Minutes

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

OATH OF OFFICE
Members Wagamon and Waller were sworn in by District Attorney Smith

ROLL CALL
Present:   President Patricia Preiner, 2nd Vice-Pres. John Waller, Secretary Michael J. Bradley, and Treasurer Steve Wagamon.

Absent:    1st Vice-Pres. Barbara Haake (with prior notice)

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, District Technician Samantha Berger, Technical Specialist/Permit Reviewer Chris Buntjer, Office Manager Theresa Stasica.

Consultants: District Engineer Chris Otterness, Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners; Drainage Attorney John Kolb-Rinke Noonan.

Visitors:   Mike Grochala.

SETTING OF THE AGENDA
District Administrator Belfiori indicated staff had no additions.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the December 7, 2015, Board of Managers Workshop meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0.

Minutes of the ACD46 Public Hearing. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented.

District Attorney Smith indicated on page five, line 151 & 152, should read “An order to be written to effect the repair...” “…to establish Water Management District Charges.”
Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as amended. Motion carried 4-0.

Minutes of the ACD31 Public Hearing. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0.

Minutes of the December 9, 2015 Regular Board Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0.

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

No. | Applicant | Location | Plan Type | Recommendation
---|-----------|----------|-----------|------------------
15-096 | The Driesen Group, LLC | Blaine | Final Site Drainage Plan | CAPROC 6 items

Technical Specialist/Permit Reviewer Buntjer stated a stipulation for the floodplain mitigation that is happening on the site was forgotten so it is proposed that the engineer’s report be amended to include the standard floodplain stipulation for the submittal of an as-built survey of those areas. He noted the addition of a stipulation number four on page 26 of the packet which would read, “An as-built survey of the floodplain fill and mitigation areas for verification of compliance with the approved plans”. He stated on page 27 there is a parenthetical that reads “(0 acres of impervious surface....)” He proposed the addition of the word “existing” before “impervious” to add clarification.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated January 5, 2016, with the changes expressed. 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.

There were no comments made at Open Mike.

ADDITIONAL ITEMS REQUIRING BOARD ACTION

1. Consider Anoka County Ditch 46 Response to Comments and Drainage System Repair Order and implementing Water Management District charges.

Administrator Belfiori explained Resolution 2016-02 is in regards to Final Order Directing the Repair of Anoka County Ditch 46 and Implementing Water Management District Charges. He introduced District Attorney Kolb to summarize the items within the Resolution and the attached Charge Memorandum.

District Attorney Kolb read the Resolution into the record:
WHEREAS, on March 24, 2010, the Rice Creek Watershed District Board of Managers ("Board"), Drainage Authority for Anoka County Ditch (ACD) 46, received concurrence from the City of Columbus, by City Resolution 10-04, to perform public drainage system management activities under alternative authority in Minnesota Statutes Chapters 103B and 103D in addition to the authority provided by Chapter 103E; and

WHEREAS, by Resolution 2014-33, the Board initiated proceedings to correct the drainage system record of ACD 46, including defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system as originally constructed or subsequently improved; and

WHEREAS, by Resolution 2015-02, after duly noticed public hearing, the Board adopted a corrected drainage system record for ACD 46; and

WHEREAS, by Resolution 2015-04, the Board adopted findings and an order directing repair proceedings for the repair of ACD 46; and

WHEREAS, by Resolution 2015-04, the Board further directed its engineer to prepare an allocation of costs for the recommended scope of repair, that allocates costs between those necessary to restore the basic drainage function of the system and those necessary to achieve compliance with water quality, ecological or other environmental standards or objectives set by the Board; and

WHEREAS, by Resolution 2015-35, the Board (1) accepted the Engineer’s final supplemented Repair Report for the repair of ACD 46; (2) and concurred with the Engineer’s Recommended Repair Alternative; (3) accepted the charge analysis and recommended allocation of costs for the repair of ACD 46; (4) directed further proceedings for the repair of ACD 46 to occur utilizing the additional authorities provided in Minnesota Statutes Section 103D.621 Subd. 4; and (5) set a hearing for 5:30 p.m., Tuesday, December 8, 2015 in the Columbus City Hall to consider both the repair of ACD 46 and the establishment of Water Management District Charges to pay a portion of the cost of the work; and

WHEREAS, the Board provided notice of the hearing as follows:

By Publication:
- Forest Lake Times November 19 & 26, December 3, 2015.
- District website November 4, 2015.

