REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, February 27, 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.

OATH OF OFFICE:
District Attorney Holtman administered the oath of office to Steve Wagamon and John Waller.

ROLL CALL
Present: President Patricia Preiner, 2nd Vice‐Pres. John Waller, Treasurer Steven Wagamon, and Secretary Michael Bradley.
Absent: 1st Vice‐Pres. Barbara Haake (with prior notice).

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Project Manager Kyle Axtell, District Technician Lauren Sampedro, Lake & Stream Specialist Matt Kocian, Office Manager Theresa Stasica.

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); and District Attorney Chuck Holtman from Smith Partners.
Visitors: Patrick Antonen.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the January 23, 2019 Board of Managers Meeting. Motion by Manager Waller, seconded by Manager Bradley to approve the minutes as presented.
Permit Coordinator/Wetland Specialist Tomczik requested a correction on Line 238 to “restoring” instead of storing and on Line 245 it should state “BMPs” instead of BOPs.
The motion was amended by unanimous consent to incorporate the corrections.
Motion carried 4‐0.
Minutes of the January 28, 2019 Special Meeting and WMP Workshop. **Motion by Waller, seconded by Manager Bradley to approve the minutes as presented. Motion carried 4-0.**

Minutes of the February 11, 2019 Workshop. **Motion by Manager Waller, seconded by Manager Wagamon to approve the minutes as presented. Motion carried 3-1, Manager Bradley abstained.**

Minutes of the February 13, 2019 Public Hearing. **Motion by Waller, seconded by President Preiner to approve the minutes as presented.** District Attorney Holtman noted although there wasn’t a quorum at the meeting, it is acceptable for a manager who was not present to vote on approval of the minutes. **Motion carried 4-0.**

Minutes of the February 15, 2019 Emergency Meeting. **Motion by Waller, seconded by Manager Preiner to approve the minutes as presented. Motion carried 4-0.**

**CONSENT AGENDA**

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

**Table of Contents**

**Permit Applications Requiring Board Action**

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-036</td>
<td>IP3 AF Prior Avenue, LLC 724 Associates LLP</td>
<td>Roseville</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 6 items</td>
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<tr>
<td>18-070</td>
<td>Sonlight Church of the Nazarene Blaine Twin Cities Transport &amp; Recovery</td>
<td>Blaine</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 9 items</td>
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<td>Wetland Alteration</td>
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<td>Floodplain Alteration</td>
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<tr>
<td>18-108</td>
<td>LILA Building Company</td>
<td>Forest Lake</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 6 items</td>
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<tr>
<td>18-120</td>
<td>Anoka County Hwy Dept</td>
<td>Columbus</td>
<td>Street &amp; Utility Plan</td>
<td>CAPROC 6 items</td>
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<tr>
<td></td>
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<td></td>
<td>Wetland Alteration</td>
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<td>18-122</td>
<td>Vanbarton Group LLC Chick-fil-A Inc.</td>
<td>Roseville</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 7 items</td>
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<td>19-002</td>
<td>City of St. Anthony Ramsey County Public Wks</td>
<td>St. Anthony</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 2 items</td>
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<td>19-003</td>
<td>Anoka County Hwy Dept</td>
<td>Blaine</td>
<td>Street &amp; Utility Plan</td>
<td>CAPROC 2 items</td>
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<tr>
<td>19-004</td>
<td>Center Pointe Solutions, LLC</td>
<td>Roseville</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 6 items</td>
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</table>
Permit Coordinator/Wetland Specialist Tomczik noted that staff had corrections to some of the Engineers Reports that he would like to review with the Board. He stated that for Permit 18-070, there should be an added stipulation that states, “Permittee must follow DNR guidance to avoid incidental takings of Blanding’s Turtles a threatened state-listed species.” He noted that for Permit 18-120, item 6 under Findings should end with Rule I.3 and the end of item 7 should remove the words “to ensure proper functioning.” He explained that for Permit 19-002, under Findings, number 5 should state, “The District does not consider this project as a mass grade therefore the requirements of Rule C.7(a) and (b) found under D.3. are not applicable.” He stated that for Permit 19-003, under Findings, number 5 should include in the body, “The District does not consider this project as a mass grade therefore the requirements of Rule C.7(a) and (b) found under D.3 are not applicable.” He noted that for Permit 19-004, under Findings, number 2, the table should clarify that the volume provided for subsurface storage is for regional rate control only and in the text should state that “The applicant is proposing to remove half of the dry pond (12,500 cubic feet) to construct a parking lot.” He stated that in this same body of text it should state “This subsurface storage system is used to mitigate the lost regional rate control volume from permit 97-006 but is not used to meet the rate control requirements for the project.” Under item 7, the body of text should include, “The declaration of maintenance is required for both subsurface features.”

