking action and briefly
review the proposed changes. When he has finished his remarks, the floor will be open for
comment.

At that time, if you wish to comment, please come forward and state your name and address for
the record. We ask that you limit your comments to five minutes. If you have a written copy of
your statement, or any other documents that you would like to submit, please give them to
Theresa Stasica, our meeting clerk.

During public comment, managers are welcome to ask questions of commenters to clarify their
remarks. I also may ask Mr. Tomczik or our engineer to respond to any technical questions
raised. I would ask however that if a manager then wishes to speak to the merits of a proposed
change, this be reserved for a later time when the board will have the opportunity to discuss the
changes.

Permit Coordinator/Wetland Specialist Tomczik provided background information on the proposed rule
changes; noting that the general intent was to change permit requirements that: are difficult/costly to
achieve; are difficult/costly to review; and provide little overall benefit as well as provide clarity to
applicants in submittal requirements and outcomes.

The Rule C Stormwater for Single Family Development currently provides for water quality treatment by
perVIOUS surface for hard surface other than parking and driving surface when the District finds they
cannot be reasonably routed to treatment area. This provision is based in part on backyards being a
challenge to route to treatment areas. The runoff typically consists of roof and patio which do not
generate a large pollutant load. The current language is limiting, and arbitrary. The revise rule is to
eliminate area and defined length and consider the hard surface effective treatment if the length of the
flow over pervious surface is longer than the flow over impervious. This approach is in generally aligned
with MPCA guidance.

The current Rule C Stormwater regulates small subdivisions creating multiple lots from a single
parcel on existing roadway. This rule component can be a challenge in routing stormwater; when no
new roads are created to collect stormwater and there is little room to route or treat stormwater. The
resultant stormwater basins may have limited effective in treatment as they are located in backyards
with maintenance being a challenge for a resident. This results in less effective treatment and greater
District resources to ensure treatment. The revision proposes to exempt certain smaller single family
subdivisions from water quality requirement when they create seven or fewer building lots and no new
public right of way or private roadways serving more than two lots. The runoff rate control
requirement still applies. The seven lot land area is a general comparison to the one acre stormwater
permit requirements and the development will have some restriction based on limited enter points by
the road authority.

The current Rule C Stormwater provisions regulate public linear “reconstruction”. However, the District
finds existing ROW typically has space constraints; challenging grades and poor soil conditions. This
challenges the applicant and District in establishing functioning effective treatment areas. So revision proposes to cut “reconstruction” from public linear requirement.

The current Rule C Stormwater provisions regarding irrigation allow irrigation treatment of one inch per week over irrigated area. The challenge is that the standard is unlikely or not always achieved and expectations for applicant and District are uncertain. The revision reduces the standard to half inch and defines project application materials: an amended spreadsheet from Metropolitan Council; document adequacy of soils, stormwater storage and delivery system; operations plan; and again, approved capacity of half inch per week. Monitoring is required only if the applicant wants addition capacity beyond half inch that is formalized by a CSMP plan or phased development plan.

The revision Rule C Stormwater housekeeping and clarity items include: Atlas 14 from NOAA; clarify if infiltration feasible than infiltrate or reuse; clarify treating runoff from existing untreated equivalent to treating new/reconstructed; permittee responsible properly design and install with proper construction methods; permittee duty to investigate poorly functioning BMP.

The revision Rule B Procedural confirms that the landowner as permittee and responsible party. The revision Rule F Wetlands changes submittal requirements to one hard copy and one electronic ferson.

President Preiner asked if there was anyone else who wished to offer comments? Seeing none, President Preiner closed the public hearing at 9:17 a.m.

The Board of Managers has provided that the record will remain open until November 18, 2016 for the District to receive written comments on the proposed rules amendments. Anyone who wishes to submit further written comments may send them by mail or email to Mr. Tomczik’s attention. Mr. Tomczik’s contact information, as well as the rule amendment documents, can be obtained by coming to the District office or visiting the District website at www.ricecreek.org.

