REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, January 25, 2017
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 Bradley, and Treasurer Steve Wagamon.
Absent: 1st Vice-President 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, Office Manager Theresa Stasica.
Consultants: District Engineer Chris Otterness, Houston Engineering, Inc. (HEI); and, District Attorney Chuck Holtman of Smith Partners.
Visitors: Byron Westlund, Paul McCinley, Bill L., John Smyth, Bart Biernat.

SETTING OF THE AGENDA
District Administrator Belfiori submitted an amended agenda which is moving Item 16-103 to Permit Applications requiring Board Action and a new Item 4 “Consider Administrator’s Performance Review Form, Process and Timeline” under Board Actions.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the January 9, 2017, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 4-0.

Minutes of the January 11, 2017, Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 4-0.
CONSENT AGENDA

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:

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Permit Coordinator/Wetland Specialist Tomczik stated there was a change on page 40 to item 16-111 regarding item 2, under administrative. “Submit an <drainage erosion control plan>.”

Manager Bradley stated in relation to Permit 16-110, referencing how it is going to drain to multiple ponds and then a ditch. He understood the ponds are owned by the same consortium involved with the new construction, who owns the ditch. Permit Coordinator/Wetland Specialist Tomczik reviewed the existing culvert under 95th Ave NE where the ponds ultimately discharge to and then to the private ditch to the south. He stated the property where the ditch is located is owned by the MNDNR and is currently a wetland bank. It is the headwaters of the public drainage system to the south.

Manager Bradley asked what concerns should they have with adding additional water through that private ditch into the wetland. Permit Coordinator/Wetland Specialist Tomczik stated the portion of the project on the north side of 95th Avenue is in the District’s Flood Management Zone, which means the peak rate is curtailed to 80 percent of the existing condition so the rate at which the water discharges to that ditch will actually be reduced a bit.

Manager Bradley wondered where the water discharged before this proposal to run it into those ponds. Permit Coordinator/Wetland Specialist Tomczik stated the water discharges both to the east, south and north. Manager Bradley stated even though less water is leaving the site the water that is leaving is going to a different site, it is going to a wetland. Permit Coordinator/Wetland Specialist Tomczik stated the discharge locations remain the same but the volumes based on development have changed and the rates at which they discharge are compliant with the District rule.

Manager Waller stated he wanted to make sure they did not have a problem with the wetland in the future because it is dependent on a certain amount and rate of water. Permit Coordinator/Wetland Specialist Tomczik replied that staff and the engineer do not find that the change in flows will be substantial enough to be concerned in that regard.
Manager Bradley stated on permit 16-111, there is a request for approval of ditch realignment but there is no discussion in the write up of how and when that will occur. Permit Coordinator/Wetland Specialist Tomczik stated the applicant has applied to the District Rule G and I. As to other District rules, the City of Hugo administers its ordinances on those subjects and the District does not exercise jurisdiction. Specific to the District’s authority as a drainage authority under 103E, the applicant has petitioned the District under §103E.227 for a realignment and impoundment. Houston Engineering has been tasked to review that petition and in the future, they will be coming back to the Board with their conclusions and to set the public hearing. To that issue, on page 40, Administrative Item 1, it is memorialized that the applicant must receive approval from the public drainage authority for realignment and impounding on the public drainage system. That is specifically there to address the issue being raised. They need to coordinate the various rules they have the authority under and they would look for the 103E action, staff would recommend to the Board that there is a condition placed on the §103E.227 approval that the permit be issued within a certain period of time so neither can proceed without the other and they don’t have a change to the location of the ditch that is never physically executed on the landscape.

Manager Waller stated he liked the photograph on page 45. For the agenda packets, he would like the 110-acre proposed wetland superimposed over this photograph to give him a clearer image of what is going on. He also noted the definition of private natural waterway is actually private ditches.

**Motion by Manager Waller, seconded by Manager Wagamon, 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 January 18, 2017. Motion carried 4-0.**

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President Preiner recused herself from this item because it involves her family’s property and stepped down to the audience seating. Second Vice President Waller assumed the chair.

