Minutes

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

ROLL CALL

Absent: None

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Technical Specialist/Permit Reviewer Chris Buntjer, Lake and Stream Specialist Matthew Kocian, Office Manager Theresa Stasica, District Technician Samantha Kreibich.

Consultants: District Engineer Mark Deutschman from Houston Engineering, Inc. (HEI); and District Attorney Chuck Holtman from Smith Partners

Visitors: None.

SETTING OF THE AGENDA
Manager Haake added Item 1 to Items for Discussion and Information: Middle Rice Creek Meander Restoration Engineer Proposals and action item 9: Proposed MAWD Resolution on securing permanent CREP funding.

District Administrator Belfiori added action item #10 Consider final payment to Scandia Trucking for ACD 10-22-32 project east of 4th Avenue.

Motion by Manager Haake, seconded by Manager Ogata, to adopt the agenda as amended. Motion carried 5-0.
READ THE MINUTES AND THEIR APPROVAL

Minutes of the October 6, 2014, Board of Managers Meeting Workshop Meeting. Motion by Manager Haake, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 4-0-1 (Manager Wagamon abstain).

Minutes of the October 8, 2014, Board of Managers Meeting Regular Meeting. Motion by Manager Ogata, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0-1 (Manager Wagamon-Abstain).

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

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<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
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<td>City of Forest Lake</td>
<td>Forest Lake</td>
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<td>Fridley</td>
<td>Final Site Drainage</td>
<td>CAPROC 6 items</td>
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Manager Haake wondered what type of guarantee on Permit No. 14-054, the District will have that the water quality treatment capacity dedicated to this development will not be used for future permits. Water Resource Specialist Axtell stated the permit is for the Clear Lake Water Quality Treatment project, which is a clean water fund project and addition to the site development BMP's that were required under a previous permit. There is a large wet pond that was installed as part of the City Hall development project that was previously permitted by the District so the BMP's are completely in addition to any requirement for that site. In addition, the large BMP, actual subject of the permit, is a regional BMP that is being installed in line with the private ditch that runs along the north side of the property. The District will keep records and will not allow any other property to utilize that BMP for regulatory purposes.

Manager Haake wondered how they can ensure that in the future. Permit Coordinator/Wetland Specialist Tomczik stated the District routinely goes through their files, which identify past permits in the area so should there be an attempt to utilize it, it is very likely the engineers report would be found stating this is not for future use with a different project.

Manager Haake noted Permit 14-084, there are holding areas that are shown which go into a storm sewer and then into Lake Valentine and she wondered if that would be enough to clean the water before it enters the lake. Technical Specialist/Permit Reviewer Chris Buntjer stated those bio-filtration areas were sized to treat the amount of stormwater required by the District's rules.

Motion by Manager Ogata, seconded by Manager Waller, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD staff and District Engineer's Findings and Recommendations, with Findings as amended. Motion carried 5-0.
President Preiner recessed the regular meeting to go into a Public Hearing at 9:07 am

PUBLIC HEARING ON PROPOSED WATERSHED MANAGEMENT PLAN AMENDMENTS

President Preiner recessed the regular Board meeting and called to order the public hearing on The Rice Creek Watershed District's proposed minor amendment to its 2010 Watershed Management Plan."

The purpose of the hearing is to hear comments and take testimony from parties having an interest in the proposed minor watershed management plan amendment."

President Preiner asked Water Resource Specialist Kyle Axtell to provide a brief summary of the proposed plan amendment.

Water Resource Specialist Axtell explained the purpose of the proposed amendments are:

- Revision to RCWD’s resource management planning program to reflect recent the consolidation of Rule M and RMP Rules into Rule F.
- Clarification and refinement of several existing capital improvement projects.
- Addition of Section 7.5 to discuss general guidelines for funding requests submitted to the RCWD Board of Managers.
- Revision of RCWD’s Urban Stormwater Remediation Cost-Share Program (Appendix G).
- Other minor updates to select portions of the plan.

Water Resource Specialist Axtell reviewed the Schedule of proposed amendments:

- September 11, 2014: Amendment package distributed to State review agencies, cities, counties, etc. for 45-day review.
- October 6, 2014: Public hearing notice place in Pioneer Press
- October 13, 2014: 2nd hearing notice placed in Pioneer Press
- October 22, 2014: RCWD holds public hearing
- November 3, 2014: 45-day review period expires
- December 10, 2014: RCWD Board considers resolution approving final amendment and responses to comments.
- Updated WMP pages are distributed by the end of 2014.

