REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, January 9, 2019
Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

Approved Minutes

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

ROLL CALL
Present: President Patricia Preiner, 2nd Vice-Pres. John Waller, Treasurer Steven Wagamon, and Secretary Michael Bradley.
Absent: 1st Vice-Pres. Barbara Haake (with prior notice).
Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Technician Samantha Berger, Project Manager Kyle Axtell, Technician Lauren Sampedro, Lake and Stream Specialist Matt Kocian, Office Manager Theresa Stasica.
Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); and District Attorney Louis Smith from Smith Partners.

SETTING OF THE AGENDA
Motion by Manager Waller, seconded by Manager Bradley to approve the agenda as presented. Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the December 10, 2018 Workshop. Motion by Wagamon, seconded by Manager Waller to approve the minutes as presented. Motion carried 4-0.
Minutes of the December 12, 2018 Board of Managers Meeting. Motion by Wagamon, seconded by Manager Bradley to approve the minutes as presented. Motion carried 4-0.
Minutes of the December 20, 2018 Special Meeting. Motion by Wagamon, seconded by Manager Waller to approve the minutes as presented. Motion carried 4-0.
CONSENT AGENDA

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

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Permit Applications Requiring Board Action

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Permit Coordinator/Wetland Specialist Tomczik noted that on Permit No. 18-110, there is an adjustment to the block of text just above item 3 on page 23. He stated delete portion of line statement “does not increase peak runoff rates” and replace with “reduces the peak rates to less than or equal to 80% of existing condition”.

It was moved by Manager Wagamon, seconded by Manager Waller to approve the Consent Agenda item for permits 18-110 and 18-111 outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations dated January 3, 2019 and with Permit Coordinator/Wetland Specialist Tomczik’s revision to page 23 of the engineer’s report included in the agenda packet to permit 18-110. Motion carried 4-0.

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

Loren Sederstrom, 9339-107th Street, Grant, stated his property was formerly in the Brown’s Creek Watershed District (BCWD) and now has been transferred to the Rice Creek Watershed. He explained that he was confused on who he should contact regarding his concerns and issues with permits. He stated that he also has concerns about the property across the street from him regarding a project completed last year when they brought in numerous truck loads of slurry that has changed the drainage in the area.

Administrator Belfiori replied the boundary change petition is currently being reviewed by the Board of Soil and Water Resources and if the boundary change is approved, any permits that are currently underway with the existing watershed district would be finished out with the same district. He clarified that Mr. Sederstrom should continue to work with BCWD on any permit related activities.
Manager Waller responded that he has spoken to Washington County Commissioner Miron about this who also explained that residents would continue to work with whichever watershed district had started the process on any issues with the projects in question.

Mr. Larry Lanoux, stated that he is here as a citizen of Grant. He requested the Board draft a letter of support for his proposed legislation prohibiting schools from being allowed to be built within .25 miles of a dump if toxins exceed residential levels and require that existing schools be required to notify parents and staff if toxins exceed residential levels. He reviewed some of the perceived discrepancies and false documentation that he feels exists surrounding the Rink 2 Ice Arena in Mahtomedi. He also requested the Board consider asking for an Environmental Impact Statement for the Rink 2 Ice Arena in Mahtomedi. He presented a packet of supporting documentation for the Board to consider.

President Preiner stated that the Board will take it under consideration and consult their legal representatives.

Bob Zick, stated that he has property and business interests in the City of Grant. Mr. Zick requested the Board consider asking for an Environmental Impact Statement for the Rink 2 Ice Arena in Mahtomedi. He expressed his concerns for the proposed plans by the Mahtomedi school district to build the arena on the old Belaire Dump site and asked that no permits be granted until the Environmental Impact Statement is completed for this project.