By Electronic Mail:
- District email notice November 16, 2015 to those on the District’s email distribution list and those requesting of email notice of hearings and special meetings.

By Posting:
- District office commencing on November 4, 2015 and through the date of the hearing.

By Mail:
- Postcard mailing to the owners of property within the drainage area of ACD 46 on November 17, 2015.
- Mailed notice to the DNR, BWSR, Corps of Engineers and requesting state agencies on November 16, 2015.
- Mailed notice to Anoka County and the City of Columbus-stating the time and location of the hearing; the general nature of the work; the estimated cost of the work; and the method by which the cost of the work is to be paid, including the cost to be allocated on November 16, 2015; and

WHEREAS, prior to the hearing, the Board received written comments regarding the repair. The written comments, along with responses thereto, were reviewed during the hearing. A copy of the comments and responses is attached hereto as Table 1 and incorporated in this Resolution by reference; and

WHEREAS, oral comments were received at the hearing as follows:

- Evan Whitby commented regarding possible impact to a wetland on branch 2. The engineer responded that the repair is designed to manage excess runoff from the wetland but not to drain the wetland; and

WHEREAS, at the close of public comment, Manager Haake moved, seconded by Manager Bradley to recess the hearing to the Board’s regular meeting on January 13, 2016, at 9:00 a.m., or by adjournment to an appropriate time on the Board’s agenda. The motion passed by unanimous vote of the managers; and

WHEREAS, statutory notices throughout these proceedings, as required by Statutes Chapters 103B, 103D and 103E, as well as notices required by local rule were provided and are contained within the record of proceedings maintained by the District; and

WHEREAS, based on the project budget and implementation schedule for the repair of ACD 46, the Board finds it appropriate to extend the collection of Water Management District Charges for the project over a period of five years in equal annual installments; and

WHEREAS, the Board determines that a portion of the Water Management District Charge to currently undeveloped property, subject to future development, shall be deferred according to the staff recommendation to defer the difference between the charge value to the property in a developed state and the undeveloped land charge; and

WHEREAS, the Engineer’s Recommended Repair Alternative, contained in the Repair Report Addendum, provides for the restoration of beneficial drainage within the drainage area of the system, minimizes adverse environmental impacts and creates environmental enhancements; and

WHEREAS, a repair, consistent with the Engineer’s Recommended Repair Alternative, will restore predictable drainage efficiency within the drainage area of the system to support current beneficial land uses and future stormwater management demands; and

WHEREAS, the Engineer’s Recommended Repair Alternative is consistent with the District’s Watershed Management Plan and represents the least environmentally damaging practicable alternative; and

WHEREAS, subsequent to the hearing, the Corps of Engineers provided its concurrence that the work proposed constituted maintenance and was not subject to Clean Water Act regulations; and

WHEREAS, the proposed repair of ACD 46, according to the Engineer’s recommendation, will be conducive to public health, will promote the general welfare of the District and within the drainage area of the system, complies with the Watershed Management Plan, and otherwise complies with the requirements of state statute.
THEREFORE, the Rice Creek Watershed District Board of Managers makes the following:

ORDER

A. The Board of Managers orders implementation of the repair of ACD 46 consistent with the previously adopted engineer's recommended repair alternative, and consistent with the capital improvement program contained in the District's Watershed Management Plan.

B. The Board of Managers orders the allocation of costs for the repair of ACD 46 in a manner consistent with the Staff's recommendation as outlined in the Charge Analysis Memorandum prepared by Houston Engineering dated September 28, 2015.

C. The Board of Managers approves imposition of Water Management District Charges for the repair of ACD 46 as defined in the amendments to the Watershed Management Plan approved January 25, 2012 and as outlined in the Charge Analysis Memorandum prepared by Houston Engineering dated September 28, 2015. A copy of the charge breakdown by parcel is attached hereto.