Manager Bradley stated on page 38 of their original packet it states there will be increased drainage from a 2-year event on the land already having a drainage concern. He understood the current landowner already has knowledge of these consequences but is the District protected from a future landowner complaining that the District allowed this to occur. Permit Coordinator/Wetland Specialist Tomczik stated a revised engineer’s report has been distributed adjusting the proposed Best Management Practices based on some additional data.

Manager Bradley stated he was concerned that while the requested permit is for the same person that owns the east site, that person will not own it forever so do they need some type of waiver or hold harmless stipulation to protect the District from the consequences of them authorizing additional drainage to the east site. Permit Coordinator/Wetland Specialist Tomczik stated they would not need it because any future landowner has the opportunity to perform a due diligence on the property and understand the conditions of the property under which they are purchasing it.
District Technician Berger reviewed the layout with the Board and indicated, further, that there is a decrease in the amount of area going to the known drainage area; the water is draining across the parcel boundary faster but there is no change in actual volume.

District Engineer Otterness stated they needed to look at the timing of the flows coming in and to see if that is an issue and in this case having an early flow onto that property is not an issue or concern on that property because most of the contributing factor to the issues on the site related to drainage are due to the later flow coming in from the freeway and east of the freeway. Having early flow immediately adjacent to the wetland, not only does not create a problem on the site but it might actually help the issue a little bit with getting the water out early and away from the wetland.

Manager Waller thought the Highway Department indicated on their maps that when they completed cleaning the drainage system along the freeway in that area and reducing the impervious surface of the weigh station, there would not be any water going west, it would go all other directions and not go into the wetland. District Engineer Otterness stated in that project they are still planning to direct water to the same location however they will be decreasing the amount of impervious.

Permit Coordinator/Wetland Specialist Tomczik stated they do not know the details of that the MnDOT project yet and where those potential grade breaks and drainage breaks would be on the project. It seemed like from the meeting that MnDOT is on the way to a solution to the problem and will not aggravate this area of concern.

Permit Coordinator/Wetland Specialist Tomczik clarified the changes of the new ER to the Board.

Mr. Byron Westlund, Woodland Development stated they have been working with the City of Columbus where the City would take ownership of maintenance on the bio-filtration pond. They are in the process of changing the final plat to a drainage/utility easement and the Public Works Department of Columbus would be responsible to care for it. He stated there will be association fees paid to help compensate the City of Columbus for maintenance. He asked that if the intent is for the City to assume maintenance responsibility, how would this affect the paperwork under the permit establishing the maintenance requirements. Drainage Attorney Holtman stated these arrangements come up and there are two different ways they can be dealt with, depending on the judgment of District staff. The first is that the townhome association files the declaration in the standard way, the association has the responsibility to the District, and the City and association have an arrangement by which the City provides maintenance to meet the City’s obligation. There is an alternative way of doing it where the District enters into a maintenance agreement directly with the City, provided that there is the documentation that the City does have the drainage and utility easement allowing it to perform the maintenance in perpetuity.

Permit Coordinator/Wetland Specialist Tomczik stated it would be easiest to record the declaration on the property and have the property owner and City enter into a separate arrangement for maintenance. Mr. Westlund stated his concern in this particular situation is he also happens to serve on the Coon Creek Watershed District as chairperson and they are running into situations where the declarations get recorded and the maintenance falls on the individual and it is not getting taken care of. He stated this is a senior development and thought the less responsibility the residents have, the better. He would prefer to turn it over to the City and let the association reimburse the City.
District Technician Berger asked if this would require a change to the ER as listed in the requirements for CAPROC. Permit Coordinator/Wetland Specialist Tomczik stated the ER is fine as written and can accommodate either approach.

**Motion by Manager Wagamon, seconded by Manager Bradley, to approve CAPROC Permit 16-103 in accordance with RCWD District Engineer’s Findings and Recommendations, dated January 24, 2017. Motion carried 3-0-1 (Manager Preiner abstain).**

President Preiner returned to her chair and resumed the agenda.