The Board of Managers will carefully consider all of the comments that have been offered today and all comments received in writing. On the basis of comments, we will consider whether and how the proposed revisions should be modified before they are adopted. Thank you for your interest and for coming today.

President Preiner asked Permit Coordinator/Wetland Specialist Tomczik if they have received any comments. Permit Coordinator/Wetland Specialist Tomczik stated they have received four comments so far and he was not concerned with the comments being at great odds with the proposed rules.

**OPEN MIKE – LIMIT 12 MINUTES.** Any RCWD resident may address the Board in his or her individual capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

There were no comments made at Open Mike.
ADDITIONAL ITEMS REQUIRING BOARD ACTION

1. Consider League of Minnesota Cities Liability Coverage Waiver Form.
   Administrator Belfiori reviewed the memorandum regarding the League of Minnesota Cities Liability Coverage Waiver Form with the Board. He noted the liability coverage went up 5.8% which was expected. He stated staff would recommend continuing with this unless there are some extenuating circumstances staff was not aware of.

   Manager Haake asked for further explanation as to why they would either waive or not waive the monetary limits. District Attorney Smith reviewed the tort liability limits with the Board.

   Manager Haake asked what their limits would be if they waive this. District Administrator Belfiori referred to the bullet point in the packet where a single claimant could potentially claim up to 2 million for a single occurrence, etc.

   Manager Haake asked if the League insurance would cover them up to $500,000 and then the other insurance would cover them up to the $2 million or would the League insurance not cover them at all and they would rely on the other insurance in full. District Attorney Smith indicated it is all about the Leagues insurance and the Board will be insured up to $2 million either way. He stated the Statutory limits of $500,000 per claim and $1.5 million for a single occurrence is what the current coverage is and the first option would be to affirm that this is the cap on their liability for those statutory limits. He believed the insurance policy would provide coverage above the statutory limit but if they elect the second option, to waive the liability limits up to their coverage, the League recognizes that is a tad more exposure and will charge the additional premium.

   Motion by Manager Bradley, seconded by Manager Wagamon, that the District WAIVES the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT. Motion carried 5-0.

2. Consider Resolutions regarding Service Agreements for Engineering, Accounting and Legal Professional Services for 2017-2018
   District Administrator Belfiori stated on Wednesday, October 12, 2016, the Board’s subcommittee held a subcommittee meeting immediately following their regular Board meeting and workshop to review and screen the Professional Services Interest Proposals that were submitted to the District regarding engineering, accounting and legal services. Managers Waller and Bradley were in attendance along with Administrator Phil Belfiori. The proposals received were in response to solicitations of interest requesting proposals for engineering, accounting and legal service for 2017 through 2018.

   The Subcommittee recommendations were as follows:
   In regards to engineering services the subcommittee recommended:
   • Retaining Houston Engineering Inc. to provide engineering services for the District for the years 2017-18.
Manager Bradley stated Houston Engineering is clearly doing good work and appreciate the
continuity since the District currently has a lot of big projects. His one concern with Houston
Engineering, Inc. is they need more diversity in their staff. President Preiner indicated the District
does not have any say in who Houston Engineering, Inc. hires.

Manager Waller stated Manager Bradley is correct in his thoughts but there are women engineers
who are currently working on ditch repair projects. He stated there have been some problems
with Houston Engineering and he is concerned with the District Engineer beginning in 2017 when
the District will be revising their watershed management plan. Manager Waller believes Houston
Engineering is the wrong engineering firm to write the plan for Washington County due to their
rural areas. He indicated he was not sure what he wanted to do with his vote and was hesitant to
vote for Houston Engineering who would help write the new generation plan.

President Preiner asked if at the time the plan is proposed to start could the Board request who
helps with the writing of it. District Administrator Belfiori stated that was correct. The Board
could choose the current engineer’s or go out to the engineer pool for help.

