REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, October 23, 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, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Secretary Michael Bradley, and Treasurer Steven Wagamon

Absent: None

Staff Present: District Administrator Nick Tomczik, Project Manager Kyle Axtell, Office Manager Theresa Stasica

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

Visitors: Jeff Morell

SETTING OF THE AGENDA
District Administrator Nick Tomczik noted that the corrected number for the Permit under the Consent Agenda is No. 19-091, and not 19-081 as presented.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the October 3, 2019 Special Meeting Minutes for the Board of Managers Meeting.

Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 5-0.

Minutes of the October 7, 2019 Workshop Minutes for the Board of Managers Meeting.

Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 5-0.
Minutes of the October 9, 2019 Regular Meeting Minutes for the Board of Managers Meeting.

Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 5-0.

Minutes of the October 14, 2019 Special Meeting Minutes for the Board of Managers Meeting.

Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 5-0.

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:

Table of Contents-Permit Applications Requiring Board Action

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Manager Haake asked for clarification on the calculations for the runoff and whether the underground chambers would really take care of everything coming from the impervious surfaces. She asked about the agreement to ensure that those chambers would be cleaned before it is released into the watershed and the storm sewers.

District Administrator Tomczik stated that the new rules require 1.1 inches over the new impervious area and the water must be treated on site. He noted that these are not underground chambers, but are infiltration basins, which is notable because this volume of water does not end up going downstream and is one of the key components of the Districts regulation.

Manager Haake stated that the infiltration basins will need to be cleaned out and asked if this area was all under one ownership and that nothing else heads downstream.

District Administrator Tomczik noted that on page 25 of the packet, there is a table that indicates the cubic feet per second that runs off the site, which is held 20% below the existing condition and is another key component in the District’s rule to help alleviate flooding at Long Lake. He explained that the BMPs and infiltration basins are subject to a recorded declaration of maintenance and their continued function.

Manager Haake asked who would make sure that the maintenance is conducted properly. She asked if it was one individual or one company that would make sure that these are taken care of in the future.
District Administrator Tomczik stated that it is recorded on the property, so it will be whomever the landowner is. He explained that because it will be recorded, any future owner would also be subject to that recorded document.

**It was moved by Manager Haake seconded by Manager Bradley, to approve the Consent Agenda item for permit 19-091 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations dated October 16, 2019. Motion carried 5-0.**

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

None.

**ITEMS REQUIRING BOARD ACTION**

1. **Consider setting public hearing - Morell Petition for Repair of ACD 10-22-32, Branch 1.**

   District Administrator Tomczik explained that on November 1, 2016, the District received a petition from Jeff Morell seeking investigation into the obstruction and proceed accordingly regarding ACD 10-22-32, Branch 1. He stated that the District accepted the petition and had an engineer assigned to it. He noted that during this same timeframe, Mr. Morell applied for a Wetland Conservation Act (WCA) which was later withdrawn. He stated that the District has had some communication with Mr. Morell’s attorneys who have asked the District to keep the matter in abeyance. He stated that with the withdrawal of the WCA application and not seeing anything that ties to the two things together, staff thinks it is reasonable for the Board to proceed and respond to the petition that is from 2016. He noted that Mr. Kolb is present and can explain the distinction between these items. He stated that Mr. Morell is also present and can speak to the condition on his property.

