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, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Secretary Michael J. Bradley, and Treasurer Steve Wagamon.

Absent: None

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

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

Visitors: Jon Knutson.

SETTING OF THE AGENDA
District Administrator Belfiori made a change to Item 1A, remove the words “Houston Engineering Inc. Task Order 15-031.”

District Administrator Belfiori added Item 2C “Consider Resolution 2016-07, Order Directing Proceedings under MN Statutes Section 103G.408 Related to the DNR Public Works Permit for Hansen Park.”

Motion by Manager Haake, seconded by Manager Waller, to adopt the agenda as amended. Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the February 24, 2016, Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 4-0-1 (Manager Haake abstained due to her absence).
PERMIT APPLICATIONS REQUIRING BOARD ACTION

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

CONSENT AGENDA

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-073</td>
<td>Crown Enterprises, Inc.</td>
<td>Blaine</td>
<td>Floodplain Alteration, Wetland Alteration</td>
<td>CAPROC 6 items</td>
</tr>
<tr>
<td>16-005</td>
<td>Calyx, Inc.</td>
<td>Roseville</td>
<td>Final Site Drainage</td>
<td>CAPROC 5 items</td>
</tr>
<tr>
<td>16-006</td>
<td>Fridley ISD #14</td>
<td>Fridley</td>
<td>Final Site Drainage</td>
<td>CAPROC 6 items</td>
</tr>
</tbody>
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Permit Coordinator/Wetland Specialist Tomczik stated in regards to Item 15-073, referencing page 4 of the engineer's report, they would like to add one more exhibit to the list: Item 30 "DNR RCWD email exchange, RCWD last sent 2-25-2016". In regards to the text on page 5 of the engineer's report, bottom of page, final paragraph, deals with the reading of the wetland conservation act (WCA) specifically in regards to special considerations, 8420.05.15 subpart two which has to do with threatened endangered species. This is under a separate State rule and administered by the DNR. In the text the District is defining our reading of WCA. As a follow up to the engineer's report, staff is going to send a letter to the DNR as to how the District read the rule and the District will copy BWSR so it is clear on how District will be handling this.

Manager Haake indicated she wanted to discuss this item because of the trucking industry and some of their practices. She wondered in regards to the WCA item on species, is this finalized or do they not know about what is going to happen. Permit Coordinator/Wetland Specialist Tomczik stated Rice Creek for the administration of WCA would state it is complete. The applicant has consulted with the DNR and a statement was made in that regard and reflected in the engineering report. The obligation remains with the landowner/applicant to be compliant with all of the regulations that exist and staff is pointing that out.

Manager Haake asked how is the trucking industry viewed as being compliant and regulated. Permit Coordinator/Wetland Specialist Tomczik the land use and those types of activities may be of interest to the municipality. The District is considering the rainfall and the stormwater runoff that occurs. The purpose of District rules is to have the stormwater BMP's in place to address those issues.

Manager Haake understood everyone is following all of the rules but there is a lot of high water in this area and she was looking at the environment. Technical Specialist/Permit Reviewer Buntjer stated the project will be creating approximately ten acres of impervious surface, which will be treated by a stormwater pond. He explained that the District rules have design criteria for stormwater ponds to provide skimming for the 1-year rainfall event, to help prevent oils and other pollutants from traveling downstream. District Engineer Deutschman stated the reason they are using a one-year event; they want it to work all of the time. In this case they are not creating the pond for the bigger event runoffs because if they do then they are not working to get the small rains.

Manager Waller asked for clarification on the protection for the drainage system and how that will interact with the protection of sediments or oils. Permit Coordinator/Wetland Specialist Tomczik stated the impervious area is all west of the stormwater pond itself and further to the east the public drainage; portions to the east are wetland and are under the wetland management corridor so the sediment generated from the new impervious area would discharge to the pond before it would discharge to the ditch and the rest of the parcel to the east is in an undeveloped state and left in
vegetation. Technical Specialist/Permit Reviewer Buntjer stated the site has been designed so that 99.7 percent of the proposed impervious surface will drain to the stormwater pond.