D. The Board of Managers directs that initial Water Management District Charges imposed to pay the costs of repair directed in this proceeding be collected over a period of five years without interest, with the exception of charges totaling $300 or less, for which the initial charge will be collected in one year.


F. The Board of Managers approves the deferral of charges and the recording of a notice of deferred charges.

G. The Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for implementation of the repair in a manner consistent and compliant with existing law. The Board reserves to itself, however, all subsequent actions required by law to proceed upon Board approval.

H. The Board of Managers further directs its administrator to provide a copy of this Resolution, along with the comment and response matrix and minutes of the hearing, to those providing comments on the project.

I. The Board of Managers further authorizes expenditures for the repair of ACD 46 and the collection of revenues consistent with this order.

Motion by Manager Bradley, seconded by Manager Wagamon, to approve Resolution 2016-02, Final Order Directing the Repair of Anoka County Ditch 46 and Implementing Water Management District Charges:

President Preiner stated for the record, after the meeting because she did not testify, Mary Pogreba asked about the assessment for the Maurice Boehm property. There is still some objection to that. District Attorney Kolb indicated the appropriate appeal procedure for this order is contained in Statute Section 103D.535 because they are exercising their alternative authority under Watershed Law related to this order. The Board directed District Attorney Kolb to provide the District with a memo outlining the appeal process and make it available to the landowners requesting this information.
ROLL CALL:

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

Motion carried 4-0-1 (Manager Haake).

2. Consider Anoka County Ditch 31 Response to Comments and Drainage System Repair Order and Implementing Water Management District Charges

District Attorney Kolb read the Resolution into the record:

WHEREAS, on March 24, 2010, the Rice Creek Watershed District Board of Managers ("Board"), Drainage Authority for Anoka County Ditch (ACD) 31, received concurrence from the City of Columbus, by City Resolution 10-04, to perform public drainage system management activities under alternative authority in Minnesota Statutes Chapters 103B and 103D in addition to the authority provided by Chapter 103E; and

WHEREAS, by Resolution 2014-32, the Board initiated proceedings to correct the drainage system record of ACD 31, including defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system as originally constructed or subsequently improved; and

WHEREAS, by Resolution 2015-01, after duly noticed public hearing, the Board adopted a corrected drainage system record for ACD 31; and

WHEREAS, by Resolution 2015-03, after duly noticed public hearing, the Board adopted findings and an order directing repair proceedings for the repair of ACD 31; and

WHEREAS, by Resolution 2015-03, the Board further directed its engineer to prepare an allocation of costs for the recommended scope of repair, that allocates costs between those necessary to restore the basic drainage function of the system and those necessary to achieve compliance with water quality, ecological or other environmental standards or objectives set by the Board; and

WHEREAS, by Resolution 2015-36, the Board (1) accepted the Engineer’s final supplemented Repair Report for the repair of ACD 31; (2) and concurred with the Engineer’s Recommended Repair Alternative; (3) accepted the charge analysis and recommended allocation of costs for the repair of ACD 31; (4) directed further proceedings for the repair of ACD 31 to occur utilizing the additional authorities provided in Minnesota Statutes Section 103D.621 Subd. 4; and (5) set a hearing for 7:30 p.m., Tuesday, December 8, 2015 in the Columbus City Hall to consider both the repair of ACD 31 and the establishment of Water Management District Charges to pay a portion of the cost of the work; and

WHEREAS, the Board provided notice of the hearing as follows:

By Publication:

• Pioneer Press on November 16, 23, 30, 2015.
• Forest Lake Times November 19 & 26, December 3, 2015.
By Electronic Mail:
- District email notice November 16, 2015 to those on the District’s email distribution list and those requesting of email notice of hearings and special meetings.

By Posting:
- District office commencing on November 4, 2015 and through the date of the hearing.

