**Regular Meeting of the RCWD Board of Managers**

Wednesday, February 28, 2018

Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

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**Approved Minutes**

**Call to Order**

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

**Roll Call**

Present: President Patricia Preiner, 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, Technician Samantha Berger, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica.

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

Visitors: Dan Hair, Shawn Bloch, Colin Ose, Steve Gebaner, Mike Capra.

**Setting of the Agenda**

District Administrator Phil Belfiori requested the following changes and additions to the agenda:

- Item No. 1 – Update on Browns Preserve Wetland Credit Status under Items for Discussion and Information be moved to become item No. 1 under Items Requiring Board Action; item No. 2 under Items for Discussion would become item No. 1.
- The addition of item No. 2 – Questionnaire for Strategic Direction, under Items for Discussion and Information.
- The addition of item No. 3 – Confirmation of Date for RCD235 Historic Review Information Meeting, under Items for Discussion and Information.

Permit Coordinator/Wetland Specialist Nick Tomczik requested permit 18-004 be pulled from the Agenda due to some recent changes by another authority. He stated it has implications for the design under review by Rice Creek.
Motion by Manager Waller, seconded by Manager Wagamon to approve the agenda amended. Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the February 12, 2018 Board of Managers Workshop.
Motion by Manager Wagamon, seconded by Manager Waller to approve the minutes as presented. Motion carried 3-0-1. Manager Bradley abstained due to absence at workshop.

Minutes of the February 14, 2018 Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Waller to approve the minutes as presented. Motion carried 3-0-1. Manager Bradley abstained due to absence at meeting.

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:

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Permit Applications Requiring Board Action

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<tr>
<td>18-005</td>
<td>Brenk Properties LLC</td>
<td>Fridley</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 5 items</td>
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<td>18-008</td>
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<td>18-010</td>
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<td>Final Site Drainage Plan</td>
<td>CAPROC 7 items</td>
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Permit Coordinator/Wetland Specialist Nick Tomczik and District Engineer Otterness provided clarification to the Board on the table located on page 34 for permit 18-008.

Manager Bradley noted the southeast drainage is substantially higher than existing for the ten-year and one hundred year, and it is normally offset by savings in other drainage. He inquired if this is offset by the other drainage.

District Technician Samantha Berger noted one will drain into an existing wetland and the other will discharge to a drainage swale on the north side of the property, and both ultimately drain to Bald Eagle Lake. Because of this, he should not be concerned with the increase in the southeast drainage.

Manager Waller inquired if they drain directly to Bald Eagle Lake or east, south, then west again.

District Technician Berger provided a map and pointed out where they drain.
Permit Coordinator/Wetland Specialist Tomczik confirmed there are different treatment areas and routes of discharge that ultimately lead to the same location.

District Engineer Otterness referred to a statement on page 34 of the agenda packet, in the paragraph under the chart: “The increase to the southeast flows directly into a large DNR wetland and is not expected to cause adverse impacts.” He stated the large body of water downstream will effectively absorb the peak flow increase.

*It was moved by Manager Bradley, 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 for permit 18-005, 18-008, and 18-010 dated February 21, 2018. Motion carried 4-0.*

**PERMIT APPLICATIONS REQUIRING BOARD ACTION**

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<td>18-003</td>
<td>Gernette Development, LLC</td>
<td>Blaine</td>
<td>Final Site Drainage Plan</td>
<td>VARIANCE REQUEST &amp; Land Development CAPROC 12 items</td>
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<td>Wetland Alteration</td>
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**Two Actions: Variance Request and CAPROC decision.**

Permit Coordinator/Wetland Specialist Tomczik stated this project proposes to construct a 22,000 square foot office building, a 13,000 square foot shop, and surrounding yard and material staging yard. The applicant is seeking a variance to the wetland buffer on the east side. The City of Blaine recently communicated by email that Blaine is instructing the applicant to look elsewhere for wetland credits. Without having a definitive place to replace wetland impacts via wetland credits, the application is inconsistent with Resolution No. 07-05. However, the applicant recently received an email that differs indicating the City of Blaine processing will eventually consider selling them the wetland credits, pending Council approval.

Shawn Bloch, Park Construction, explained he received an email yesterday from Bryan Schafer with the City of Blaine, who wanted to make sure everything was met with the RCWD Board regarding the project. If approved here, it would go before the Blaine City Council for action on May 3, 2018. He indicated that the City Council will support and approve the project. After approval, at the May 17, 2018 Blaine City Council Workshop meeting with the EDA, the wetland bank credits would be resolved. Mr. Schafer also indicated in his email to Mr. Bloch that the City Council may decide to sell the credits for the project at rate of $2.00 per square foot for private sales.

President Preiner inquired if they can continue this process pending approval of the wetland credits by the City of Blaine.

Permit Coordinator/Wetland Specialist Tomczik stated it would be contrary to Resolution 07-05; however, with the information provided by Mr. Bloch, there is reasonable certainty that the sale of replacement credit will happen. If the credit sale from the Blaine wetland bank previously
identified by the applicant does not occur, the application will have to come back to the RCWD Board for approval of the alternative wetland replacement method.

Manager Bradley inquired if there was a stipulation that should be added that would recognize this is contingent upon approval of the wetland credits.

Permit Coordinator/Wetland Specialist Tomczik noted it will be added in. The applicant will need to provide a withdrawal form to the District with the appropriate bank and signatures as well as documentation that BWSR withdrew the credits from the wetland bank.

District Technician Berger referred to page 45 of the agenda packet and noted this item is included under item No. 2.

Manager Bradley stated it should also be included as a CAPROC item and the motion does not indicate they have accepted all the conditions and requirements of the engineer’s report.

Permit Coordinator/Wetland Specialist Tomczik explained it is a conditional item of approval that the Board makes and is covered by item No. 2 on page 45 as identified by District Technician Berger.

Permit Coordinator/Wetland Specialist Tomczik stated Gary Larson, as the project applicant for the Park Place project has submitted a written request for a variance from Rice Creek Watershed District (RCWD) Rule F.6(e)(2), which requires that a “buffer adjacent to wetland within the final WMC must average at least 50 feet in width, measure at least 25 feet at all points, and meet the average width at all points of concentrated inflow” (hereafter buffer requirement). The applicant is also requesting a variance from RCWD Rule F.6(e)(10)(iii), which requires that (paraphrasing) “Buffer average slope will not be steeper than 5:1, and any stormwater feature within the buffer will not have exterior slopes greater than 5:1.” Although this is later found unnessary. The District Engineer evaluated the variance request per RCWD Rule L for Permit 18-003 in the Request for Variance and Statement of Hardship (Exhibit A) dated and received January 17, 2018. The applicant is proposing to construct a 22,000± SF, two-story office building, attached 13,000± SF shop, and surrounding equipment and material staging yard. The project will disturb 14.8± acres and create 11± acres of new/reconstructed impervious surface. The project drains to Golden Lake which is the resources of concern. Proposed treatment for the project consists of a stormwater pond designed to NURP standards.