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Permit Coordinator/Wetland Specialist Tomczik explained Rob Carlson of Rob Carlson Builders, Inc, as the project applicant for the Villella Addition project has submitted a written request for a variance from Rice Creek Watershed District (RCWD) Rule F.6(e)(2), which requires that a “buffer adjacent to wetland within the final WMC must average at least 50 feet in width, measure at least 25 feet at all points, and meet the average width at all points of concentrated inflow” (hereafter buffer requirement). The District Engineer evaluated the variance request per RCWD Rule L for Permit 16-051 in the Request for Variance and Statement of Hardship (Exhibit A) dated November 26, 2016 and received on November 28, 2016 with a revised version received 1-11-2017.

Permit Coordinator/Wetland Specialist Tomczik explained the project proposes to construct a 16,800 square foot commercial building and parking lot on two parcels totaling 8.46± acres in Blaine. The parcels are primarily vacant field and wetland with 0.0± acres of existing impervious surface. The project proposes 1.13± acres of post-developed impervious surface. The project will disturb 1.6± acres overall. ACD 53-62, Branch 5, Lateral 2 flows through the property (but will not be impacted by the proposed project), to Golden Lake, the Resource of Concern. Proposed treatment for the project consists of a stormwater pond designed to NURP standards.

Permit Coordinator/Wetland Specialist Tomczik explained the District Engineer evaluated the variance request by applying the “undue hardship” and “practical difficulties” test set forth in the municipal variance statute and incorporated by prior-adopted policy into the District’s variance standard. This standard is applied through the Board of Managers’ consideration and weighing of the following criteria:

(a) How substantial the variation is in relation to District Rule requirement(s);
(b) the effect the variance would have on government services;
(c) whether the variance will effect a substantial change in the character of the watershed resources or will be a substantial detriment to neighboring properties;
(d) whether the practical difficulty can be alleviated by a feasible method other than a variance (economic considerations play a role in the analysis under this factor);
(e) how the practical difficulty occurred, including whether the landowner created the need for the variance; and
(f) whether in light of all of the above factors, allowing the variance will serve the interests of justice.
Permit Coordinator/Wetland Specialist Tomczik informed the Board that he would reiterate the above criteria and District Technician Samantha Berger would reply with the District Engineers response.

Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (a) How substantial the variation is in relation to District Rule requirement(s);
District Technician Berger noted per criterion (a) the applicant has not met the average 50-foot requirement or the 25-foot minimum. The engineers report (ER) for Villella Addition, dated January 18, 2017 finds that the applicant would need to provide an additional 11.253 S.F. of buffer to meet the average 50-foot width. Other than Rule F.6(e)(2), the applicant will meet the remaining provisions of the buffer requirement.

Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (b) the effect the variance would have on government services;
District Technician Berger replied per criterion (b), issuance of a variance for the Villella Addition project is not expected to increase flooding or have any negative effect on government services.

Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (c) whether the variance will effect a substantial change in the character of the watershed resources or will be a substantial detriment to neighboring properties;
District Technician Berger stated per criterion (c), which sets the criteria for consideration of whether the variance will effect a substantial change in the character of resources within the watershed, the District Engineer used three criteria to assess substantial change: 1) water quality, defined the quantity of pollutants such as phosphorus and suspended sediment leaving the site and the potential for degrading water quality downstream; 2) the presence of and potential impact to special and impaired waterbodies as defined by various laws including the Minnesota Pollution Control Agency stormwater program, whether a water body is impaired and related designations including Wild and Scenic or Outstanding Natural Resource Value designations; and 3) flooding, the potential for flood damages or other adverse hydrologic impacts. Golden Lake, which received project drainage, is listed on the Section 303(d) impaired water list. The affected designated use is aquatic recreation with a pollutant or stressor of nutrient/eutrophication biological indicators. The project as a whole is not expected to cause adverse impacts. Curb, gutter and storm sewer will route all drainage to a NURP pond to mitigate the effect of the lack of buffer by removing pollutants prior to runoff entering the wetlands. No untreated surface is routed to the wetlands.

