Minutes

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

ROLL CALL
Present: President Patricia Preiner, 2nd Vice-Pres. John Waller, Secretary Michael 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, Technical Specialist/Permit Reviewer Chris Buntjer; Water Resource Specialist Kyle Axtell, District Technician Samantha Berger, Office Manager Theresa Stasica.
Consultants: District Engineer Mark Deutschman from Houston Engineering, Inc. (HEI); and District Attorney Louis Smith from Smith Partners
Visitors: None.

SETTING OF THE AGENDA
District Administrator Belfiori added a staff update regarding the presentation from USGS at the recent meeting at White Bear Lake City Hall.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the January 11, 2016, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as amended.
Manager Waller asked a note to be included in the minutes after Manager Haake being absent that it was with prior notice.
Motion carried 4-0.

Minutes of the January 13, 2016, Board of Managers 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

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-107</td>
<td>MnDOT.</td>
<td>New Brighton</td>
<td>Street &amp; Utility Plan</td>
<td>CAPROC 2 items</td>
</tr>
<tr>
<td>15-108</td>
<td>City of New Brighton</td>
<td>Arden Hills</td>
<td>Street &amp; Utility Plan</td>
<td>CAPROC 5 items</td>
</tr>
<tr>
<td>15-109</td>
<td>City of Mounds View</td>
<td>Mounds View</td>
<td>Final Site Drainage Plan Street &amp; Utility Plan</td>
<td>CAPROC 4 items</td>
</tr>
</tbody>
</table>

Permit Coordinator Tomczik noted an intent to clarify the ER for Permit 15-109 on page 33 of the packet. Under the findings, Item one, they would like to adjust the sentence to read: “therefore the agreement doesn’t affect the current requirement.”

Motion by Manager Waller, seconded by Manager Wagamon, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated January 15 & 19, 2016 with the changes from staff. 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 authorization to circulate draft Hansen Park agreement with the City of New Brighton.

Water Resource Specialist Axtell explained At its October 12, 2015 workshop, the RCWD Board, by consensus, directed staff to proceed with plan development for the Hansen Park Comprehensive Water Management Project utilizing what was then called “Option B”: abandoning the two youth baseball fields west of the pond and utilizing that area for onsite storage of clean dredge spoils as an open space play area, in exchange for payment of a spoil disposal fee to the City of New Brighton of $200,000 plus $7.50 per cubic yard of material stored in this area. The first 10,000 cubic yards would be allowed at no charge. The total fee paid to the City would be approximately $350,000 in all. Because the District would then not pay for offsite hauling of the clean dredge material, the project actually saves roughly $100,000 based on these initial estimates.

Water Resource Specialist Axtell indicated this project will require a M.S. 103E impoundment proceeding. The cleanest way for this to proceed is to have the City act as Petitioner, rather than the District petitioning itself. There are several reasons for this, most notably the ownership and maintenance provisions for the impoundment structure (dam) set forth in 103E. Staff does not expect this to be an issue for the City as all parties have known all along that the City will retain ownership and maintenance responsibility for the new structure. Should the City...
not be comfortable with acting as petitioner, and the District needs to petition itself, the District’s 103E Order will reference this draft agreement that states the City owns these responsibilities.

Water Resource Specialist Axtell reviewed the key components of the agreement with the Board.

President Preiner asked if the maintenance of the sediment basin could be better defined so it is not misunderstood as to how it will be maintained.

Water Resource Specialist Axtell stated he will talk to the engineers and Attorney Kolb to find out if there is a better way to word that to make sure it is worded clearly.

District Engineer Deutschman indicated they will work on better wording but it is defined on the graph.

District Administrator Belfiori stated for clarification the District is taking on the responsibility for maintenance of the sediment.

**Motion by Manager Bradley, seconded by Manager Waller, to accept the project agreement as a draft and to direct staff to distribute the document to the City for review and approval. Motion carried 4-0.**

2. **Consider 2016 Cost-Share Program Authorization.**

District Technician Berger stated over the past year, the Rice Creek Watershed District has been in the process of reviewing the Water Quality BMP Cost-Share program by looking at the Capitol Region Watershed District (CRWD) Stewardship grant program. After multiple discussions with the Board and the CAC, Staff determined that adopting the CRWD calculator method was not desirable. The proposed changes are meant to incorporate the input received from both the CAC and the Board, which included retaining simplicity by utilizing a tiered approach, increasing targeting and outreach approaches, and objectifying the program so that all projects are reviewed consistently. In addition to these changes, there was a formal request to discuss with the CAC the possibility of charging $50 for design services. Overall, the CAC did not want to pursue this change as they believed the proposed process changes would help to improve design efficiency and it would not help to increase the quantity of projects installed.

District Technician Berger noted the proposed changes will not have an effect on the budget and are meant to use the allocated dollars more wisely through targeting approaches and by adding an interim step before a full design is created. Additionally, the changes won’t have much effect on the physical application that is brought forward to Board, but rather the application process itself.

District Technician Berger reviewed the Cost-Share Program with the Board.