The District Engineer evaluated the variance request by applying the “practical difficulties” test set forth in the District’s variance rule. This standard is applied through the Board of Managers’ consideration and weighing of the following criteria:

(a) How substantial the variation is in relation to District Rule requirement(s);
(b) the effect the variance would have on government services;
(c) whether the variance will affect a substantial change in the character of the watershed resources or will be a substantial detriment to neighboring properties;
(d) whether the practical difficulty can be alleviated by a feasible method other than a variance (economic considerations play a role in the analysis under this factor);
(e) how the practical difficulty occurred, including whether the landowner created the need for the variance; and
(f) whether in light of all of the above factors, allowing the variance will serve the interests of justice.

Permit Coordinator/Wetland Specialist Tomczik stated some of the discussion relevant to these criteria has already been documented in the Engineer’s Report (ER) narrative. Rather than reiterate the ER discussion, it is the intent of this memorandum to incorporate the discussion by reference where necessary and use this memorandum to indicate how it applies to the above criteria. Ultimately, the Board determines whether consideration of the above criteria supports approval of a variance. The Board may exercise discretion in analyzing the applicant’s compliance with the variance criteria — both generally and with regard to application of the individual variance (and other rule) criteria. The Board also may require input from legal counsel. Nothing in the presented variance memorandum should be construed as rendering a legal opinion.

Permit Coordinator/Wetland Specialist Tomczik informed the Board that he would reiterate the above criteria and District Technician Berger would reply with the District Engineer’s response.

Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (a), how substantial the variation is in relation to the RCWD Rule requirement(s).

District Technician Berger replied: The applicant has not met the average 50-foot requirement or the 25-foot minimum. The areas where the minimum distance is not met can be found in the Exhibit A Request for Variance dated 1-17-2018. The minimum buffer width of 25-feet is exceeded along the majority of the WMC buffer (807 linear feet). Along 102 linear feet the WMC buffer 50-foot average is met, with a maximum width of 75-feet provided. Along 139 linear feet, the WMC buffer width is 0-feet in order to avoid filling wetlands to create buffer and meet project space/area requirements. No points of concentrated inflow will be present.

The average WMC buffer slope is 2-8% (flatter than minimum buffer slope requirement of 5:1). The interior side slopes within the narrow, zig-zag storm pond are 3:1. Side slopes within the northernmost storm ponds are 4:1. These BMPs are within the buffer. However, these are interior slopes and are not required to meet the minimum requirement of 5:1. The slopes were designed to minimize wetland impacts. Although the applicant requested a variance from F.6(e)(10)(iii), this District Engineer finds that the variance is not needed. The ER for Park Place, dated February 21, 2018 finds that the applicant would need to provide an additional 1-acre of buffer to meet the average 50-foot width. Other than Rule F.6(e)(2), the applicant will meet the remaining provisions of the buffer requirement.
Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (b) the effect the variance would have on government services.

District Technician Berger replied: the issuance of a variance for the Park Place project is not expected to increase flooding (see criterion (c)) or have any negative effect on government services.

Permit Coordinator/Wetland Specialist Tomczik asked per criterion (c), which sets the criteria for consideration of whether the variance will effect a substantial change in the character of resources within the watershed, the District Engineer used three criteria to assess substantial change: 1) water quality, defined the quantity of pollutants such as phosphorus and suspended sediment leaving the site and the potential for degrading water quality downstream; 2) the presence of and potential impact to special and impaired waterbodies as defined by various laws including the Minnesota Pollution Control Agency stormwater program, whether a water body is impaired and related designations including Wild and Scenic or Outstanding Natural Resource Value designations; and 3) flooding, the potential for flood damages or other adverse hydrologic impacts.

Permit Coordinator/Wetland Specialist Tomczik asked: In assessing whether a substantial change in the character of the watershed resources may occur, we considered, not exclusively but as a measure of impact, the presence of and potential impact to the following:

- a 303(d) listed water body (i.e., an impaired water);
- a high quality or non-degraded wetland;
- a federally listed threatened or endangered species or state threatened, endangered or species of special concern and their critical habitat;
- a Scientific and Natural Area as defined by the Minnesota Department of Natural Resources;
- resources protected from nondegradation as identified within 7050.0180 Nondegradation for Outstanding Resource Value Waters; and
- Other generally sensitive resources.

District Technician Berger replied: Golden Lake, which receives project drainage, is listed on the Section 303(d) impaired water list. The affected designated use is aquatic recreation with a pollutant or stressor of nutrient/eutrophication biological indicators. The project as a whole is not expected to cause adverse impacts. Curb, gutter and storm sewer will route all of the drainage to a NURP pond to mitigate the effect of the lack of buffer by removing pollutants prior to runoff entering the wetlands.

It is not likely that the other resources identified above will be negatively affected by the reduced buffer widths.

Permit Coordinator/Wetland Specialist Tomczik asked: Per criterion (c) and whether issuing the variance has a negative effect to the neighboring properties, we considered whether the granting variance will:
• cause or contribute to a change in the 100-year floodplain elevation immediately
downstream or upstream of the project site
• increase the frequency or magnitude of flood damages to adjacent properties; or
• increase hardship downstream from peak flow and flood duration.

District Technician Berger replied: The proposed variance is for the buffer requirements, which
has minimal effect of flood elevations. The applicant has complied with the Rule C stormwater
requirements for peak rate and water quality.

District Technician Berger stated: The proposed variance on the buffer requirements will have a
minimal effect on the adjacent wetland resources. The wetland complex is large and extends
off the property to the north and east. Based on the size of the wetland and the length of the
reduced buffer width, it does not appear that the reduced buffer will have an effect on the
wetland resource. Additionally, the applicant is collecting and treating all of the runoff from the
newly created impervious surface via NURP stormwater ponds, so no direct runoff will enter
the wetland without treatment. The applicant is purchasing wetland bank credits for the entire
wetland area disturbed. The applicant is providing buffer in areas where feasible.

Permit Coordinator/Wetland Specialist Tomczik asked: Per criterion (d), an assessment of
whether the practical difficulty can be alleviated by a feasible method other than a variance
(economic considerations play a role in the analysis under this factor) is necessary.
District Technician Berger replied: The applicant has indicated that the project cannot be built
without the variance, as the project must be built to a minimum size to be marketable. The
building size and location requirements are not engineering related and thus not evaluated.
However, the applicant met the Wetland Conservation Act requirements to avoid and minimize
wetland impacts. The entire site is comprised of the development area, wetlands, or buffer. To
meet the minimum buffer width requirement or the average buffer width requirement,
additional wetland could be filled to create the buffer, however this is not considered
acceptable under WCA and is not considered prudent.