District Technician Berger stated per criterion (c) and whether issuing the variance has a negative effect to the neighboring properties, staff considered whether the granting variance will cause or contribute to a change in the 100-year floodplain elevation immediately downstream or upstream of the project site, increase the frequency or magnitude of flood damages to adjacent properties; or increase hardship downstream from peak flow and flood duration. The proposed variance is for the buffer requirements, which has minimal effect of flood elevations. The applicant has complied with the Rule C stormwater requirements for peak rate and water quality.

Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (d) whether the practical difficulty can be alleviated by a feasible method other than a variance (economic considerations play a role in the analysis under this factor);
District Technician Berger stated per criterion (d), assessment of whether the practical difficulty can be alleviated by a feasible method other than a variance is necessary. The applicant has indicated that the
project cannot be built without the variance, as the project must be built to a minimum size to be
marketable. The building side and location requirements are not engineering related and thus not
evaluated. However, the applicant used the smallest footprint based on three alternatives. The entire
site is comprised of the development area, wetlands, or buffer. To meet the minimum buffer width
requirement or the average buffer width requirement, additional wetland could be filled to create the
buffer, however this is not considered acceptable under WCA and is not considered prudent.

The Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (e) how the
practical difficulty occurred, including whether the landowner created the need for the variance;
District Technician Berger stated per criterion (e), staff considered how the practical difficulty occurred,
including whether the landowner created the need for the variance requires consideration. The District
Engineer finds that the current landowner did not cause the situation which lead to the implied practical
difficulty. The need for a variance was created by the proposed project. There is no feasible way to do
the project which meets the requirements of the applicant, the District and the City without a variance.

Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (f) whether in
ight of all of the above factors, allowing the variance will serve the interests of justice;
District Technician Berger stated in consideration of criterion (f), some determination of whether in light
of all of the above factors, allowing the variance will service the interested of justice is necessary. This
criterion lies largely in the Board’s domain as it involves judgements of a non-technical nature. Our
criterion for assessing this portion of the practical difficulties standard is the ability or inability of other
permit applicants with similar site conditions to comply with the Rule C.6(c) water quality treatment and
BMP siting requirements. Other applicants have had the ability to feasibly meet this requirement onsite
because the site constraints presented here were not evident or alternative BMP’s such as inlet
filtration, was shown to be effective in that setting.

Manager Bradley asked if the DNR has included this wetland as a public water on its map. Permit
Coordinator/Wetland Specialist Tomczik stated the wetland on the southwest area is a public waters
wetland. Manager Bradley asked if public waters requires a fifty-foot buffer. Permit
Coordinator/Wetland Specialist Tomczik understands this to be correct under the new State law.

Manager Bradley did not think they could grant a waiver that is inconsistent with State law. District
Attorney Holtman stated the waiver would just be to the District’s rule. He concurred that the District
cannot grant a variance to the State buffer law, and it is the applicant’s responsibility to be sure that it
conforms to all applicable laws. Manager Bradley stated he did not see how they could approve this
item. District Attorney Holtman noted, also, that the buffer law contains certain exceptions and one
exception is for structures and paved surfaces.

Manager Waller stated for clarity are the paved structures in existence and grandfathered in or are they
allowed to build new structures within that area. Permit Coordinator/Wetland Specialist Tomczik stated
the applicant is asking for a waiver specifically from the District buffer rule. The applicant still has to be in
compliance with the other regulations. Manager Bradley stated the State Law is pretty clear that you
cannot grant waivers which would violate State Law so the real question is can you put pavement in
place of a buffer after the buffer law is in effect. District Attorney Holtman stated that the State Law
exception does not distinguish between pre-existing and new. He further noted that as counsel, he
always advises clients in their regulatory roles to make permit decisions based on their rules and not on
their judgement as to whether the applicant may be able to comply with all other applicable rules. In

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this case, his advice is to decide the waiver on the basis of the District buffer rule and the board’s judgement as to whether to grant a variance to the rule. It is still up to the applicant to make sure it has a viable project and that it can meet all other rules.