**Motion by Manager Bradley, seconded by Manager Haake, to approve Resolution 2016-26,
Retention of Engineering Services.**

**THEREFORE BE IT RESOLVED** that the Board of Managers elects to extend the services agreement
for engineering services with Houston Engineering, Inc. for an additional two-year period;

**BE IT FURTHER RESOLVED** that the Administrator is authorized to enter into an extension of the
existing agreement with Houston Engineering, Inc. in accordance with the terms of the proposal
received and such other terms as are not inconsistent therewith.

**ROLL CALL:**
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Nay
President Preiner – Aye

Motion carried 4-1.

**Motion by Manager Haake, seconded by Manager Waller, approving Resolution 2016-25
Retention of Engineering Service Pool.**

**THEREFORE BE IT RESOLVED** that the Board of Managers elects to enter into or extend the
services agreement for engineering services the following firms to serve as the engineering pool
for an additional two-year period (2017 – 2018):

- Barr Engineering Company
- Civil Methods, Inc.
- Emmons & Olivier Resources, Inc
- Geosyntec Consultants
- Houston Engineering, Inc.
- HR Green
BE IT FURTHER RESOLVED that the Administrator is authorized to enter into an agreement or extension of the existing agreement with each of the firms listed above in accordance with the terms of the proposal received and such other terms as are not inconsistent therewith.

BE IT FURTHER RESOLVED that notwithstanding this resolution, the District retains all discretion to seek professional engineering services from outside this pool under such circumstances as it may find appropriate.

ROLL CALL:
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 5-0.

District Administrator Belfiori stated in regards to Accounting services the subcommittee recommends:
- Retaining Redpath and Company to provide accounting services for the District for the years 2017-18.

Motion by Manager Waller, seconded by Manager Haake, to approve Resolution 2016-27, Retention of Accounting Services.

THEREFORE BE IT RESOLVED that the Board of Managers elects to extend the services agreement for accounting services with Redpath and Company for an additional two-year period;

BE IT FURTHER RESOLVED that the Administrator is authorized to enter into an extension of the existing agreement with Redpath and Company in accordance with the terms of the proposal received and such other terms as are not inconsistent therewith.

ROLL CALL:
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 5-0.
District Administrator Belfiori stated in regards to legal services the subcommittee was “split” with one manager recommending each of the following options:

1. Retaining Smith Partners and Rinke Noonan to provide legal services for the District for the years 2017-18 consistent with current delineation of duties between the firms.
2. Retain Rinke Noonan to provide general/overall legal services for the District for the years 2017-18.

If approved, the resolutions would authorize the Administrator to enter into an extension of the existing agreements with each of the firms listed above and incorporate the attached 2017-18 fee schedules.

President Preiner asked if the Board appointed Rinke Noonan, who would be the main person at the Board meetings. District Administrator Belfiori indicated that was not determined. If the Board would approve Rinke Noonan staff could clarify that with legal before final approval.

Manager Bradley stated they are blessed with two good firms with great experience and knowledge. He felt that one of the benefits of this is the broader reach of knowledge and if there are conflicts they have an existing lawyer they can turn to in case of a conflict. Rinke Noonan is located in St. Cloud so he felt they are best served by continuing their existing relationship with both firms. Manager Waller stated Rinke Noonan has represented the District in past drainage rules and flooding issues. Mr. Kolb was able to contact the Natural Gas Company to lower they pipe in JD2. Manager Waller did not support extending Smith Partners contract for the next 2 years. He stated he would support Rinke Noonan even if they are further away.

Manager Haake felt the blending of the two firms represented the area the best.

**Motion by Manager Haake, seconded by Manager Bradley, to approve Resolution 2016-28, Retention of Legal Services.**

Manager Wagamons stated there are issues and question that he has that he would like answered before he voted. He would not mind holding off on voting in order to try to resolve these issues. President Preiner agreed. Administrator Belfiori requested the Board provide questions to him so he could provide them to Rinke Noonan for their response.