**ITEMS REQUIRING BOARD ACTION**

1. Consider the City of Mounds View’s request to extend Cost-Share Agreement for Lambert Avenue Storm Sewer Extension.

   Project Manager Axtell gave some background of this storm sewer extension and noted that it was started before the necessary easements were obtained. He noted that the City of Mounds View is currently in negotiations with the landowner and has filed a request for an extension of the Cost-Share Agreement which expired on December 31, 2018.

   Manager Wagamon asked if the City of Mounds View had approached that land owner prior to the project.

   Project Manager Axtell stated that staff at the City of Mounds View has changed but he knows that they had been working with the landowner and that the City had verbal permission. However, the easement had not been recorded prior to starting the project and at this time, the landowner is refusing to record the easement. He noted that the RCWD has already paid Mounds View half of the grant money and if the Board decides not to grant the extension the alternative would be to request the return of those funds. He stated that he does not want the RCWD to get in the middle of this situation and would prefer granting the extension to allow the City of Mounds View time to take care of the issue over the next year.
Manager Bradley stated that his understanding is that the project has been completed so, in essence, the RCWD has gotten what it paid for.

*Motion by Manager Waller, seconded by Manager Wagamon, to amend the 2016 Urban Stormwater Remediation Program cost-share agreement between the Rice Creek Watershed District and the City of Mounds View by changing its expiration date to December 31, 2019.*

Manager Waller noted that the document does state that if the agreement is not adhered to that it may require the return of the monies given as part of the cost-share agreement. He stated that he sees no harm in giving the City of Mounds View another year to get the necessary easement in place.

*Motion carried 4-0.*

2. **Consider Citizen Advisory Committee Appointments.**

District Administrator Phil Belfiori reviewed the current membership and noted that all of the existing members would like to continue with their appointments. He noted that there are two vacancies that are yet to be filled.

*Motion by Manager Waller, seconded by Manager Bradley, to appoint the ten individuals proposed for membership on the Citizen Advisory Committee for 2019.*

Manager Waller noted that there are vacancies in both Washington and Ramsey County if anyone was interested in filling those positions.

President Preiner stated that the Board is very fortunate that there is such a professional group of individuals interested in serving on the CAC.

*Motion carried 4-0.*

3. **Consider City of Spring Lake Park Local Water Plan.**

District Technician Lauren Sampedro noted that the City of Spring Lake Park submitted a final draft of their Local Water Plan on December 19, 2018 that is consistent with the District’s Watershed Management Plan and State requirements. She noted that the City identified water resources issues such as limited funding for implementation of water quality projects, low water levels and water quality issues in Spring Lake, and the City drains to Rice Creek which is impaired. She stated that the City of Spring Lake Park is also included in the Upper Mississippi River Bacteria TMDL. She noted that to address the issues, the City would like to partner with the RCWD on a Garfield Pond project. She noted that the City had recently submitted an Urban Stormwater Remediation Cost-Share application for this project. She stated that the City also included several projects from
the District’s Southwest Urban Lakes Phase II study in its CIP table to increase Spring Lake water levels and improve water quality. She noted that the City plans to continue enforcing its existing animal waste ordinance and will continue to work with the District to identify other strategies to reduce bacteria loading to Rice Creek and the Mississippi River. Staff finds that the City of Spring Lake Park’s Plan is consistent with the District Watershed Management Plan and State requirements and recommends approval.

**Motion by Manager Bradley, seconded by Manager Wagamon, to adopt Resolution 2019-01: Approving Spring Lake Park Local Water Management Plan.**

THEREFORE, BE IT RESOLVED that the RCWD Board of Managers hereby approves the City of Spring Lake Park’s local water management plan, as submitted on December 19, 2018.

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

Motion carried 4-0.

Manager Bradley noted that the City of Spring Lake Park is hoping for assistance in funding for one of their projects this year and asked for a brief description of the project.

Administrator Belfiori stated that there was an application received and noted that staff is just starting to review the application. He stated that staff will be making a recommendation to the Board regarding the application at one of the February meetings.