Manager Wagamon asked if this is part of the public wetlands that are certified or part of their overall map and they don’t actually know if it is wetland or not. Manager Waller stated if it is delineated then it is wetland. District Engineer Otterness stated the buffer law is applicable to public waters that are under a shoreland zoning classification. They are not sure if this public water is actually even on the State Buffer maps so the State Buffer Law may or may not apply. If the District would pursue confirming compliance with State Law, it would require more leg work.

District Attorney Holtman stated one suggestion would be to add to the District’s permit an explicit advisory that it remains the applicant’s responsibility to conform to the State buffer law. President Preiner stated the Board needs to act on this based on the District rules and the applicant has to act on it based on the other rules and regulations.

Manager Waller asked if the District is subject to some kind of penalty for failing to enforce rules that are above them. District Attorney Holtman replied that the District would not be penalized. Manager Bradley stated he was not happy with the situation but if this were a city building a new road, he did not think a buffer law would prevent them from building a new road. He will take solace in the concept that the parking lot itself would be exempt from the buffer law. He thought they needed to add a provision that states the Board action does not waive any responsibility of the landowner to apply the buffer law. Manager Waller agreed.

Manager Wagamon stated he would have a problem with trying to stop the applicant from building when the wetlands have not been delineated on the map so he has no problem going forward.

*Motion by Manager Bradley, seconded by Manager Waller, to approve the variance for Permit 16-051 with the addition it includes a statement that the landowner is responsible for complying as necessary with the State buffer law. Motion carried 4-0.*

*Motion by Manager Bradley, seconded by Manager Wagamon, to CAPROC Permit 16-051 in accordance with RCWD District Engineer’s Findings and Recommendations, dated January 18, 2017 adding an advisory statement to the engineering document that the landowner is responsible for complying as necessary with the State buffer law. Motion carried 4-0.*

**PRESENTATION: ANOKA COUNTY COMMUNITY HEALTH IMPROVEMENT PLAN, BART BIERNAT**

Mr. Biernat made a presentation to the Board regarding the Anoka County 2015-2019 Community Health Improvement Plan. He reviewed the revised health improvement goals addressing issues through Community-wide strategies. The Board thanked Mr. Biernat for his presentation.

**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.

President Preiner stated Mr. Westlund previously asked the Board to address in the future the maintenance of the ponds and she wondered if this could be done at a workshop meeting. Mr. Westlund stated there was mention of a possible workshop coming up and this item he is going to bring forward to his Board, the Coon Creek Watershed District and City Engineers in order to discuss this further. As the responsibilities of the maintenance of the stormwater features are being transferred to the homeowner and they are supposed to be the policing agency of that, he is concerned. When they have entities that have the power of levy that conflicts with him as well because now all the responsibility falls to the homeowner and they are supposed to pay for it and if it fails they are responsible to fix it and he saw that as a losing proposition that somewhere down the road these things will fail and he wondered how they are going to get fixed. He wondered if this was something they could discuss together in the future because he was reaching out to see what other Districts are doing. He also thought this would be a good item to discuss at a future MAWD meeting.

District Administrator Belfiori stated this is a continuum within their Watershed and overall as far as cities manage stormwater ponds. Many cities in their watershed district do take drainage and utility easements over most of the ponds and stormwater structural facilities on developments. He reviewed how the process works in the RCWD. Mr. Westlund thought it would be a good discussion point for a future workshop meeting because homeowners do not know it is their responsibility until closing and then there is so much paperwork it can get missed and they do not realize they are responsible for this until a problem arises.

Manager Waller stated he thought having the City maintain these as part of the water utility program is a practical way to solve the problems and then have the planning done at a more regional basis. He thought they needed to have more integration and coordination with the cities.

**ADDITIONAL ITEMS REQUIRING BOARD ACTION**

1. **Consider Pay Request #4 from Rachel Contracting, Inc. for the Hansen Park Project.**

   Water Resource Specialist Axtell explained Rachel Contracting has continued to make progress on the Hansen Park Comprehensive Water Management Project and has submitted its fourth pay request. Staff concurs with the District Engineer’s opinion that the pay request is ready for approval.

