Approved Minutes

CALL TO ORDER
President Patricia 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 Bradley, and Treasurer Steven Wagamon

Absent: None

Staff Present: Interim District Administrator Nick Tomczik, Office Manager Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners

Visitors: John Caldwell

SETTING OF THE AGENDA
President Preiner asked to add item #1, under Items for Discussion regarding the District Administrator hiring process.

Motion by Manager Haake, seconded by Manager Waller, to approve the agenda as revised. Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the September 25, 2019 Board of Managers Meeting.
Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 4-0-1 (Manager Bradley abstained).
CONSENT AGENDA

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

Table of Contents-Permit Applications Requiring Board Action

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<td>19-082</td>
<td>2720 Fairview MKT LLC</td>
<td>Roseville</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 8 items</td>
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<td>2720 Fairview Partners, LLC</td>
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Interim District Administrator Tomczik stated that this permit application was discussed at the recent workshop. He reminded the Board that this permit is the one with an indemnification easement because of the location next to RCD-4.

Manager Waller stated that he likes that there was language included in the permit to remove the spoil pile and similar things. He stated that by having it written into the permit, it is clear what the expectations are and provides certainty for the future maintenance and preserving the corridor.

Interim District Administrator Tomczik stated that the language is also carried into the documents required to be recorded on the property.

It was moved by Manager Haake seconded by Manager Wagamon, to approve the Consent Agenda item for permit 19-082 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations dated October 3, 2019. Motion carried 5-0.

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.

John Caldwell, 4801 125th Avenue NE, expressed his appreciation for everything the District does and noted that he had been a resident on one of the District’s ditches for 29 years. He expressed concern about a recent reconstruction project completed by Anoka County in front of his house under Permit No. 19-003. He stated that Anoka County stated that there was less than 10,000 square feet of new impervious surface in their plan, which means the District stormwater rule was not triggered for them to be approved. He gave some background information on a project that was completed 25 years ago. He stated that when they first widened the road, they ended up giving him a pretty tough slope on the roadway ditch. He stated that although it isn’t officially the RCWD’s ditch, it does flow into their ditch. He stated that because of the slope of the ditch, he never let his kids or his wife mow this area because he is worried about the possibility of the
mower rolling over them; it is very difficult to mow. He stated that the County changed the road
ditch and some portions are now at a 1:1 slope where it used to be at a 4:1 slope. He stated that
the issue that really troubles him is the very large culvert that was put in. He stated Anoka County
installed a 36-inch triangular pipe with rounded edges. He stated that Anoka County buried the
culvert on his neighbor’s property and put in a manhole which means he now has about a 12:1
slope. He stated that this situation is very convoluted, and he would like it fixed. He stated that
he believes that this project was completed without any oversight and would like to have a safer
ditch.

President Preiner stated that the District may need to go back and take a look at the permit.

Interim District Administrator Tomczik stated that he and Tom Schmidt had conversation on the
situation and Mr. Caldwell’s concerns. He stated that he had spoken briefly with District Engineer
Otterness as well as Greg from Houston Engineering, Inc. and noted that Permit No. 19-003 did
not trigger the stormwater rule based on the submitted application. He clarified that 10,000
square feet of “new” impervious surface would trigger the rule and not simply milling. He stated
that he agrees with Mr. Schmidt that this does not fall under the District purview or trigger any
of the District’s vetting tools for involvement. Interim District Administrator Tomczik stated that
he had reached out to the County. He stated that he spoke with Mr. McPherson with the Anoka
County Highway Department, and spoke to him regarding the concern in this area. He stated
that Mr. McPherson stated that he would reach out to Mr. Caldwell and try to resolve his
concerns. He suggested that Mr. Caldwell could leave his phone number with him and he will
make sure that Mr. McPherson gets it. He stated that he doesn’t intend to disparage Mr.
Caldwell’s concerns, but this does not fall within the parameters for the District’s involvement.

Manager Bradley stated that since this is a right-of-way ditch, whether the District would have
any control over the size of the culverts even if it was under the District’s purview.

Interim District Administrator Tomczik stated that the District would look to see if the culvert is
of sufficient capacity to pass the 100-year event or the critical event, but the side slope issues
come under the jurisdiction of road safety.