   Mr. Kolb noted that District Administrator Tomczik gave a fair overview of what has transpired. He stated that this matter has been pending for almost three years. He stated that upon receipt of the petition, the District undertook an engineering study to look at the alternatives available in terms of repair as well as the possibility for payment of damages. He explained that upon recommendation of the engineer, they invited discussions related to damages with Mr. Morell and his technical consultants to discuss the alternatives. He stated that the engineer went back and took a second look based on information received from Mr. Morell’s technical consultant and came back with a minor adjustment in the idea of damages. He noted that the obstruction has elevated the 100-year flood elevation on Mr. Morell’s property. He noted one of the questions is whether
or not the obstruction has caused wetland signatures on the property that then prompted the WCA application which was subsequently withdrawn. He explained that from staff’s perspective, there has been no new information related to the alternatives proposed by the engineer or the damage analysis the engineer prepared and the District, the drainage system, and Mr. Morell need finality. In their opinion, the request of Mr. Morell, via his attorneys, to delay action pending a subsequent WCA application doesn’t go to the issue, which it is repaired or damages are paid. He stated that there is nothing in the drainage code with regard to repair that would affect a concurrent or subsequent WCA application. He noted that Mr. Morell will have the option to present additional information at the Public Hearing. He stated that if the Board pursues the alternatives to pay damages, Mr. Morell would have appeal rights if he chose to pursue that option. He reiterated that this has been sitting on the table for a long time and everyone deserves finality and there has been no information presented that would lead staff to conclude that there is cause for further delay.

District Administrator Tomczik stated that the item before the Board is to consider setting the Public Hearing.

Manager Haake confirmed that there has been no involvement from WCA because the application had been withdrawn. She asked if that information would be available for the hearing.

Mr. Kolb clarified that this is two separate issues. He stated that the withdrawn WCA was to consider the applicability of the WCA to wetlands that are currently delineated on Mr. Morell’s property. He explained that part of that was to discover whether or not the obstruction of the ditch caused those wetlands to be in existence which were things that were initially considered by the engineer and are contained in the engineer’s analysis and recommendation. He noted that there was nothing new in the application that changed or would have altered the opinion of the engineer and eventually the application was withdrawn.

Mr. Jeff Morell stated that his land has changed since 1987 when he first bought the land. He explained that he used to be able to have pheasants and bale hay when he first bought it. He noted that his all-wheel drive truck got stuck on it just this morning and it is now a flood plain on a daily basis. He stated that he has to wait for the land to all freeze before he can take his brush hog out there to cut the grass. He stated that he believes it is because of the invert and feels it needs to be removed. He stated that he is getting water from the 6th addition that was built. He stated that when they put in Century Farms, he feels they did not construct it properly, underneath the pipeline. He reiterated that he simply wants the invert to be removed. He stated that he is not seeking any damages, but just wants it repaired properly. He stated that without this repair, his 10 acres will be totally worthless. He showed a picture of his land and the ditch from this past spring.
Manager Bradley asked when the 6th addition was added.

Mr. Morell stated that he believes it was in 2018. He noted that they have a storage pond at Century Farms that has a pipe that flows into the ditch which and when it rains, his land is flooded on a continuous basis.

Manager Bradley stated that he assumes the District did its analysis before the new addition was added. He asked whether the District needed to take another look at the impact this development had on Mr. Morell’s property.

District Engineer Otterness stated that he was not sure when the permit and the construction went through with regard to when they completed their analysis. He stated that in terms of evaluating the potential options that may be available, since the development had to meet all the District rule requirements, the affect of the development on downstream flows is irrelevant as to how the District evaluates the different alternatives. He noted that the previous investigation compared what options there may be for modifying the elevation of the ditch or the “teepee”, versus other options. He stated that he did not include or consider how the permitting occurs in his memorandum.

Manager Bradley stated that he doesn’t care whether they met the permit requirements. He stated that the issue is whether or not, regardless of the permit, there is more water coming off that ditch than when it was last looked at by the District.

Manager Wagamon stated that he agreed with Manager Bradley.

District Administrator Tomczik stated that the Board discussion is turning to the changing land use and volume. He stated that the District controls rate at the site and the District model has repeatedly shown that increased volumes cause downstream hotspots. He stated that the “teepee” is what the petition is addressing and whether there is an obstruction in the ditch as well as alternatives to consider such as should it be removed or not. He stated that if it will not be removed, the District may be looking at awarding damages.

Manager Bradley stated that his point is that the damages may be different after construction.

District Administrator Tomczik stated that this is a good question for the attorney because you run the risk of awarding lots of damage for things that really are not under the District control, but under the land use authority’s control.

