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, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Secretary Michael J. Bradley, and Treasurer Steve Wagamon.

Absent: None

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica, Technical Specialist/Permit Reviewer Chris Buntjer.

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

Visitors: None.

SETTING OF THE AGENDA
District Administrator Belfiori asked Item one under Discussion be removed from the Agenda based on discussion at the Public Hearings on December 8, 2015.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the November 9, 2015, Board of Managers Meeting Workshop Meeting. Motion by Manager Bradley, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0-1 (Wagamon abstained).

Minutes of the November 10, 2015, Board of Managers Meeting. Motion by Manager Bradley, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0-1 (Wagamon abstained).
PERMIT APPLICATIONS REQUIRING BOARD ACTION

The following applications have been reviewed by the District Engineer and Staff and will be acted upon without discussion in accordance with the Engineer’s Recommendation unless a Manager or the Applicant or another interested person requests opportunity for discussion:

CONSENT AGENDA

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<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
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<tr>
<td>15-094</td>
<td>Centennial Schools District 12</td>
<td>Lino Lakes</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 6 items</td>
</tr>
<tr>
<td>15-101</td>
<td>Zayo Group, LLC</td>
<td>Lino Lakes</td>
<td>Bridge/Culvert Crossing, Final Site Drainage Plan</td>
<td>CAPROC 3 items</td>
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Permit Coordinator/Wetland Specialist Tomczik stated he handed out a revised page for the engineers’ report which replaces page 17 of the packet for 15-094.

Technical Specialist/Permit Reviewer Buntjer stated the changes are to add clarity to what is happening to the storm water on the site.

Motion by Manager Haake, seconded by Manager Bradley, to approve the consent agenda for permit 15-094 and 15-101 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated December 1 & 2, 2015. Motion carried 5-0.

Variance Request for Permit 15-100 Phase 2 Historic District Improvements, Mahtomedi

Permit Coordinator/Wetland Specialist Tomczik reviewed the first criteria of the variance for Item 15-100. Technical Specialist/Permit Reviewer Buntjer stated the applicant has met 40-50 percent of the variance requirements including the preference for infiltration when adjusted for the TP removal and a different resource of concern. The applicant is requesting a variance for the siting requirements and remaining water quality treatment requirement. The applicant is also proposing two hydrodynamic separators which will capture drainage from approximately one third of the project area. The hydrodynamic separators will provide more total suspended solid and total phosphorus removal than a standard sump manhole which is typically used to remove TSS to the extent practicable.

Permit Coordinator/Wetland Specialist Tomczik reviewed the second criteria of the variance for Item 15-100. Technical Specialist/Permit Reviewer Buntjer stated issuance of a variance for the street project is not expected to increase flooding or have any negative effect on Government services. The variance will generally have a positive effect on Governmental services in that the project will repair and maintain City Streets. The project will remove sediment that was previously discharged to White Bear Lake.

Permit Coordinator/Wetland Specialist Tomczik reviewed the third criteria of the variance for Item 15-100. Technical Specialist/Permit Reviewer Buntjer stated the District Engineer used three criteria to assess substantial change. One was water quality, two was the presence of and potential impact to special and impaired water bodies as defined by various laws and three was flooding, the potential for flood damages or other adverse hydrologic impacts. The construction of the project is not expected to cause an adverse impact to White Bear Lake and is not increasing impervious area thus reducing the volume of storm water runoff. The applicant is proposing two hydrodynamic separators and a new sump catch basin.
prior to storm water discharge into White Bear Lake which will remove an additional amount of sediment as compared
with the existing site conditions. The other remaining project outfalls have existing sump catch basins installed.

