REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, February 8, 2017
Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

Approved Minutes

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

OATH OF OFFICE
Attorney Holtman administered the Oath of Office to Manager Haake on her reappointment.

APPOINT ACTING – SECRETARY
The Board was asked to appoint an Acting Secretary of the Board while Manager Bradley is absent.

Motion by Manager Waller, seconded by Manager Wagamon, to appoint Manager Haake as Acting Secretary. Motion carried 4-0.

ROLL CALL

Absent: Manager Michael Bradley (with prior notice).

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, District Technician Samantha Berger, Office Manager Theresa Stasica.

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

Visitors: Loren Sederstrom, Larry Lanoux, Bob Zick.

SETTING OF THE AGENDA
District Administrator Belfiori added under Board Action item 2: By-Laws Subcommittee Appointment; and under Items for Discussion and Information a new item 2: Follow Up Discussion from 2/6/17 ACD 53-62 Branch 2 Repair Report and WMD Informational Meeting.

Motion by Manager Haake, seconded by Manager Wagamon, to adopt the agenda as amended. Motion carried 4-0.
READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the January 25, 2017, Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 3-0-1 (Manager Haake, Abstain due to her absence from the meeting).

PERMIT APPLICATIONS REQUIRING BOARD ACTION

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

CONSENT AGENDA

<table>
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<tr>
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<td>16-107</td>
<td>Mahtomedi ISD #832</td>
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<td>Street &amp; Utility Plan</td>
<td>CAPROC 7 items</td>
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<tr>
<td>16-116</td>
<td>Ruffridge-Johnson Equipment Co., Inc.</td>
<td>Centerville</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 6 items</td>
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Manager Haake requested permit no. 16-107, Mahtomedi ISD #832 be pulled for further discussion.

Motion by Manager Haake, seconded by Manager Waller, to conditionally approve pending receipt of changes (CAPROC) Permit Application 16-116 as noted in the above Table of Contents, in accordance with the District Engineer’s Findings and Recommendations dated February 1, 2017.

Motion carried 4-0.

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Mr. Larry Lanoux, 9711 Kenswick Avenue, member of the Grant City Council, asked the Board in its consideration in the permitting process of the parking lot improvement, the Council majority had approved this in Grant long before it got to the City Council. He stated it got approved when they were allowed to speak at their civics classes in the high school and the residents have been told to get out and vote for them and is simply a rubber stamp. He stated he was asking the Board as a body to consider some of the facts that he will be presenting to them. One of their biggest concerns is that there is contamination in Bellaire, a superfund site. He took the opportunity a couple of weeks ago, to send the documentation he had to the Rice Creek Watershed District so it could be reviewed and understood before his comments.

Mr. Lanoux stated the permit they are looking for is feeding them bits and pieces. The conditional permit that the petitioner is asking to get approved does not include the traffic signal that is going out in front of there and does not include the inclusion of a hockey rink built on a Municipal Waste dump site. All of that will be impacted and what is being fed is short little bits and pieces to get approved and then the other items will be brought into the discussion later. When brought to the City Council it is fed in pieces and rubber stamped for approval. He stated he had the Warranty Deed where they want to drill through thirty feet of garbage. When the conditional use permit was originally issued, there was a big issue with it.
Mr. Lanoux stated the petitioner knows the dump is contaminated and there are blueprints showing how far they can drill down before breaking the seal. He stated in 2011 he wrote a document to Senator Ray Vandevene asking they get involved because there are seven toxins in the document that exceed residential levels. This means a home cannot be built on any of this property and they know the contaminants are there. He stated schools are not considered residential, they are considered industrial and the kids should be as safe at school as they are at home. There are toxins that exceed seven times the residential levels that are in that property, known and well documented, yet they built a school there. If you have control of the City Council, you can get anything done. Their concern all along is the contamination leaving the Belaire Sanitation Site and going into Lost Lake.

Mr. Lanoux stated he has documentation, received on December 2002, that indicates the application to take it out of a superfund site and enter that property into a VIC Program (Voluntary Incentive Cleanup fund). The document states the property owner was different from the applicant. The property owner was Waste Management. Waste Management did not ask to take this property out of a Superfund site. They did work together and priced the property at $4.5 million and sold to the School District for $1.5 million and he believed Waste Management took a $3 million charitable donation on their taxes. The School District purchased this property knowing it was a dump site and per the Attorney General’s Office, it was only approved for athletic fields. They built the school knowing they had to put a vapor barrier underneath it and a positive ventilation system. He wondered why anyone would put their kids at risk. Mahtomedi had other property.

Mr. Lanoux stated in the documentation he provided Waste Management indicated they were very concerned and when they sold the land to the School District they wrote in their warranty deed that states “No party shall use, drill, or create any well on the area designated as mixed municipal dump area, see attached, unless the same is to conduct site remediation and/or ground water sampling for investigation.” The other thing in the deed states there is to be no buildings or foundations on the site. Right now, Rink 2, which is part of the application they are not being told today, is in front of, or will be coming soon. They brought up Braun Intertech, which drilled through thirty feet of garbage and broke the top and the bottom seal of the dump. The documentation he has which originally came from the school, Department of Labor and Industry should be concerning. Four times the Environmental Engineer stated they are not able to grant approval. “A horizontal separation of ten feet must be maintained between the water line and the outer limits of the existing Municipal Waste Dump. Removal of contaminated soil and backfilling with fill soil is not a permissible alternative.”