Manager Haake asked if under Chapter 6, 6.3.3.1, this would be interpreted that the District will be responsible for the dam. Water Resource Specialist Axtell stated the language does not indicate that at all. It allows the District to potentially cooperate financially on a project there. It allows the District to utilize its funds if it wishes to partner on projects such as water level management type projects.

Manager Waller stated there is extensive conversation in the plans about the impact of the St. Paul Water Authority and what the role of the District is on it and the importance of potable water for both Minneapolis and St. Paul. Although at the moment they may not be drawing out of the system, it still exists and water level management was not solely for recreational purposes. He thought it was important to note that the water management levels in Bald Eagle Lake have more than just a recreational purpose. He wondered if the language is still in place or was it removed. District Administrator Belfiori indicated the language is still in place.

President Preiner indicated nothing has changed but there are amendments being introduced. District Administrator Belfiori indicated that was correct.
Water Resource Specialist Axtell stated the chapter the language was added in relates specifically to the CIP for the District and does not negate any of the other language.

No one wished to speak

President Preiner closed the hearing at 9:19 a.m.

**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 findings and order related to reestablishment and correction of the drainage system records for Anoka County Ditch 31.

   District Administrator Belfiori explained this is one of the two Anoka County ditch systems in Columbus. They have already initiated reestablishment of the records to redefine the alignment of cross section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of a drainage system as originally constructed or subsequently improved.

   District Administrator Belfiori indicated the public information meeting will take place on November 10, 2014 at Columbus City Hall at 7:30 p.m.

   **Motion by Manager Wagamon, seconded by Manager Haake, to approve Resolution 2014-32. Resolution Authorizing Findings and Order Directing Proceedings to Reestablish and Correct Drainage System Record for Anoka County Ditch 31 (Statutes 103E.101, subd. 4a.) with the following orders:**

   A. The Board of Managers shall follow the procedures of Statutes Section 103E.101, subd 4a. to reestablish and correct the drainage system record for ACD 31 to reflect the functional alignment, dimension and grade of the system.

   B. The engineer, to the extent not already accomplished in its analysis supporting the historical review memorandum, shall investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, elevations; and right-of-way of the drainage system.

   C. Drainage Authority staff shall hold an informational meeting on the reestablishment and corrected drainage system records for the evening of November 10, 2014 at Columbus City Hall.

   D. Drainage authority staff, upon completion of the informational meeting and refinement of the engineer's investigation, shall set a date, time and location for a hearing on the reestablished and correct drainage system records.
E. Drainage authority staff shall give notice of the hearing by mail to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage system and shall give additional notice either in a newspaper of general circulation in the drainage system area or by publication on Drainage Authority's web-site and in all other ways as required by Board Policy.

ROLL CALL:
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner - Aye

Motion carried 5-0.

2. Consider findings and order related to reestablishment and correction of the drainage system records for Anoka County Ditch 46.
District Administrator Belfiori stated explained this is one of the two Anoka County ditch systems in Columbus. They have already initiated reestablishment of the records to redefine the alignment of cross section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of a drainage system as originally constructed or subsequently improved.

District Administrator Belfiori indicated the public information meeting will take place on November 10, 2014 at Columbus City Hall at 5:30 p.m.

Motion by Manager Haake, seconded by Manager Wagamon, to approve Resolution 2014-33, Resolution Authorizing Findings and Order Directing Proceedings to Reestablish and Correct Drainage System Record for Anoka County Ditch 46 (Statutes 103E.101, sub. 4a) with the following orders:

A. The Board of Managers shall follow the procedures of Statutes Section 103E.101, subd. 4a to reestablish and correct the drainage system record for ACD 46 to reflect the functional alignment, dimension and grade of the system.

B. The engineer, to the extent not already accomplished in its analysis supporting the historical review memorandum, shall investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, elevations; and right-of-way of the drainage system.

C. Drainage Authority staff shall hold an informational meeting on the reestablished and corrected drainage system records for the evening of November 10, 2014 at Columbus City Hall.

D. Drainage Authority staff, upon completion of the information meeting and refinement of the engineer's investigation, shall set a date, time and location for a hearing on the reestablished and corrected drainage system records.

E. Drainage Authority staff shall give notice of the hearing by mail to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all property owners
benefited or damaged by the drainage system and shall give additional notice either in a newspaper of
general circulation in the drainage system area or by publication on Drainage Authority’s web-site and
in all other ways as required by Board policy.