Technical Specialist/Permit Reviewer Buntjer stated in regards to Criteria D the physical conditions of the project include a
fully developed project area, steep slopes immediately adjacent to White Bear Lake and narrow right of ways in the project
area. The City of Mahtomedi recognizes these difficult conditions and completed a regional study in 2012 identifying
water quality treatment options. The city further investigated potential sites within the project area for water quality
BMP’s within the City limits both in and out of the White Bear Lake resource of concern. All areas were deemed infeasible.
The Wedgewood Park underground treatment system located within the Lost Lake resource of concern was identified as a
feasible option to meet District Water Quality treatment requirements for projects within the historic district of
Mahtomedi and was constructed to the maximum capacity. Stormwater from the project area flows directly to the White
Bear Lake resource of concern. Stormwater from Wedgewood Park flows to the Lost Lake resource of concern and
eventually to White Bear Lake. In 2013, the District revised its Stormwater Rules to require water quality treatment for a
project within the same resource of concern drainage area thus restricting potential water quality treatment options.

Permit Coordinator/Wetland Specialist Tomczik noted staff and engineer approach, when they have these types of
situations, it is about the extent to which they suggest the applicant pursue other options. In these cases they have not
asked any municipality to look outside of its municipal boundaries. Staff know that the resource of concern does not
follow municipal boundaries so the resource of concern for White Bear Lake is located in other municipalities. However,
again, staff does not ask a municipality to contact neighboring municipal landowners for potential compliance
opportunities. The other item is staff focused on is the resource of concern, not opportunities in adjacent resources of
concern that may or may not contribute in a meaningful way to the subject resource of concern. This supports their focus
that the resource of concern is important and is viewed on a case by case basis.

Permit Coordinator/Wetland Specialist Tomczik reviewed the variance need criteria. Technical Specialist/Permit Reviewer
Buntjer stated the District Engineer found that the landowner did not cause the situation which lead to the implied
practical difficulty. The variance was created by the need for the road and infrastructure maintenance and the revision to
District stormwater requirements. The applicant could not maintain the roads and infrastructure within the historic
district which would eliminate the need for the variance; however, this is not considered a prudent option.

Technical Specialist/Permit Reviewer Buntjer stated the last criteria lies largely in the Boards domain as it involves
judgement of a non-technical nature. Their criteria 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 rule C.6(d) BMP siting requirements.

Member Waller asked if Mahtomedi previously had a similar variance. Permit Coordinator/Wetland Specialist Tomczik
stated that was correct, the City of Mahtomedi’s first phase of the historic district street repair required variance; the City
has a multi-year plan for their historic district to repair the streets and utilities.

Member Haake asked if the previous variance had the same issue where it went from Lost Lake to White Bear Lake.
Permit Coordinator/Wetland Specialist Tomczik stated that was correct. This is the same BMP established under the
previous permit; there is some residual treatment here.

Manager Haake asked if there will be any raingardens to help clean the water runoff. Permit Coordinator/Wetland
Specialist Tomczik stated the city looked at several BMP options and that rain gardens are a part of the city’s approach.
However the city has taken the approach that they have some concern about the long term viability and changing of
property ownership, upkeep and maintenance of those facilities and so any rain gardens may not be for permit
compliance. His opinion would be that it could be problematic and they have seen problems in other municipalities.
Manager Haake stated she will be voting against this because there wasn't an effort for raingardens and it was forced upon Mounds View and other communities. She did not approve of the idea that it was their excuse because they had already explored that.

Manager Wagamon stated the variance had all positive effects and he has not heard about any negative effects. He wondered if he missed anything. Permit Coordinator/Wetland Specialist Tomczik stated the two key items are that it is in a different resource of concern and they should be aware that they have set the standard in the rule to use the resource of concern and this proposal is an alternative to that and then they are providing 40 to 50 percent of the water quality that the standard would require. The kicker is the hydro-dynamic separator. Where a regular sump basin provides some level of removal of sediment, the hydro-dynamic separator provides a little bit better. Their engineer would not consider it water quality treatment but rather pre-treatment, which is pretty good compared to other options.

Manager Wagamon stated if this was not passed, what would happen. Permit Coordinator/Wetland Specialist Tomczik stated if the variance was not approved they would not have a permit and the City would come back to the District and ask what else can be done. The City would be in a position of determining what else they could do on the landscape.