Mr. Lanoux stated they all know how important and persuasive School Districts are.

Manager Haake asked Mr. Lanoux to pause so that the District engineer could review the circumstances and provide a context for the benefit of the Board of Managers and audience.

District Technician Berger showed a map supplied by Anderson Johnson Associates, the consultant, representing the contamination being discussed. Permit Coordinator/Wetland Specialist Tomczik stated on page 25 of the packet there is a color photograph Manager Haake was referring to which shows the stormwater treatment areas for the pavement rehabilitation that is being proposed. District Technician Berger indicated where the pavement area is located.
President Preiner asked what the distance is between the area proposed to be disturbed by the work under Permit 16-107 and the edge of contamination indicated on the map. District Technician Berger replied it is approximately 1200 feet.

Manager Haake stated this is also disturbing 6.75 acres of impervious land. She asked if the parking lot is going to be some way or another infringing on the area, going down and breaking the seal of the contaminated area.

Permit Coordinator/Wetland Specialist Tomczik suggested and reviewed with the Board the context in which permits are reviewed. He stated they are all concerned with contamination within these types of issues. However, as staff and engineers their scope of review is specific to the regulations they have adopted.

Manager Haake asked what stormwater treatment alternatives have been considered in light of the soils concern. Permit Coordinator/Wetland Specialist Tomczik stated because the soils are tight it does not allow for the infiltration of the water, and the applicant will use underground filtration basins. He showed on page 25 of the Board packet where the filtration basins are to be located.

Manager Haake asked if the contamination issue, and the fact that an area had been a superfund site, was brought forth to the District. Permit Coordinator/Wetland Specialist Tomczik stated the project area is defined by the applicant’s proposed disturbance, which in this case is about 1200 feet to the west of the contaminated area as shown. The District has had previous permits in this area. Under the District’s rules, the contamination issue arises really only as regards whether an applicant will be held to the District requirement to infiltrate the stormwater; if there is evidence of contamination, the applicant will not be required to do so. Otherwise, it is the responsibility of the applicant to comply with laws and regulations that exist in regards to contamination, foremost as administered by the MN Pollution Control Agency.

Manager Haake indicated the District did their due diligence and anything the applicant has now would be going over to the PCA. Permit Coordinator/Wetland Specialist Tomczik stated that was correct.

Permit Coordinator/Wetland Specialist Tomczik stated that when these situations arise and it is known to the District that there is contamination in the area, the District is diligent in communicating to the applicant that it should be attentive to not aggravate the situation, maintaining the separation of stormwater from groundwater, and communicating with the PCA to be sure their activities are compliant. This is an advisory statement because the District’s rules pertain to the treatment of stormwater for its water quality impacts and to volume and rate control and ecological impacts of stormwater. In permits involving sites with known or suspected contamination, the District specifies that the applicant should be diligent regarding the contamination, and the District sends a notice to the PCA that identifies the action taken by the District and alerting it to the District action taken.

Manager Haake asked if the District was aware that the applicant might be breaching this particular enclosure of any kind of contaminants. Permit Coordinator/Wetland Specialist Tomczik stated the applicant has not represented that the land that is involved in their project has a contamination issue. The two areas are separated by about 1200 feet.
Manager Wagamon asked if this meets all the District rules but the Board does not approve the permit, what is the District’s liability at that point. Permit Coordinator/Wetland Specialist Tomczik stated when an applicant applies to the District it is obligated to respond in a timely fashion and it is still within that timeframe. He referred the question to Attorney Holtman.

Attorney Holtman stated if the Board does not approve this application and it meets the District requirements, the applicant is then able to appeal the Board’s decision and the decision then could be overturned.

Manager Waller asked if he was correct that the applicant did not inform the District of possible contamination of the site. Permit Coordinator/Wetland Specialist Tomczik stated that was correct. Manager Waller asked where the contaminated area of concern was located on the map. He wanted to know if the infiltration would be in the area of contamination on the site. Permit Coordinator/Wetland Specialist Tomczik noted the has applicant proposes filtration, not infiltration.

District Technician Berger reviewed the site on the supplied map of contamination and where the existing and proposed filtration systems are and will be located on the site.

Manager Waller asked once the water leaves the filtration system where does it go to. Permit Coordinator/Wetland Specialist Tomczik stated the document being reviewed is from the same consultant that the landowner provided. District Technician Berger indicated the areas, as she believed, drain to the south, along the road and into the existing storm sewer system before making their way west towards Washington Lake, which is the Resource of Concern. She stated her understanding is the site is not permitted to install any structures on top of the contamination, they are allowed only to have sports fields on top of that.

Manager Waller asked if there was some drilling when the filtration systems were installed. Permit Coordinator/Wetland Specialist Tomczik stated no construction has started onsite because the permit is outstanding. He believes that the gentleman that spoke was referring to the investigation in the contamination area and this application is off to the west. Manager Waller asked how deep are the filtration systems expected to be in the ground underneath the parking lot. Permit Coordinator/Wetland Specialist Tomczik believes they would be roughly down four feet. District Technician Berger stated the applicant has proposed a liner to be placed underneath the filtration system to ensure that the stormwater would not be introduced into groundwater.