By Mail:
- Postcard mailing to the owners of property within the drainage area of ACD 31 on November 17, 2015.
- Mailed notice to the DNR, BWSR, Corps of Engineers and requesting state agencies on November 16, 2015.
- Mailed notice to Anoka County and the City of Columbus-stating the time and location of the hearing; the general nature of the work; the estimated cost of the work; and the method by which the cost of the work is to be paid, including the cost to be allocated on November 16, 2015; and

WHEREAS, prior to the hearing, the Board received written comments regarding the repair. The written comments, along with responses thereto, were reviewed during the hearing. A copy of the comments and responses is attached hereto as Table 1 and incorporated in this Resolution by reference; and

WHEREAS, oral comments were received at the hearing as follows:

- Robert Owen commented regarding the placement of culverts on private ditch draining along Notre Dame St. and currently carrying water from the public system.

- Duane Gillette commented, reiterating several of the items set forth in his written comments. Mr. Gillette had several questions regarding inconsistencies in the water surface profiles shown in the engineer’s report. The Engineer re-examined the profiles and compared them to the modeled hydraulic data. Two graphical errors in the profile figures were identified directly related to several of Mr. Gillette’s comments. These graphical errors were corrected. However, the corrections do not affect the analysis of the alternatives, conclusions, or recommendations within the engineer’s report and addendum.

- Jim Collar commented regarding the expense of the recommended repair and suggested that the Board consider removing high spots in the ditch and see what happens before proceeding with a comprehensive repair. The engineer explained the overall condition of the drainage system and the need for a comprehensive repair to restore the as-constructed hydraulic efficiency. Furthermore, past experience has shown partial repairs are ineffective.

- Darrell Thurnbeck commented in response to concerns over future development of his property. He clarified the portion of his total property that is within the drainage area of ACD 31.

- Joe VanCannett commented regarding his concerns over potential higher water levels near branch 2 and the main ditch near his property. The engineer responded with a description of the modeling and analysis performed to evaluate the changes in flow volumes and water elevations after the drainage system repair. The engineer indicated that some locations will have a comparative increase during the modeled 2, 10 and 100 year
Approved
Minutes for Rice Creek Watershed District Regular Board Meeting of January 13, 2016

storm events but that no change is indicated in the conditions created by the original construction of ACD 31; and

WHEREAS, at the close of public comment, Manager Haake moved, seconded by Manager Wagamon to recess the hearing to the Board’s regular meeting on January 13, 2016, at 9:00 a.m., or by adjournment to an appropriate time on the Board’s agenda. The motion passed by unanimous vote of the managers; and

WHEREAS, statutory notices throughout these proceedings, as required by Statutes Chapters 103B, 103D and 103E, as well as notices required by local rule were provided and are contained within the record of proceedings maintained by the District; and

WHEREAS, based on the project budget and implementation schedule for the repair of ACD 31, the Board finds it appropriate to extend the collection of Water Management District Charges for the project over a period of five years in equal annual installments; and

WHEREAS, the Board determines that a portion of the Water Management District Charge to currently undeveloped property, subject to future development, shall be deferred according to the staff recommendation to defer the difference between the charge value to the property in a developed state and the undeveloped land charge; and

WHEREAS, the Engineer’s Recommended Repair Alternative, contained in the Repair Report Addendum, provides for the restoration of beneficial drainage within the drainage area of the system, minimizes adverse environmental impacts and creates environmental enhancements; and

WHEREAS, a repair, consistent with the Engineer’s Recommended Repair Alternative, will restore predicable drainage efficiency within the drainage area of the system to support current beneficial land uses and future stormwater management demands; and

WHEREAS, the Engineer’s Recommended Repair Alternative is consistent with the District’s Watershed Management Plan and represents the least environmentally damaging practicable alternative; and

WHEREAS, subsequent to the hearing, the Corps of Engineers provided its concurrence that the work proposed constituted maintenance and was not subject to Clean Water Act regulations; and

WHEREAS, the proposed repair of ACD 31, according to the Engineer’s recommendation, will be conducive to public health, will promote the general welfare of the District and within the drainage area of the system, complies with the Watershed Management Plan, and otherwise complies with the requirements of state statute.