District Engineer Deutschman stated there is a broad scope on the value of raingardens and the feasibility of them. Their feasibility is dependent on many conditions, one is lot size another is the soils condition which is conducive to raingardens and the condition does not exist for them. He stated there are a lot of factors involved with raingardens and somewhat complicated and varies from City to City.

Manager Bradley stated it is up to the applicant to address this and the applicant can't force individuals to install a raingarden so they would need to find some place on public land to do one and he thought it would be hard to find a public place for a rain garden.

Manager Haake stated in regards to raingardens the District does give money to people in cost share for raingardens. White Bear Lake will probably be happy about this regardless of the quality.

**Motion by Manager Waller, seconded by Manager Bradley, to approve the variance request for Permit 15-100 Phase 2 Historic District Improvements, for the City of Mahtomedi.**

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

**Motion carried 4-1.**

**Motion by Manager Waller, seconded by Manager Bradley, to approve the permit application 15-100 for a street and utility plan be granted.**
ROLL CALL:
Manager Haake – Nay
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 4-1.

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

There were no comments made at Open Mike.

ADDITIONAL ITEMS REQUIRING BOARD ACTION

President Preiner stated:

The next agenda item is a further opportunity for public comment on the District’s 2016 budget and levy.

On September 9, 2015, the board of managers adopted resolution 2015-26 setting the District’s 2016 budget at $6,011,775 and approving a property tax levy of $4,383,000.

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

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

The board will not take action on this matter today. Any comments will be taken under advisement.

At this time, I would like to invite anyone present in the audience to the podium if they would like to comment on the District’s 2016 budget or levy. Please state your name and address for the record.

There were no comments.

2. Consider Final Certification of 2016 Tax Levy and Budget

Administrator Belfiori explained pursuant to MS 103D (Watershed District Law) the Board’s action on September 9, 2015 serves as both the preliminary and final levy and budget certification to the counties. If the Board of Managers is not intending to make any changes to the budget and levy adopted on September 9, 2015, no further action is required on the part of the Board. If the Board of Managers wish to make changes then a motion would be required to make the proposed change and if adopted, then a new resolution would need to be acted on at the meeting.

   Motion by Manager Bradley, seconded by Manager Waller, to approve Resolution 2015-39, authorizing
   Treasurer approval for payment of December 2015 Check Register, not to exceed $400,000 from operating
   expenses and $150,000 in surety returns.

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

   Motion carried 5-0.

4. Consider Check Register dated 12/9/2015, in the amount of $42,517.59, prepared by Redpath and
   Company.

   Motion by Manager Wagamon, seconded by Manager Waller, to approve check register dated 12/9/15, in the
   amount of $42,517.59, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Follow-Up Discussion from December 8, 2015 public hearings on Anoka County Ditch 31 and Anoka County
   Ditch 46 repair reports.
   Agenda item removed.

2. Engineer’s Update and Timeline
   There were no comments.

3. Staff Report
   There were no comments.

4. December 2015/January 2016 Calendars
   There were no comments

5. Manager’s Update
   Manager Waller stated that he attended the MN Association of Watershed Districts (MAWD) convention where
   the Rice Creek Watershed District staff and consultants gave a presentation and it was his pleasure to have to
   bring more chairs into the room. He stated there were many dignitaries in the audience. He thanked staff and
   the consultants for their hard work. Manager Bradley stated he was pleased with the overall program itself and
   thought it was a good use of time and expenditure of the District funds to enhance their education.

   Manager Haake stated MAWD will be having a legislative session the evening of March 30 and a legislative
   breakfast at the Embassy Suites in St. Paul. The summer tour looks like it will be held in Winona. There were 640
   attendees at the MAWD convention.

ADJOURNMENT

Motion by Manager Waller, seconded by Manager Haake, to adjourn the meeting at 9:43 a.m. Motion carried 5-0.