   Motion by Manager Wagamon, seconded by Manager Waller, to approve Rachel Contracting, Inc.’s pay request as submitted and certified by the District Engineer, and directs staff to issue a payment in the amount of $173,929.80. Motion carried 4-0.

2. **Consider Rice Creek Watershed District (RCWD) and Comfort Lake Watershed District (CLFLWD) Joint Petition for Boundary Change.**

   District Administrator Belfiori stated over the past several months the Rice Creek Watershed District (RCWD) and Comfort Lake Watershed District (CLFLWD) have been in coordination to pursue a concurrent watershed district boundary change for a number of parcels all located with the City of Forest Lake, and a transfer of the public ditch authority from RCWD to CLFLWD for Washington Judicial Ditch 6 (WJD 6) and its entire sub watershed.
District Administrator Belfiori presented a joint petition which initiates the process defined in MS 103B.215 for boundary change and proposed corrections of the entire 12.4-mile joint boundary between the two watersheds. In total, the proposed corrections would transfer 280.7 acres from the CLFLWD to the RCWD and would transfer 1,507.2 acres from the RCWD to the CLFLWD. If approved by the RCWD and CLFLWD Board of Managers, the petition would then be submitted to BWSR for final consideration.

District Administrator Belfiori explained what the petition will do. He noted Drainage Attorney Kolb has reviewed the document and coordinated with CLFLWD’s counsel for necessary edits. He indicated both attorneys expect few, if any, additional corrections and none of a substantive nature.

Manager Waller stated there was a City of Forest Lake resolution related to the concurrent petition and he looked at some of the photos on page 125 and noticed this might even involve the City of Scandia. District Administrator Belfiori noted the boundary line and did not think there were any parcels located outside the boundary of Forest Lake but he indicated he would double check that. District Attorney Holtman stated as it stands now the common boundary will be defined by parcel boundaries, not by legal description, and the deviation noted by Manager Waller is a mapping issue and doesn’t indicate that any tax parcels within Scandia will be moving from one watershed to the other.

Manager Waller stated he talked to the Washington County attorney and was told they were on board with this item now. District Attorney Holtman noted that the petition requests that BWSR condition the boundary change on a Washington County resolution transferring the WJD 6 drainage authority from the RCWD to the CLFLWD.

**Motion by Manager Waller, seconded by Manager Bradley, to approve the attached joint petition regarding a boundary change between the RCWD and CLFLWD and authorize the Board president to execute the petition upon final revision and legal review. Motion carried 4-0.**

**3. Consider Electing Jurisdiction for Buffer Law Enforcement.**

District Administrator Belfiori asked the Board to consider the proposed motion as a follow-up to Board consensus at the January 9, 2017 workshop meeting related to electing jurisdiction for buffer law enforcement.

District Administrator Belfiori reviewed the information with the Board.

**Motion by Manager Wagamon, seconded by Manager Waller, to decline election of jurisdiction for buffer law enforcement at this time.**

Manager Bradley stated he was going to vote in favor of this motion because this is a cumbersome and complex problem for a District such as they are that operates in three different counties and the burden of enforcement could be significantly different in each County. Funding issues therefore become material. Ramsey County does not apparently have any properties that would be involved in this and based on further discussions with the other
counties, besides Ramsey County, it appears like the best choice is not to be involved at this time so he was going to support this motion.

Manager Waller stated he also supported the motion to decline the election of jurisdiction at this time. They have plenty of time to see how this works and the District has the ability to notify BWSR at a later time, and assume jurisdiction, if the Board has a change of mind after studying the situation.

Manager Wagamon and President Preiner agreed.

Motion carried 4-0.


District Administrator Belfiori stated as a follow-up to Board discussion at the January 11, 2017 Board meeting, President Preiner has asked that the following attached materials, proposed process, and timeline described below be added to the agenda and discussed/consider at the January 25, 2017 Board meeting.