Mr. Wayne Jacobson, Professional Soil Scientist, stated with this project he thought the company and consultant team is doing a great job. They are mitigating 5 to 1 when looking at the overall picture. This includes the wetland mitigation, wetland bank purchase and the preserved woodland buffer maintenance they will be doing. The vegetation was contracted with Minnesota Landscapes in order to go in and do the wetland mitigation work. They will also be working on buckthorn control. As far as the vegetation there will be some special plant mixes that will be put in. With the stormwater pond fringe, they will be restoring that as a native grass buffer. In the restoration area, it will all be monitored over five years.

*Motion by Manager Waller, seconded by Manager Bradley, to approve the consent agenda for permits 15-073, permits 16-005 and 16-006 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations including staff’s addition to 15-073 engineer’s report, dated March 1 & 2, 2016. Motion carried 5-0.*

**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. **Process to consider Metro Shooting/Trost contingent liability in annual financial report.**
   Administrator Belfiori explained this item is in regards discussion at the last Board meeting.
   a. **Recognizing Smith Partners memorandum (Dec 2, 2015)**
   
   *Motion by Manager Waller, seconded by Manager Haake, to recognize the Smith Partners memorandum dated December 2, 2015. Motion carried 5-0.*

   b. Formalizing annual review of liability: review and action in February workshop/meeting
   Administrator Belfiori explained this item is in regards to discussion at the last Board meeting. He noted previous consensus of the Board.

   *Motion by Manager Waller, seconded by Manager Bradley, to annually review the liability of the Metro Shooting/Trost contingent liability in February of every year and take a formal vote at the Board meeting as to the remoteness of the liability. Motion carried 5-0.*

2. **Hansen Park Project**
   Water Resource Specialist Axtell stated at its January 27, 2016 regular meeting, the RCWD Board directed staff to transmit a final draft project agreement for the Hansen Park project to the New Brighton City Council for consideration. This agreement was approved at the City’s February 23, 2016 Council meeting. The only modifications to the agreement were minor, non-material clarifications that have been approved by District Attorney Kolb.

   The New Brighton City Council also authorized submittal to the District an impoundment petition under M.S. 103E.227 for modification of the dam at Hansen Park, which is located on Ramsey County Ditch 2. A fully
executed petition was received at the District office on February 26, 2016. This petition is being presented to the Board for acceptance and filing. The draft resolution offered for consideration will accept the filing of the petition, appoint Houston Engineering, Inc. to prepare a review report on the petitioned action, request an advisory report from the DNR and set a hearing date for the petition of April 27, 2016.

Concurrent with the notice process for this M.S. 103.227 hearing, staff also will jointly notice a public hearing for this project under M.S. 103G.408. This hearing is required as part of the DNR public waters permit application process due to our needed temporary drawdown of the pond to facilitate project construction.

a. Consider approval of Hansen Park Project Agreement with City of New Brighton

Motion by Manager Haake, seconded by Manager Bradley, to approve the Project Agreement between the City of New Brighton and the Rice Creek Watershed District for the Construction, Operation and Maintenance of the Hansen Park Project Component of Basic Water Management Project 2013-01, authorizing the Board President to execute the agreement. Motion carried 5-0.

b. Consider accepting filing of 103E Impoundment Petition by City of New Brighton, appointing an engineer and directing further proceedings under M.S. 103E.227

Motion by Manager Bradley, seconded by Manager Haake, to accept the filing of the petition by the City of New Brighton and appointing Houston Engineering and directing further proceedings under MN Statutes 103E.227 as set forth in Resolution 2016-06 and waiving the full reading of the resolution but have the minutes reflect it.

THEREFORE, BE IT RESOLVED that:

A. The engineering firm of Houston Engineering, Inc., is appointed to prepare a review report on the petitioned action. The engineer is directed to file its report with the RCWD no later than March 16, 2016.

B. Concurrent with filing its report, the engineer is directed to transmit the report to the Commissioner of Natural Resources, or his delegate, requesting that the Commissioner provide an advisory report on the proposed action within 30 days of receipt of the report or, if additional time for filing the Commissioner's advisory report is required, that the Commissioner make a request for additional time within five days of receipt of the report. An extension of time may not exceed two weeks beyond the original 30 days requested for response.