It was moved by Manager Bradley, seconded by Manager Waller to approve the Consent Agenda item for permits 18-036, 18-070, 18-108, 18-120, 18-122, 19-002, 19-003 and 19-004 as outlined in the above Table of Contents with Permit Coordinator/Wetland Specialist Tomczik’s corrections mentioned above in accordance with RCWD District Engineer’s Findings and Recommendations dated February 5, 6, 19 & 20. Motion carried 4-0.

ITEMS REQUIRING BOARD ACTION

1. Election of Officers.

   Motion by Manager Wagamon, seconded by President Preiner, to re-elect all officers to their current positions.

Manager Waller stated that he feels there should be rotation of officers.

President Preiner noted that it has been an honor to serve as president and she feels that much has been accomplished and would be happy to serve another term in this role.

Manager Bradley stated that it would greatly please him if President Preiner would continue in her role as president.
ROLL CALL:
Manager Haake – Absent
Manager Bradley – Aye
Manager Waller – Nay
Manager Wagamon – Aye
President Preiner – Aye

Motion carried 3-1.

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.

No comments.

2. Designation of Official Depository (currently Anchor Bank) and Official Newspaper (currently St. Paul Pioneer Press)
District Administrator Belfiori explained that the current official depository is Old National Bank. He noted that at the December 10, 2018 workshop, there was a presentation by PMA Financial Network regarding the Minnesota Municipal Money Market (4M) Fund. He stated that staff recommends that the Board designate the 4M Fund as the District’s official depository and continue with the St. Paul Pioneer Press as the official newspaper.

Motion by Manager Wagamon seconded by Manager Bradley, to adopt Resolution 2019-04: RESOLUTION Adopting Declaration of Trust and Authorizing Participation in the 4M Fund and designating 4M Fund as the official depository of the Rice Creek Watershed District with any non-material changes and on advice of District Counsel.

President Preiner asked how long the District has used Old National Bank as its depository and noted that the change is not because the District has had any problems with their institution.

District Administrator Belfiori stated that he believes it has been at least 10 years and there have not been any problems. He stated that many of the District’s partners use the 4M Fund and it also offers more flexibility and options as the District moves forward in developing the watershed plan.
ROLL CALL:
Manager Waller – Aye
Manager Haake – Absent
Manager Bradley – Aye
Manager Wagamon – Aye
President Preiner – Aye

Motion carried 4-0.

Motion by Manager Wagamon seconded by Manager Bradley to designate the St. Paul Pioneer Press the official newspaper of the Rice Creek Watershed District. Motion carried 4-0.

Project Manager Kyle Axtell explained that the District had received 10 applications for cost-share projects, however, one application was deemed ineligible for funding. He noted that a public hearing was held on February 13, 2019. He gave a brief overview of the final scoring of the applications.

President Preiner noted that the engineers scored the Willernie and Lino Lakes projects much lower than what staff and the CAC did and asked about the reasoning behind the low scores.

District Engineer Otterness stated that they used the full range of possible scores when evaluating the permits, and based this scoring in part on what he understood the Board’s priorities are. He stated the Lino Lakes project provided little to no benefit in either water quality or runoff management and its value was really for efficiently utilizing groundwater. He stated that the Willernie project is related to an in-process permit, and the portion of the project that is above and beyond permit requirements was less substantial in scope and benefit than the other applications provided.

Manager Bradley stated that he had noticed the Lino Lakes project and asked if that is within the five-mile radius surrounding White Bear Lake.

District Administrator Belfiori stated that he does not think any of these specific sites are within the five-mile radius for White Bear Lake but this project will help with groundwater management.

Manager Bradley stated that the information presented by staff does not include how much each party asked for as part of the cost-share program. He stated that he feels staff has done a great job taking the money available and applying it to these projects. He stated that the only project that would not get nearly everything asked for would be
Spring Lake Park. He noted that if the Board wants to try to give Spring Lake Park additional funds, one way to do that is with the funding for Lino Lakes.

Project Manager Axtell reviewed the funding recommendations, the ranking algorithm, CAC recommendations, and the final recommendation. He noted that the CAC wanted to try to find a way to fund all of the projects because they felt there was enough money available to help everyone. He noted that the final recommendation funds St. Anthony at a slightly larger amount than what it asked for and leaves $20,790 on the table that staff recommends rolling into 2020.