Please find attached, for Board review, an Administrator Annual Performance Review form. This form was created by Sara Noah (HR consultant) as a follow-up to comments made at the January 11, 2017 Board meeting. The purpose of the form is to assemble each Manager’s comments related to the Administrator’s performance for use at the upcoming Administrator’s annual review.

Below is a proposed process and timeline for completion of the Administrator’s annual performance review (proposed timeline in parenthesis):

1. Managers receive attached performance evaluation form (1/25/17);
2. Administrator completes self-evaluation (using same form) and sends to Managers (2/5/17);
3. Managers complete performance evaluation form and send to Sara Noah (see attached self-addressed stamped envelope) or send via email to Sara at snoah@att.net (2/15/17);
4. Sara Noah complies and summarizes Manager’s comments and sends summary document to Managers and Administrator (3/1/17);
5. Staff notice and schedule a closed session Board meeting with full board to discuss summary of comments with administrator. (8am on 3/8/17 before regular Board meeting @ Shoreview City hall);

Manager Waller stated this was a walk up item today and at a previous Board meeting it was suggested that all five members participate in this. He suggested this should be referred to a workshop and allow the Managers the opportunity to individually work or in a committee format research a process and establish it. He thought it was more complicated than handing out this form. He believed this was more involved than what is shown and there are various different ways to do this and he felt a process needed to be established. He preferred they postpone this and work on it at a workshop meeting.
President Preiner thought at the last meeting everyone indicated they wanted to move forward. She indicated she talked to Capitol Region Watershed District regarding their process and after thinking about this Sarah Noah has dealt with their personnel issues in the past and would be the person to turn to. This is a standard that Ms. Noah does for many watershed districts and she has indicated that is what their common use is. She felt this was up to everyone else on what should be done.

Manager Wagamon personally wondered why the Board needed to “reinvent the wheel” and that this is Ms. Noah’s job and the District pays her to do it. Manager Waller stated there was some dissatisfaction with Ms. Noah and how she conducted the last survey and they had a process that existed before, he believed there were two reviews previously, and it seemed like the process, bookkeeping has fallen by the wayside and has not been tidy. He felt a review of this and establishing it as a permanent portion of their rules, the personnel committee does not have any rules that he can find. For the protection of not only the Board, but also of the employee, it is necessary to establish they things and he felt they needed to take some time to take a look at it in a workshop with all five managers participating.

Manager Bradley stated based on Manager Waller’s comments he saw two separate issues. One issue is the evaluation and because of personal needs he filled out the evaluation already and while he found some of the questions had multiple parts which resulted in his having multiple evaluations, he was able to work within this format to clarify that distinction in his comments. He stated he did not have anything to add to the evaluation process. The second question is whether or not they want to amend, formalize how they want to go forward in terms of the actual process of having a sub-committee or committee as a whole and whether they vote publicly on salaries, those issues he would separate from the actual issue of the evaluation. He would support the evaluation of that part of the process.

Manager Wagamon agreed that all five managers should try to work on something like this as much as possible but they cannot stop business when one manager goes out of town for the winter. He thought at that point the four other managers needed to take over and do the business and they cannot wait.

President Preiner stated she brought this forward to try to bring some efficiency to the problem. It was brought up and she was trying to provide a way to do it. Manager Waller thanked President Preiner for her extra work on this item.

President Preiner asked if they should move forward with this or wait until Manager Haake is back. Manager Bradley indicated he did not have a problem with waiting until February and he did not mind this being discussed further without his being there. He did request that he be involved in the actual evaluation process. Manager Waller thought this needed to be held when all the managers are present not only for a complete evaluation but also for the protection of the employee. He stated he would not want to take any action on this today.

It was determined to bring this item back to a workshop meeting to review further.

Motion by Manager Wagamon, seconded by Manager Waller, to approve check register dated January 25, 2017, in the amount of $471,830.70, prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports

There were no comments.

2. February Calendar

There were no comments.

3. Manager’s Update

There were no comments.

ADJOURNMENT

Motion by Manager Wagamon, seconded by Manager Bradley, to adjourn the meeting at 10:50 a.m. Motion carried 4-0.