Permit Coordinator/Wetland Specialist Tomczik asked: Per criterion (e), we considered how the
practical difficulty occurred, including whether the landowner created the need for the variance
requires consideration.
District Technician Berger replied: On the basis of the applicant’s representation, the variance
is necessary to make economic use of the property. Per the discussion above, there is no
feasible way to do the project which meets the requirements of the applicant, the District and
the City without a variance.

Permit Coordinator/Wetland Specialist Tomczik asked: In consideration of criterion (f), some
determination of whether in light of all of the above factors, allowing the variance will serve the
interests of justice is necessary.
District Technician Berger replied: This criterion lies largely in the Board’s domain as it involves
judgments of a non-technical nature. Our criterion 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 BMP siting requirements. Other applicants have had the ability to feasibly meet this requirement onsite because the site constraints presented here were not evident or alternative BMPs, such as inlet filtration, was shown to be effective in that setting.

Permit Coordinator/Wetland Specialist Tomczik asked the Board if there were any questions. There were none.

*It was moved by Manager Bradley and seconded by Manager Wagamon, to CAPROC permit 18-003 as outlined in accordance with RCWD District Engineer’s Findings and Recommendations, dated February 21, 2018. The motion was withdrawn.*

*It was moved by Manager Bradley and seconded by Manager Waller, to approve the variance request for Gernette Development, LLC permit 18-003 based on the Engineer’s Report/Technical Memo dated February 21, 2018. Motion carried 4-0.*

*It was moved by Manager Bradley and seconded by Manager Waller, to CAPROC permit 18-003 as outlined in accordance with RCWD District Engineer’s Findings and Recommendations, dated February 21, 2018. Motion carried 4-0.*

**PUBLIC HEARING: URBAN STORMWATER REMEDIATION COST-SHARE REQUESTS FROM CITIES OF COLUMBIA HEIGHTS, FRIDLEY, HUGO, LINO LAKES, MAHTOMEDI, NEW BRIGHTON, ROSEVILLE, SHOREVIEW AND SAINT ANTHONY, WHITE BEAR TOWNSHIP AND MINNESOTA COMMERCIAL RAILWAY**

President Patricia Preiner read the following statement of the Watershed District President.

**PUBLIC HEARING ON 2018 RCWD URBAN STORMWATER REMEDIATION COST-SHARE PROGRAM PROJECT FUNDING**

The regular Board meeting is now recessed, and the public hearing is opened on the Rice Creek Watershed District’s proposed selection of projects for funding through the District’s Urban Stormwater Remediation Cost-Share Program. **One or more of the applications, as appropriate, may also be considered for funding through other projects within the District’s Capital Improvement Program, such as a TMDL Implementation Fund.**

The purpose of this hearing is to receive comments from the public on the projects that the Board is considering for cost-share assistance in the Cities of Columbia Heights, Fridley, Hugo,
Lino Lakes, Mahtomedi, New Brighton, Roseville, Shoreview and Saint Anthony, as well as White Bear Township and an application from Minnesota Commercial Railway.

Before the watershed district can provide funds for the capital work of these applicants, state law requires that the board of managers hold a public hearing, receive public comments and make a judgment that each selected project is a sound and cost-effective project to help fulfill our water resource goals. That is the purpose of today’s hearing. In accordance with state law, notice of this hearing was published for two successive weeks in the St. Paul Pioneer Press and mailed to all cities within the watershed district, as well as the District’s four counties.

First, I would ask Kyle Axtell, our Water Resource Specialist, to give a brief presentation of the proposed projects. When his remarks are completed, the floor will be open for any members of the public who wish to address the board. At that time, if you wish to comment, please come forward to the podium and state your name and address for the record. If you have a written copy of your statement, or any other documents that you would like to submit, please give them to Theresa, our meeting clerk.

During public comment, managers are welcome to ask questions of commenters to clarify their remarks. I also may ask Mr. Axtell or representatives of project applicants to respond to any technical questions raised. Managers will hold their own comments about the project until the public hearing is closed. At that time, the board will have the opportunity to discuss the projects.

Water Resource Specialist Axtell presented the cost share program goals and guidelines. He noted a couple of potential applications that may fit well into other areas of the District’s budget as capital improvements. He then proceeded to summarize the applications that were received. The applications were:

**City of Columbia Heights – Silver Lake Boat Landing Stormwater Retrofits**

This project proposes to redesign and reconstruct a two-cell stormwater pond and add a biofiltration basin at the Silver Lake Boat Launch. The City is pursuing a $270,000 Minnesota Public Facilities Authority grant to help fund this project. RCWD funded this project previously, but the cost-share agreement has since expired. 8 pounds of total phosphorus (TP) and 2.5 tons of total suspended solids (TSS) are expected to be removed annually, along with a 50 percent reduction in peak flow rate. The total project cost is $337,453 and the applicant’s cost-share request is $50,000.

**City of Fridley-69th Avenue Road Diet and Median Infiltration**

This project proposes to eliminate 1.17 acres of impervious surface and convert a new median area to infiltration basins as part of a road reconstruction project. 5.33 tons of TP and .5 tons of TSS are expected to be removed annually, along with a 100 percent reduction in both runoff volume and peak flow rate. The total project cost is $133,558 and the applicant’s cost-share request is $50,000.
City of Hugo – Stormwater Asset Management Program

This project proposes the implementation of an enhanced MS4 tracking software package aimed at prioritizing BMP inspection and maintenance. The water quality benefits and flood control benefits are unknown. The total project cost is $24,000 and the applicant’s cost-share request is $12,000. It is the opinion of RCWD staff and Citizen Advisory Committee (CAC) that this proposal is inconsistent with program guidelines and should not be considered for funding. Thus, this application was not reviewed by the District Engineer.

City of Lino Lakes – LaMotte Neighborhood Biofiltration Basin

This project fits into the District’s budget as capital improvement. It proposes to construct a biofiltration basin in concert with a proposed street reconstruction project and stabilize an outlet channel to the lake. This road reconstruction has been delayed for nearly seven years due to RCWD stormwater management rules; however, changes in 2016 have allowed the City to finally move forward with the project. 3.1 pounds of TP and .3 TSS will be removed annually. Also, there will be a 28 percent reduction in runoff volume and a 10-year velocity reduction of 4 feet per second. The total project cost is $79,000 and the applicant’s cost-share request is $39,500 using Peltier/Centerville Lake TMDL Implementation funds.

