REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, April 12, 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.

ROLL CALL
Present: President Patricia Preiner, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Secretary Michael Bradley, and Treasurer Steve Wagamon.

Absent: None

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

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

Visitors: Mike Caron, Jason Husveth, Christina Morrison, Marsha Soucheray.

SETTING OF THE AGENDA
District Administrator Belfiori added an item per consensus at the Board workshop meeting, President Appointing Subcommittee for By-Laws and Board Policy Provisions. President Preiner added administrator performance review process and handed out materials regarding further questions on the process and how they are going to proceed with the timeline.

President Preiner stated the location for permit application is 17-027 is Arden Hills, not Columbus which is stated on the agenda.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the March 22, 2017, Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as amended.
Further Discussion:

Manager Bradley requested the following change:

- Page 10, Line 273 to state: “upstream”, not “downstream”. Add the sentence “And asked if downstream land is adversely affected”.

Manager Bradley requested the following change:

- Page 10, Line 275 to state: “downstream” rather than “downgradient”.

District Attorney Smith requested the following change:

- Lines 135-137, revise to read: “President Preiner stated she would like something added expressed the Board consensus that the obligation to maintain the installation be recorded because Park Boards change and the next group might change the use and if the District is going to invest 75% they should have some determination in the use.”

- Line 188: Change “opened” to “reopened.”

- Lines 329-331: “District Administrator Belfiori stated after several months of working with the CLFLWD attorney reviewed the requested Washington County Board role regarding disposition of JD6 with the County Attorney’s office, the CLFLWD’s attorney has met unsurmountable resistance from the County Attorney’s office to has concluded that it does not support the notion of County facilitation of drainage authority transfer.

- Lines 371-372: “It is expected that the The CLFLWD Board will hopefully adopt the same sort of a similar resolution supporting the legislation at their its meeting tomorrow.

Motion carried 4-0-1 (Manager Haake abstained.)

CONSENT AGENDA

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

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Permit Applications Requiring Board Action

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It was moved by Manager Haake, 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 April 5, 2017.

Further Discussion:
Manager Bradley stated on page 23 under stormwater, there is a table and in the right-hand column which states “EOF” and he wondered what that meant. Permit Coordinator/Wetland Specialist Tomczik stated it means “Emergency Overflow”.

**Motion carried 5-0.**

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Permit Coordinator/Wetland Specialist Tomczik stated this is a CAPROC item that also requires a variance. He reviewed the project with the Board.

Permit Coordinator/Wetland Specialist Tomczik stated the project proposes to expand a gravel stockpiling area to better meet the updated production requirements of asphalt and concrete onsite. The project will increase the site’s footprint from 11.2 acres to 15.8 acres of impervious area on 3 parcels totaling 37.0± acres in Blaine. The applicant will disturb an additional 1.36± acres of impervious surface and 8.5± acres overall. ACD 53-62, Branch 6, Lateral 1 flows through the property (but will not be impacted by the proposed project) to Golden Lake, the Resource of Concern.

The District Engineer evaluated the variance request by applying the “undue hardship” and “practical difficulties” test set forth in the municipal variance statute and incorporated by prior-adopted policy into the District’s variance standard. This standard is applied through the Board of Managers’ consideration and weighing of the following criteria:

(a) How substantial the variation is in relation to District Rule requirement(s);

(b) the effect the variance would have on government services;

(c) whether the variance will affect a substantial change in the character of the watershed resources or will be a substantial detriment to neighboring properties;

(d) whether the practical difficulty can be alleviated by a feasible method other than a variance (economic considerations play a role in the analysis under this factor);

(e) how the practical difficulty occurred, including whether the landowner created the need for the variance; and

(f) whether in light of all of the above factors, allowing the variance will serve the interests of justice.

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

Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (a), the applicant has not met the average 50-foot requirement or the 25-foot minimum.

District Technician Berger replied: The areas where the minimum distance is not met can be found in the Exhibit A Request for Variance dated 1-30-2017. The Engineer’s Report (ER) for the Blaine – Determan Project, dated April 5, 2017 finds that the applicant would need to provide an additional 17,797 S.F. of buffer to meet the average 50-foot width. The applicant is proposing to change manicured lawn to non-invasive, non-maintenance intensive vegetation to the maximum extent practicable within
the buffer. Other than Rule F.6(e)(1)&(2), the applicant will meet the remaining provisions of the buffer
requirement.