ROLL CALL:
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner - Aye

Motion carried 5-0

3. Consider draft Memorandum of Agreement with City of Hugo regarding the repair of the Bald Eagle Dam
District Administrator Belfiori explained the dam is integral with 129th Street North in the City of Hugo, as the
road embankment also serves as the dam embankment. The dam embankment is approximately 1,000 feet long.
The existing water control structure is a 40-foot long rubble masonry weir located on the downstream side of the
embankment, with five elevated corrugated metal pipes conveying flow under the road. The dam requires repair
to perform its lake level control function and deteriorated metal pipes need to be replaced.

The City of Hugo (“City”) is the Grantee under a dam safety grant agreement with the Minnesota Department of
Natural Resources (MnDNR) pursuant to Minnesota Statutes §§103G.511 and 103G.515. Under the grant
agreement, the MnDNR will reimburse the City in the amount of $160,000 to defray the City’s cost in repairing
the dam as a part of its reconstruction of 129th Street North under S.A.P. 224-080-002.

Lands riparian to Bald Eagle Lake lie in several communities and in Washington, Anoka and Ramsey Counties.
There is general public access to the lake for recreational and related purposes. Therefore, the Rice Creek
Watershed District (“District”) also is willing to contribute to the cost of the dam repair. The amount the District
will contribute is based on the estimated cost of the lake level control part of the work as determined by MnDNR
grant eligibility under the dam safety program.

Accordingly, the City and District (the "Parties") agree to the following terms of this Memorandum of Agreement
(MOA), intending to be legally bound:

1. The City will repair the dam in accordance with the plans attached hereto as Exhibit A and incorporated
herein. The City is responsible for all permits, approvals and land rights necessary for the work,
including a District permit. The District will not charge a permit fee or require a financial assurance
pursuant to its permit for the work.

2. When the City's engineer has issued a certificate of substantial completion and provided the District an
as-built confirming that construction has materially conformed to Exhibit A, the District will pay the
City the sum of $113,000 to partially defray repair cost. This amount is fixed and does not depend on
actual contract price.

3. Neither the City nor the District claims any ownership interest in the dam or responsibility for any
future repair of the structure. Nothing in this MOA and no term of the MnDNR grant agreement, is to
be read otherwise, including but not limited to: (a) the City's role of grantee; (b) its performance of the
control structure repair; (c) the funding commitments of the Parties; and (d) the obligation to conduct
routine inspections and minor debris removal from the weir as set forth in the grant agreement.

4. The District’s payment obligation hereunder is contingent on its completing required public process and
consideration of public comment pursuant to Minnesota Statutes §103B.251. The District will
undertake and complete the required proceedings without undue delay and in good faith.

5. The above recitals are incorporated into this MOA as terms hereof.

Motion by Manager Ogata, seconded by Manager Wagamon, as follows:

The board president is authorized to execute the proposed Memorandum of Agreement between the City of
Hugo and the District for the Bald Eagle Lake water level structure repair, with any further non-substantive
changes the president considers appropriate and on advice of counsel.

Manager Waller stated the draft agreement does not mention the role of the St. Paul Water Authority at all and
he thought that has been a long time standing. He understood the pumps are shut down and maybe the system
is not functional today but that does not mean it cannot be put back into function in short order if necessary and
since there is so much language in the District’s watershed plan which has remained through the third generation
plan, it is important that the reason for maintaining the level on Bald Eagle Lake is not just the ordinary high
water mark but also to play a role in providing potable water for both the cities of St. Paul and Minneapolis. He
was disappointed there was not some sort of language in the agreement that talks about that because right
now it sounds like the dam is just integral to the City street and not integral to the long term plan. He
wondered if there was some wording that could be added.

District Administrator Belfiori stated the language related to the St. Paul Water utility was actually edited by
the City of Hugo in their agreement with the DNR. The MOA is between the City of Hugo and Rice Creek
Watershed District and the purpose is related to the arrangement between the City and Rice Creek and not a
third or fourth party.

District Engineer Deutschman indicated the structure that is being put in from a functional perspective
replaces what is there and will perform the same as the existing structure so it will not have any bearing or
effect on adversely affecting water levels for water supply purposes or recreational purposes.

Manager Waller did not think it was clear that by ignoring the long history and the role the water main has
played that it is appropriate to ignore that. He thought there should be some kind of record in the agreement.