Manager Bradley stated on page 61, paragraph 5, he would add a sentence that states “application percentages shall apply the first $10,000 of the project.”

District Technician Berger stated the language was kept generic to be considered on a case by case basis but thought the language could be made more clear in that section.

Manager Waller stated for clarification each of the raingardens shown are individual properties and many individual properties are serviced by one curb cut so one way to look at this is the seventy-five percent of the first $10,000 is providing curb cut for many properties.
President Preiner asked a curb cut is done and the District is going to fund most of it do they then exclude the property owners from coming in themselves and all want raingardens. She wondered if they are going to do both.

Manager Waller thought that was a legitimate question. He thought it has merit to point out and a safety catch that they are not putting a lot of money into a curb cut and then once the area has been surfaced to resurface it again.

District Technician Berger thought this would be recognized during the initial site review and would recognize that treatment was being achieved and would let them know this project did not have much benefit.

District Administrator Belfiori thought this was a good point and is a little bit of a policy shift the Board should be aware of which is what this proposal is basically trying to do with the sub-watershed assessments and then incentivizing higher impact to larger projects. One thing they need to make sure that they are aware of now is that they are moving away from having anyone that is interested in getting funded. They may have some individuals that may want to do a raingarden in their backyard which may be denied because they are moving away from that. The District is going to be a little more selective.

District Technician Berger continued with her presentation on adding objectivity to the screening form.

Manager Waller indicated he would like to see this program expanded to other than just raingardens.

Manager Bradley thought there was a list of water management programs in the guidelines but thought they needed to increase the educational part of it.

District Administrator Belfiori stated the flexibility is in the program on page 61. Some of the initial recognizance on the rural agricultural side is that this program, fifty percent, might be a difficult number for a lot of the rural agricultural landowners and that is why they put a number of generalities into the funding availability section. One of things they may want to think about is to consider a separate fund in the next budget related to a rural BMPs.

Manager Waller stated he would not have a problem looking further into that.

District Technician Berger reviewed additions and changes that were made in the program.

President Preiner asked if this should be approved now or brought back to a worksession.

Manager Bradley thought the suggestions the Board made should be brought back to a workshop for further discussion.

District Technician Berger wondered if the proposed changes could be emailed out to the Board.

President Preiner thought that would work.

District Administrator Belfiori indicated the proposed changes do not change the intent of the document and is more of a clarification so the Board could finalize it and an email could be sent to clarify the changes.

District Technician Berger continued with her presentation.
President Preiner asked in regards to the name, because the State has a clean water grant program is there some way they can tweak the name of this program so it does not get confused with the State’s program.

District Administrator Belfiori suggested they always make sure they say Rice Creek Watershed District (RCWD) with the new name change. He thought the clean water fund is done through local pass thru and was not sure how much information the landowners get regarding that program. This program is for local landowners.

Motion by Manager Bradley, seconded by Manager Wagamon, to approve the newly names Clean Water Grant Program Guidelines as presented and authorize staff to promote and implement the 2016 Clean Water Grant Program.

District Attorney Smith suggested under the section funding availability to consider a sentence be added “Clean water grant funding will be generally allocated based on prioritization of most cost beneficial projects.”

Motion carried 4-0

Motion by Manager Bradley, seconded by Manager Wagamon, to approve service agreements with the ACD, RCD and WCD for up to $10,000, $15,000 and $10,000, respectively, to provide technical assistance for the 2016 Clean Water Grant Program. Motion carried 5-0.

3. Consider resolution approving the City of Circle Pines Local Water Management Plan.

District Technician Berger stated on January 7, 2015 the Rice Creek Watershed District (District) received the City of Circle Pines’ Local Water Management Plan (Plan) for its review, comment, and approval. Within the Plan, the City is requesting Level 2 status, meaning that it is electing to exercise sole permit authority for the following RCWD Rules:

- Rule C, Stormwater Management Plans
- Rule D, Erosion and Sediment Control Plans
- Rule E, Floodplain Alteration
- Rule F, Wetland Alteration

In its initial review of the Plan on March 9, 2015, the District and Houston Engineering provided several comments to the City. The comments were made based on Level 2 local plan requirements in RCWD’s 2010 Watershed Management Plan and Minnesota Rules 8410. The Metropolitan Council, on February 13, 2015, completed its review of the Plan and concluded that it was consistent with the Council’s Water Resource Management Plan Policy. After multiple submittals and comment letters from the District throughout 2015, all of the comments were addressed in a revised plan received January 6, 2016. The City’s interest in exercising sole permitting authority for the above matters lengthened the review process, as additional measures and requirements are needed pursuant to the approved 2010 Watershed Management Plan for the District to withdraw its permitting authority. These include:

- Completion of a Board approved Local Water Management Plan, which incorporates Level 2 requirements pursuant to RCWD’s WMP
- Memorandum of Understanding (MOU), which documents the roles the District and the City each will play in reviewing and issuing permits for development activity within the City.
Inspection and administrative procedures necessary to insure that the full regulatory standards of the District are met. This should include the following:

- Written procedural protocols for permit application review
- Hydrologic/hydraulic data transmittal (as it relates to the District model)
- Procedures for the District to audit the City's permitting activity.