C. Subject to the Commissioner's request for additional time, the Board sets a hearing date on the petition for April 27, 2016. The engineer shall attend the hearing and provide necessary information. The petitioners and all other interested parties may appear and be heard. The Commissioner's advisory report must be publicly read and included in the record of proceedings.

D. Staff is directed, at least ten days before the hearing, to give notice by mail of the time and location of the hearing to the petitioners, owners of property, and political subdivisions likely to be affected by the action proposed in the petition and described in the engineer's report.

E. Staff is further directed to give any additional notice as required by local rule or specific request.
ROLL CALL:
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye
Motion carried 5-0.

Consider Resolution 2016-07, Order Directing Proceedings under MN Statutes Section 103G.408 Related to the DNR Public Works Permit for Hansen Park.

Motion by Manager Waller, seconded by Manager Haake, to approve Resolution 2016-07, ordering the direct proceedings under Statute Section 103G.408, Therefore it be resolved that pursuant to Statute 103G.408 the Board sets a hearing date of April 27, 2016, notice of the hearing shall be given as required by Statute Section 103G.408 and be the staff is further directed to give any additional notices required by local or specific requests.

THEREFORE, BE IT RESOLVED that:

a) Pursuant to statutes section 103G.408, the Board sets a hearing date of April 27, 2016. Notice of the hearing shall be given as required by statutes section 103G.408.

b) Staff is further directed to give any additional notice as required by local rule or specific request.

ROLL CALL:
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye
Motion carried 5-0.

Water Resource Specialist Axtell stated they are proposing to lower the normal water level in the pond by two feet. The dam itself will be raised by 2.3 feet and with an outlet bypass. They are changing the hydrologic regime within the pond. This does change the two year, ten year and one-year storm levels in the park. The two and ten year elevations are increased by some amount, the hundred year is actually decreased within the park and upstream and downstream of the project. The entirety of the changes in the water regime is all wholly contained within the City of New Brighton’s property, within the park. There is no negative effect on any surrounding properties.

Consider annual Curlyleaf pondweed management

District Administrator Belfiori stated staff is recommending proceeding with a Curlyleaf pondweed treatment management on Bald Eagle and Reschanau lakes. Total Rice Creek cost is estimated, based on quantities and materials, at approximately $16,000. Total project costs will be around $30,000 estimated for Bald Eagle lake and $12,000 estimated for Reshanau lake. Staff is recommending the District get involved with the 2016 Curlyleaf pondweed treatments in the two lakes.

Manager Bradley stated he will be speaking to the Bald Eagle area association and he asked what the source was of the $12,542 for the Bald Eagle water management. District Administrator Belfiori stated the Curlyleaf pondweed management program, the twelve thousand dollars the District will be contributing to this overall partnership
approach is paid for through the Water Management District that they collect on an annual basis. One hundred percent of the District money is paid for by the voluntary contributions by the residents that petitioned them for development of that water management district. As far as the Bald Eagle Lake Alum treatment this spring they are doing the second application on Bald Eagle Lake. The payment for that will also be partially be paid for through the Water Management District. The total project cost for the application this year will be roughly between $450,000 and $490,000. $200,000 of that will be paid for by a loan they are getting through the MPCA and will be paid back through a ten-year pay back approach paid for all through the water management district.

Motion by Manager Wagamon, seconded by Manager Haake, to approve entering 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 5-0.

Motion by Manager Wagamon, seconded by Manager Haake, to enter into professional services contracts for chemical treatment of Reshanau and Eagle Lakes, with the total contract cost not to exceed $43,000, and authorizes the RCWD Administrator to sign the necessary contracts. Motion carried 5-0.

4. Consider Check Register dated March 9, 2015, in the amount of $46,133.67, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated March 9, 2015, in the amount of $46,133.67, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer’s Update and Timeline.

There were no comments.

2. Manager’s Update

Manager Waller informed the Board of his attendance at the Governor’s Water Resource Summit on February 27th along with Managers Bradley and Wagamon.

ADJOURNMENT

Motion by Manager Haake, seconded by Manager Waller, to adjourn the meeting at 9:42 a.m. Motion carried 5-0.