Mr. Lanoux stated a memo from the Department of Public Health states “It is in no way endorsing this product or any advertising and is not responsible for any situation which may approve it. This approval only applies to this project.” In the same document is states “The irrigation system is shown running through the existing ground fields and discharge above grade. There may be potential health effects associated with the irrigation system and the designer should contact the Minnesota Department of Health.” Mr. Lanoux reviewed the original irrigation on the map with the Board.

Mr. Lanoux noted there is an infiltration pond right next to the easement to 75th Avenue. He stated after a significant rainfall he has walked into the infiltration pond and it is completely dry so he wonders where the water has gone to. The Washington County Conservation District stated that in 2010 Lost Lake was not listed on the impaired lakes list. In 2013 four more lakes were added to the list in
Washington County, three were listed because of high nutrients and Lost Lake was added because of high mercury.

Mr. Lanoux stated the soils are compacted. When the ponds are put in and installed, it works much like a bathtub, there is an overflow and once there is excess water in the pond it collects it and shoots it into the stormwater system. The stormwater system it collects to goes under one of the parking lots which they plan on tying into the road stormwater system which will follow the sewer and water from the school. The plume will follow that system. The State knows this is a sealed dump and has indicated they applicant cannot come through contaminated soils with stormwater systems and their contention is that the contamination is coming from the infiltration pond which is completely dry after a two-inch rain. It gravity flows and follows the public sewer and water line to Lost Lake. It is traveling underground and is called an illicit discharge. He stated he has brought this up at the stormwater meetings and they do not address it.

Mr. Lanoux wondered who is liable for the contamination because no one is taking charge.

Manager Waller stated he understands the concern of the water plume and understands the frustration of being a citizen and coming before a Board, he does not see the relevance of what that must do with the surface water that is collected in these parking lots going into the filtration basins and will be going down to Washington Lake because the water that goes there does not come from the contaminated area, it comes from the impervious surfaces and is rather limited. He wondered what relevance this discussion has to the permit. Mr. Lanoux believed based on 1992 documents he has from the minutes of the MN PCA states that the plume is already two hundred feet south of the road. When water and sewer lines were run through there they provided the raceway to travel from the Municipal Dump and now they are going to make a connect and get into a sealed water collection system which will allow more contaminants to be put into Lost Lake. Contamination is flowing underground through the plume area where sewer and water lines were placed. He stated in the District’s permitting process they determine who is liable.

President Preiner indicated the need to move forward with this item and meeting. She asked if there is any representative for the applicant present at the meeting who would like to speak.

Mr. Bob Zick, Inside Insight News Hour, stated they report on Government and this issue is something they have been following for years. They have filmed and documented meetings on this serious issue that is before them and from the time that Lost Lake became contaminated which flows directly into White Bear Lake. He stated he was at the Grant City meeting last night where the School District’s engineer showed pictures of the hole being dug, fifteen feet deep, five hundred thousand cubic feet of dirt. When that kind of hole is created that now works as a negative area to pull from the surrounding area, that water is going to migrate to that area, which is under the parking lot. When they talk about this impervious parking lot, it is the area under the parking lot that they created. That area is pulling from the contaminated site. He did not know who is going to be responsible. They have a School District and an Association that wants to build a new hockey arena and this is all used to get people elected. Consequently, all of this is for what purpose. To have the contaminants flow through the overflow system, it must be stopped. The contaminants are not flowing inside the sewer lines, it is flowing outside of them and will be dumped into the sewer lines when it flows out of the fifteen-foot hole, it will flow into Lost Lake. He stated he would like the District to do its job and let the applicant appeal the decision. Don’t allow this to continue. He requested someone to take a stand on this and do
what is supposed to be done, which is to protect the health and safety of the citizens and stop the
insidious contamination.

Mr. Zick stated this is in the District’s hands and always easy for a Government agency to pass it along to
the next entity. Somewhere, somebody must start the process to force the full refuel and stop what is
going on here.

President Preiner advised as to the need to move the meeting forward.

Manager Haake stated the Board will need to decide what to do, she indicated she is going to vote no
for this. The people are trying to talk and tell them that there is contamination in the ground water and
she knows what has happened to the plume of contamination out of TCAAP going into New Brighton,
the expense it must clean the water. This water does travel and is coming off a polluted area and she
understood the District must follow its rules but she also feels there should be some way the District can
exercise some authority to tell the PCA of its concern and have the PCA really look at it because this is a
PCA issue and by tabling it, having some work done with the PCA, having some of these things shown.
She does not think the District’s responsibility stops with just making sure they are doing something to
hold water from impervious surface. She stated it bothers her that they are digging a hole that is going
down there that can create some contamination that is going to go into a lake. She stated she is not
ready to approve this.

President Preiner asked what the time frame is for turn around on this item. Permit
Coordinator/Wetland Specialist Tomczik stated the sixty-day period will end roughly on March 6, 2017.
They could look at the second meeting in February for consideration.

Motion by Manager Haake, seconded by Manager Wagamon, to delay action of this item to the
February 22, 2017 meeting to allow for follow-up with the PCA.

