REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, December 14, 2016
Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

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, 2nd Vice-Pres. John Waller, Secretary Michael J. Bradley, and Treasurer Steve Wagamon.

Absent: Manager Barbara Haake (with prior notice).

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, District Technician Samantha Berger, District Technician/Inspector Catherine Nester, Office Manager Theresa Stasica.

Consultants: District Engineers Mark Deutschman; Chris Otterness and Rachel Olm from Houston Engineering, Inc. (HEI); and District Attorney Louis Smith from Smith Partners.

Visitors: Bob Buss, Dennis Batty, John Krausert.

SETTING OF THE AGENDA
District Administrator Belfiori stated staff had no changes.

Motion by Manager Waller, seconded by Manager Wagamon, to adopt the agenda as presented.
Motion carried 4-0-1.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the November 7, 2016, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 4-0-1.

Minutes of the November 9, 2016, Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes.
Manager Bradley asked for a change on page 4, line 139 “Manager Bradley did not think they could fill the pond in change the pond depth without affecting upstream”
Managers Wagamon and Waller accepted the friendly amendment. Motion carried 4-0-1.
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>48</td>
<td>City of Mounds View</td>
<td>Mounds View</td>
<td>Final Site Drainage</td>
<td>CAPROC 7 items</td>
</tr>
<tr>
<td>49</td>
<td>Galleon, LLC</td>
<td>Lino Lakes</td>
<td>Final Site Drainage</td>
<td>CAPROC 8 items</td>
</tr>
<tr>
<td>50</td>
<td>Koch Trucking</td>
<td>Roseville</td>
<td>Final Site Drainage</td>
<td>CAPROC 5 items</td>
</tr>
<tr>
<td>51</td>
<td>Wellington Management Inc</td>
<td>Arden Hills</td>
<td>Final Site Drainage</td>
<td>CAPROC 6 items</td>
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<tr>
<td>53</td>
<td>Patrick &amp; Shaun O'Keefe</td>
<td>Blaine</td>
<td>Final Site Drainage</td>
<td>CAPROC 9 items</td>
</tr>
<tr>
<td>55</td>
<td>Kath Properties, LLC</td>
<td>Roseville</td>
<td>Final Site Drainage</td>
<td>CAPRCCO 4 items</td>
</tr>
</tbody>
</table>

Manager Bradley wondered what the difference was with the two footnotes on item 16-094. The table is noted on page 42. One footnote shows it is treated with 2.2 inches and the second footnote has a treatment rate of 1.1 inches. District Technician Berger stated that treatment is based off a TP removal factor which comes from District Rule C and is based on the type of BMP being implemented. Permit Coordinator/Wetland Specialist Tomczik stated this is a water quality equivalency alternative to infiltration. So if they use an alternative BMP than infiltration then it would need to treat a larger amount for the same treatment of phosphorus. When they get into an alternative method it has to provide equivalent treatment and to achieve that goal there would be an increase from the 1.1-inch standard in the rule up to the 2.2 inch.

Manager Bradley stated on page 48, relating to 16-099; asked for clarification on the paragraph between the two tables because he wondered if the applicant will be fixing this by offering pre-treatment for the run off entering the basin from Marketplace Drive. Permit Coordinator/Wetland Specialist Tomczik stated that was correct.

Manager Bradley stated regarding page 60, related to 16-104; on paragraph two there are two tables with the second to the last sentence and he asked for clarification of that sentence. Permit Coordinator/Wetland Specialist Tomczik stated the site had an existing storm water BMP, the applicant is proposing some modification of it and in that modification, the applicant shouldn’t undermine the previous permit obligation and needed to bring it into compliance for the current requirement.

Motion by Manager Bradley, 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, dated November 29, 2016; December 6 & 7, 2016.
Permit Coordinator/Wetland Specialist Tomczik stated noted there were people in attendance for items 16-009, 16-101 and 16-105 and did not believe anyone wished to speak but were at the meeting for questions.

Motion carried 4-0-1.

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


President Preiner stated on September 14, 2016, the board of managers adopted resolution 2016-19 setting the District’s 2017 budget at $9,289,099 and approving a property tax levy of $4,383,000 with the remaining balance between the approved budget and the tax levy ($4,906,099) coming from revenues generated from grants, planned fund balance rollovers, and water management district charges.

President Preiner stated up until the end of December, the board has the ability to reconsider and reduce its levy. To that end, state law requires that the board offer an opportunity for interested members of the public to comment on the board’s September budget and levy action.