THEREFORE, the Rice Creek Watershed District Board of Managers makes the following:

ORDER

A. The Board of Managers orders implementation of the repair of ACD 31 consistent with the previously adopted engineer’s recommended repair alternative, and consistent with the capital improvement program contained in the District’s Watershed Management Plan.
B.  The Board of Managers orders the allocation of costs for the repair of ACD 31 in a manner consistent with the Staff’s recommendation as outlined in the Charge Analysis Memorandum prepared by Houston Engineering dated September 28, 2015.

C.  The Board of Managers approves imposition of Water Management District Charges for the repair of ACD 31 as defined in the amendments to the Watershed Management Plan approved January 25, 2012 and as outlined in the Charge Analysis Memorandum prepared by Houston Engineering dated September 28, 2015. A copy of the charge breakdown by parcel is attached hereto.

D.  The Board of Managers directs that initial Water Management District Charges imposed to pay the costs of repair directed in this proceeding be collected over a period of five years without interest, with the exception of charges totaling $300 or less, for which the initial charge will be collected in one year.


F.  The Board of Managers approves the deferral of charges and the recording of a notice of deferred charges.

G.  The Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for implementation of the repair in a manner consistent and compliant with existing law. The Board reserves to itself, however, all subsequent actions required by law to proceed upon Board approval.

H.  The Board of Managers further directs its administrator to provide a copy of this Resolution, along with the comment and response matrix and minutes of the hearing, to those providing comments on the project.

I.  The Board of Managers further authorizes expenditures for the repair of ACD 31 and the collection of revenues consistent with this order.

Motion by Manager Bradley, seconded by Manager Wagamon, to approve Resolution 2016-03, Final Order Directing the Repair of Anoka County Ditch 31 and Implementing Water Management District Charges:

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

Motion carried 4-0-1 (Manager Haake).

Manager Bradley asked District Administrator Belfiori to outline where they go from this point in regard to these items.

District Administrator Belfiori reviewed the next steps with the Board.
3. **Consider City of Lino Lakes Local Water Plan**

District Technician Berger made a presentation to the Board for consideration of approval of Lino Lakes Local Water Management Plan.

District Technician Berger stated based on staff review of the Draft Plan along with the changes made to reflect the District’s comments, the Plan has been determined to be consistent with the District’s Watershed Management Plan and associated Rules. Staff recommends that the Board of Managers approve the City of Lino Lake’s Local Water Management Plan as submitted to the District on December 28, 2015.

Manager Waller stated in the agreement it states that “The Watershed District and the City recognized and agreed that the City at a later time may amend its plan in order to assume sole regulatory authority subject to Watershed District approval.” He assumed the regulatory authority was them and he wondered if this locked the Watershed District into having to be the regulatory authority without the city’s asking to become the authority or does the Watershed District still have the ability to shed regulatory authority processes.

District Attorney Smith stated the answer is no. The Watershed District may only delegate its regulatory authority to cities who are willing to assume that and do so through the local water planning process so they develop a local plan and official controls that meet the standards of the Watershed Districts plan. The District is always ultimately free to amend its plan and its rules to provide for less regulation of Water Resource rules though they are obligated by law to have rules in place and have some regulatory program in their plan.

**Motion by Manager Wagamon, seconded by Manager Bradley, to approve Resolution 2016-01, Resolution Adopting Lino Lakes Local Water Management Plan:**

WHEREAS on June 9, 2010, the RCWD adopted a new Watershed Management Plan (WMP) under Minnesota Statutes 103B.231, which details the existing physical environment, land use and development in the watershed and establishes a plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS the WMP incorporates the Rules adopted by the RCWD to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS on July 16, 2013 the City of Lino Lakes (City) submitted an update to its local water management plan under Minnesota Statutes 103B.235 for formal RCWD review and approval;

WHEREAS the Metropolitan Council received a copy of the local plan and provided comments on that plan to the RCWD in accordance with Minnesota Statutes 103B.235, and the RCWD finds that the City has adequately addressed those comments;

WHEREAS the RCWD has determined that the local plan, as revised and submitted on December 28, 2015, meets the requirements for approval set forth in the WMP, except that the local plan does not provide for the adoption of official controls or implementation of inspection and administrative procedures necessary to insure that the full regulatory standards of the RCWD are met, as required by the WMP in order for the City to assume sole regulatory authority;
WHEREAS the City does not wish to assume sole regulatory authority but, instead, wishes to authorize the RCWD to continue to require permits for the use and development of land, and otherwise exercise its regulatory authority within the City, within the meaning of Minnesota Statutes 103B.211, subd. 1(a)(3); and