Further discussion:

Manager Waller stated he is not sure the residents are at the right place because the law is very tedious
and very narrow. He does not remember if the District authorized a lot of sewer projects in the City. He
stated that their contention that contamination is following the sewer lines all the way to the lake could
be true but it is not an area of authority that the Board exercises. What the District is concerned with is
collecting water off the parking lot, putting it into a basin and how it exits so it does not go into the
contamination site and gravity is going to take it towards the lake way. While he sympathizes with their
concerns about the health aspects of this, he does not really see how it is relevant on this particular
permit. He stated he will vote to delay this for another couple weeks for staff to review.

Manager Wagamon agreed and is not sure they have any jurisdiction on this. He would like to limit the
scope of finding out what the District’s jurisdiction is over this without getting into other issues.

Permit Coordinator/Wetland Specialist Tomczik reviewed what the Board is requesting of staff. He
noted if the PCA has a concern of how the area is proposed to be developed that burden is with the
landowner and the PCA and perhaps staff can look at it and how it affects the permit and jurisdiction.

Mr. Lanoux requested staff also contact the Department of Health.
Managers Haake and Waller agreed that staff would contact the PCA and Department of Health regarding the permit and if there is additional information that could be provided to the District.

Motion carried 4-0.

### PERMIT APPLICATIONS REQUIRING BOARD ACTION

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<td>16-109</td>
<td>MnDOT</td>
<td>Columbus, Forest Lake, Lino Lakes</td>
<td>Street &amp; Utility Plan Bridge/Culvert Crossing Wetland Alteration</td>
<td>CAPROC 5 items &amp; Procedural Design Build Attachment</td>
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Permit Coordinator/Wetland Specialist Tomczik stated this is a MnDOT design-build project. Page 33 of the packet is the engineers report. He noted item 2 of the engineer’s report talks about the design build project itself. MnDOT has laid out the broader scope of the project which is bid out and the contractor they hire has the ability to change some of the parameters and the whole idea is in efficiency of building and cost to the overall public. With that and consistent with the communication to the Board in the minutes of the Board Workshop in September 2016, shown on page 39 of the agenda packet there is an attached exhibit list. Page 44 of the agenda packet is the referenced CAPROC item.

Permit Coordinator/Wetland Specialist Tomczik stated on page 37 of the agenda packet in regards to the documented drainage issue by the weigh station, the applicant has reduced both the rate and the volume for the various rainfall events which is compliant with the District rule and per the District engineer’s assessment will not aggravate that known drainage area of concern.

Manager Haake stated this is an area where there has been water draining onto the west side of where 35E and 35W comes together. She asked when this is developed, is it going to alleviate some of the water that is going to drain into a certain area on the west side of 35. Permit Coordinator/Wetland Specialist Tomczik stated the project is predominantly pavement overlay but there are some new impervious areas as well.

District Technician Berger reviewed the drainage areas located on the map. Manager Haake asked if the all the water basins along the corridor are large enough to hold all the water from the impervious surfaces. District Technician Berger stated from the submitted information that is correct and there will also be some areas of pavement removal that will be occurring. She believes there will be more pavement removal than replacement.

President Preiner asked what is being done on the weigh station. District Technician Berger indicated MnDOT will be removing pavement in that area. The areas noted in red will be pavement removal.

Manager Waller stated this is a new process and will be a learning experience. Because it is a new experience and indications are there will not be any water flow to the west he hoped it will be watched a little closer to see how it works out. Permit Coordinator/Wetland Specialist Tomczik stated there are three circumstances in the resolution where the administrator will need to bring the permit amendment to the Board for decision. The resolution does delegate the approval of the individual contractor
packages to the administrator and they have a designated staff that will be the inspector on the project
and receive or have the interface on the contractor and MnDOT as they proceed.

District Engineer Otterness clarified the process with the Board.

Motion by Manager Wagamon, seconded by Manager Waller, to adopt Resolution 2017-02,
Conditionally Approving Permit 16-109 and Delegating Authority for Permit Amendments.

THEREFORE BE IT RESOLVED that Permit 16-109 is conditionally approved pending receipt of changes,
and subject to stipulations, as set forth in the February 1, 2017 report of the District engineer attached
hereto;

BE IT FURTHER RESOLVED that the District administrator hereby is delegated the authority to approve
amendments to this permit on the basis of District staff and engineer review of design-build packages,
pursuant to such reasonable procedures as he may prescribe so as to limit the District cost for such
review while being reasonably responsive to MnDOT timing needs;

BE IT FINALLY RESOLVED that the authority delegated to the District administrator does not extend to
approval of the following, which would need to be brought before the Board:

- Alteration of the acreage of a stormwater catchment;
- A request for variance from any term of a District rule;
- A wetland impact subject to the District wetland alteration rule;

And that the District administrator may defer to the Board any request for amendment raising a policy
question that, in his judgment, the Board should consider.

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

Motion carried 4-0.

OPEN MIKE – LIMIT 12 MINUTES. Any RCWD resident may address the Board in his or her individual
capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to the
podium, state their name and address for the record. Additional comments may be solicited and accepted in
writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may
refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.
There were no comments made at Open Mike.
ADDITIONAL ITEMS REQUIRING BOARD ACTION

1. Election of Officers.

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

Manager Waller stated over the years he has stated that a rotation of officers should be built into the bylaws because he thinks fresh eyes looking at things puts a little different view on it and catches some things that may have been neglected or some things that need to be improved. He stated his position on that has not changed any. He is looking forward to the appointment of the bylaws committee and that they would take a look at how the election of officers is done.