Attorney Holtman stated if the historical record is reviewed, the St. Paul Water Utility has a place in that
record. The DNR and the Army Corp or Engineers have it listed as the owner of the dam. But the record is
incomplete and inconclusive about who built the dam and who legally would be considered the owner. His
understanding is that the parties decided to leave the ownership question aside and take the more expedient
route of getting the structure repaired without anyone accepting ownership or responsibility that
accompanies ownership going forward. This also means that it does not absolve the St. Paul Water Utility of
any responsibility they may have if there is a need for work to be done on the structure in the future.
Manager Waller did not disagree but for over a hundred years, no part of government has been responsible for the dam and when repairs are needed, everyone denies involvement and whoever is around ends up paying for the repairs. He would like to see some government accountability for this. President Preiner agreed but thought they needed to move forward because no one is claiming to own the dam.

Manager Haake understood the concerns but this has been expedited through all parties involved and in order to move forward they need to accept this MOA at this time.

Manager Wagamon did not think that precludes anyone from going back to the St. Paul Water Authority in the future. District Attorney Holtman stated for the cost of the work that is going to be done now, once the work is done, that would not be the case but if there was a need to spend money in the future that would be correct. He added that if the Board wants to consider it, the DNR and the City of Hugo removed the language referencing the St. Paul Water Utility from the DNR grant agreement, but with respect to the District-City MOA, the Boards action could authorize the president, if the City agrees to simply add something to the recital that states that the historical records suggest that the dam has played a role in maintaining the public water supply for the St. Paul Water Utility. This could be added in the MOA.

Manager Ogata offered that such text would be non-substantive and therefore would fit within the authority that the present motion would give to the board president. Attorney Holtman concurred.

ROLL CALL:
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Nay
President Preiner - Aye

Motion carried 4-1

4. Consider Board policy for submittal of expense/per diem reimbursement claims
District Administrator Belfiori explained as a follow-up from the consensus discussion at the October 6, 2014 Board workshop, the following language was identified by Managers as proposed Board policy regarding deadline for submission for per diem and expense claims:

"Claims for reimbursement of business related expenses and per diem claims must be submitted by January 15th for expenses incurred for the subsequent year. Any claims submitted after January 15th will not be paid."

Manager Haake asked if January 15th is the correct date. District Administrator Belfiori indicated it is the year-end cut off date.

Motion by Manager Haake, seconded by Manager Ogata, to approve the above referenced language as Board policy and incorporate this memo into the RCWD Policy and Procedures Manual. Motion carried 5-0.

5. Consider Extension of City of Roseville urban stormwater remediation cost-share grant agreement.
Water Resource Specialist Axtell explained the City of Roseville entered into an Urban Stormwater Remediation Program cost-share agreement with the RCWD on June 19, 2012, which was to provide $48,756 toward two proposed stormwater treatment projects. The first of the two was completed in 2013 and the City has been
approved $22,500 in cost-share funding. The remainder of the cost-share allocation ($26,256) is meant for the second project, on property currently owned by the church. The City has just recently been able to obtain easement over the project area and is ready to proceed with construction in the spring of 2015. The City and District staff both mistakenly thought the agreement expired on December 31, 2014, but recently observed that it on June 19, 2014. The City has requested an extension through December 31, 2015 to allow for continued funding of this project by the RCWD.

RCWD staff supports the extension of this grant agreement through December 31, 2015 to facilitate the completion of this water quality treatment project.

Motion by Manager Haake, seconded by Manager Wagamon, to amend the 2012 Urban Stormwater Remediation Program cost-share agreement between the Rice Creek Watershed District and the City of Roseville by changing its expiration date to December 31, 2015. Motion carried 5-0.

6. Consider R14-04: Leslie Maze, raingarden (Bald Eagle Lake) water quality BMP cost-share application.

Water Resource Specialist Kreibich explained the project proposes installation of a 152 square foot raingarden with sub-surface rock columns to encourage infiltration into the heavy soils present at the site. The raingarden will intercept runoff from approximately 0.20 acres of land (45% impervious) including several homes, the Mazes’ driveway and a large yard area. The project area drains to Bald Eagle Lake, which is impaired for nutrients and is designated as a RCWD Tier 1 lake in the 2010 Watershed Management Plan.

This project is proposed in an existing depressional area that collects runoff and has standing water for extended periods of time. Runoff does not discharge to Bald Eagle Lake during most small rain events. Larger rain events will cause a discharge, especially back-to-back rain events when the area is already flooded with runoff. The primary goal is to improve infiltration rates and storage capacity to further reduce the frequency of direct discharge to Bald Eagle Lake and also reduce the draw-down time of the basin to acceptable levels (i.e. less than 72 hours). Because this project does not have as much water quality benefit as a typical raingarden, the Ramsey SWD has recommended a lower cost-share rate of up to 25%.

