Minutes

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

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

Absent: Manager Barbara Haake (with prior notice)

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica, Technical Specialist/Permit Reviewer Chris Buntjer.

Consultants: District Engineers Chris Otterness, Houston Engineering, Inc. (HEI); District Attorney Michael Welch from Smith Partners; and Drainage Attorney John Kolb from Rinke Noonan.

Visitors: None.

SETTING OF THE AGENDA
Motion by Manager Wagamon, seconded by Manager Waller, to adopt the agenda as presented. Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the March 9, 2015, Board of Managers Meeting Workshop Meeting and the Minutes of the March 11, 2015, Board of Managers Meeting regular Meeting. Motion by Manager Bradley, seconded by Manager Wagamon, to approve the minutes as presented. Motion carried 4-0.

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

CONSENT AGENDA

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>MnDOT</td>
<td>Arden Hills/</td>
<td>Street &amp; Utility</td>
<td>CAPROC 3 items</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Brighton</td>
<td>Construction</td>
<td></td>
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Permit Coordinator/Wetland Specialist Tomczik noted on page 19 of the packet under Item 2, Rule G is the recent change put into the rule, which requires maintenance of a crossing of a natural or artificial system. The District is looking for maintenance on the culvert. In the past, MnDOT had challenges, concerns as an applicant in providing this level of surety for their storm water feature maintenance. MnDOT and the District eventually came to an agreement that their work under their MS-4 would be acceptable for the maintenance of the storm water features. Similarly, in this case, the District is looking for MnDOT to maintain this culvert. However, these culverts are not covered under their MN-4. Staff will work to achieve that.

Permit Coordinator/Wetland Specialist Tomczik stated for the record an item on page 21, second line, it states “per rule C6C1”, should state “per rule C6C2”. He stated on page 39, the bottom of the page talks about stormwater that is using the banked credits, this historic system of the past District rule and is still in play as applicants continue to take care of the remaining debit and credit obligations.

**Motion by Manager Wagamon, seconded by Manager Bradley, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated March 17, 18 & 19, 2015 with changes outlined by Permit Coordinator/Wetland Specialist Tomczik. Motion carried 4-0.**

**PUBLIC HEARING ON HANSEN PARK PROJECT COMPONENT OF BASIC WATER MANAGEMENT PROJECT 2013-01**

President Preiner stated The purpose of the hearing is to hear comments and take testimony from parties having an interest in the proposed project to be constructed in partnership with the City of New Brighton, in accordance with Minnesota Statutes § 103B.251, Subdivision 3.

Water Resource Specialist Axtell explained much work has been undertaken over the last several months, in consultation with City of New Brighton staff, to develop a concept plan for a proposed water quality and flood control project within Hansen Park. The concept plan is now complete and Houston Engineering has submitted its final Hansen Park Conceptual Design Summary Report. Please remember that this is still only a concept plan – there is ample time in the coming year to incorporate modifications as the project team finds reasonable. For now, we feel we have a concept that more or less meets the established goals of the project and is acceptable to both the District and City on a staff level. The finer details will be worked out over the coming year.

Water Resource Specialist Axtell presented a brief History of Events to the Board including: Funding Expectations RCWD vs. City; Upcoming Timeline/Process with Public Involvement; Concept Plan Review; Iron - Enhanced Sand Filter Example and summarized what the Board will be requested to do at this meeting.

Manager Waller stated he would like to see something in the photographs of record regarding the Gardenview apartments flooding because that was an important aspect of the project. He also stated on the Watershed District Water
Management Plan, Ramsey County Ditch #2 is designated as a trunk system and that the funding for the maintenance and repair of that system for the past twenty-five years has been at the general tax because it is a trunk system so that the future maintenance funding on this will be available to maintain it because it is a very important system and a trunk system.

President Preiner opened the public hearing.

No public comment was made.

President Preiner closed the public hearing.

OPEN MIKE — LIMIT 12 MINUTES. Any RCWD resident may address the Board in his or her individual capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

There were no comments made at Open Mike.

ADDITIONAL ITEMS REQUIRING BOARD ACTION

1. Consider permit fee refund request – Pavel Sakurets, Real Estate Liquidators
   Permit Coordinator/Wetland Specialist Tomczik stated Pavel Sakurets of Real Estate Liquidators applied for a permit with RCWD. The application was for subdivision and development of a parcel for single-family residences. The parameters of the proposed development project resulted in a $2,725 application fee; consistent with the RCWD adopted fee schedule. The District expended $79 in review of the initial materials.

   Motion by Manager Bradley, seconded by Manager Wagamon, to issue a permit fee refund in the amount of $2,646.00 for permit application file #15-002. Motion carried 4-0.