Manager Bradley asked if the culvert was too large whether the District would be concerned.

Interim District Administrator Tomczik stated that if the District were regulating it, it would look
to see that there are no adverse impacts from a culvert regardless of size, such as, flow, sediment,
ponding in the upstream or too much going downstream.

Manager Waller noted that Interim District Administrator Tomczik clarified that it had to be the
net new impervious surface over 10,000 feet to trigger the stormwater rule. He asked if Mr.
Caldwell felt that after construction there was a net impervious surface gain of greater than
10,000 square feet that would trigger the District’s interest in this issue.
Mr. Caldwell stated that it appears that some of the culvert is coming from under the road. He asked if he could show pictures of the area that may illustrate the situation better than he can verbalize them. He reviewed his pictures on his phone that shows the ditches that he feels have created holdings ponds. He stated that he would like to know where the new Sunrise Elementary School and its parking lots were draining.

Interim District Administrator Tomczik stated that all of Mr. Caldwell’s questions are good ones which the County should be able to answer better than the District. He stated that if the Board would like to, the District could look to confirm the “as-built” condition and threshold for stormwater. He noted that this situation may have an engineering rationale that may not line up with the property owner’s preference.

District Engineer Otterness stated that he doesn’t know the reason for the resizing of the culvert and noted that it can be due to a variety of reasons. He stated that resizing in this situation would not concern the District unless it was smaller and hindered the ability of drainage to get out. He stated that he strongly suggested that Mr. Caldwell have a direct conversation with Anoka County.

President Preiner noted that Joe McPherson is a good guy and may explain everything to Mr. Caldwell. She asked that Interim District Administrator Tomczik try to facilitate and make sure that this conversation happens.

Manager Waller stated that he agrees with the approach to trust, but feels it should also be verified. He stated that he thinks it is reasonable that they take a look at the “as-built” condition to ensure the permits have been obeyed.

Interim District Administrator Tomczik reiterated the suggestion to contact Joe McPherson. He stated that the District is willing to take a look at the “as-built” condition and if Mr. Caldwell will leave his number, he will make sure that Mr. McPherson receives it. He noted that the safety concerns raised by Mr. Caldwell do not fall under the Board’s area of involvement.

Manager Waller shared an example of a project the City of Hugo did with road construction that created a very dangerous steep slope in resident backyards. He explained that there was coordination between the City of Hugo and the District to resolve the issue. He stated that this situation sounds similar and asked Interim District Administrator Tomczik to look back at the project that took place on Oneka Lake Boulevard and 147th Street, but noted that he would like to caution Mr. Caldwell from getting his hopes up.

Manager Bradley stated that the District does not have authority to fix what Mr. Caldwell would like to be fixed.

Mr. Caldwell stated that he really appreciates the time to air his concerns before the Board.
ITEMS REQUIRING BOARD ACTION

1. Consider Intergovernmental Agreement with City of Forest Lake.
   Interim District Administrator Tomczik noted that there was a presentation of JD4 stormwater study at the workshop regarding the Intergovernmental Agreement with the City of Forest Lake. He explained that Forest Lake is looking to do stormwater planning on JD4 and a bit of JD2. He stated that this agreement is to cover 50% of the cost not to exceed $31,650. He stated that the agreement document as drafted was provided to the City of Forest Lake and he has not heard back from them yet. He stated that if the Board does authorize the President to sign it, he would suggest waiting to see if there are any concerns raised.

Motion by Manager Haake, seconded by Manager Waller, to authorize the President to enter Rice Creek Watershed District into an agreement with the City of Forest Lake to undertake a Regional Planning Study (JD4 & JD2 Drainage Areas), including the fact that it would be done at 50%, with the cost not to exceed $31,650, and that the Agreement draft be signed with any non-substantial modification reviewed by District Counsel.

Manager Waller stated that this agreement is primarily for JD4, but does mention JD2, so he would like to be mindful that JD2 takes drainage from multiple cities such as Lino Lakes, Columbus, Scandia, Hugo and a portion of May Township. He stated that he is assuming most of the planning for this project will be in the JD4 corridor between 35E and Highway 61. He noted that Hugo has a large water tower at 165th Street and the City lines are at 180th Street and believes that there will be building near 165th in Hugo before 180th in Forest Lake. He noted that even though this is primarily for JD4, he would like the Board to be conscious of the other systems and cities that drain into JD2.