WHEREAS the RCWD’s approval of the local plan rests on the City’s agreement that the RCWD will continue to exercise its present regulatory authority; and

WHEREAS the RCWD and the City understand that the RCWD would deem a future withdrawal of the City’s authorization without an RCWD determination that the City’s official Controls meet WMP standards to constitute a failure to adopt the implementation program of the local plan as specified in Minnesota Statutes 103B.211, subdivision 1(a)(3); and

WHEREAS the RCWD and the City recognize and agree that the City at a later time may amend its plan in order to assume sole regulatory authority, subject to RCWD approval; THEREFORE, BE IT RESOLVED that the RCWD Board of Managers hereby approves the City of Lino Lakes local water management plan, as submitted on December 28, 2015.

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

Motion carried 4-0-1 (Manager Haake).


Motion by Manager Wagamon, seconded by Manager Waller, to approve check register dated 1/13/2015, in the amount of $58,183.15, prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Engineer’s Update and Timeline.
District Engineer Otterness indicated not much is going on because of the season. He updated the Board on the Preliminary Plans for Hanson Park Phase 3.

2. Manager’s Update
Manager Waller stated in December he was invited to attend the Hugo City Council meeting and they are still working with the District on their credit issues and at that time they decided not to apply for a stormwater grant but earlier this week they applied for one grant, a piece of machinery. He also discovered in Monday’s meeting that when they were talking about Locke Lake, thirty percent of the sediment came from the streets and not from the banks in the area. He stated in the past they have talked about subsidizing cities for machinery, such as street sweepers and Monday’s meeting made it clear to him that if they cut down the amount of sediment going into the large basins and highly developed curb and gutter and street areas, they might be able to have an ability to have these cities lengthen the time it takes before they have to do large, very expensive maintenance on the sediment ponds.
Manager Waller noted he was also at the Washington County Consortium meeting with District Administrator Belfiori and several of the staff. He stated the individual from the Board of Soils and Water Resources was explaining the latest version of the buffer rules. He indicated this was an interesting presentation.

Manager Waller also stated he attended the Citizen's Advisory Committee meeting and thought they had a very good turnout. He stated the Committee seems to have become locked into looking at rain gardens as the exclusive tool to water quality. His point to them was they needed to explore more ways to promote water quality programs besides rain gardens. He suggested they contact District Administrator Belfiori for help on this. President Preiner thought this could be brought back to one of their workshops and provide the Citizen's Advisory Committee some alternatives.

District Administrator Belfiori stated another interesting item brought up was the main gate into the buffer law, MS4 Exemption. What the District has discussed previously is that any city that is MS4 is exempt within their boundary. Mr. Dave Weirens of the Board of Water and Soil Resource (WBSR) did not have an answer to the question but he did say that BWSR would ask the MPCA about what their interpretation of that exemption should represent based on the missions of the MS4 program.

District Attorney Smith stated in regards to the buffer issue, they have been tracking another issue which is the District's role in the enforcement process on whether the District only gets into that role if they decide they want to adopt an enforcement plan and take on a role of issuing the notices of corrected action when there are inspections found to have buffer problems. He noted they submitted comments on behalf of the District to the Board of Water and Soil Resources and he has been advised that in late December the Board of Water and Soil Resources adopted its failure to implement policy that incorporated their comments but have not yet seen the actual language of the policy and he thought they would have to continue to monitor that.

Manager Bradley stated he will not be available for the February 8th and 10th meetings.

President Preiner indicated on the MS4 issue, her understanding then is that the City of Columbus is the only area that would be included in the buffer. Manager Waller thought they had a little area in Scandia also that did not have MS4 permits but the largest one would be the City of Columbus.

ADJOURNMENT

Motion by Manager Bradley, seconded by Manager Waller, to adjourn the meeting at 9:52 a.m. Motion carried 4-0.