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

Motion carried 3-1.

2. By-Laws Subcommittee Appointment
Manager Waller stated he thought this was just as important as the personnel committee, which they discussed awhile back. Manager Waller asked to be on that committee and he agreed and thought all five managers should be on the committee because the human resources needed to be updated and looked at and he would say the same is true with the by-laws. He did not see why they could not meet and work on this as a committee. He thought all five managers should be involved in this update and meet in their workshops because this is not something that will be done quickly and he thought they could meet before the regular monthly workshop and work together. He felt it was important that all five members participate in it. Just for the discussion and learning experiences.

Manager Haake stated her proposal was, just to start the by-law revision, that Manager Bradley and she work on the By-laws. She noted they would call some meetings and ask for input. She thought two of them could see if anything needed to be changed and then get together in a workshop meeting to go over the items and then the two of them would rework it a little bit and come back to the whole Board for review and approval. She asked if they could legally do this.

District Attorney Holtman stated performing as a sub-committee is subject to open meeting law but what Manager Haake described would be fine but he suggested they establish a committee of the whole and then simply direct Managers Bradley and Haake to assist the committee by gathering best practices and bringing material for the committee to consider.

Manager Waller stated he would like to be on that committee of the whole and he would like to be on the subcommittee also. He noted he wanted to be in on the discussion from the beginning so that he understands what is going on and can provide input. Manager Haake
suggested they scrap this idea and have all five managers meet and go through the By-laws so nobody is excluded from discussion.

President Preiner thought Manager Waller had a good idea that they could meet an hour early before their regularly scheduled monthly workshops.

**Motion by Manager Waller, seconded by President Preiner, for the entire Board to begin work on the By-Laws and to meet an hour prior to the workshop meetings, going forward as needed.**

President Preiner stated Manager Haake already has been thinking about this so she requested that Manager Haake bring forward a format to follow.

**Motion carried 4-0.**

District Administrator Belfiori asked if this should be placed on the next workshop meeting agenda. The Board thought it should be placed on the April workshop agenda.

3. **Designation of Official Depository (currently Anchor Bank) and Official Newspaper (currently St. Paul Pioneer Press)**

**Motion by Manager Haake, seconded by Manager Waller, to designate Anchor Bank as the official depository of the Rice Creek Watershed District and to designate St. Paul Pioneer Press the official newspaper of the Rice Creek Watershed District.**

Manager Haake questioned if local newspapers are also noticed. Administrator Belfiori replied that they are not official newspapers for legal notice purposes but that the District does use them for noticing.

**Motion carried 4-0.**

4. **Consider Water Quality Grant Program Applications**

a. **A17-01 Joel and Jenny VanCanneyt, Pond Excavation, Columbus.**

District Technician Berger stated this project proposes the excavation of an existing ~1-acre wildlife/sediment pond along the main trunk of Anoka County Ditch 31 (ACD 31) in Columbus. The project will include the removal of approximately 5-6 feet of sediment to maintain the pond to the as-built conditions. The pond is also utilized for irrigation of the property and supports wildlife. The project is adjacent to the public drainage system, which ultimately drains to Howard Lake, a Tier II Water body in the RCWD Watershed Management Plan.

District Technician Berger reviewed the background of the project with the Board. She stated the applicant is proposing to excavate the sediment out to the historic bottom. Since the pond is classified as wetland, the applicant must follow Wetland Conservation Act requirements, as well as District Rules. The applicant is currently in the process of pursuing these permits.

District Technician Berger stated the pond excavation will act as sediment trap along the ditch, trapping suspended sediment before it reaches Howard Lake. Excavated sediment will be placed in upland areas and the landowner will use swamp pads as needed. Howard Lake had
previously been impaired for nutrients, but was delisted in 2014 based on improved conditions through the help of several restoration projects including a fish barrier to eliminate rough fish.

District Technician Berger stated the landowner received 1 bid for the project. The bid was estimated at $24,850 and was provided by Richard Citrowski with R.C. Sales and Manufacturing, Inc. This is an atypical request for the cost-share program, but overall meets the intent of the program to improve water quality by providing sediment removal. District Staff did not prepare pollutant reduction amounts for this project due to the intense amount of modeling and engineering that would be required. Based off the previous sediment accumulation within the pond and the upstream land use of the pond, it is evident that the project will be a benefit to the resource. The landowners irrigate 6 acres, which help to pull volume out of the ditch to reduce flow rates and help to infiltrate water, aiding in the removal of pollutants of the phosphorus laden water.

Permit Coordinator/Wetland Specialist Tomczik stated in quick discussion with District Counsel, the last line “Contingent upon receiving permits from all regulatory agencies”, is very broad. He suggested striking that sentence and changing it to “Contingent on District Staff confirming to its satisfaction that all applicable permits have been received”.

Motion by Manager Haake, seconded by Manager Wagamon, to approve RCWD Water Quality Grant Program Contract A17-01 for the VanCanneyt’s sediment pond excavation, up to $16,500 and not to exceed 75% of eligible project expenses, in accordance with established program guidelines. Contingent on District Staff confirming to its satisfaction that all applicable permits have been received. Motion carried 4-0.

b. A17-02 Tamara Russell, Shoreline Restoration, Centerville.