President Preiner stated if the board should choose to adjust its levy, it would do so by resolution that would then be sent to our county auditors by late December. If the board doesn’t adjust the levy, our September levy certification will stand and there is nothing more that the District needs to do.

President Preiner stated at this time, the Board would like to invite anyone present in the audience to the podium if they would like to comment on the District’s 2017 budget or levy. Please state your name and address for the record.

No one wished to address the Board. President Preiner moved forward to the next item.

2. Consider Final Certification of 2017 Tax Levy and Budget

Administrator Belfiori explained the Board’s action on September 14, 2016 serves as both the preliminary and final levy and budget certification to the counties. The counties have historically allowed watershed districts to revise and submit a final levy and budget certification on or before December 28th along with other local governments. If the Board of Managers is not planning on making any changes to the budget and levy adopted on September 14th no further action is required on the part of the Board. If the Board wishes to make changes then a motion
would be required to make the proposed change and if adopted, then a new resolution would need to be acted on.

3. **Consider Rice Creek Watershed District Rule Revisions.**

   Permit Coordinator/Wetland Specialist Tomczik stated RCWD distributed revised regulations and a “statement of need and reasonableness” on September 28, 2016, in accordance with Resolution 2016-23, for the required 45-day comment period. The public hearing was held on October 26, 2016. The comment period closed at close of business on November 18, 2016.

   Permit Coordinator/Wetland Specialist Tomczik stated the District received a total of 25 comments from 11 commenter on the proposed rules. The majority of comments were for clarification and basis of the proposed rules. However, two comments, from HEI and BWSR, resulted in additional proposed changes to the rules.

   Permit Coordinator/Wetland Specialist Tomczik noted the additional proposed changes are minor in nature but, nevertheless, update and add clarity to the rule. One of the changes is for the removal of reference to “NGVD” (National Geodetic Vertical Datum) in Rule C. The second change is in Rule F, is to remove an outdated guidance reference to the “Minnesota Wetland Mapping Conventions for 1985 Food Security Act” and replace with newly adopted guidance titled “Guidance for Offsite Hydrology/Wetland Determinations”, dated July 1, 2016. These are the only two revisions made to the District’s noticed revised rule. The final revised rule, changes accepted, for adoption follows the memo in the packet.

   Permit Coordinator/Wetland Specialist Tomczik stated Resolution 2016-33 adopts the revised rule, with the two additional changes, approval responses to the comments on the proposed rule revisions and directs distribution of the revised rule and responses, and provides for the rule changes to be effective as to all applications received by the District as complete on or after January 1, 2017. He noted a change on page 100, change the Board approved date to December 14, 2016 and the effective date would be January 1, 2017.

   Manager Waller asked for clarity on the number of responses of “noted” in the response to comments document and he wondered if the noted corresponds with their notes. Permit Coordinator/Wetland Specialist Tomczik stated the word “noted” acknowledges that the comment was submitted, the District does not see that there is a need for a response that substantiates a different position or otherwise respond.

   Manager Bradley stated the only municipality that seems to be opposing the change in linear and would ask them to retain the previous was the city of White Bear Lake. White Bear Lake wants to continue to require of its own linear projects some sort of BMP. Nothing prevents them from doing so to protect their own water quality where reasonable. He did not see where they have harmed White Bear Lake, at least in its resources by changing this rule. Permit Coordinator/Wetland Specialist Tomczik agreed and noted the district does have a number of municipalities that have stricter standards then the district.

   **Motion by Manager Wagamon, seconded by Manager Bradley, to approve Resolution 2016-33, Resolution Adopting Revised Rules of the District.**
Therefore be it resolved that the Board hereby adopts the District Rules as revised;

BE IT FURTHER RESOLVED that the District administrator, on certification of the revised rules by the Board Secretary, is to publish legal notice of the adoption of the revised rules; mail the certified revised rules to each county recorder and the Minnesota Board of Water and Soil Resources; mail a copy of the certified revised rules by January 1, 2017, to the governing body of each city and township within the District; and file a certified copy of the revised rules in the official minute book of the District;

BE IT FURTHER RESOLVED that the District administrator is to supply a copy of the District’s written response to comments to each commenting party and otherwise make the response to comments available as a part of the public rulemaking record; and

BE IT FINALLY RESOLVED that the revised rules are effective as of January 1, 2017, and will apply to all applications for permits that are not submitted to the District and complete by December 31, 2016.

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

Motion carried 4-0-1.