City of Lino Lakes – West Shadow Lake Drive Sanitary Extension

This project proposes the extension of municipal sewer during reconstruction of West Shadow Lake Drive, allowing for the elimination of 62 residential Individual Sewage Treatment Systems (ISTS) systems within 500 feet of Reshanau Lake. The RCWD has funded two projects like this previously (Hugo/Bald Eagle Lake). 77 pounds of TP will be removed annually but it will not provide TSS removal benefits or flood control benefits. The total project cost is $349,000 and the applicant’s cost-share request is $50,000.

City of Mahtomedi – Glendale Park BMP

This project proposes to provide a new storm sewer bypass for a neighborhood that experiences routine flooding. A new biofiltration BMP will also be installed at the end of the bypass in Glendale Park, adjacent to an existing pond. Runoff to White Bear Lake will be treated, although specific pollutant reduction estimates were not provided by the applicant. 19 pounds of TP and .3 tons of TSS will be removed annually. It will provide a flood control benefit of 80 percent rate reduction and some volume control is possible. The total project cost is $106,016 and the applicant’s cost-share request is $50,000.

City of Mahtomedi – Phase 3 Historic District Improvements

This project proposes to construct three in-line stormwater BMPs in concert with a proposed street reconstruction project. It also proposes a new storm sewer to relieve
local flooding issues and direct runoff through new BMPs. 1.5 pounds to TP and .4 tons of TSS will be removed annually and it will provide local street flooding relief. The total project cost is $173,385 and the applicant’s cost-share request is $50,000.

City of New Brighton – Lions Park Stormwater Reuse
This project proposes to construct two stormwater reuse irrigation systems at the new City park which services two athletic fields. They received a $150,000 Metropolitan Council Stormwater Grant (through RCWD) in 2017. 6.9 pounds of TP and .6 tons of TSS will be removed annually. It will provide 8.5-acre feet of volume reduction and 2.75 million gallons of groundwater will be saved. The total project cost is $250,000 and the applicant’s cost-share request is $50,000.

City of Roseville – Evergreen Park Underground Filtration & Reuse
This project proposes to construct a stormwater reuse irrigation system at a park serving four athletic fields. Systems may also include a sand filtration system to treat bypass flows. It received a $300,000 Metropolitan Council Grant in 2017. 11.5 pounds of TP and 2.0 tons of TSS will be removed annually. It will also provide 2.7-acre feet of volume reduction and 880,000 gallons of groundwater will be saved. The total project cost is $710,000 and the applicant’s cost-share request is $205,000.

City of Shoreview – Rice Creek Fields Stormwater Reuse
This project proposes to construct a stormwater reuse irrigation system at a park serving four athletic fields. It received a $150,000 Metropolitan Council Stormwater Grant (through RCWD) in 2017. 5.8 pounds of TP will be removed and TSS removal is unknown. Annually, it will provide 18.4-acre feet of volume reduction and 6 million gallons of groundwater will be saved. The total project cost is $150,000 and the applicant’s cost-share request is $50,000.

City of Saint Anthony – Central Park Splash Pad Reuse Irrigation
This project proposes to construct a system to divert potable splash pad runoff to existing reuse irrigation system and to aid in irrigating Central Park. Runoff currently exits via storm sewer into Mirror Lake. While the water quality benefits will be minimal, it will provide 21.2-acre feet of annual volume reduction and 2.4 million gallons of groundwater will be saved. The total project cost is $170,000 and the applicant’s cost-share request is $50,000.

Minnesota Commercial Railway – Rice Creek Bridge Stabilization and Shoreline Protection
This project proposes to reconstruct eroded abatement headwalls and stabilize eroded abutment slopes with rock riprap at Rice Creek Bridge directly upstream of Long Lake. The TP removal is unknown and 65 cubic feet of sediment will be removed annually. There are no known flood control benefits and this abutment erosion has
been an ongoing issue at this location. The total project cost is $74,295 and the applicant’s cost-share request is $27,716.

Manager Waller noted the District has had to clean the downstream channel twice in the last 10 years.

**White Bear Township – Bald Eagle Lake Outfall Improvements**

This project fits well in the Bald Eagle Lake TMDL implementation plan. It proposes the addition of sump manholes and SAFL Baffles at two storm sewer outfalls to Bald Eagle Lake. Outfall discharge areas will also be reconstructed and stabilized using rock riprap. 3.7 pounds of TP and 1.7 tons of TSS will both be removed annually. There are no known flood control benefits associated with this project. The total project cost is $74,000 and the applicant’s cost-share request is $37,000 using Bald Eagle Lake TMDL Implementation funds.

Manager Waller pointed out the previous ponds created for phosphorus treatment and noted they will be continuing with the program of increasing the water quality for the inlets into Bald Eagle Lake.

President Preiner invited anyone who would like to offer comments about the projects. There being no further testimony from the public, I close the public hearing and open the matter for board discussion and action.

**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.

**ADDITIONAL ITEMS REQUIRING BOARD ACTION**

1. **Update on Browns Preserve Wetland Credit Status.**

   Permit Coordinator/Wetland Specialist Tomczik reported at a recent Workshop, they (Board, staff, RCWD consultants and Dan Hair) discussed the pros and cons of continuing with a seventh year of management and monitoring of the Browns Preserve site. The Board concluded the risk was higher than the potential benefit in further developing the credits of the site and would not continue with management of the site. They asked Mr. Hair if he would like to pursue the management and monitoring of the three sites for a seventh year at his own cost, and in his email response, he noted he had further questions for the Board.
Dan Hair, 11482 Debra Lane, Ogilvie, MN, stated he would like to monitor and manage the three sites for the seventh year.

Permit Coordinator/Wetland Specialist Tomczik explained that Mr. Hair has verbally bonded himself to $33,500 to monitor and manage three specific sites on the Browns Preserve site, and this will be included as part of an agreement.

District Engineer Otterness stated $33,500 is an estimate and if they were directed to provide assistance, they would develop a Task Order that would provide a specific amount. Part of this will include construction costs and hiring a contractor to do dethatching on the site. Staff feels this would be a necessary component in order to hold the vegetative value on the site to a level that would potentially allow additional credits to be obtained.

President Preiner asked Mr. Hair if he was aware this was only an estimate and it could go higher.

Mr. Hair responded he is aware that it could go higher. He is hopeful they will get closer to a final figure as they move forward.

Manager Bradley noted they would perform the work and Mr. Hair would be responsible for covering the cost.

Permit Coordinator/Wetland Specialist Tomczik confirmed this and stated the District is the “sponsor” of the wetland bank and is the responsible party.

Manager Waller inquired if Mr. Hair was agreeable to this.

Mr. Hair responded he was and inquired who would be doing the work.