District Engineer Otterness stated that to build on Manager Waller’s comments, the scope that they are providing in this proposal includes portions of JD4, but also portions of area that drain in JD2, but does not actually include JD2 itself. He stated that because the anticipated growth of development is going to be from north to south, the primary focus that they provide in this proposal will be on the main trunk of JD4 and Branch #3 of JD4 which are the two northernmost tile lines that come into that main trunk. Branch 4 of JD4 and those areas that drain towards JD2 on the southeast side of Forest Lake are planned to be reviewed for the flow rates off of the landscape in their present condition, rather than looking at a more extensive study with modeling.

Motion carried 5-0.

2. Consider Check Register dated October 9, 2019, in the amount of $160,566.15 prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated October 9, 2019, in the amount of $160,566.15, prepared by Redpath and Company. Motion carried 5-0.
ITEMS FOR DISCUSSION AND INFORMATION

1. **Update on District Administrator Hiring Process.**

President Preiner stated that after the applications came in, she and Manager Bradley were directed to start working with Interim District Administrator Tomczik regarding his future employment as District Administrator. She stated that three meetings have been held and asked that a Special Meeting be scheduled for Monday, October 14, 2019 at 10:00 a.m. at the District offices to discuss the official offer. She stated that she would like the meeting to posted, so the Board could have a final vote if a final agreement is reached.

2. **District Engineer Update and Timeline.**

Interim District Administrator Tomczik stated that the Board has been invited to a reception with the Washington County Commissioners after the budget workshop on October 15, 2019. He noted that staff has re-noticed to include this meeting, so if the Board members would like to attend, they may. He stated that he does not know the exact time because it will immediately follow the budget workshop, which immediately follows the normal County Board meeting.

Manager Waller stated that he would estimate that the reception would begin around lunchtime.

Interim District Administrator Tomczik noted that he and District Engineer Otterness will be attending a water resource conference providing a presentation on the afternoon of October 15, 2019 as well.

Interim District Administrator Tomczik stated that the AWJD3 landowner information meeting was held on October 8, 2019. He stated that he wanted to share with the Board that Len Pratt, a developer was in attendance at the meeting and shared with him that he was very pleased with the meeting and the District’s work.

Interim District Administrator Tomczik stated that he had a meeting with District Attorney John Kolb regarding Jeff Morrell, who had petitioned the District on ACD 10-22-32. He noted that Mr. Morrell missed the workshop meeting, but District Attorney John Kolb gave some guidance on how to proceed. He stated that Mr. Morrell was informed that the District will likely be sending a letter of response on how the District might proceed. He asked if the Board would like to see the letter before it is sent.

Manager Bradley stated that he believes this issue was covered well at the workshop and the letter does not need to come before the Board.

Interim District Administrator Tomczik stated that after the two enforcement letters discussed at the previous meeting were sent, the landowner’s teams did take some
additional action. He stated that the inspectors still have concerns and will need to discuss but are looking to exercise some judgement as to the severity of the ongoing issue and attempt to keep moving tasks forward rather than further escalate over some of the issues. He noted that staff is working on drafting the updated resolution that will include the enforcements letters in the compliance process.

3. Managers Update.
Manager Haake asked if the next workshop meeting could include discussion about the funding of ditch and a branch.

Manager Wagamon stated that he would also like to have a better understanding of the whole situation as far as what is considered to be trunk system and whether there are any branches that are not part of the trunk system. He stated that he would also like to discuss the differences in Phase 1, 2 and 3 of AWJD3 ditch repair projects at a workshop meeting.

Manager Waller stated that the landowner meeting regarding AWJD3 went well. He stated that he felt the engineers and Interim District Administrator Tomczik did a good job with their presentations. He stated that as the Board has more discussion about the differences between trunks and branches, the more he sees the need for legislation to provide the funding for the long-term maintenance of these systems. He stated that during the meeting there were many positive comments regarding Tom Schmidt and Ashlee Ricci.

ADJOURNMENT

Motion by Manager Wagamon, seconded by Manager Haake, to adjourn the meeting at 9:57 a.m. Motion carried 5-0.