District Technician Berger stated this project proposes the restoration of a shoreline along Peltier Lake in Centerville, MN. The landowner is looking to remove and eliminate an existing concrete retaining wall on the shoreline, and replace the wall with riprap and a vegetative buffer to reduce shoreline erosion and provide stabilization. The project is adjacent to Peltier Lake, a Tier II Waterbody in the RCWD Watershed Management Plan.

District Technician Berger stated overall, staff supports this project as the current wall is not ideal along the lakeshore. The wall has caused slumping of vegetation and soil to enter into the lake and the riprapped shoreline will protect further deposition of organic material into the lake. The project will utilize sediment and erosion control measures to prevent additional sediment from entering the lake during the wall removal. The project will be restored to DNR specification for riprap. The landowner intends to plant a buffer along the shoreline this summer per recommendations by district staff and the conservation district.

District Technician Berger stated the landowner obtained two bids for the project. Outdoor Innovations Landscaping estimated the cost for the shoreline restoration at approximately $15,050.00 and the Lakeshore guys estimated the cost at $26,420.00. This project will help to eliminate 16.34 lbs of Total Suspended Solids and .24 lbs of Total Phosphorus per year. The applicant has submitted an application to encumber up to $7,500.00 in cost-share funding for this project, not to exceed 50% of eligible project expenses.
District Technician Berger stated this proposal was considered by the RCWD Citizen Advisory Committee at its meeting held on February 1, 2017. The CAC discussed the application and passed a motion recommending that the RCWD Board of Managers approve this project for up to $7,500 in cost-share funding, not to exceed 50% of eligible project expenses.

**Motion by Manager Waller, seconded by Manager Wagamon, to approve RCWD Water Quality Grant Program Contract A17-02 for the Russell’s shoreline project, up to $7,500 and not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 4-0.**


District Administrator Belfiori stated the Resolution is related to a petition received by a homeowner in the City of Hugo. Marvin LaValle petitioned for an impoundment of waters on Branch 2 of JD3 as well as abandonment of a portion of Branch 3 of JD 3 and also realignment of Branch 3 of JD 3. He reviewed the petition with the Board.

**Motion by Manager Waller, seconded by Manager Haake, to adopt Resolution 2017-03, Findings and Order Receiving Engineer’s Report and Setting a Date for Hearing.**

**Therefore, the RCWD Board of Managers makes the following:**

**ORDER**

A. The Board of Managers receives the engineer’s report for filing and sets a public hearing on the report and the petitioned action for March 8, 2017 at 9:00 a.m. in the Shoreview City Council Chambers, 4600 North Victoria Street, Shoreview, Minnesota.

B. The Board directs its staff to give notice of the hearing as required by statutes sections 103E.227 and 103E.806 by mail to the petitioner and to owners of property and political subdivisions likely to be affected by the proposed action, including the owners of all property benefited by the drainage system, by publication either in a newspaper of general circulation within the affected drainage area or on the RCWD Web site and by any other means directed by local policy.

C. This order is not an approval of the impoundment and partial abandonment proceedings, nor does it modify the drainage system. A decision on the petitioned action will be made following public hearing and according to the standards found in statutes sections 103E.227 and 103E.806.

**ROLL CALL:**

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

**Motion carried 4-0.**

District Administrator Belfiori stated the Minnesota Department of Transportation is proposing some improvements to Interstate 35W. Those improvements include a portion of 35W that crosses Anoka Ramsey JD1. He reviewed the engineers’ technical memo with the Board.

Manager Haake stated to replace at that particular capacity, MnDOT would be replacing and not on the District’s dime. District Administrator Belfiori indicated that was correct.

Motion by Manager Haake, seconded by Manager Waller, to adopt Resolution 2017-04, Findings and Order Regarding Culvert Placement/Location for MnDOT I-35W North Corridor Project; Anoka-Ramsey Judicial Ditch 1 Crossing.

Therefore, the RCWD Board of Managers makes the following:

ORDER

A. The Board of Managers concurs in the engineer’s recommendation; that the crossing’s deviations are immaterial to the efficient operation of ARJD 1 and will, in their current location and condition, provide adequate hydraulic efficiency to maintain the as constructed capacity and function of the system.

B. The Board notes, however, that this action applies only to the existing condition and that these findings and order be re-evaluated if / when a modification of any of the I-35W – ARJD 1 crossing culverts is proposed in the future.

C. If the culverts are replaced in the future, notwithstanding these findings and order, MnDOT or the applicant at that time shall be required to replace the culverts to the previously established elevation, grade, and capacity.

D. The Board directs its staff to file these findings and order, along with the engineer’s technical memorandum in the drainage system file.

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

Motion carried 4-0.

7. Consider Proposed Legislative Position Documents (pending 2/6 workshop discussion).

District Administrator Belfiori stated at the January 9, 2017 Board workshop meeting, the Board of Managers reached consensus to direct staff and consultants to develop draft documentation and case study presentation materials related to the Brown’s Preserve /JD 4 and ACD 53-62 projects in relation to the U.S Army Corp of Engineers (ACOE) permitting process. At the 2/6/17 Board workshop meeting, the Managers also discussed utilizing the case study materials to draft RCWD Federal Legislative position documents.
District Administrator Belfiori stated at the February 6, 2017 Board workshop meeting, the Board reviewed the draft Federal Legislative position documents and materials (attached) and reached consensus that these materials should be brought forward to the February 8, 2017 Board meeting for consideration.