4. Consider Submission of the Stormwater Reuse for Irrigation Assessment Methodology to BWSR.

District Technician/Inspector Nester made a presentation to the Board regarding Stormwater Reuse for Irrigation Assessment Methodology Grant Agreement and Authorization for Submission of the Final Report to the Board of Water and Soil Resources.

Ms. Rachel Olm, Houston Engineering made a presentation regarding the development of the stormwater methodology.

District Technician/Inspector Nester indicated they will be wrapping up the project by approximately June 2017. President Preiner asked if at that time this will be explained to the property owners what has been identified. District Technician/Inspector Nester stated when they did the field verifications they were in contact and requested permission from the property owners and they are aware of the project and what is being working on and the property owners will get a copy of the final report.

Manager Waller stated there is a large blue area in the northern area of the watershed district and yet he noticed the targeted areas were in the southern part of the watershed district. He did not see a lot of targeted areas in Washington County or Northern Anoka County. He asked if they were anticipating this to change in the future. District Technician/Inspector Nester thought the good thing is that the blue area means those areas are technically feasible so if there is a
project in those dark blue areas the technical criteria is there. She thought the reason why they
did not come out as a prioritized site is probably related to ground water use.

Manager Waller asked how this project will be interfaced with the individual cities in their
planning. District Technician/Inspector Nester stated right now there isn’t any process set in
writing and is still yet to be determined on how that will turn out. She thought the next phase
will be trying to collaborate and work with all of the communities in their watershed to try to
promote good projects.

Motion by Manager Wagamon, seconded by Manager Waller, to authorize RCWD staff to
submit the Stormwater Reuse for Irrigation Assessment Methodology final report to BWSR.
Motion carried 4-0-1.

5. Consider Ramsey County Ditch 12 Easement Vacation.

Water Resource Specialist Axtell stated Resolution 2016-34 is reaffirming a historical easement
vacation. Ramsey County Ditch 12 is currently an abandoned former public drainage system in
Shoreview and Arden Hills. He made a presentation to the Board.

Motion by Manager Bradley, seconded by Manager Waller, to approve Resolution 2016-34,
Reaffirming Easement Vacation

NOW, THEREFORE, the Rice Creek Watershed District Board of Managers resolves as follows:

1. The Board of Managers reaffirms the vacation of the Easement as part of the
   abandoning of the System.

2. The Board of Managers directs the District Administrator and its consultants to take
   all necessary action to reaffirm the proper vacation of the Easement, including
   recording this Resolution with the Ramsey County Recorder.

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

Motion carried 4-0-1.

6. Consider Pay Request #3 from Rachel Contracting, Inc. for the Hansen Park Project.

Water Resource Specialist Axtell stated Rachel Contracting has continued to make progress on
the Hansen Park Comprehensive Water Management Project and has submitted its third pay
request. Staff concurs with the District Engineer’s opinion that the pay request is ready for
approval.
Motion by Manager Waller, seconded by Manager Wagamon, to approve Rachel Contracting, Inc.'s pay request as submitted and certified by the District Engineer, and districts staff to issue a payment in the amount of $23,522.00. Motion carried 4-0-1.

7. Consider Pay Request #2 from the City of Saint Anthony for the Mirror Lake Project.

Water Resource Specialist Axtell stated the second reimbursement request for the Mirror Lake Project of $34,156.52 was received on 11-30-2016 for engineering and bid advertisement expenses incurred through October 2016. The City has not yet paid the invoice for October work from WSB, but will be authorizing the payment at its December 13, 2016 City Council meeting. A first pay request from the contractor, Sunram Construction, Inc. to the City is expected to be issued shortly. Staff is diligently tracking the expenses associated with the project to ensure compliance with the cooperative agreement and that the fiscal arrangement between the two partners, including use of BWSR Clean Water Fund grant dollars, is carried out as intended.

Motion by Manager Waller, seconded by Manager Wagamon, to approve the City of Saint Anthony's reimbursement request of $34,156.52 pursuant to the August 25, 2015 Cooperative agreement. Motion carried 4-0-1.

8. Consider Pay Request #1 from Veit & Company, Inc. for the Anoka County Ditch 31 & 46 Repair Project.

District Administrator Belfiori stated the purpose of this item is to recommend partial payment #1 to Veit & Company, Inc. for the Anoka County Ditch 31 & 46 Repair project.

President Preiner asked if the City has concurred with the District that this is done to their standards. District Engineer Otterness stated as the contractor is placing the culverts the District has been doing as built on them to make sure they are at the correct elevations. From the cities interest they have been having city staff attend the weekly meetings for the project and they have been a vital participant in the process and have provided input throughout the project.