Manager Bradley asked if this funding would go towards the flooding at the local post office in Willernie.

District Administrator Belfiori confirmed that is the project that would be funded.

Manager Waller asked what is in the urban stormwater remediation fund.

Project Manager Axtell stated that it is about $300,000.

Manager Waller noted that he has been on the Board for 12 years and noted that before the recession there was about $400,000 in the budget for this and that had been reduced because of the recession. He asked whether it may be time to restore it to the $400,000 since the economy is not in a recession. He stated that he would like the staff to consider that the savings in ground water is just as important as water quality.

Motion by Manager Waller, seconded by Manager Bradley, to adopt Resolution 2019-06: Ordering 2019 Urban Stormwater Remediation Cost-Share Projects Pursuant to Minnesota Statutes §103B.251.

THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes §103B.251 and the WMP, each of the Projects is ordered; and

BE IT FURTHER RESOLVED that the Board of Managers hereby authorizes the Administrator to execute each of the respective cost-share agreements between the Rice Creek Watershed District and the Cities of Circle Pines, Hugo, Lino Lakes, Saint Anthony, Spring Lake Park, and Willernie and Forest Lake Area Schools, with any final non-material changes and on advice of counsel.
BE IT FINALLY RESOLVED that the limit of the District’s contribution for each project is as follows:

City of Circle Pines $21,600
Forest Lake Area Schools $10,000
City of Hugo $185,760
City of Lino Lakes (Century Farm) $14,040
City of Lino Lakes (Irrigation Controls) $41,000
City of Saint Anthony $140,000
City of Spring Lake Park $267,146
City of Willernie $13,000.

ROLL CALL:
Manager Waller – Aye
Manager Haake – Absent
Manager Bradley – Aye
Manager Wagamon – Aye
President Preiner – Aye
Motion carried 4-0.

Motion by Manager Waller, seconded by Manager Bradley, to approve the cost-share agreement between the City of Fridley and the Rice Creek Watershed District for the Norton Creek Watershed Study, as presented, authorizing the Administrator to execute the agreement with any final non-material changes and on advice of counsel. Motion carried 4-0.

Manager Bradley stated that he appreciates the work required to allocate funds from four separate funds in order to accomplish this.

President Preiner stated that she agrees and also appreciates that it was done fairly through a combination of rankings.

Lake and Stream Specialist Matt Kocian gave a brief overview of the tasks and associated costs for the Carp Management Plan and noted that there are no new or unbudgeted costs. He gave examples of some of the optional tasks that could be included and that provide some flexibility in how this moves forward. He noted that this is transitioning from the diagnostic stage to a full management phase.

Motion by Manager Bradley, seconded by Manager Waller, to authorize the Administrator, with non-material changes on advice of counsel, to enter into the
attached professional services agreement with Carp Solutions, LLC, for an amount not-to-exceed $59,470.00. Motion carried 4-0.

5. Consider the City of St. Anthony Local Water Plan.
District Technician Lauren Sampedro gave an overview of St. Anthony Village Local Water Plan and noted that it submitted a revised plan on February 5, 2019 that is consistent with the District’s Watershed Management Plan and State requirements. She explained that the City has identified water quality issues in Silver Lake and areas of flooding near RCD3 and has limited space for BMPs as well as a volume debit with the District. She stated that St. Anthony Village would like to work with the District and other agencies on Silver Lake improvement projects. She noted that it is close to meeting its categorical waste load allocation for the Silver Lake TMDL. She stated the City will continue working with the District and partnering cities to reduce flooding in the City through the RCD 2/3/5 Basic Water Management Petition process. She noted that the City would also like to partner with the District on a Silver Lake Road Improvements project. The City submitted an application for the urban stormwater remediation cost-share program for this project, as discussed earlier. Staff finds the Local Water Plan of St. Anthony Village to be consistent with the District’s Watershed Management Plan and recommends approval.

Motion by Manager Waller, seconded by Manager Bradley, to adopt Resolution 2019-03: Approving Saint Anthony Village Local Water Management Plan.

THEREFORE, BE IT RESOLVED that the RCWD Board of Managers hereby approves the City of Saint Anthony Village’s local water management plan, as submitted on February 5, 2019.

ROLL CALL:
Manager Waller – Aye
Manager Haake – Absent
Manager Bradley – Aye
Manager Wagamon – Aye
President Preiner – Aye
Motion carried 4-0.