**Motion by Manager Haake, seconded by Manager Wagamon, to approve the attached Federal Legislative position documents and authorizes staff to assist the Board President in presenting the materials.**

Manager Waller stated it was his understanding that they were going to try to establish some sort of consensus with their other Counties and Cities and Watershed Districts. He wondered what the calendar is going to be because they are going in there without their friends to help them. President Preiner indicated they will not be alone, they have the City of Columbus and County of Anoka with them. Manager Waller wondered if they should try to get ahold of Washington County as well. He thought it would be good to have more backing.

President Preiner replied the meeting has been scheduled for tomorrow.

**Motion carried 3-1 (Manager Waller, Nay).**

8. **Consider Veit & Company, Inc pay recommendation for the Rice Creek Meander Project.**

Water Resource Specialist Axtell stated Veit & Company, Inc. (Veit) had procured and delivered 5,520 square yards of Belton 700 erosion control blanket (ECB) to the Middle Rice Creek Restoration project site in early 2016. Due to difficult weather and working conditions that winter, the site restoration schedule was modified significantly and the ECB was never installed. The ECB was left at the site in a pile, exposed to the elements throughout 2016. It was later concluded by the Project Engineer (EOR) that the materials would no longer be needed at the site due to the extra growing season that was added to the project schedule.

Water Resource Specialist Axtell noted that Veit informed EOR that it would be demanding payment for the material despite it never having been installed, because it had been procured and delivered to the site. After a series of EOR and District staff communications, the contract language seemed to indicate that the District would likely be responsible for some form of payment to the contractor for the material, as it was no longer in a condition whereby it could be returned to the manufacturer.

Water Resource Specialist Axtell stated at the same time, December 2016, changes to the revegetation plan and schedule were being considered for the Hansen Park project, working with Rachel Contracting, Inc. that would alter the plans from a spring native planting with hydromulch to a winter dormant seeding that required ECB. District staff saw this as an opportunity to solve the problem with Veit by purchasing the ECB and providing it to Rachel as “owner-supplied” material.

Water Resource Specialist Axtell further explained that District staff, the Hansen Park project engineer, HEI, and Rachel proceeded to inspect the ECB for condition assessment and determined it would be acceptable to use at Hansen Park. Water Resource Specialist Axtell
indicated the District requested an invoice from Veit multiple times for the ECB. He stated that what was needed from Veit was an acceptable invoice package detailing the actual original cost of the supplied material and justification for any additional costs. In the view of District staff and both engineers, some level of overhead cost would be acceptable. The contract stipulated a 15% overhead rate. The material need to be thawed out before use, so the District approached the City of New Brighton and they offered to provide indoor heated storage space for the material at no cost to the District. The District took possession of the material on December 29, 2016 and moved it to New Brighton Public Works for storage and all of the material was found to be in acceptable condition.

Water Resource Specialist Axtell indicated that Veit provided an invoice to the District on January 24, 2017. The invoice can be found in your Board packet. The invoice included unexpected line items and costs. District staff responded by phone and email to Veit to inquire about the extra costs and did not receive a timely response from the project manager. Given the lack of response, both of the Rice Creek Watershed District project engineers recommended that Veit be paid what the District considered to be the fair and reasonable cost for the material as cost presently not in dispute. The District has been forced to utilize this approach for each pay request Veit has submitted for the Middle Rice Creek Project, relating to erroneous or inflated pay requests.

Water Resource Specialist Axtell stated by staff's analysis, the present request constitutes an over-billing of almost 22%, or nearly $4,100. Nate Stone, the Veit project manager, has been advised that if he has any issues with the recommended payment amount that he should attend the February 8, 2017 Board meeting to make his case for additional payment. Water Resource Specialist Axtell informed the Board that the District did recently receive an email from Veit, indicating that they are standing firm on their request for full payment per the submitted invoice and that the District needs to explain to Veit why these amounts are unacceptable. Staff believes the District has provided this information to Veit in previous communications. Staff concurs with the project engineer’s recommendation that $18,633.28 be approved for payment to Veit & Company, Inc. for the materials provided, per the adjustments to Invoice 150373-ECB.

Water Resource Specialist Axtell stated that relevant correspondence, the invoice and adjustment information is in the Board packet for review.

Manager Haake asked if they were required to do something in the other areas of Hansen Park anyway or is this something they are going to chalk up to experience and it's just an overrun the District will have on the account. Water Resource Specialist Axtell indicated it turned out pretty well for the District considering we had to buy the material whether it would be used at Middle Rice Creek or not.

Water Resource Specialist Axtell indicated the reason for the plan change at Hansen Park from a spring seeding to a dormant winter seeding is because the District would have to pay for the ECB anyway so if it is going to own it, it might as well use it. Manager Wagamon wondered why it did not get returned in the first place. Water Resource Specialist Axtell stated he was not sure but to his understanding, it was delivered to the site around December 2015 but he did not have the date EOR notified the contractor that the material would not be necessary. There is still going to be a need for an erosion control blanket on that site but not that much of it.
Manager Haake indicated staff needs to communicate to Veit the amount the District will pay is the $18,633.28. Manager Waller stated the District has worked with Veit in the past and has worked with a good project manager.