Manager Bradley stated that if the “teepee” is causing a blockage it becomes a weir and then more water is added up north whether it is our fault or not, it is still the “teepee”
that is causing the water to pool there which would change the damages if the District decides not to replace the “teepee”.

Mr. Kolb stated that he feels Manager Bradley has articulated the issue of whether the “teepee” is causing damage. He stated that the District needs to be very careful to not mix the adjacent land use and the idea of what may constitute a private conflict. He stated that the area in the photo is immediately adjacent to the ditch and that area prior to the installation of the “teepee” was always within the 100-year floodplain. He stated that the District also needs to take a look at the antecedent conditions in the shared photos as well. He stated that he thinks it is fair the Board look at issues of the development of the adjacent lands which the engineer has done. He stated that it may not have been done to the extent that the Managers could like and can be done if they would like. He stated that he would caution the Board to focus on the affects of the “teepee” and how those can be addressed. He stated that the District has to be cautious not to assume that the development around the “teepee” is the cause of the issues.

President Preiner asked if the Board and staff felt that there would be enough time to gather the necessary information by the proposed Public Hearing date of December 11, 2019. She stated that she feels this has gone on long enough and that the Board should have complete information by the time the Public Hearing is held.

Manager Bradley stated that the Board had assumed it would be more efficient to address the problems via damages than to replace the “teepee”. He stated that he would like the alternative of consequences or costs of removing the “teepee”.

Manager Waller noted that Mr. Morell used the word “invert” and the Board has been using the term “teepee” and wanted to clarify that everyone is referring to the same thing even though different terminology has been used.

Mr. Morell noted that the term invert was from something from Houston Engineering. He stated that this has allowed the water level to be raised up 16 inches on his land. Mr. Morell showed a photo from this morning at 7:54 a.m.

Manager Waller asked if the water was outside of the ditch banks.

Mr. Morell stated that in one area it is outside of the ditch banks and noted that he does not believe a 100-year rainfall event happened over the last few days.

District Administrator Tomczik noted that the downstream development and the “teepee” occurred prior to Houston Engineering being the District’s consulting engineering firm.
Manager Waller stated that the history has demonstrated that this has been a very long-term problem and if the most recent was a 6th addition, that means there were additions 1-5 prior to that.

District Administrator Tomczik asked to confirm if there was additional information that the Board wanted the District Engineer to compute and have available for the Public Hearing.

Manager Bradley stated that he would like to know whether the recent additions have changed the calculation of damages and how that was determined.

Manager Wagamon stated that he thinks the District should always be looking at these when there is an issue. He stated that he didn’t necessarily mean for the upcoming Public Hearing, but to look and see if there is something that should be changed.

Manager Bradley stated that he also hopes that when the District conducts the Public Hearing, there will be information available on the option of removing the “teepee”.

Mr. Morell invited the Managers to come over and see his parcel of land.

District Engineer Otterness stated that the previous technical memo did include an alternative of removing the “teepee” and the costs associated with that option. He stated that this memo also looked at the hydraulic conditions at the time of the memo and the current conditions with the obstruction in place and the removal. He stated that his understanding of what Manager Bradley is asking for is to do the analysis one more time updating the hydrology for each of the scenarios to compare the existing condition with the 2019 hydrology with obstruction versus the 2019 hydrology with the obstruction removed.

Manager Waller stated that he would also like to know what the land use authority has planned for that particular acreage because he thinks it is important to know.

Manager Haake asked if there would be a way to electronically send her the report that everyone is referring to.

District Administrator Tomczik stated that staff can provide the report that was completed by Houston Engineering to the whole Board.

Motion by Manager Waller, seconded by Manager Haake, to authorize the President to sign Order and Notice for Hearing in the matter of the Petition of Morell for Wednesday, December 11, 2019 at 7:00 p.m. in the Shoreview City Council Chambers, to repair a portion of Branch 1 of Anoka County Ditch 10-22-32. Motion carried 5-0.

District Administrator Tomczik noted that the District received numerous comments in the 60-day notice period for the Watershed Management Plan. He stated that Project Manager Axtell is working diligently to adhere to a tight schedule and get this wrapped up.