**Motion by Manager Wagamons, seconded by Manager Preiner, to table this item for further discussion and review and brought back at the next meeting.**

**ROLL CALL:**
Manager Haake – Nay  
Manager Bradley – Aye  
Manager Wagamons – Aye  
Manager Waller – Aye  
President Preiner – Aye

**Motion carried to table 4-1.**
3. Consider Pay Request #1 from Rachel Contracting, Inc. for the Hansen Park Project

Water Resource Specialist Axtell stated Rachel Contracting has made notable progress on the Hansen Park Comprehensive Water Management Project to date and has submitted its first pay request. He provided a presentation to the Board showing the work done to this point. Staff concurs with the District Engineer’s opinion that the pay request is ready for approval.

Motion by Manager Haake, seconded by Manager Bradley, to approve Rachel Contracting, Inc’s pay request as submitted and certified by the District Engineer, and directs staff to issue a payment in the amount of $181,511.99. Motion carried 5-0.

4. Consider District Vehicle Replacement Policy

District Administrator Belfiori stated as a follow-up from the consensus discussion at the October 10, 2016 Board workshop, the Board identified the following language as the proposed Board policy regarding replacement of district vehicles.

Policy

“District vehicles, including automobiles/trucks, all-terrain vehicles, boats, and trailers shall be replaced on the following schedule:

1. Trucks/motor vehicles will be kept for 12 years/120,000 miles but will be evaluated at 10 years for replacement planning purposes. If the vehicle is deemed to not have reached the end of its functional use, then it should be retained and evaluated yearly.

2. All-Terrain Vehicles will be kept for 10 years/5000 hours but will be evaluated at 8 years/4000 hours for replacement planning purposes. If the vehicle is deemed to not have reached the end of its functional use, then it should be retained and evaluated yearly.

3. Trailers should be replaced as needed based on condition.

4. Boats/Boat Motors/Canoes should be replaced as needed based on condition but will be evaluated yearly.

When vehicles/equipment have reached the end of their functional use, they should be traded in or offered for sale to the general public through advertisement based on current market values. Criteria that would be used to define the end of functional use would include:

1. Cost of repair/maintenance;

2. Frequency of repairs beyond expected routine maintenance;

3. Downtime/unavailability because of needed repairs beyond routine maintenance;

4. Resale value/asset depreciation;

5. General condition/safety.”

Based on this policy, the Board (by consensus) gave approval for replacement of the 2004 Chevrolet Silverado (blue truck) as budgeted for in 2017.

Motion by Manager Waller, seconded by Manager Haake, to approve the above referenced language as Board policy and incorporate the memo into the RCWD Policy and Procedures Manual. Motion carried 5-0.
5. Consider Check Register dated October 26, 2016, in the amount of $235,082.38, prepared by Redpath and Company.

   Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated October 26, 2016, in the amount of $235,082.38, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

   Mr. Larry Kramka, Houston Engineering, Inc., gave a presentation regarding the Clean Water Act Section 404 Assumption Committee Draft report and answered Board questions.

2. Update on Upcoming City/County Partner Meeting Schedule
   District Administrator Belfiori reviewed the City/County Meeting schedule with the Board. He suggested Wednesday, December 14, 2016 from 1:00 – 4:00. The Board felt this would be a good time for the meeting.

3. Staff Report
   There were no comments

4. November Calendar
   There were no comments.

5. Manager’s Update
   Manager Bradley stated he attended the State of Waters in Ramsey County with Manager Haake. He stated the aquifers are getting higher in Ramsey County. Hennepin County’s aquifers are getting worse. He reviewed the reasons for the increase and decrease in the aquifers.

   Manager Haake stated they had the north and northeast ground water management study and they have a meeting on November 10th at the DNR offices.

ADJOURNMENT

   Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:42 a.m.
   Motion carried 5-0.