2. Consider Memorandum of Agreement for Hansen Park Project with the City of New Brighton
   Water Resource Specialist Axtell stated much work has been undertaken over the last several months, in consultation with City of New Brighton staff, to develop a concept plan for a proposed water quality and flood control project within Hansen Park. The concept plan is now complete and Houston Engineering has submitted its final Hansen Park Conceptual Design Summary Report.

   Water Resource Specialist Axtell reviewed the project with the Board.

   Manager Bradley stated his concern with the agreement as drafted is in paragraph five, last sentence which states “The City shall have no financial responsibility toward the project...” and the project itself is not defined. The summary given has defined the project and he assumed they will be approving the Houston proposed project and he had hoped they would amend the memorandum agreement that is not being the best way to move at this moment, he will when it comes to that moment, propose a change to the motion contained in the Board packet to read “approve the attached memorandum agreement with the City of New Brighton regarding the primary project features construction, operation and maintenance of the Hansen Park Project Component of Basic Water Management Project 2013-01, the memorandum agreement does not address possible park amenities which will be generally funded by the cities or other stakeholders, authorizing the Board President to execute the document.”
Drainage Attorney John Kolb, thought the way Manager Bradley proposed to do the motion is fine. He explained the primary purpose of the memorandum agreement is to satisfy the requirement of the targeted watershed demonstration grant to BWSR and it is a unique chicken and egg situation the Board is in with regard to this grant. He stated right now they have a concept for the project, they do not actually have the actual project design with all of the components to include not only the primary components but also the secondary components that might be proposed by the City. Unfortunately, in order to get to the point where they can actually have that full project design done, they have to have assurance from the City that they have the access and operation and maintenance for useful life of the project, otherwise the Board cannot spend a dime of the BWSR money and that is why this MOA was designed the way it was.

Mr. Kolb stated language in paragraph five that Manager Bradley references was asked for by the City because from their standpoint it was unclear as to what they had to pay for and were told they would only pay for what they want to add and what they agree to pay for and if they want to add something and do not want to pay for it they are not going to build it. He thought this still allows for the City to come back and request additional project amenities to be tucked under their contract as a cost savings and that will force them to come to a subsequent agreement as to the actual payment of those additional project components.

Motion by Manager Bradley, seconded by Manager Wagamon, to approve the attached Memorandum of Agreement with the City of New Brighton regarding the primary project features of construction, operation and maintenance of the Hansen Park Project Component of Basic Water Management Project 2013-01. The Memorandum of Agreement does not address possible park amenities which will generally be refunded by the City or other stakeholders and authorizing the Board President to execute the document. Motion carried 4-0-1.

3. Consider Deliverables from Houston Engineering Task Order 2014-30

Motion by Manager Bradley, seconded by Manager Waller, to accept the Hansen Park Conceptual Design Summary Report, dated March 18, 2015. Motion carried 4-0.

4. Consider Resolution 2015-09, ordering and establishing the Hansen Park Project
Water Resource Specialist Axtell updated the Board on Resolution 2015-09, ordering and establishing the Hansen Park Project.

Motion by Manager Waller, seconded by Manager Wagamon, to offer Resolution 2015-09 and its adoption.

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

Motion carried 4-0-1.
5. Consider Houston Engineering Task Order 2015-018 to Provide Permitting and Regulatory Assistance to the RCWD for the Hansen Park Project (Phase 2)

Water Resource Specialist Axtell updated the Board regarding Houston Engineering Task Order 2015-018 to provide permitting and regulatory assistance to the RCWD for the Hansen Park Project (Phase 2).

Motion by Manager Bradley, seconded by Manager Wagamon, to approve the Houston Engineering request for services with a total cost of $43,000 as defined in the attached Task Order 2015-18, dated March 19, 2015, authorizing the Board President to execute the document. Motion carried 4-0.

6. Consider Authorization for the District Administrator to Submit Regulatory Application to Agencies for Hansen Park Project

Water Resource Specialist Axtell asked the Board for authorization for the District Administrator to submit regulatory applications to agencies for the Hansen Park Project as they become ready for submittal.

Motion by Manager Waller, seconded by Manager Wagamon, to authorize the District Administrator to submit permit applications and other regulatory requests to the Minnesota Department of Natural Resources and the U.S. Army Corps of Engineers, and others, as is necessary to carry out the Hansen Park Project Component of Basic Water Management Project 2013-01. Motion carried 4-0.

District Administrator Belfiori recognized Water Resource Specialist Axtell excellent work on this project so far. He noted he received a letter from a Councilmember commending the work that staff had done. Manager Waller hoped District Administrator Belfiori would add the letter to Water Resource Specialist Axtell’s personnel file.

7. Consider Curlyleaf Pondweed Control Cost Share.

District Administrator Belfiori stated Curlyleaf Pondweed is a non-native aquatic plant found in many Twin Cities Metro Area Lakes.