Project Manager Kyle Axtell agreed that there are extremely tight deadlines and demands. He noted that he had distributed a new handout with some updated information to the response to comments table. He explained that the comment period ran from August 7, 2019 through October 9, 2019. He stated that his hope is that the Board will approve the responses to the comments today so he can get them distributed. He explained that the State statute requires that there be at least 10 days between the release of the comments and the required Public Hearing. He stated that he would like the Board to schedule the Public Hearing for the draft Watershed Management Plan (WMP) on November 4, 2019, which is 12 days from today which will require him getting the comments out this afternoon. He stated that ideally, after the Public Hearing, the District would be preparing to release a final draft WMP to BWSR on December 11, 2019 for their 90-day review.

Project Manager Axtell noted that all State review agencies responded and 4 submitted comments. He noted that 11 other reviewers also submitted comments for a total of 158 comments. He noted that 2 additional comments were received from BWSR via phone after the review period ended, but they are comments that can be accommodated and will result in WMP changes. He stated that the Capital Improvement Plan (CIP) table will be changed to tie the CIP projects to the goals in the plan which will be easy to do. He stated that there was also a comment asking for additional language related to notice requirements for water management districts. He stated that staff will add to Chapter 5, where appropriate to address those comments. He stated that there are 60 comments that result in a proposed change to the draft WMP. He stated that there were also a number of comments made addressing the District rules and rule administration but noted that the WMP is not the vehicle for discussing or deciding rule language. He noted that he wanted to highlight some information from one of BWSR’s comments that relates to one of the MPCA’s comments as well.

Project Manager Axtell reviewed BWSR comment #6, which is on page 46 of the packet. He stated the comment is about the measurable goals that BWSR requires are included in the WMP. He explained that BWSR has significant concerns about the language used for those measurable goals because they do not believe that they are measurable enough to meet statute requirements. He noted that the most recent hand out he gave to the Board is the attempt by staff to make them more measurable goals. He gave a brief overview of the table that outlined the revised measurable goals. He asked the Board to let staff know if they have any concerns and noted that staff was not trying to overstep their bounds or say that they will be doing things that they don’t think are achievable.
Manager Bradley suggested a language change on the handout to say the District “has revisited” and “has made changes”.

Project Manager Axtell explained that the document was created yesterday and the intent was to try to get this done before it was released today.

Manager Waller stated that he is happy to see that staff is taking an aggressive measure to bring up goals because he has attended two meetings recently where both BWSR and the legislature spoke about measurable results from their programs. He stated that they are looking for long term provable results and not just snapshots of before and after.

Project Manager Axtell reviewed some of the specific measurable goals.

Manager Wagamon stated that if he is understanding this correctly, the legislature was previously giving out money with no goals and now they have decided that they want goals but they have no idea of the goals, so the District should come up with them ourselves. He stated that to him, this seems like a joke.

Project Manager Axtell explained that this is a new requirement for WMPs and believes the Rice Creek Watershed District is not the only watershed district struggling to address it.

Manager Wagamon questioned whether BWSR had any idea of what these measurable goals even mean. He expressed his frustration that it appears as though the District is doing a whole lot of pretend work to jump through their hoops. He stated that this is more government work that is wasting money and time.

Manager Waller stated that while he doesn’t disagree with Manager Wagamon, he would like to share some communication he received from the legislative committee on water. He stated that the sales tax amendment to the Constitution is for a 30-year time period which has not reached the halfway point. He stated that he believes there are members of the legislature that are interested in preparing the basis to extend the sales tax, so in order to do that they want to start talking about measurable goals before it is too late. He stated that in 15 years they will be able to say that they have 15 years of data that shows that the money spent was worthwhile. He stated that he really thinks that is the purpose and push behind this request for measurable goals. He stated that he can understand both points of view.