Water Resource Specialist Axtell stated there have been some challenges in the project manager relationship on this particular project, which has not been the case with other crews in the past. District Engineer Otterness stated the District had a great working relationship with Veit on the ACD 31 & 46 project, and it is always the District’s option to have a frank conversation directly with some of the staff that manage at Veit about challenges experienced on the Middle Rice Creek project, and getting some assurance that in future District projects the District will be getting project delivery that is up to District standards. President Preiner thought that was a good idea.

District Administrator Belfiori indicated that staff have had discussions with Veit staff in the past and that staff have used their judgment in communicating very strongly and clearly and also to attempt to maintain a level of communication. Staff, Water Resource Specialist Axtell and EOR, in his opinion, have done a very good job. He stated the project is still on schedule and they plan on completing this in time for the end of the grant cycle. He stated at this point District staff wants to make sure they are very clear with Veit and will bring back any information that has changed.

**Motion by Manager Waller, seconded by Manager Wagamon, to approve Veit & Company, Inc.’s pay request as adjusted by District Staff and directs staff to issue a payment in the amount of $18,633.28 for materials provided for the Rice Creek Watershed District staff adjustment to Invoice #150373-ECB. Motion carried 4-0.**

9. **Consider Pay Request #3 from Veit & Company, Inc. for the ACD 31/46 Repair Project.**

District Administrator Belfiori indicated the purpose of this item is to recommend partial payment #3 to Veit & Company, Inc. for the Anoka County Ditch (ACD) 31 & 46 Repair Project. The contractor has complete all tree clearing activities, culvert replacements, and most of the required excavation and site stabilization. Work remaining includes open channel excavation and associated stabilization in locations where gas lines need to be lowered, and items to be identified during final site walkthrough this spring.

District Administrator Belfiori indicated staff and the engineer have been very pleased with the timing as well as the product of this ditch repair project.

**Motion by Manager Haake, seconded by Manager Wagamon, to approve Veit & Company, Inc.’s pay request #3 as submitted and certified by the District Engineer and directs staff to issue a payment in the amount of $69,256.90. Motion carried 4-0.**

10. **Consider Check Register dated February 8, 2017, in the amount of $240,497.86, prepared by Redpath and Company.**

**Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated 2/8/17, in the amount of $240,497.86, prepared by Redpath and Company. Motion carried 4-0.**
ITEMS FOR DISCUSSION AND INFORMATION

District Administrator Belfiori stated the Board has received an invitation to the MAWD Annual
Legislative Reception. Staff will be working on legislative packets to be provided within the
legislative invites. He would like the Board to contact staff if they plan on going and staff will
make a group reservation.

2. Follow Up Discussion from 2/6/17 Informational Meeting
District Administrator Belfiori updated the Board on the February 6, 2017 Anoka County Ditch
53-62 Branch 2 landowner informational meeting which approximately 12-13 landowners
attended. He noted there were many comments regarding to the repair, some on the Water
Management District and some on systems that were not a part of the repair of this particular
branch.

District Administrator Belfiori stated there were a few residents that asked about the March 8,
2017 Board meeting location and date for the public hearing, which has already been set. The
noticing has started to be implemented and the notices are being sent. It is ultimately the
Boards decision if they want to further or alter the discussion however staff’s recommendation
would be that if the rescheduling were to take place there may be something they need to
weigh relating to any confusion that might be brought out by people who have already received
the mailing and selected that date on their calendar.

President Preiner asked how many postcards went out. District Administrator Belfiori indicated
there were approximately 4,600 postcards.

The Board reviewed and discussed if they wanted to change the hearing time and date. District
Administrator Belfiori stated an alternative is if the Board decides to change the date or time
they could notify the individuals that attended the February 6, 2017 of the changes.

The Board consensus was to leave the meeting time and date as previously set and notified to
the public.

Manager Waller stated in regards to the meeting on February 6th, he sensed a lot of frustration
from the residents and he could understand that with the issues they have had. He asked staff,
as they work on this, to sit down with the City to see if there is something that can be done.

District Administrator Belfiori felt staff has had answers for the residents and he reviewed the
multiple past projects done to attempt to address the issues related to this area.

Manager Wagamon stated he was also at the meeting and thought the residents were unhappy
but did not think they were frustrated with the watershed. Manager Waller indicated he did not
necessarily mean they were frustrated with the watershed but they were upset about the park
and the City and the issue there. He thought staff worked hard on this.

President Preiner wondered if there was anything they could do to have Blaine come to one of
their workshops to talk to them about this issue. District Administrator Belfiori stated they
could revisit this. His recollection would be that one of the key facets is to try to get an outlet
ccontrol structure there that does not create the bounce in that pond.

District Engineer Otterness stated the problem that was specifically identified this fall was
directly related to the Home Depot outlet. Replacing that outlet would address that particular
concern. It would not address every drainage issue however. It would be a good idea if District
staff had the opportunity to talk to the City of Blaine staff about some of these issues, prior to
bringing the issue back before the Board.

3. Engineer Update and Timeline
There were no comments.

4. Manager’s Update
Manager Waller stated he has been working on human resource issues. He took a visit to
Hamline University and they seem to be unique because they have a public administration
program. He was referred to St. Thomas because they have an undergraduate program. He
visited with a professor there and had some good discussion. He stated he would like to get
their human resource rules up to modern standards. He stated he will continue to work on this
and bring it forward at the By-Law meetings.

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