The Ramsey Conservation District estimated that the total project cost (including a 10% contingency) would be $5,830.55. The landowner has obtained and submitted two estimates for the project ($6,288.10 and $5,747.85) and has submitted an application to encumber up to $1,436.96 in cost-share funding for this project, not to exceed 25% of eligible project expenses.

RCWD Staff finds that the project has a private drainage issue benefit that is as great as or greater than the public water quality benefit. However, the reduction of direct runoff to Bald Eagle Lake cannot be ignored and the project is in an area where the District is actively promoting the installation of raingardens. The addition of the rock columns is an innovative approach to encouraging infiltration in heavier soils. The Ramsey SWCD’s recommendation of a lower cost-share percentage is appropriate, given the unique circumstances associated with this project.

Based on submitted documents, RCWD staff supports the project and recommends to the RCWD Board of Managers that this project be awarded up to $1,436.96 in RCWD Water Quality BMP Cost-Share funding, not to exceed 25% of eligible project expenses, in accordance with program guidelines.

This proposal was considered by the RCWD Citizen Advisory Committee at its meeting held on October 1, 2014. The CAC discussed the application and passed a motion recommending that the RCWD Board of Managers
approve this project for up to $1,436.96 in cost-share funding, not to exceed 25% of eligible project expenses. This proposal was also considered at the RCWD Board of Manager’s meeting on October 8, 2014. At this time, the Board did not reach consensus of whether to fund the project at 25% or 50%, so decided to table the discussion to the next Board meeting when all Manager’s were present.

RCWD’s Citizen Advisory Committee and Staff recommend that the RCWD Board of Managers approve Water Quality BMP Cost-Share funds for Leslie Maze Raingarden project.

Manager Haake stated Ramsey County is only recommending 25%. The minimum eligibility they have for any of their cost share project screening forms is 30% and it is at the minimum of 30% and the homeowners also understand they will probably not get 50%, but 25% and they did not have a problem with the percentage and would go ahead with the project anyway.

Manager Wagamon stated this met the minimum and he wondered how many are like this where the plan is not followed. Water Resource Specialist Kreibich explained it was her understanding that there have been situations where there has been a 25% funding but generally, it is 50%.

President Preiner stated tax wise, why would they give someone more than what is recommended. Manager Wagamon indicated this meets the criteria and if they start parsing them out like that, all of them could be done like that because there is no equal value on any of them. He thought that either it meets the rules or it doesn’t. Manager Ogata agreed with that point and indicated he went back after the meeting and took a look at the property. It is a unique section with a high road section that funnels into the corner and flows directly into the lake. He noted the water sits in this area and funnels out as it accumulates. He did not know how they could differentiate this project from the huge project they worked on to the north that is doing the exact same thing.

Water Resource Specialist Axtell stated it was his understanding that it is a situation where they have an area that is already depressional and not infiltrating well as it is. There is some concern with water quality there. There is also a private flooding problem so with this project they would like to increase the speed in which it drains into the ground so it is not a constant pond. Looking at it from a water quality standpoint, it is not as beneficial as putting a new raingarden in the ground. There is already some storage there but the benefit of this project is allowing what is stored currently to go into the ground quicker so it can catch the next storm and put it into the ground. The benefit of the project is not as strong as some others. They are currently looking at new ways of calculating projects and will bring that to the Board at another time. He thought the project will be a benefit to the lake.

Manager Waller did not think they had a hard fast rule about the percentage. District Administrator agreed and noted there were projects that have been given more than 25%. Water Resource Specialist Axtell indicated the District has not cost shared for more than 50% themselves. The District has partnered with other funding sources through the Conservation District to go higher than 50%. Their program is currently limited to 50% per project.

Motion by Manager Haake, seconded by Manager Wagamon, to approve RCWD Water Quality BMP Cost-Share Contract R14-04 for Leslie Maze Raingarden project, up to $1,436.96, not to exceed 25% of eligible project expenses, in accordance with established program guidelines.

Motion by Manager Ogata, seconded by Manager Waller, to amend the motion to insert language immediately after “up to”: “$2,873.92, not to exceed 50%.”
President Preiner and Manager Haake were not in favor of the amended motion.

ROLL CALL on Amendment:
Manager Haake – Nay
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner - Nay

Motion carried 3-2

ROLL CALL on Main Motion as amended:
Manager Haake – Nay
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner - Nay

Motion carried 3-2

7. Consider League of Minnesota Cities liability coverage waiver form.
District Administrator Belfiori explained cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The District has decided not to waive the Statutory Limits.