6. Consider the City of Willernie Local Water Plan.
District Technician Lauren Sampedro stated that the City of Willernie submitted a revised plan on February 19, 2019 that adequately addresses all agency comments and is consistent with the District’s Watershed Management Plan and State requirements. She stated that the City of Willernie has identified a few water resources issues in or near the City. She explained that Willernie would like to partner with the District on addressing drainage issues at the City’s post office and also applied for the 2019 Urban Stormwater Remediation Cost-Share program, as discussed earlier. She stated that they also plan to
implement ground water protection strategies and work with the District on the Peltier and Centerville Lake TMDL goals. The City plans to implement one project from the SE White Bear Lake Stormwater Retrofit Analysis, which is increasing street sweeping from twice a year to four times a year. Staff finds the Local Water Plan submitted by Willernie to be consistent with the District’s Watershed Management Plan and recommends approval.

**Motion by Manager Waller, seconded by Manager Bradley, to adopt Resolution 2019-07: Approving Willernie Local Water Management Plan.**

THEREFORE, BE IT RESOLVED that the RCWD Board of Managers hereby approves the City of Willernie’s local water management plan, as submitted on February 19, 2019.

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

Motion carried 4-0.

7. **Consider Authorization to schedule a public hearing for the Anoka-Washington Judicial Ditch 3 Repair Report and Notice per District Policy.**
District Administrator Belfiori gave a brief status update of the Anoka-Washington Judicial Ditch Repair Report and noted that staff is asking the Board to set a public hearing to receive comments.

The following is a brief status and timeline (pending approval of attached resolution) for remaining tasks related to the AWJD 3 Repair Proceedings:

1. Complete and receive final Repair Report (December 2018 - **Done**)
2. Plan clarification for trunk system repair funding (December 2018 – **Done**)
3. Set a date and give notice of the hearing on the Repair Report (proposed for 3/21/2019, 6:30 at Hugo City Hall)
4. Hold hearing and receive comments (close public comment and continue hearing for adoption of findings and order)
5. Adopt findings and order directing repair (or dismissing proceedings)
6. Budget and Implement repair

Because this is a trunk system and subject to trunk system funding, notice will occur by mail to owners of property traversed by and adjacent to the project; by mail to all municipalities within the drainage area of the project; and by publication to the rest of the district. The notice will include a statement regarding trunk system funding.
At the hearing, the Board will make findings and order the repair to be made if it determines from the Repair Report and the evidence presented that the repairs recommended are necessary for the best interests of the affected property owners. The order will direct the District staff to proceed with actions necessary to repair the system and to prepare and award a contract for the repair option adopted by the Board. The order will note that continued proceedings, including implementation of the repair, will be conducted under alternative authority.

Administrator Belfiori noted that staff is asking the public hearing to be held on March 21, 2019 at 6:30 p.m. in the Hugo City Council Chambers at 14669 Fitzgerald Avenue N.

Motion by Manager Wagamon, seconded by Manager Waller, to adopt Resolution 2019-05: Findings and Order Setting Hearing In Proceedings For Repair Of Anoka-Washington Judicial Ditch 3.

ORDER
A. The Board of Managers receives the final engineer’s Repair Report for AWJD 3.

B. The Board sets the following date, time and location for a hearing on the repair report: Thursday, March 21, 2019, 6:30 p.m. at the Hugo City Council Chambers 14669 Fitzgerald Ave. N., Hugo, Minnesota. Notice for said hearing shall be given by mail, at least ten days before the hearing, to the owners of property and political subdivisions likely to be affected by the repair in the repair report (all owners of property traversed by and adjacent to AWJD 3), and by publication to all other interested parties.

C. The Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for preparation 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.

ROLL CALL:
Manager Waller – Aye
Manager Haake – Absent
Manager Bradley – Aye
Manager Wagamon – Aye
President Preiner – Aye
Motion carried 4-0.

8. Consideration of Treatment of Metro Shooting and Trost Settlements in District Financial Reports.
District Administrator Belfiori stated that at the March 9, 2016 Board meeting, a motion was passed to annually review the Metro Shooting/Trost contingency liability in February of every year and take a formal vote at the Board meeting as to the remoteness of the
liability. This item was discussed at the February 11, 2019 Board workshop and the Board reached consensus to place this item on the agenda for consideration. District staff and the District Engineer have confirmed that there has been no change in the facts or circumstances relevant to this issue since the Board’s last consideration of this item approximately one year ago. The Board reached a consensus at the February 11, 2019 workshop to continue with the second option for the 2018 annual financial report, as set forth on page 251 of the agenda packet.