4. **Consider Authorizing Staff to further research Electronic Meeting Participation (pending workshop discussion).**

Technician Catherine Nester explained that the Board had expressed interest in coming up with possible options and costs for remote participation by Board members at some meetings. She noted that in order to investigate the options, it will require hiring an audio/visual consultant. She stated that the preferred location would be the RCWD large conference room and possibly the Shoreview City Council Chambers. She explained that staff will also research what other cities and local governments are doing to allow for remote participation.

President Preiner asked if part of the process would be to get estimates or proposals from different entities on the cost to set this up.

Technician Nester stated that staff had spoken with Computer Revolution, the Districts current IT company, who gave staff the name of an audio/visual consultant who happens
to be currently talking to the City of Shoreview about improvements to the Council chambers. She noted that because of this, staff was thinking that the RCWD would move ahead with that particular consultant.

President Preiner stated that there is usually a large variance in estimates and suggested that the RCWD should at least look at two consultants so there is a comparison.

**Motion by Manager Bradley, seconded by Manager Waller, to authorize staff to 1) hire an audio/visual consultant to determine available options and costs for remote participation in meetings in the RCWD large conference room and, if allowed by the City of Shoreview, the Shoreview City Council Chambers, and 2) research other cities and local governments in the Watershed District to determine if remote meeting participation is available at any of their locations and seek their feedback.**

Administrator Belfiori suggested adding a “not to exceed” amount to the motion so this can proceed in conjunction with communication with President Preiner without having to come back before the full Board.

The Board discussed the possibility of limiting the cost and whether it was necessary because a consultant would come in and make a proposal for the cost of their services.

Technician Nester stated that she has only had high level conversations with one of the consultants, but her understanding is that there may be some costs associated with obtaining an estimate.

**Manager Bradley modified his original motion to include that the cost not exceed $5,000.**

District Engineer Otterness stated that the consultant may be taking on a slightly different role than a contractor because they will be providing guidance to the District on what need they need to know and what needs to be done in order to actually make a decision on further action.

Manager Waller stated that he was under the impression that staff would be serving as the middle man in checking with other cities and local governments to see what they are doing for remote meeting participation and what companies or consultants they are working with.

Manager Wagamon stated that he would like to just approve a dollar amount and let Administrator Belfiori and the staff figure out all of the details.

District Engineer Otterness suggested that it may be difficult to get more than one quote for this type of work because it is very specialized.
Manager Waller accepted the modification to the original motion for cost not to exceed $5,000.

Motion carried 4-0.

5. Consider Addendum #2 to the RCWD Watershed Management Plan.
Administrator Belfiori explained that there is some clarification needed to the existing plan to how an organization will carry out program activities. He noted that if the clarification language is adopted, it will become effective upon distribution to the agencies and individuals who received a copy of the existing plan. He explained that this change has been noticed on the District website, the St. Paul Pioneer Press as well as sent out to the entire District mailing list. Staff is recommending approval.

Motion by Manager Waller, seconded by Manager Bradley, to adopt Resolution 2019-02: Adopt Plan Clarification Addendum #2 into the Rice Creek Watershed District, Watershed Management Plan.

THEREFORE, BE IT RESOLVED that after considering the facts herein, the Board of Managers adopts plan clarification addendum #2 (attached hereto), and directs its staff to distribute the plan clarification to its distribution list of agencies and individuals who have received a copy of the plan and to post the clarification on the District’s website within 30 days of adoption of this resolution.

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

Motion carried 4-0.

Manager Bradley noted that he wanted to reiterate that this is not a change in policy and is simply restating and clarifying what his understanding of the policy has been the entire time he has served on the Board.

Manager Waller stated that this has been the policy of this Board since 1992.

6. Consider Check Register dated January 9, 2019, in the amount of $58,712.39 prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated January 9, 2019, in the amount of $58,712.39, prepared by Redpath and Company. Motion carried 4-0.
Manager Bradley stated that before the Board moved on to the next item, he wanted to express his appreciation for all the work and assistance Technician Samantha Berger has provided to the Board. He stated that she will be missed and hopes that when she returns, she will take a look and see if there are any vacancies at the District.