Project Manager Axtell continued giving an overview of the revised measurable goals. He stated that he believes BWSR will accept all the measurable goals that the District has proposed. He stated that all of the goals in the plan are measurable to some degree. He asked the Board if they had any suggestions to the revised measurable goals.
Manager Bradley suggested an additional response to Hugo #17, on 3.2.6.2 funding distribution; and Washington County #1 to state: “RCWD is committed to treating its LGUs, County partners, and landowners equitably; addressing needs and concerns in a respectful and responsive manner. When a new concern and/or request for assistance is received, RCWD will evaluate the issue considering the urgency of the problem, the nature of the District’s responsibility, and the capacity of the District to respond, including available funding and staffing considerations. In all cases, the matter will be fairly considered and evaluated.”

Manager Bradley suggested an additional response to Fridley #2, requesting a monitoring schedule for Locke Lake, and comments by Washington County Board at meeting with the watersheds, to state: “See 3.2.3, which addresses our ongoing evaluation of District Facilities, which includes Locke Lake. RCWD includes in its budget funds for the anticipated dredging of Locke Lake.”

Manager Bradley suggested an additional response to Fridley #4, requesting language allowing transferring peak flows across watershed boundaries to state: “Any action by RCWD to change the flow of water from RCWD to another watershed would require specific approval by the affected watershed and is therefore beyond the scope of this Plan.”

District Engineer Otterness noted that he is not sure, from Fridley’s comment, whether they are referring to subwatershed boundaries within the RCWD, or the RCWD boundary versus another watershed district.

Manager Bradley noted that he also could not tell and just used the term “watershed” as simply watershed.

Project Manager Axtell stated that he had the same question in reviewing their comment. He stated that when he put himself in their shoes, there are three or four major sub-watersheds in Fridley. He stated that they all have peak flow issues and flooding problems, so he is not sure how transferring flow from one to the other internally, within our watershed would really be much good for anyone. He stated that his assumption was that they were referring to the larger RCWD boundary.

President Preiner suggested adding a statement that says, “if this is referring to the RCWD boundary, this is our response to that comment”.

Manager Bradley suggested an additional response to Fridley #5, requesting additional funding for cost-share programs, to state: “The Board was unable to increase funding in
2020 due to the significant budget increase resulting from existing capital projects, but will consider this issue annually.”

Project Manager Axtell stated that the WMP currently has an estimated 10-year budget of $3,000,000, which doesn’t really allow the District to go up to $500,000/year without reducing it in other years. He stated that if the Board wants to maintain this flexibility, the Plan could be modified to change that project line item back to $5,000,000. He stated that there has been some concern expressed from our municipalities about how this money will be spent but noted that this is a planning document. He reiterated that if the Board would like to keep the flexibility to potentially increase finding to this program in the future, in his opinion, the District would need to change that line item.

President Preiner stated that she does not think the Board should change that line item. She stated that if everyone is complaining about their taxes going up, the District will not be able to fund at higher rates.

Manager Bradley explained that his thought process was that as the District goes forward over the next 10 years, that hopefully there will be fewer major ditch projects and that there may be some ability within our caps to fund additional programs. He stated that another suggestion for language for a response would be: “The Board was unable to increase funding in 2020 due to the significant budget increases resulting from existing capital projects and will consider this issue annually.”

Project Manager Axtell reminded the Board that the WMP is a living document and changes can be made by this Board or any future Boards.

Manager Bradley suggested an additional response to Washington County #1, on not experiencing additional burden for projects that they do not receive direct benefit, to state: “RCWD is committed to treating its LGUs, County partners, and landowners equitably; addressing needs and concerns in a respectful and responsive manner. When a new concern and/ or request for assistance is received, RCWD will evaluate the issue considering the urgency of the problem, the nature of the District’s responsibility, and the capacity of the District to respond, including available funding and staffing considerations. In all cases, the matter will be fairly considered and evaluated.”

Manager Waller stated that he doesn’t disagree with including the comments suggested by Manager Bradley, however, he believes that comments coming from tremendous growth areas like Hugo and Lino Lakes, are relevant to the amount of money listed. He stated that he will support putting these comments in, but he doesn’t necessarily agree. He stated that hope is a wonderful thing and that it is good to be optimistic, but as a past Board president used to say, “trust, but verify”. 