Motion by Manager Wagamon, seconded by Manager Bradley, to enter into agreements with DNR for Aquatic Invasive Species control grants on Bald Eagle and Reshanau Lakes, and authorized the Administrator to execute the necessary contracts. Motion carried 4-0.

Motion by Manager Wagamon, seconded by Manager Bradley, to enter into professional services contracts for chemical treatment of Reshanau and Bald Eagle Lakes (not to exceed $40,000), and authorized the RCWD Administrator to sign the necessary contracts. Motion carried 4-0.

8. Consider Petition for Boundary Change with Sunrise River Watershed Management Organization (Anoka County Ditch 31)

District Administrator Belfiori stated during the historical review of ACD #31, it was noted that there were boundary errors between RCWD and Sunrise River Watershed Management Organization (SRWMO) in the city of Columbus. Based on the improved hydrologic boundary developed from the LIDAR data collection in 2009, it was discovered that 67 parcels that drain to RCWD were actually within the boundary of SRWMO. Likewise, 20 parcels that drain to SRWMO are within the RCWD boundary.

Motion by Manager Wagamon, seconded by Manager Waller, to approve Resolution 2015-10, Requesting Change of Boundary with Sunrise River Water Management Organization.
ROLL CALL:
Manager Haake – Absent
Manager Waller – Aye
Manager Wagamon – Aye
Manager Bradley – Aye
President Preiner - Aye

Motion carried 4-0-1.

Water Resource Specialist Axtell stated on May 22, 2013 the Rice Creek Watershed District approved Resolution 2013-13, approving the City of Spring Lake Park’s local Water Management Plan as submitted to the District on April 11, 2013. The City Council later adopted the Plan by Resolution 13-18 on August 19, 2013. The City added some new policy language to their plan after review by the Minnesota Pollution Control Agency. The plan amended proposes no change to the jurisdictional framework established between the City and District in regards to enforcement of the Wetland Conservation Act or Implementation of District Rules. The District staff finds that the amended Plan remains consistent with the District’s Watershed Management Plan and recommends that the Board of Managers approve the City of Spring Lake Park’s local water management plan amendment as submitted to the District on March 2, 2015.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve Resolution 2015-11, approving Amendment to Spring Lake Park Local Water Management Plan and its adoption.

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

Motion carried 4-0-1.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated 3/25/11, in the amount of $207,417.57, prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Update on Urban Stormwater Remediation Cost-Share Applications.
Water Resource Specialist Axtell updated the Board on the Urban Stormwater Remediation Cost-Share Applications. He noted they have received five applications.

Water Resource Specialist Axtell stated one application received was from the City of Arden Hills associated with a street reconstruction project. Another application received was from the City of Columbia Heights that is a fairly robust stormwater retrofit. Another application received was from the City of Fridley who is working with a private property owner, Village Green Apartments. Application four is from the City of Roseville. Evergreen Park
stormwater reuse project. Also, White Bear Township has a retrofit of a small stormwater treatment facility near Bald Eagle Lake. He believed the total amount requested was approximately $210,000.

2. **Staff Report**

   Permit Coordinator/Wetland Specialist Tomczik stated there is a project in the Forest Lake area called Hawthorn Heights. There are ten lots being developed by Eternity Homes. The District has received ten complaints over a period of time regarding the project and they are working with their partners; the City, the Conservation District. The City itself has shut the project down once. The basic complaints are sediment tracking onto the roadway, lack of erosion control, construction debris flying around and are part of the City’s MS-4 as well as the Districts interest in erosion control and such matters. He believed the applicant is less than happy about the situation but they are managing it as best they can.

   Permit Coordinator/Wetland Specialist Tomczik stated that a past applicant had provided a wetland management easement in an association with their project. The business is now intending to expand and design is involving that easement area. The District holds an interest in the property and proposed adjustments to the easement are likely to be considered by the Board.

   Permit Coordinator/Wetland Specialist Tomczik updated the Board on the Blaine open space area which includes past and proposed wetland banks. He also stated BWSR is undertaking some changes to the Wetland Conservation Act. They are proposing to impose a fee in lieu program. BWSR also intends to approve wetland banks independently which is a removal of the District’s authority on those issues. They are also going to identify high priority areas for wetland replacement and fulfil their obligations for the State.

   Permit Coordinator/Wetland Specialist Tomczik stated the DNR has taken an interest in rare plants in the Anoka Sand Plain. This includes projects in the vicinity of the RCWD offices; including the recent Walmart permit. He stated staff intend to proceed in a similar manner to that case; addressing the rare plant item by the applicant having a taking permit or defining no taking for permit issuance.

3. **April Calendar**

   There were no comments.

4. **Manager’s Update**

   There were no comments.

**ADJOURNMENT**

*Motion by Manager Bradley, seconded by Manager Wagamon, to adjourn the meeting at 10:08 a.m. Motion carried 4-0.*