Permit Coordinator/Wetland Specialist Tomczik responded Houston Engineering and subconsultants would be doing the work on the behalf of the District and communicating with Rice Creek staff.

Manager Bradley recalled that the person who managed the project from Houston Engineering is no longer with that company.

District Engineer Otterness responded that the Houston Engineering lead for the project has not changed. The Houston Engineering staff person who recently left was not an integral member of the Browns Preserve team.

Manager Waller stated Houston Engineering has managed it, the ecological services will be the same, and the engineering firm will figure out the contractor.
President Preiner confirmed this will go for one more year and inquired at what point it will stop.

Permit Coordinator/Wetland Specialist Tomczik responded the typical closure is after a five-year period. If there is a potential to move forward additional years, it can be done. The further up a graph’s steep slope will have diminishing returns. That was the risk that was discussed at the workshop and the District opted out. He commented it is doubtful there will be additional years added after this seventh year, but the monitoring will determine future steps. If the project has additional success and there is credit, they will deposit it with State and Federal agencies, and then likely move forward with the project’s closure. Houston Engineering would then be asked to develop the long-term management plan.

Mr. Hair inquired if Rice Creek will retain all the credits in Area 3 that would be developed.

Permit Coordinator/Wetland Specialist Tomczik confirmed this and stated the District would do this based on the ecological response and adaptive management regardless of the property owner. The credits may fall on either side of the ownership line and would be the property of the owners.

District Engineer Otterness noted to Mr. Hair to keep in mind that completing maintenance and monitoring on the site may not necessarily result in credits being developed. There is potential for a certain number of credits, but it could be that no credits are developed. Based on the project team’s understanding of the site, it will be very unlikely that credit development after 2018 will be considered feasible.

Manager Waller explained to Mr. Hair there is a risk that he is paying for something that may provide no credit at all.

Mr. Hair confirmed he understood this. His whole intent has been to be a steward of that land and if it is possible to gain some credits, it is an appropriate decision for him to make.

Permit Coordinator/Wetland Specialist Tomczik suggested the following items be included in the motion: 1) to recognize Mr. Hair’s verbal commitment to manage and monitor the three sites at his cost estimated at $33,500, subject to change; 2) direct staff to develop an agreement to share with Mr. Hair and bring back to the Board for execution; and, 3) direct staff and consultants to contact the parties to begin the scheduling of the work onsite as soon as possible.

**Motion by Manager Bradley, seconded by Manager Waller, that the RCWD recognize the commitments made by Mr. Hair regarding Brown’s Creek Wetland Preserve to seek the opportunity to gain additional credits, with Mr. Hair providing the necessary funds**
estimated at $33,500, which are subject to amendment as necessary; direct staff to prepare an agreement with Mr. Hair to reflect the obligations of RCWD and Mr. Hair; and, direct staff and consultant to begin the necessary process to obtain permits and authorizations to accomplish this.

Permit Coordinator/Wetland Specialist Tomczik suggested the motion include that it is for the three previously communicated management locations.

Manager Bradley clarified his motion to include that the contract and obligation will specify that the areas are based on those identified as the three locations within Brown’s Preserve Wetland that are associated with Mr. Hair’s interest, and as presented at the Board Workshop on February 12, 2018.

Manager Waller stated he would like the word “monitor” added to the first part of the motion.

Permit Coordinator/Wetland Specialist Tomczik noted management of the site includes thatching, spraying, seeding, and other physical work on the site. The monitoring specifically ties into the allocation of credit.

Mr. Hair commented Site 1 will probably just be monitored and Sites 2 and 3 will be monitored in managed. From that point, they will figure out where the credits come from.

Permit Coordinator/Wetland Specialist Tomczik responded the $33,500 is based on an estimate on the work to be done at the site to best advance the site as a whole. The detail added by Mr. Hair was received by Critical Connections and how they might go about the work, but anything done will be for the best advancement of the whole site.

Motion carried 4-0.

Mr. Hair inquired what the next step in the process will be.

Permit Coordinator/Wetland Specialist Tomczik responded staff will engage Ditch Attorney Kolb to draft an agreement specific to the items discussed. They will share it with Mr. Hair and then bring it back to the Board for execution.

2. Consider Findings and Order Accepting Wellington Property Petition and Directing Appointment of Engineer.

District Administrator Belfiori referred to the resolution on page 65 of the agenda packet. He reported this is a petition for a reroute of ACD 53-62 Branches 4 and 5. As required, they did provide a bond, and this is consistent with other projects in the area. He noted this is not an approval of the realignment or partial abandonment, it is simply to get the
process moving. This will accept the petition for filing, accept the bond, and appoint the
required investigation by Houston Engineering.

President Preiner inquired about the timeline of this process.

District Administrator Belfiori responded it would be dependent on the completion of the
investigation by Houston Engineering.

District Engineer Otterness noted it will depend on how soon the petitioner can provide
a complete submittal. He referred to Finding No. 4 of the resolution and noted they have
identified the petitioner’s submittal is not complete. After this information is provided, it
could still take a couple of months before the review is complete and a public hearing
scheduled.

 Permit Coordinator/Wetland Specialist Tomczik noted they typically work to align rule
permit and drainage petition with Houston Engineering.

*Motion by Manager Wagamon, seconded by Manager Bradley, to adopt Resolution
2018-06 Rice Creek Watershed District Board Of Managers As Public Drainage Authority
Findings And Order Accepting Petition And Appointing Engineer.*

**ORDER**

A. The Board of Managers accepts the petition and directs the Petitioner to correct the
defects and provide a more detailed diagram of the proposed modifications to the
drainage system and a hydrologic model of the proposed public drainage
realignment. The detailed, supplemental information shall include:

- Alignment (provide and label lines on the map indicating the proposed alignment
  of public drainage system and portions proposed to be abandoned. Labels must
  include the names of the branches)
- Open channel Profile (elevations and grades for all proposed modifications and
  description of how they relate to the as constructed condition of the system)
- Cross section (bottom width, side slope, and top of bank width)
- The proposed public drainage system right of way (in the form of a legal
description that can be included in a permanent easement). This right-of-way
must provide for a continuous access corridor for maintenance along at least one
side of the open channel per the following, minimum performance standards:
  - 20’ width, permanently vegetated, with no more than 5% cross-slope
  - Less than 5:1 longitudinal slope at any location
  - Culvert at crossings of the access corridor with the public drainage system
    open channel
  - Access from a public roadway
B. The Board of Managers appoints Houston Engineering to investigate the effect of the proposed realignment and file a report of findings.

C. The Engineer is directed to include in its investigation an assessment of effects from the realignment on benefitted property owners of the public drainage system.

D. This order is not an approval of the realignment or partial abandonment proceedings, nor does it modify the drainage system. Subsequent proceedings on the petition will occur consistent with the requirements of Statutes Sections 103E.227 and 103E.806.