Manager Bradley stated that he was not just trying to placate people with his proposed comments. He explained that he meant every word he proposed and they reflect his personal view of what the Board does.

Manager Waller stated that he understands that the comments were well-meaning and that he has good intentions, but oftentimes, more safeguards are needed to provide implementation of those good intentions.

Project Manager Axtell reviewed the comment and response to Hugo#1 to clarify that the District is a partner and that the process should be implemented by the land use authority.

Manager Waller stated that he thinks this point is important for all the municipalities to understand and to also make it clear that the regional stormwater plans are not limited.

Project Manager Axtell reviewed the comment and response for Hugo #12. He stated that they have suggested that the District delete an entire section of the plan, but he believes there has been a miscommunication in how the language was interpreted. He stated that they are concerned about the plan pre-determining the denial of permits based on land use and drainage issues and their comment stated that this section appears to be “pointless” as drafted. He stated that the District does not intend to delete this section of the plan. He reviewed the proposed response including the fact that the District does not identify land use as a solution or include language that pre-determines the denial of permits. He reiterated that the District is looking to partner with land use authorities and not trying to usurp their power in any way.

Manager Waller suggested that the District may need to work on their communication because when this was read by others, they did not understand it the way it was intended and the way Project Manager Axtell explained it today.

Project Manager Axtell asked District Engineer Otterness if there may be an opportunity to take another look at that paragraph. He stated that to him, it reads pretty clearly but cannot propose specific language changes standing in front of the Board today.

District Attorney Smith stated that to affirm where Manager Waller is coming from, the heart of the Districts work with this WMP is about integrating land use and water resources management. He stated that this is clearly the commitment in the language that Project Manager Axtell is referring to, however, there are many watershed districts that express that commitment and then go on with work in their individual spheres. He stated that he believes the heart of this is the partnership, connection, and communication as well as the ongoing working relationship and the shared understanding of how land use impacts water resources. He stated that the WMP expresses this
commitment and that re-expressing it in person as well as other forums gets to the point that Manager Waller was trying to make.

Manager Wagamon stated that he feels it is clearly stated and believes that the District is already working with the municipalities.

Manager Waller stated that he feels the point District Attorney Smith made about “partnerships” might be something that is missing from this paragraph. He noted that this document can continued to be changed as the District sees fit.

District Engineer Otterness stated that he thinks it will be challenging at this point to make any wholesale type of language changes to the WMP because the District would need to have some dialogue with Hugo in order to understand their interpretation of this section. He stated that he agreed with Manager Waller that there will be opportunities in the future to have additional communication as well as to update the Plan.

Manager Waller stated that he believes the comments received are very good and would like to see these things worked on.

Manager Haake she asked that when a Plan is finally accepted and distributed whether there could also be a cover letter that would serve as sort of a disclaimer and explain that this is a plan, that it is a living document, and that the District is looking for partnerships.

Project Manager Axtell stated that the District could add to their response that they intend to sit down and discuss this with Hugo.

Manager Waller stated that he has attended MAWD meetings and there have been some managers who want to use the watershed plan as a way to become the local government unit for the control of land use. He stated that he suspects that is where some of the fear may be coming from that needs to be worked through.

Project Manager Axtell reviewed the comment and response for Hugo #18 and #23. He stated that the response is that city implementation of District rules is an elective process and the Board has not elected to investigate the suggested approach of compensating cities who have taken over rule administration. The District has instead administered the regulatory program with an understanding that this program provides shared benefit across the District. He noted that this response would also apply to Circle Pines. He explained that staff believes this statement is consistent with the Board’s position.

Manager Waller stated that he agrees that staff believes this is consistent with the current Board’s position, however, listening to the language proposed by Manager Bradley, he is hoping that this is one of the areas where equitability can be looked at.
Manager Bradley stated that he is not aware of this issue having come before the Board.

Manager Waller stated that he has brought it up before and noted that as a citizen of Hugo, he pays double taxes.