Motion by Manager Waller, seconded by Manager Wagamon, to approve Partial Payment #1 of $142,338.97 to Veit & Company, Inc. for work completed under the pay request. Motion carried 4-0-1.


District Technician Berger gave a presentation on the 2017 Water Quality Grant Program Policy.

President Preiner asked when they have their own designer she assumed the District would not pay for it. District Technician Berger indicated they would not pay for it.

District Technician Berger reviewed target approaches and other ideas with the Board.

Manager Bradley stated he is a little concerned with the change that would offer the option of only twenty-five percent as a grant. He thought this would eliminate the incentive to do it. District Technician Berger thought this was a valid point and if the Board wanted to continue...
with the fifty to seventy-five percent that would be a valid recommendation. President Preiner indicated that the 25% would be aimed at backyard rain gardens.

Manager Waller stated they are increasing this to twenty thousand in Ramsey County because there has been a great demand for rain gardens there but Washington and Anoka County are not the same land use intensity and when the intensity does come about new programs and best management practices are implemented.

District Administrator Belfiori stated one of the advantages of the staff recommendation to do that midyear movement of any unused funds, particularly in Anoka and Washington Counties is that the Urban Stormwater program can utilized for both water quality and flood control projects. District Technician Berger stated they do have the flexibility to consider different types of projects on a case by case basis.

**Motion by Manager Bradley, seconded by Manager Waller, to approve the newly named Water Quality Grant Program Guidelines as presented and authorize staff to promote and implement the 2017 Water Quality Grant Program. Motion carried 4-0-1.**

**Motion by Manager Bradley, seconded by Manager Wagamon, to approve service agreements with the ACD, RCD and WCD for up to $10,000, $20,000 and $10,000, respectively, to provide technical assistance for the 2017 Water Quality Grant Program. Motion carried 4-0-1.**

10. **Consider Washington Judicial Ditch 2 Minor Maintenance Agreement with the City of Hugo.**
District Administrator Belfiori stated the Board is asked to consider the memorandum of agreement with the City of Hugo regarding maintenance of Washington Judicial Ditch No. 2. A similar agreement with the City of Hugo has been in place since 2005 with the most recent agreement (as amended) expiring on December 31, 2016. The main revision to the proposed agreement is an additional section regarding the development of an annual work plan and budget for submission to the District. This workplan will be reviewed by the District Drainage Inspector to ensure that this program is consistent with the District’s priorities and the RCWD Public Drainage Minor Maintenance Program.

District Administrator Belfiori noted staff recommends that the Board approve the attached MOA with the City of Hugo regarding maintenance of Washington JD 2 and authorize the Board president to execute the agreement, with any final non-material changes and/or on advice of counsel.

Manager Waller stated he attended the City Council meeting when this was approved and the only comment that came was Councilman Haas was looking forward to seeing how this adjustment program would work. He was interested in having the amount increased. One of his complaints was inflation but over the last six years there has been little inflation and three of the last six has had no increases to Social Security benefit checks. He thought there was flexibility here that if they exceed the total amount that is there over the five-year program they can adjust for that and the planning would have to be done a year or better in advance so it can be adjusted. The City should be aware that when the District reduces the general maintenance budget for drainage systems that also reduces city opportunity.
11. Consider resolution related to Findings and Order Accepting Petition and Direction Appointment of Engineer to Investigate Repair of Branch 1 of Anoka County Ditch 10-22-32.

District Administrator Belfiori stated staff recommends that the Board accept the petition and appoint Houston Engineering to investigate the condition of the drainage system; to investigate the source, history and circumstances of the alleged obstruction, if any; to evaluate the feasibility and practicability of repair; to assess and recommend repair alternatives, if any; to assess the pre- and post obstruction condition of Morell’s property in order to understand the scope of damages, if any; and to prepare and file a report of findings.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve Resolution 2016-35, Findings and Order Accepting Petition and Directing Appointment of Engineer to Investigate Repair of Branch 1 of Anoka County Ditch 10-22-32.

Therefore, the RCWD Board of Managers makes the following:

A. The Board of Managers accepts the petition and appoints Houston Engineering to investigate the condition of the drainage system; to investigate the source, history and circumstances of the alleged obstruction, if any; to evaluate the feasibility and practicability of repair; to assess and recommend repair alternatives, if any; to assess the pre- and post obstruction condition of Morell’s property in order to understand the scope of damages, if any; and to prepare and file a report of findings.