Motion by Manager Bradley, seconded by Manager Waller, that the Board of Managers finds the triggering of the potential contingent future liability to be remote, but nevertheless concludes that it should be referenced in the 2018 financial report as follows, or as modified in the auditor’s judgment:

In settlement agreements approved in 2005, the District committed that when development occurs on two tracts then owned by the Metro Shooting Center and Trost, the application of the District’s wetland rules will not have the result of affording the owner for the Metro Shooting parcel fewer than 100 contiguous upland acres for development, and the owner of the Trost parcel no fewer than 45 such acres. If additional wetland replacement is required to allow for consolidation of the stated acreage, the District will bear the cost of that replacement. The District is unable either to determine at this time the likelihood of this potential future contingent liability, or to estimate the District expense if and when the liability should arise.

Motion carried 4-0.

9. Consider Support of MAWD Carp Legislative Initiative
District Administrator Belfiori explained that the District is actively managing common carp to improve water clarity in District lakes and noted that one of the logistical issues is that under the DNR framework, the District must work with the designated commercial fishing licensee. He noted that staff has been working with Emily Javens in order to draft legislation that would provide for flexibility to manage common carp without necessarily going through the licensee. He stated that a memo has been sent to Representative Bernardy asking for her support on the bill. He stated that she has already signed it and they are also working with Representative Moller who has also agreed to sign. He expressed his appreciation to Representative Bernardy and Representative Moller for partnering with the District on this proposed legislation.

Motion by Manager Waller seconded by Manager Bradley to support the proposed MAWD legislative language as outlined above, and direct the Administrator to provide legislative assistance on this proposed bill if requested by MAWD staff.

Manager Waller asked if the District has a Senator who could support this bill.
Administrator Belfiori noted that there is already a signature from a leading author in the Senate who is out of Scott County, in that the sponsor of the MAWD resolution on the subject was the Prior Lake-Spring Lake Watershed District.

Manager Waller stated that he is happy to see our representatives are taking the lead and asked that when this has an official file number, letters be sent to all of the representatives in our district asking them to support this legislation.

*Motion carried 4-0.*

10. **Consider Check Register dated February 27, 2019, in the amount of $376,857.66 prepared by Redpath and Company.**

   *Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated February 27, 2019, in the amount of $376,857.66, prepared by Redpath and Company. Motion carried 4-0.*

**ITEMS FOR DISCUSSION AND INFORMATION**

1. **District Engineer Update and Timeline.**

   District Engineer Otterness stated that he does not have an update but would stand for questions.

   There were no questions.

2. **Staff Reports.**

   District Administrator Belfiori noted that MAWD staff has invited District staff and counsel to attend a meeting on February 28, 2019 at 9:30 a.m. regarding jurisdiction of the DNR in drainage repair matters. He stated that there will be a conference line available for that meeting for those that may be interested in participating or listening in. He stated that he has already noticed it in case there are three or more Board members that would like to participate. He noted that MAWD has stated that it would prefer Board members to participate via the conference line rather than attend the meeting.

   District Administrator Belfiori stated that also on February 28, 2019 at 1:00 at the District office, is a meeting regarding the ten-year watershed management plan. He noted that there will be a workshop meeting after the next Board meeting on March 13, 2019 in the conference room if the Board deems that there is additional time needed to review Chapter four.

   Manager Waller stated that he attended the past MAWD meeting regarding the DNR jurisdiction and was told he could attend future meetings so he is surprised that they say they prefer participation via the conference line.
District Administrator Belfiori stated that he has spoken with Mr. Bohn, who has no problem with Manager Waller attending the meeting if he so chooses.

3. March Calendar.

District Administrator Belfiori noted that there will be a workshop following today’s meeting as well as on March 11, 2019. He stated that the next regular Board meeting is March 13, 2019 and staff has requested an additional watershed plan workshop meeting following that meeting if needed.

District Engineer Otterness noted that the second Board meeting in the month of March will be on March 27, 2019 and not March 28, 2019 as it states in the packet.

4. Managers Update.

Manager Waller stated that he attended the executive session of the MAWD board and asked staff to make copies of the agenda and distribute it to the Board. He suggested that the other managers read the items written by Rinke Noonan and Smith Partners.

Permit Coordinator/Wetland Specialist Tomczik gave an update on the Anoka-Hennepin School District issue with the new elementary school and noted that the required recordings have been completed.

ADJOURNMENT

Motion by Manager Wagamon, seconded by Manager Bradley to adjourn the meeting at 10:15 a.m. Motion carried 4-0.