Technician Samantha Berger thanked Manager Bradley for his kind words and noted that she will be in attendance at the January 23, 2019 meeting and would save her comments for that meeting.

**ITEMS FOR DISCUSSION AND INFORMATION**

1. **Presentation on Basic Water Management Projects: A Watershed-City Partnership-Chris Otterness, HEI.**

   District Engineer Otterness gave a brief presentation on basic water management with a watershed district and city partnership. He explained that this information came from a presentation he had given in conjunction with Corey Henke from the Buffalo Creek Watershed District called *Bridging the Rural/Urban Divide: Lessons in Collaboration*.

   Manager Bradley asked about easement rights of converting a private ditch to a public ditch.

   District Engineer Otterness stated that they changed a private system into a District basic water management project which required the District to actually require physical easements over the area.

   President Preiner asked if District Engineer Otterness had any suggestions after working on this project about the communication process especially in relation to obtaining easements.

   District Engineer Otterness stated that he thinks it is very important to make it clear during the public information meeting process that there is a need for easements. He stated that it is also important to identify the properties where easements are likely to be needed. He noted that in this case, some of the District managers did go directly to the individuals whose easements were required and talked to them about the project but noted that the Buffalo Creek Watershed District does not have any staff, so their managers are more involved in some of these aspects than most watershed districts.

   Manager Waller questioned if it was a 103D project.

   District Engineer Otterness stated that was correct and they had originally taken a look at whether or not it would make sense to approach people about interest in establishing a 103E drainage system but settled on a 103D project instead due to the challenges in establishing a new 103E system and the opportunities provided by the 103D process.
Manager Waller stated that part of the 103E process is that easements are already established and noted that he feels they should have already been established in the RCWD.

Manager Bradley noted that he believed there were some areas, particularly in Ramsey County, where the easements were not already in place.

Administrator Belfiori stated that with regard to easements and land acquisition, he is thinking about a few large projects that are coming up in the next few years that will follow the 103E process. He stated that he believes the most important aspect is making sure there are multiple chances to communicate with the involved entities to make sure they are educated about the process. He stated that it is also very important to work closely with the cities in front of these projects.

2. **District Engineer Update and Timeline.**
   
   There were no questions.

3. **Managers Update.**
   
   Manager Waller stated that along with Manager Bradley and President Preiner, he had attended the Technical Advisory Committee meeting on January 8, 2019. He stated that there was a good turnout and a lot of good questions were asked. He complimented staff on the process this has gone through because it has been comprehensive and asked for involvement of the stakeholders. He stated that he would like to ask staff to keep a diary of the activities that they have been doing so there is a record of the whole process and timeline to show how it was done.

Manager Bradley stated that the added benefit of keeping a diary is that when this is presented to BWSR, the process that was followed can be attached to the documentation. He noted that he will be attending the Citizens Advisory Commission (CAC) meeting tonight. He stated that he had noticed there is another CAC meeting scheduled for later this month and asked if there had been coverage from the Board already established for that meeting.

Administrator Belfiori noted that because that is an extra meeting it is at the discretion of the Board whether someone will attend.

Manager Bradley stated that he will attend the extra CAC meeting.

Administrator Belfiori reminded the Board that on January 28, 2019 there are two meetings: a planning workshop at 1:00 p.m. and the public information meeting for JD3 at 6:30 p.m.
President Preiner noted that the City of Columbus is installing three new Council members at tonight’s meeting. She stated that they have asked that sometime in the next few months the RCWD give an update regarding the structure of the District and what projects have been done as well as the kinds of things the District works on.

ADJOURNMENT

Motion by Manager Bradley, seconded by Manager Wagamon, to adjourn the meeting at 10:28 a.m. Motion carried 4-0.