B. Should the Engineer determine that repair or an alternative to repair is neither feasible nor practicable, the Board shall proceed with a damage determination in a manner consistent with Statutes Chapter 103E.

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

Motion carried 4-0-1.


District Administrator Belfiori stated Marvin LaValle is petitioning the RCWD Board of Managers to impound waters on Branch 2 of JD 3, abandon a portion of Branch 3 of JD 3, realign a portion of Branch 3 of JD 3 and encroach upon required right of way of the main channel of JD 3. The petitioned actions are for the beneficial purpose of restoring wetland areas adjacent to the ditch and development of a wetland bank.
District Administrator Belfiori stated staff recommends that the Board of Managers consider and approve the resolution as presented.

**Motion by Manager Waller, seconded by Manager Bradley, to approve Resolution 2016-36, approving Findings and Order Accepting Petition and Directing Appointment of Engineer.**

**Therefore, the RCWD Board of Managers makes the following:**

**A.** The Board of Managers accepts the petition and appoints Houston Engineering to investigate the effect of the proposed action under the standards found in sections 103E.227 and 103E.806 and file a report of findings.

**B.** The Engineer is directed to include in its investigation an assessment of effects from the impoundment to private property which may require LaValle to acquire flowage or other easements related to the impoundment, an assessment of the impact of encroachment on right of way of the main channel of JD 3, an assessment of the impact of the proposed action on the function and integrity of JD 3, and an assessment of the requirements for alternative drainage system easements for the drainage system re-alignment.

**C.** This order is not an approval of the impoundment and partial abandonment proceedings, nor does it modify the drainage system. Subsequent proceedings on the petition will occur consistent with the requirements of Statutes Sections 103E.227 and 103E.806.

Manager Waller stated he asked staff to work closely with the City of Hugo because they are the wetland conservation authority so this will take a lot of coordination. He stated he was not against this project and is probably a good use of it but will involve several different items in urban planning and this is in the sewer district of Hugo. District Engineer Ot terness stated they have been in meetings with the District and the City.

**ROLL CALL:**

Manager Waller – Aye  
Manager Haake – Absent  
Manager Bradley – Aye  
Manager Wagamon – Aye  
President Preiner – Aye  

**Motion carried 4-0-1.**

Motion by Manager Bradley, seconded by Manager Waller, to authorize Resolution 2016-37 for payment of December 2016 Check Register.

Therefore, Be it Resolved that the Board of Managers authorize the District Treasurer to review and approve payment of the December 29, 2016 check register in an amount not to exceed $400,000 for operating expenses, and $150,000 surety returns.
ROLL CALL:
Manager Waller – Aye
Manager Haake – Absent
Manager Bradley – Aye
Manager Wagamon – Aye
President Preiner – Aye

Motion carried 4-0-1.

14. Consider Check Register dated December 14, 2016, in the amount of $36,497.29, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated December 14, 2016, in the amount of $36,497.29, prepared by Redpath and Company.

Motion carried 4-0-1.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer’s Update and Timeline.
   There were no comments.

2. Staff Report
   District Administrator Belfiori wished the Board Happy Holidays and thanked them for their guidance and leadership throughout 2016. He also wanted to thank the staff and team at Rice Creek Happy Holidays and thank them for all of their services through 2016. He stated it has been an amazing year with several accomplishments.

3. December/January Calendar
   There were no comments.

4. Manager’s Update
   Manager Bradley stated he had the privilege meeting with two Ramsey County Commissioners along with Manager Haake and District Administrator Belfiori. He stated Mr. Belfiori put on a great presentation highlighting all of the successes they have had, in particular several projects in Ramsey County.

   Manager Waller stated he attended the Metropolitan Council Planit Session in which Administrator Belfiori was invited to give a speech along with Ms. Jester from Bassett Creek and Mr. Beline from Carver County. They discussed value added enhancements to protect and restore water resources. He stated this was an awesome session and a unique experience with a lot of information he agreed with. It was pointed out that it was very important to include the land planners at the water planning meetings.

   Manager Wagamon thought the staff did a great job.

   Manager Bradley acknowledge that President Preiner was reappointed to the Board and he looked forward to continue working with her. President Preiner indicated she was reappointed for three more years.
ADJOURNMENT

Motion by Manager Wagamon, seconded by Manager Bradley, to adjourn the meeting at 10:30 a.m.
Motion carried 4-0-1.