Manager Bradley stated that Manager Waller has brought it up, but this is the first time he is hearing Hugo say that they would like to be paid “X” amount of money. He explained that if Hugo believes that, they should come to the District and make that request so the Board can make an informed decision as a policy matter.

Manager Waller stated that he thinks this comment is the beginning and the first step to that process.

Project Manager Axtell reviewed the comment and response for Centerville #5. He explained that response states that the Plan does not and cannot propose an overall levy for the next 10 years.

Project Manager Axtell stated that for Fridley #2, he believes Manager Bradley’s comment will add to the original short response.

Project Manager Axtell reviewed the comment and response for Washington SWCD #5. He noted that the response states that he is proposing adding a new policy to the plan that states, “Consider project-specific monitoring protocols in the design process of all capital improvement projects constructed by the District.” He stated that the District already does this, but it was not implicitly stated.

Manager Wagamon stated that he wants to make sure it is clear that the District has already been doing this and will continue to do it. He stated that this response makes it look like the District is making a change.

Manager Waller stated that he is glad to see this language because it is consistent with what is being heard from the legislature and BWSR. He stated that the District has done monitoring in the past but does not believe it has been done consistently over the long-term. He stated that he supports the development of monitoring programs in order to show failure or success.

President Preiner stated that the monitoring should be included in the cost of the project.

Manager Waller stated that his point is that a snapshot a year before or a year after a project is not enough. He stated that there needs to be a longer time period where things are being monitored.
Manager Wagamon asked how expensive it is to do the monitoring. He stated that the District is having issues with people that think we are spending too much money.

Project Manager Axtell stated that to Manager Waller’s point, for every capital project that he has ever been involved with, he puts together a project specific monitoring plan for the first 5 years, initially. He noted that there is only one project that is old enough that they are extending the monitoring past the 5-year mark, which is at Oneka Ridge Golf Course. He stated that to answer Manager Wagamon’s question about cost, it is highly variable. He noted that grant funds cannot be used to pay for monitoring so it needs to be part of the District’s budget. He stated that the largest cost is staff time and equipment.

Manager Waller stated that for the Oneka Ridge Golf Course, the resource of concern is Bald Eagle Lake. He asked if the District had a monitoring program where drainage ditch #1 crosses Highway 61 between there and the lake to tell us what the total amount of phosphorus is going up and down.

Project Manager Axtell explained that the District does take samples of Ramsey-Washington #1 at Hugo Road on a bi-weekly basis.

Manager Waller stated that the data from Hugo Road should show that the whole suite of projects in that area have made a difference. He stated that he thinks that is the kind of information they are looking for, to show how they are monitoring it and what a difference the projects have made.

Project Manager Axtell stated that is a long-term trend analysis and noted that weather patterns from year to year can cause wide swings in this as well.

Project Manager Axtell reviewed the comment and response from White Bear Lake #4. He stated that the Priebe Lake outlet is not included as part of the District facilities inventory, although if that should change, the Plan can be updated. He noted that the Priebe Lake outlet has failed a number of times and he has been working with White Bear Lake staff to look into the history of the situation. He stated that ownership and who is responsible for it is unclear and will be discussed with the Board at a future workshop. He explained that the District built it under a basic water management petition in the 1970’s and since that time, White Bear Lake has voluntarily completed maintenance as needed. He stated that the structure is in complete need of replacement at this time.

Manager Waller stated that when the District looks into this, he would like the impacts downstream in the Halls Marsh area to be considered as well.

Project Manager Axtell reviewed the comment and response for BWSR #9. He stated that the response adds the list of specific carp management plans that the District will pursue.
Project Manager Axtell reviewed the comment and response for BWSR #12. He stated that the table is being revised, as discussed earlier, and the total budget for 10 years is shown in the Plan. He stated that he wants the comment to be clear that the District budgets on an annual basis and cannot predict future budgets at this time.