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

Motion carried 4-0.

3. Consider Award of Urban Stormwater Remediation Cost-Share Projects
Water Resource Specialist Axtell reported at its regular meeting on October 15, 2017, the RCWD Board authorized staff to solicit proposals for the 2018 Urban Stormwater Remediation Cost-Share Program. He noted there is $392,000 available to fund projects in 2018. He stated the projects were reviewed by the Citizen’s Advisory Committee at their February 7, 2018 meeting. The District Engineer has also completed an independent review of the applications. Water Resource Specialist Axtell reviewed the proposed funding recommendations with the District.

1. $47,500 USWR funds to City of Fridley, 69th Avenue Road Diet and Median Infiltration
2. $45,000 USWR funds to City of Roseville, Evergreen Park Underground Filtration & Reuse
3. $47,500 USWR funds to City of New Brighton, Lions Park Stormwater Reuse
4. $33,745 USWR funds to City of Columbia Heights, Silver Lake Boat Landing Stormwater Retrofits
5. $47,500 USWR funds to City of Shoreview, Rice Creek Fields Stormwater Reuse
6. $39,500 ACOL TMDL to City of Lino Lakes, LaMotte Neighborhood Biofiltration Basin
7. $47,500 USWR funds to City of Mahtomedi, Glendale Park BMP
8. $35,000 @ BEL TMDL to White Bear Township, Bald Eagle Lake Outfall Improvements

9. $47,500 USWR funds to City of Lino Lakes, West Shadow Lake Drive Sanitary Extension

10. $27,716 USWR funds to MN Commercial Railway, Rice Creek Bridge & Shoreline Stabilization

11. $47,500 USWR funds to City of Mahtomedi, Phase 3 – Historic District Improvements

12. $0 USWR funds to City of St. Anthony, Central Park Splash Pad Reuse Irrigation

13. $0 USWR funds to City of Hugo, Stormwater Asset Management Program

**Total $391,461 USWR.**

Water Resource Specialist Axtell reported the Lino Lakes Lamotte project is currently proposed to be funded through the District’s Lino Lakes Chain of Lakes TMDL implementation within the CIP. The White Bear Township project on Bald Eagle Lake is proposed to be funded through the Bald Eagle Lake TMDL implementation within the CIP and was limited to $35,000 due to the 2018 Bald Eagle Lake TMDL budget limit. He referred to the Columbia Heights Application and stated due to their MNPFA grant award, and the District’s limitations, they committed to $33,745, which is half of the grant’s local match requirement. With the Roseville project at 4.5 acres, the funding amount was brought down to $45,000 to keep in line with their policy of funding at $10,000 per acre for this type of project. The Shoreview and New Brighton reuse projects are both over 5 acres. In order to fund as much as possible and to be fair, the remaining requests were brought from $50,000 down to $47,500. He noted Minnesota Commercial Railway is the only private applicant and they will need to draft a project specific maintenance agreement. The railway does not own the property and they would tie the maintenance agreement to the lease term.

Manager Bradley stated he had an inquiry from the Bald Eagle Area Association regarding White Bear Township’s Bald Eagle Lake project. They were concerned that the funds were coming from the water management district.

Water Resource Specialist Axtell confirmed the funds are general ad valorem.

Manager Waller congratulated staff and commented it is nice to see so many projects but is disappointed they do no have enough money. The projects they did not fund did not fit their criteria and they may need to adjust their criteria. He inquired if it is possible to use some of the funds available from BWSR Watershed-Based Funding Pilot Program.

District Administrator Belfiori explained the BWSR Watershed-Based Funding Pilot Program is currently going through the process of how each County group will reach a consensus on the process to fund the projects. It is unknown at this time if they will go collaborative or competitive. The projects would be eligible if they are within a watershed management plan and the entity making the request has a local water plan. If the District
were to receive any money, it would be possible to have a second County-based Urban
Stormwater Program. BWSR is unclear if they could group the monies and have a bigger
project in the watershed.

Manager Waller noted there are a lot of variables, but there is money out there to
possible fully fund some of the projects they were unable to provide the full amount for.

President Preiner stated they also may want to take on the next new small project.

Manager Bradley inquired when the money will be available.

District Administrator Belfiori responded it is for State biennium year 2018-2019, and they
are already beginning to discuss biennium 2020-2021. The applications must be
completed by June 2018 and the applications coming up in the fall would be the earliest
any project would be started.

*Motion by Manager Waller, seconded by Manager Bradley, to adopt Resolution 2018-
03 Ordering 2018 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
WRMP, 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 Columbia Heights, Fridley, Lino
Lakes, Mahtomedi, New Brighton, Roseville and Shoreview, and Minnesota
Commercial Railway in accordance with the template agreement and on advice of
counsel.

BE IT FINALLY RESOLVED that the limit of the District’s contribution for each project is as
follows:

<table>
<thead>
<tr>
<th>City</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Fridley</td>
<td>$47,500</td>
</tr>
<tr>
<td>City of Roseville</td>
<td>$45,000</td>
</tr>
<tr>
<td>City of New Brighton</td>
<td>$47,500</td>
</tr>
<tr>
<td>City of Columbia Heights</td>
<td>$33,745</td>
</tr>
<tr>
<td>City of Shoreview</td>
<td>$47,500</td>
</tr>
<tr>
<td>City of Mahtomedi (Glendale BMP)</td>
<td>$47,500</td>
</tr>
<tr>
<td>City of Lino Lakes</td>
<td>$47,500</td>
</tr>
<tr>
<td>Minnesota Commercial Railway</td>
<td>$27,716</td>
</tr>
<tr>
<td>City of Mahtomedi (Phase 3 – Historic District)</td>
<td>$47,500.</td>
</tr>
</tbody>
</table>
ROLL CALL:
Manager Haake – Absent
Manager Bradley – Aye
Manager Waller – Aye
Manager Wagamon – Aye
President Preiner – Aye
Motion carried 4-0.

Motion by Manager Bradley, seconded by Manager Waller, to adopt Resolution 2018-04 Ordering The Lamotte Neighborhood Biofiltration Basin Project Pursuant To Minnesota Statutes §103B.251.

THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes §103B.251 and the WRMP, the Project is ordered; and

BE IT FURTHER RESOLVED that the Board of Managers hereby authorizes the Administrator to execute a cost-share agreement between the Rice Creek Watershed District and the City of Lino Lakes with a reimbursement limit of $39,500, in accordance with the template agreement and on advice of counsel.

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

Motion by Manager Bradley, seconded by Manager Wagamon, to adopt Resolution 2018-05 Ordering Bald Eagle Lake Outfall Improvements Pursuant To Minnesota Statutes §103B.251.

THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes §103B.251 and the WRMP, the Project is ordered; and

BE IT FURTHER RESOLVED that the Board of Managers hereby authorizes the Administrator to execute a cost-share agreement between the Rice Creek Watershed District and White Bear Township with a reimbursement limit of $35,000, in accordance with the template agreement and on advice of counsel.

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

District Administrator Belfiori thanked Water Resource Specialist Axtell for his work on this. It was a program that was dead several years ago. The Board has focused on City and County approaches and staff has worked hard to foster those relationships. The fruits of their labor are in the 13 excellent projects that came forward and are now a growing program. He thanked the Board for their vision and noted these projects will make a huge difference in resources.

Manager Bradley commented he is so pleased to see how they have solved the funding shortage. They had over $700,000 in requests with just over $400,000 to spend, and the effective method they came up with to use the money is appreciated.

Manager Waller noted he is a strong supporter of seeing money get to the cities for use in local projects. He is glad to see this program is growing and these projects add up for the benefit of the entire district.

4. Consider Funding Agreement with City of Forest Lake for Enhanced Street Sweeping Implementation-2018 BWSR Clean Water Fund Grant.

Water Resource Specialist Axtell reported the City of Forest Lake received a $220,000 BWSR grant to purchase a new street sweeper and implement an enhance sweeping schedule. This plan extends into Rice Creek and the Clear Lake subwatershed. For Clear Lake, 4,699 total phosphorus and 13 pounds of TSS will be removed annually. The plan is to split the $55,000 local match between the City and the watershed districts. The watershed district’s share would be prorated with the number of curb-miles swept within each watershed. With 50 percent ($27,500) going to the City, RCWDs share is 14.7 percent ($8,085) and CLFLWDs share is 35.3 percent ($19,415). The agreement also includes operation and reporting for three years or the length of time required by BWSR, whichever is longer.

Motion by Manager Waller seconded by Manager Bradley, to approve the funding agreement between the City of Forest Lake and the Rice Creek Watershed District for Forest Lake Enhanced Street Sweeping Implementation, as presented, authorizing the Board President to execute the agreement.

Manager Waller inquired if the street sweeping miles will increase with the growth happening in Forest Lake. He referred to the record keeping requirement in years to come and stated it could include other resources and lakes, such as Peltier Lake. Ditch No. 4 has four different branches, one of which the City takes care of, and the remaining
branches are in growing areas. Street sweeping those areas would keep the phosphorus out of the ditches and stream, which is directly upstream of Peltier Lake.

Water Resource Specialist Axtell agreed with Manager Waller and stated there will be more street sweeping miles in the future.

**Motion carried 4-0.**

5. **Consider Pay Request #12 from Rachel Contracting, Inc. for Hansen Park Project.**
Water Resource Specialist Axtell reported all dredging and winter activity has been completed. The project is currently idle, and they will continue additional stabilization and vegetation work in the spring. The activity will extend into the fall with final grading and paving of the trail. This item includes settlement of Change Order No. 5 and staff recommends that $447,888.56 be issued to Rachel Contracting.

**Motion by Manager Wagamon seconded by Manager Waller, to approve Rachel Contracting, Inc.’s pay request as submitted and certified by the District Engineer, and direct staff to issue a payment in the amount of $447,888.56. Motion carried 4-0.**

6. **Consider Final Order Directing the Repair of Branches 1 and 2 of Washington Judicial Ditch 2.**
District Administrator Phil Belfiori directed the Board to page 238 of the agenda packet, which includes the final findings and order directing the repair of Washington Judicial Ditch (WJD) Branches 1 and 2. He reported at the December meeting, the Board approved RCWD Resolution 2017-32 accepting the engineer’s and final repair report, concurred with the engineer’s recommended repair alternative and directed further proceedings for the repair of WJD Branches 1 and 2 to occur. The public hearing was held on January 30, 2018 and the Board approved to recess the hearing to this Board meeting. The attached Resolution 2018-07 orders the implementation of the repair of WJD Branches 1 and 2 and directs District staff to proceed with actions necessary to proceed with the repair of the system. The said Branches are designated as a “Trunk System” which would specify the repair of the system to be paid for by ad valorem funds. He provided a brief status report and remaining tasks related to this project. If approved, the repair would take place in 2018-2019. He noted changes made to item D of the Resolution that requires “the bidding of the repairs in separate components and under separate contracts distinguished by both branch and construction method.”

**Motion by Manager Bradley, seconded by Manager Waller, to adopt Resolution 2018-07 Final Order Directing The Repair Of Branches 1 And 2 Of Washington County Judicial Ditch 2.**

ORDER
A. The Board of Managers orders implementation of the repair of Branches 1 and 2 of WJD 2 consistent with the engineer’s recommended repair alternative, and consistent with the capital improvement program contained in the District’s Watershed Management Plan.

B. Because WJD 2 is designated as a “Trunk Drainage System” in the District’s Watershed Management Plan, repairs of the drainage system are funded by the District rather than by assessment to benefitted landowners or by water management district charges within the drainage area of the drainage system.

C. 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.

D. The Board of Managers Authorizes the bidding of the repairs in separate components and under separate contracts distinguished by both branch and construction method.

E. The Board of Managers further authorizes expenditures for the repair of Branches 1 and 2 of WJD 2.

In response to Manager Waller, District Engineer Otterness further explained that the changes made to item D of the Resolution, will provide the greatest amount of flexibility to complete the repairs, while observing regulatory requirements.

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

Motion carried 4-0.

7. Consider Initiating Boundary Change Process between RCWD and Brown’s Creek Watershed District.

District Administrator Belfiori referred to page 245 of the agenda packet. He reported in response to a landowner inquiry and per Board direction, a hydrologic boundary field investigation was conducted by Houston Engineering in January 2018. The District Engineer’s investigation identified that the property does flow to Browns Creek Watershed District (BCWD). Based on those findings, consensus was reached at the February 12, 2018 Board Workshop to consider a request to begin the process of a watershed boundary change per Minnesota Statutes Chapter 103B.215 for the entire
common boundary between BCWD and the RCWD. If approved, the boundary change process would take affect no sooner than the 2020 tax year, pending concurrence from the BCWD and other unforeseen developments. He referred to the map and pointed out the area of consideration, which includes 60 to 70 parcels with BCWD that are affected by this change. Referred to page 249 of the agenda packet and highlighted the steps to be taken in this process.

**Motion by Manager Waller, seconded by Manager Wagamon, to authorize the initiation of the process of watershed boundary change along the entire common boundary between BCWD and the RCWD pursuant to MS 103B.215 and directs staff and consultants to coordinate and take all subsequent actions necessary for implementation of the process. Motion carried 4-0.**

Manager Bradley requested further clarification of the area included with this boundary change.