Motion by Manager Haake, seconded by Manager Ogata, that the Watershed does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Motion carried 5-0.

8. Consider Check Register dated 10/22/14, in the amount of $288,644.10, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Ogata, to approve check register dated 10/22/14, in the amount of $288,644.10, prepared by HLB Tautges Redpath. Motion carried 5-0.

9. Consider proposed MAWD Resolution on securing permanent CREP funding.
Manager Haake explained she added this item in order to approve the MAWD Resolution. She indicated she would like to bring this resolution back to the MAWD meeting in November. She noted this is an excellent program.

Factual Points which provide background to, or a basis for, the issue addressed by Resolution:

1. The Conservation Reserve Enhancement Program (CREP) has been in existence since 1985.
2. CREP was instituted to pay landowners to remove crop land from agricultural production and converting the land to native grasses, trees and other native vegetation. It also is used on land that borders any waterway by keeping the sidebanks in their natural state in order to stabilize the waterway's bank and reduce sediment
from the land to go into the waterway. All CREP information at:

3. Landowners were paid fair market price to secure this land.

4. At first the land was kept in the CREP program as an eternal easement – eventually landowners would only
give the land on a 15-year easement agreement resulting in a new easement agreement having to be
renegotiated again.

5. Since taxpayer money was used to secure this land and the landowners received fair market price for the land,
it should have resulted in a permanent easement and not allowed to be a “temporary” easement to be
renewed every 15 years with payment again given to the landowner.

6. An opportunity through a recommendation from the Clean Water Council to the MN Legislature has risen to
secure easements along waterways with permanent easements in the amount of $18 million which will result
in every Legacy grant dollar having a four-to-one match from the Federal government and perhaps a five-to-
one match markup with the one more point secured from other sources.

Based upon the above facts, what is the proposed solution to the problem discussed here?

Seek approval of the Legislature to accept and incorporate the Clean Water Council’s recommendation that $18
million of the Clean Water Legacy Funds be dedicated to the CREP program.

Likely Reaction by the Public or Other Governmental Units:

None. This is an excellent way to preserve land in its natural state and help in the reduction of erosion from the
land thereby preserving the land and preventing excessive runoff into our waterways. Plus the $18 million grant
from the Legacy Funds will have such a great “match” (80% from the Federal government, 20% more possible
from other sources) for the purpose of securing permanent easements that will be in place into the future.

Manager Waller indicated he would not support any permanent easement program. He thought it was very
important that fair market prices be paid and on a temporary basis. He did not feel that a permanent easement
and a one-time payment is a good policy.

Manager Ogata asked if with this program, every fifteen years negotiations have to be made for the easement.
Manager Haake indicated that was correct.

President Preiner asked if there was an option for the homeowner to elect either temporary or permanent
easement. Manager Haake stated so far the option has been there but this resolution is to make it permanent
because they are using taxpayer dollars for purchasing the land.

Manager Waller noted this is not a purchase of property, it is more like a rental agreement and after the fifteen
years, the property owner could decide what he wants to do with his property. For some properties, it might be
better to have a permanent easement but some is farmland and in the future, the property owner may want to
use the land for something else rather than a conservation easement. He thought this was a rental agreement and
not a purchase agreement and the rate should be negotiated periodically.
Manager Ogata thought this should be referred to a workshop to discuss. Manager Wagamon agreed. Manager Haake indicated the problem with this is the resolutions are supposed to be submitted this Friday. She noted the workshop meetings are not televised and the public is not privy to everything that is discussed even though it is an open meeting. She thought the voters should know what is going on. President Preiner thought the property owners needed to know but more discussion was needed.

Motion by Manager Haake, to submit the proposed resolution concerning funding for permanent CREP Easements to MAWD.

Motion failed for lack of second.

Consensus of the Board to discuss at an upcoming workshop meeting.

Motion by Manager Haake, Seconded by President Preiner, that this item be added to the next Board Workshop Meeting. Motion carried 4-1 nay (Manager Waller).

10. **Consider final payment for ACD 10-22-32 Project east of 4th Avenue.**

District Administrator Belfiori stated staff is recommending final payment to Scandia Trucking for the amount listed in the handout. Houston and staff concurred that the project has met completion.

Motion by Manager Ogata, seconded by Manager Waller, to authorize final payment to Scandia Trucking, LLC in the amount of $2,552.45 for work completed under the Contract for 10-22-32. Motion carried 5-0.