Motion by Manager Bradley, seconded by Manager Haake, to adopt the Response to Comments table, dated October 23, 2019, as its official response to agency comments on the District’s 60-Day draft of the 2020 Watershed Management Plan as amended, directing staff to distribute the response to comments to reviewers immediately; and to hold a public hearing on the draft 2020 Watershed Management Plan during the Board’s regular meeting scheduled for Monday, November 4, 2019. Motion carried 5-0.

3. Consider 2020 Stormwater Management Grant Program Authorization RFP.
Project Manager Axtell reminded the Board that the Stormwater Management Grant Program is the new name for the former “Urban Stormwater Remediation Cost-Share Program”. He noted that this is similar to the 2019 program but there is a proposed increase in the typical maximum grant award from $50,000 to $100,000 per project. He stated that the District is still offering $10,000 per irrigated acre to stormwater reuse irrigation projects. He explained that there is about $300,000 in available District funding. He stated that there is also $20,790 left over from Ramsey County’s watershed-based funding pilot program from 2019 that will be made available to Ramsey County applicants. He gave an overview of how the review process has been streamlined.

Motion by Manager Bradley, seconded by Manager Waller, to authorize staff to initiate the 2020 Stormwater Management Grant Program and BWSR Watershed-Based Funding Pilot Program and to notify potential applicants of funding availability by publishing the attached Request for Proposals. Motion carried 5-0.

4. Consider Check Register dated October 23, 2019, in the amount of $281,006.05 prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated October 23, 2019, in the amount of $281,006.05, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports
District Administrator Tomczik stated that Mr. Caldwell had attended the last Board meeting regarding CSAH 14 and the work by Anoka County on that road project. He spoke with Joe MacPherson and explained that Joe MacPherson at the County has reached out to Mr. Caldwell to listen to his concerns and see if there is anything that can be done to
address them. He reminded the Board that this is Anoka County’s obligation and not the
Districts but noted that he looked into the project and it has not changed from its
application format not triggering stormwater rule. He noted that he signed a small task
order with HEI regarding the public drainage system and the culverts that the District had
placed in the system. He stated that the District wants to be clear where those are located
and who is responsible, which will define the District maintenance corridor. He stated
that this is also so there is no confusion when a landowner comes in with a permit
application or concern about a culvert. He noted that he had internally posted the Permit
Coordinator/Wetland Specialist position.

2. **November/December Calendar.**
President Preiner reminded the Board of the workshop meeting on Friday, November 1,
2019 at 1:00 p.m. and the regular Board meeting on November 4, 2019, at 9:00 a.m. She
noted that the workshop meeting in December usually starts an hour early in order to
have a staff get together.

Manager Wagamon noted that he will miss the November 4, 2019 meeting.

Manager Haake stated that she didn’t think it had been officially announced that Nick
Tomczik has been named the District Administrator.

Administrator Tomczik expressed his appreciation to the Board for their support and
noted that there has been a press release to get the word out to the public.

3. **Managers Update.**
Manager Waller stated that he had received notice recently from Commissioner Miron
that the DNR is negotiating with City of Forest Lake on a land purchase in the area of
Washington Judicial Ditch #5. He stated that he would like to suggest that the Board allow
District Administrator Tomczik to contact the City of Forest Lake, the attorney and
engineering about the possibility of working with them as the local land authority for a
right-of-way for the JD 5 Main Trunk to be exempt from the significant fish and wildlife
habitat as part of the WMA if the land purchase goes through so the District can perform
maintenance.

President Preiner asked Mr. Kolb if he thinks it is a good idea for the Board to look at this
situation.

Mr. Kolb stated that DNR acquisitions of this type typically need to go through a review
and consent or approval process depending on what the nature of the purchase is. He
stated that oftentimes those are opportunities for local concerns to be addressed. He
stated that although the alignment of a public drainage system could be incorporated and
doesn’t think it will hurt anything to initiate those discussions.
There was a consensus of the Board to direct District Administrator Tomczik to work with the attorney, engineer and Forest Lake regarding Washington Judicial Ditch #5.

ADJOURNMENT
Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:53 a.m. Motion carried 5-0.