The City's Plan is now consistent with the District's 2010 Watershed Management Plan, Level 2 requirements, and provides a thorough description of the surface water regulatory framework within the City, including its relationship with the RCWD, its intention to revise its code to incorporate by reference, and enforce, RCWD Rules C, D, E, & F, and the need for an executed MOU. The Plan clearly identifies the City's intended role in exercising sole permitting authority for the above matters and enforcing the Wetland Conservation Act within the City.

District Technician Berger reviewed the next steps with the Board.

President Preiner stated she has a hard time with the audit process and that after everything is done the Board looks at it. She wondered if there was something in between the beginning and end that would create a red flag if something was done incorrectly because once the project is done there is no way to go back.

District Administrator Belfiori stated that is something that they can consider with the City of Circle Pines. He thought they on average would have one or two projects a year. If more cities take on this opportunity in the Watershed District and take on the level two responsibility then the District may want to reconsider further revising the audit procedure document that staff has developed as a part of this process. He identified that audit does mean after the fact and that was a challenge to the level 2 procedure generally. What they try to do with this level two is make sure they have the written protocols to make sure cities know exactly what is expected of them and the performance standards they need to maintain. He then noted that doing more frequent audits is also expense and at some point may end up costing nearly as much as the District implementing the program. He noted that staff could set clear expectation and performance standards upfront and if staff identifies significant problems then those could be addressed by either taking back some the program or by going to more frequent audits.

District Engineer Deutschman suggested that the District could do some joint permit reviews initially with the program and thought that would help.

Manager Waller did not think the District by maintaining an authority is going to be any less apt to error than what the cities are. He was happy to see the City of Circle Pines was willing to work on this and the next part of the program he would like to work on is how some of the funding that the City of Circle Pines pays into the District can be sent back to them to cover the costs of these programs. He thought this was one stop shopping and a very efficient form of government that works really well. He did not have any objection to District Engineer Deutschman' suggestion.

District Administrator Belfiori indicated the provision regarding doing joint permit review with the City during the first permit they receive or year 1 could be added to the protocol guide they are internally developing and share it with the City of Circle Pines. He noted they can bring the protocol guide to a future work session for further discussion. The Board agreed with that approach.

Motion by Manager Waller, seconded by Manager Wagamon, to offer resolution 2016-04 approving the City of Circle Pines Local Water Management Plan and its adoption.
ROLL CALL:
Manager Haake – Absent
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 4-0-1.

4. Consider Check Register dated 1/27/2016, in the amount of $228,282.09, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated 1/27/2016, in the amount of $228,282.09, prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Update on proposed Valley Branch Watershed District Boundary Changes.
District Administrator Belfiore stated The Valley Branch Watershed District (VBWD) has proposed a series of boundary changes /corrections per the attached maps. The VBWD Engineer and HEI have jointly reviewed the proposed changes and have concurred that the proposed maps accurately reflect the hydrologic boundaries between the two watersheds.

District Administrator Belfiore stated as a preliminary next step in the process, staff recommends that the District inform VBWD if it wishes to have the affected landowners mailed a notice of the proposed changes. This action is not required by law but the VBWD Board has identified that if a community requires notification of individual landowners, that they will consider doing so. If the RCWD wishes to request this action, then staff would anticipate sending a letter to VBWD requesting that they coordinate noticing and that they identify the proper time and place for a public information meeting.

District Administrator Belfiore indicated the RCWD board will also be taking action at a future board meeting to provide concurrence on the proposed boundary changes (pending any public comments).

Manager Bradley thought it made sense to give people notice in order for them to come and protest or voice their opinion. He thought if there was no option to contest something then he did not see a benefit of notifying people and would become an expense to the District.

Manager Wagamon stated if he thought it was contestable then they should be notified by mail but they will be notified through the process anyways and he did not see a reason for this.

President Preiner felt that the District should notify the individuals of a public hearing by mail.

District Attorney Smith clarified the boundary change process with the Board.

Consensus of the majority of the Board was to direct District Administrator Belfiore not to move ahead with notifying VBWD to mail affected landowners a notice of proposed changes.
2. **Presentation from USGS at the recent meeting at White Bear Lake City Hall**

District Administrator Belfiori stated staff attended a recent meeting at White Bear Lake City Hall to hear about a status report on the study that is ongoing by USGS. They did not have any final recommendations or conclusions at this time. He stated it was more identifying some of the interim technical results. They did identify a date in which they will have a final recommendation which will be an August to October timeframe and they will have another meet the public at that time as well to provide that specific information.

President Preiner noticed some of the property owners around the lake wanted immediate action and they did a good job of explaining that there needed to be the science portion first. She thought they did a very nice job in their presentation.

3. **Staff Reports**

There were no comments.

3. **February Calendar**

There were no comments.

4. **Manager's Update**

There were no comments.

**ADJOURNMENT**

*Motion by Manager Wagamon, seconded by Manager Waller, to adjourn the meeting at 10:21 a.m. Motion carried 4-0.*