**ITEMS FOR DISCUSSION AND INFORMATION**

1. **Middle Rice Creek Restoration Proposals.**

Manager Haake indicated they had proposals for engineering services that were given to them when they went out for an RFP for the meandering of the Rice Creek going through the TCAPP property from County Road I to County Road H. There was a preliminary meeting with Managers Haake and Waller and staff and then they brought in the Board for the interviews. Three engineering firms were granted interviews. The engineering firms are eager for a decision to be made because they would like to get started on groundwork because of the weather and they need to do preliminary work. She thought this could be discussed and a decision made at the meeting.

Manager Waller stated he has gone back and read the original engineering report from 2008 and the reason he is looking at the reports is to see what is advertised and what the conclusion was. The 2008 report claimed there would be a sediment reduction of 33% and looking at the record of sediment pond, which is below, segment two is almost all concrete under the roadway without any room to do floodplain work. Segment four is the northern part of the TCAPP property between County Road l and County Road J and that was done in 2006 and 2004. They cleaned out the sediment pond in 2007 and they have cleaned it out again a couple of years later and in the history of the sediment pond it has been cleaned out at least five different times. He noticed it did not seem to slow down the rate of the clean out of the sediment pond so he was beginning to wonder if the engineering techniques being offered are more for habitat than for sediment control that will have a significant impact. He stated the cost to clean up the sediment pond was well over $300,000 last time and if they are planning on cleaning this out every five years that would be costly and he wondered if they would be gaining anything by lowering their maintenance costs by improving sections two and four. He wondered if they should just build another sediment pond because that would be less money overall. He thought that meandering the stream in that area would be a beautiful project but one of their major concerns is water quality reduction so by cleaning it...
out in 2007 and again recently, there has not been that much of an impact from the portion that was done in
segment four. He wondered if this was the proper process. He wanted to see the sand mining operation decrease.

Manager Haake wondered if they should propose another sediment pond rather than meandering the creek.
Manager Waller was not sure and did not think meandering the creek has not made a significant change in the
sediment buildup in the pond in the last five years. He understood that the reason they did this project to begin
with was to get away from the large maintenance costs associated with maintaining the water quality.

Lakes and Streams Specialist Kocian stated from his perspective there are a couple of different angles to this issue.
The first being on the policy side of things on where they are at now in terms of having formally ordered the
project. He stated on the technical side of things, in terms of the goals of the project on reducing downstream
sediment transport, there are three different ways to answer that question, whether or not restoration would
achieve that.

Lakes and Streams Specialist Kocian reviewed the three pieces of evidence that suggest they can reduce
downstream sediment with the Board. First, fluvial geomorphology theory indicates that the stream is in an
unstable state. While it remains unstable, it will continue to erode and send sediment downstream. Second,
current geomorphic monitoring indicate that past restoration projects have been successful in stabilizing the
creek. Third, future sediment monitoring, compared to past monitoring, may quantify the decrease in sediment
transport.

President Preiner wondered how many years it will take before they get an answer to the question of the
sediment transport reduction benefits from segment four. Lakes and Streams Specialist Kocian indicated the
monitoring data they will collect in 2017 will tell them a reduction of sediment transport based on flows at that
time. It is always corrected by flow. 2017 would be the first time they could really analyze data. Manager Waller
stated a direct measurement is really the only way that it can be studied to see if there is stability there. He
wondered if they needed to look at this in a different way.

Manager Haake indicated she just wanted to discuss this because they have three proposals. President Preiner
stated one of the engineering groups they are considering has done a project for them before and she wanted to
see if the project was working or not. Lakes and Streams Specialist Kocian stated what they do not know now is
the exact amount of sediment that has been reduced. However, information they currently have indicates that
the project is stable.

Manager Haake wondered if it would be in their best interest to make a decision on the engineering firm now or
wait until November. District Administrator Belfiori stated staff has recommended in the memo that they would
follow up with the identified firm the Board would like to pursue with a specific scoping discussion related to
some of the specific elements of their scope, incorporate those elements with a little more detail and have the
agreement ready. The goal would be to have the agreement before the Board at the next November Board
meeting. He noted there is a timeline to get the project started.

Manager Haake thought the Board needed to decide on an engineering firm at the meeting in order for staff to
start on the scoping process with that firm. She stated this is a big project and they need to get going on it.
Manager Ogata indicated this is an approved project and he thought they should begin to move forward with the
idea of getting it done. He stated that whatever is decided will be fine with him.