Manager Waller stated former Mayor McCallister thanked the Board for the letter he received.

President Preiner commented she likes moving forward on the boundary change over time so that it will eventually get cleared up.

District Administrator Belfiori pointed out the Board did reach concurrence to consider options of a more systematic process to undertake the entire District boundary in all three counties and this will be further discussed as part of the 2019 budget process.

**8. Consideration of Treatment of Metro Shooting and Trost Settlements in District Financial Reports.**

District Administrator Phil Belfiori reported at the March 9, 2016 Board meeting, a motion was passed to annually review the liability of 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 at the February 12, 2018 Board workshop and upon further discussion, the Board reached consensus to place this item on the February 28, 2018 Board meeting 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 to continue with the second option for the 2017 annual financial report, which is included 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 2017 financial report as follows, or as modified in the auditor’s judgement:**
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.

Manager Waller commented John Trost is no longer the owner of the property and he inquired if this should be updated to reflect this change in ownership.

District Attorney Smith responded the records are clear in identifying the specific parcel and the references to the Trost property refer to the settlement with Mr. Trost.

Changes in ownership will be brought to the District’s attention.

Manager Bradley pointed out the motion refers to the owner of the Trost parcel.

Motion carried 4-0.

9. Consider Additional Direction to Staff Regarding Legislative Communication.

District Administrator Phil Belfiori directed the Board to page 254 of the agenda packet. He reported at the February 14, 2018 Board meeting, the Managers approved a legislative strategy for communicating with District legislative representatives. This approval included support of the amendment of the Watershed Law to allow electronic meeting participation consistent with the Open Meeting Law, and support of House File 2687 and Senate Companion file 2419 related to clarifying Minnesota Department of Natural Resources jurisdiction and permitting authority over the repair of existing public drainage systems.

District Administrator Belfiori noted the MAWD Legislative Reception will be held on Wednesday, March 7 and the Legislative Breakfast will be held on Thursday, March 8, and three legislators have confirmed their attendance to these events.

He noted staff received a request for RCWD assistance to find potential authors for MAWD’s initiative to amend the Watershed Law to allow electronic meeting participation consistent with the Open Meeting Law. Based on previous discussion of the MAWD resolutions, this proposed bill would not require a watershed to implement electronic
meeting participation and it only seeks to provide watershed districts with the option. Staff recommends the Board approve District Administrator Belfiori and staff to assist MAWD in efforts to find authors and support for legislation to amend the Watershed Law to allow electronic meeting participation consistent with the Open Meeting Law.

**Motion by Manager Waller, seconded by Manager Bradley, to authorize Phil Belfiori, District Administrator, and staff to assist MAWD (if/when requested by Ray Bohn) in efforts to find authors and support for legislation to amend the Watershed Law to allow electronic meeting participation consistent with the Open Meeting Law.**

Manager Bradley requested a friendly amendment to the motion: “when requested by the appropriate MAWD representative” instead of “if/when requested by Ray Bohn”. Manager Waller agreed to this amendment.

**Motion carried 4-0.**

10. **Consider Check Register dated February 28, 2018, in the amount of $396,928.84 prepared by Redpath and Company.**

**Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated February 28, 2018, in the amount of $396,928.84, prepared by Redpath and Company. Motion carried 4-0.**

**ITEMS FOR DISCUSSION AND INFORMATION**

1. **Update on DNR FEMA Modeling /Mapping Project.**

   District Administrator Belfiori reported the DNR flood mapping staff received a grant from FEMA to do some updated modeling and mapping of the FEMA flood plains areas. They approached the watershed district because they know of the Districts significant investment and experience in modeling of the District’s floodplain. At the last Workshop, staff requested Board consensus to move forward with negotiations on a potential scope of work and contract between the District and the DNR. It is a DNR program and the District would have a small part in it. They are currently in the middle of negotiations and are trying to work through some challenges and it is unclear if an agreement can be reached. The DNR will be in attendance at the City/County meeting this afternoon to give a short presentation and address questions and concerns.

   Permit Coordinator/Wetland Specialist Tomczik noted the discussion is about the different types of software under which the modeling has taken place and what is acceptable to DNR and FEMA.

   District Engineer Otterness explained some of the District’s models are not accepted by FEMA in their current format, and the District if proposing to convert them to the accepted format. However, the cost associated with that has become the sticking point in the negotiations. If the DNR decided not to use the District’s investment, they would
use a different style of model and develop their own detail. However, that detail would be substantially less than the current detail in the District’s modeling. Engineer Otterness has concerns the District would end up with a FEMA mapping product that would be substantially different with less detail than what the District modeling has come up with.

President Preiner inquired if this was considered when the District originally got the mapping software.

District Engineer Otterness responded it was not considered because the District Wide Model was not the intended to be used for FEMA mapping purposes.

2. **Questionnaire for Strategic Direction.**

   Water Resource Specialist Axtell reported they are planning to meet on March 20 at 1:00 p.m. for a Strategic Direction Workshop with the Board. There will be homework in advance of the meeting which will include ranking main issue groups in order of importance. He will provide a survey link to Board members via email and it should take about five minutes.

3. **Ramsey County Ditch 2, 3, 5 Historical Review Public Information Meeting.**

   District Administrator Belfiori inquired if the Board is available to meet on Wednesday, April 18 at 6:30 p.m. in the New Brighton Council Chambers. The Board confirmed this date will work.

4. **Staff Reports.**

   There were no questions.

5. **March Calendar.**

   District Administrator Belfiori reminded the Board of the following items:
   - February 28 at 1:00 p.m. – City/County Meeting
   - March 20 at 1:00 p.m. – Strategic Direction Workshop #1
   - March 26 at 1:00 p.m. – Strategic Direction Workshop #2
   - March 7 at 5:00 p.m. – MAWD legislative reception
   - March 8 at 7:00 a.m. – MAWD legislative breakfast

6. **Managers Update.**

   Manager Waller referred to his previous comments made regarding the compliments of former Mayor McCallister.

   Manager Bradley thanked the Board for allowing him to listen in on the meeting while he was in Hawaii.

   President Preiner commented variance buffers may need to be discussed again because it seems they are coming back with the same problems.
District Administrator Belfiori responded they have communicated to the City/County partners that they would revisit the rule revision topic approximately every two years, and they are approaching that period. He stated that he would anticipate that rule revision discussion with the local partners can be integrated with the upcoming process to update the RCWD Watershed Management Plan.

Manager Bradley noted he would want to know the wetlands are still protected before a variance is granted.

ADJOURNMENT

Motion by Manager Wagamon, seconded by Manager Waller, to adjourn the meeting at 11:20 a.m. Motion carried 4-0.