District Attorney Holtman stated the agenda can be amended to add contract award as an action item. There is
process that needs to be completed before the District spends on the design He stated it is not an obstacle if the
Board wanted to act on this. Staff would need to coordinate on this before the design process got too far. Lake and Stream Specialist Kocian affirmed that the project has been ordered per section 103B.251.

Manager Haake asked the Board if they wanted to go ahead with the project and the plans that were ordered or scrap everything. Manager Ogata stated he would go along with what the others on the Board wanted.

Wagamon thought the Board would like to go with the engineer that was the engineer on the previous section of this project. The Board agreed but wanted to know if the changes made worked.

**Motion by Ogata, seconded by Wagamon, to select Emmons and Olivier Resources as the project engineer for the current Rice Creek Meander project.**

District Administrator Belfiori indicated there first needed to be a motion to move this item from the discussion portion of the agenda to the action portion. The motion was withdrawn.

**Motion by Haake, seconded by Wagamon, to move this item from the discussion portion of the agenda to the action portion of the agenda. Motion carried 5-0.**

Manager Ogata offered his motion again and Manager Wagamon seconded.

Manager Waller stated they had three firms they selected, one had a natural design, one had a restoration design and one had the 2Q design. The DNR wants the natural design but it is very expensive. They do not know what the outcome will be from it and so far, the restoration design has not produced a significant increase in clearing out the sand. They are not selecting an engineer but a design. At this time, he was not certain about what design would work best. He would like to see one design that provides a decrease in maintenance costs.

Manager Ogata wondered if staff had any recommendations as far as engineering firms. Manager Haake indicated staff has let the Board decide. District Administrator Belfiori stated staff provided a memo dated October 3, 2014 in regards to their recommendation on the Middle Rice Creek engineering services.

District Administrator Belfiori reviewed the memo that was given to the Board. Staff recommended that option C step be conducted, which is the specific scoping meeting before the Board would approve this. He stated if the Board were to approve the significant cost contingency, he asked that staff be allowed to make sure that the scoping information they collect is within that range.

Manager Ogata asked what three firms were initially recommended. District Administrator Belfiori noted one firm was not chosen to be interviewed. Manager Haake stated they interviewed EOR, SRF and G Cubed. Within that, they had a big price range. The difference between the top and bottom of the three is $100,000.

Manager Waller indicated they had three firms to choose from and GGG was the natural design, SRF was the 2Q and the restoration design was from EOR. EOR's bid was around $92,000. SRF was $175,000 and $191,000 for GGG.

District Attorney Holtman asked the Board to clarify the motion. Was the motion to authorize the Administrator to execute a contract, and if so it should state a not-to-exceed and whether the Administrator has the authority to refine the scope.
Manager Ogata thought District Administrator Belfiori was going to do the scoping and bring back the information to the Board with a contract for board approval. Manager Ogata stated he was making the motion per previous discussion to have the Administrator come back after the scoping for a contract.

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

Motion carried 4-1

District Engineers Mark Deutschman stated one of the things he wanted to point out is the District has two basins that they end up cleaning. No matter what is done upstream, they are still going to end up with sediment in the basin. The Board will have to decide at some point what they are going to do with the basins. This should be discussed at an upcoming workshop. He stated he has gone back and looked at the recent data that has been collected on the creek and compared it to the 2006 report EOR has done. The assumptions that were made in the report at least fall within the range that the USGS has measured since then. Those design assumptions made in the EOR report at quick glance seem to be reasonable.

2. **Staff Report**

Permit Coordinator/Wetland Specialist Tomczik stated Managers’ Ogata, Preiner and Wagamon received an email from Mark Smith on Tuesday evening regarding surety and the Weston woods permit. He indicated the email would be forwarded to everyone. He stated staff has never communicated to the applicant that they are withholding the return of surety or that they are varying from the rules or procedures in place. The rule states that the district retains the surety during the open permit period and this again is typical and reflected in associated documents. The permit is open and there is soil disturbance, the site is not permanently stable. Staff can entertain reduction in the surety amount. At this point, they do not have any as built documents to entertain that information and move towards a reduction, if appropriate.

Permit Coordinator/Wetland Specialist Tomczik reviewed the email with the Board and staff response. He thought it was unlikely, at this point, that they would be returning the full amount of the surety.

3. **November Calendar**

There were no comments.

4. **Manager’s Update**

There were no comments.

**ADJOURNMENT**

Motion by Manager Haake, seconded by Manager Preiner, to adjourn the meeting at 10:51 p.m. Motion carried 5-0.