Permit Coordinator/Wetland Specialist Tomczik asked per practical difficulties criterion (b) the effect the
variance would have on government services. District Technician Berger replied: Per criterion (b), issuance of
a variance for the Blaine - Determan Project is not expected to increase flooding (see criterion (c)) or
have any negative effect on government services.

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

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

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

District Technician Berger replied: Golden Lake, which receives project drainage, is listed on the Section
303(d) impaired water list. The affected designated use is aquatic recreation with a pollutant or stressor
of nutrient/eutrophication biological indicators. The project as a whole is not expected to cause adverse
impacts. Curb, gutter and storm sewer will route all drainage to a NURP pond to mitigate the effect of
the lack of buffer by removing pollutants prior to runoff entering the wetlands. No untreated surface is
routed to the wetlands.

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

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

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

The proposed variance on the buffer requirements will have a minimal effect on the adjacent wetland resources. The wetland is large and extends off the property to the south, east, and west. Based on the size of the wetland and the length of the reduced buffer width, it does not appear that the reduced buffer will have an effect on the wetland resource. Additionally, the applicant is collecting and treating all runoff from the newly created impervious surface via stormwater ponds, so no direct runoff from new or reconstructed impervious will enter the wetland without treatment. The applicant is providing buffer in areas where feasible.

Permit Coordinator/Wetland Specialist Tomczik asked: Per criterion (d), an assessment of whether the practical difficulty can be alleviated by a feasible method other than a variance (economic considerations play a role in the analysis under this factor) is necessary.

District Technician Berger replied: The existing site access drive and building and infrastructure already conflict with the ability to provide wetland buffer required under the current District Rules. The applicant has indicated that the project cannot be built in a manner to accomplish the required site layout without the variance, as the project must be built in a certain manner to allow for stockpiling and handling of materials and the maneuvering of heavy equipment. The stockpiling size and equipment location requirements are not engineering related and thus not evaluated. However, the applicant used the smallest impact while meeting the other design and proximity requirements based on assessed alternatives. The entire site is comprised of the development area, wetlands, or buffer. To meet the minimum buffer width requirement or the average buffer width requirement, additional wetland could be filled to create the buffer, or access drives removed and building and infrastructure reconfigured, however this is not considered acceptable under WCA and/or is not considered prudent.

Permit Coordinator/Wetland Specialist Tomczik asked: Per criterion (e), we considered how the practical difficulty occurred, including whether the landowner created the need for the variance requires consideration.

District Technician Berger replied: The District Engineer finds that the current landowner did not cause the situation which lead to the implied practical difficulty. The need for a variance was created by the proposed project and the structures in place prior to implementation of the buffer requirements. Per the discussion above, there is no feasible way to do the project which meets the requirements of the applicant, the District, and the City without a variance.

Permit Coordinator/Wetland Specialist Tomczik asked: In consideration of criterion (f), some determination of whether in light of all of the above factors, allowing the variance will serve the interests of justice.

District Technician Berger replied: This criterion lies largely in the Board’s domain as it involves judgments of a non-technical nature. Our criterion for assessing this portion of the practical difficulties
standard is the ability or inability of other permit applicants with similar site conditions to comply with the Rule F.6(e) wetland buffer requirements. Other applicants have had the ability to feasibly meet this requirement onsite because the site constraints presented here were not evident.

Manager Haake stated where on the diagram were some of the existing ponds and where ponds being added. Technician Berger showed on the diagram where the new ponds will be created.

Manager Haake asked how deep the ponds will be. Permit Coordinator/Wetland Specialist Tomczik stated the water will be four to five feet deep and is not unusual for a stormwater pond.

Manager Bradley asked if the existing service road that needs the variance is being widened or modifying it. Technician Berger indicated as far as she knew they were not. Permit Coordinator/Wetland Specialist Tomczik stated for clarity there is no work in the area of this existing service road. The District’s stormwater rule requires the establishment of the easement and buffers even though the new impervious area is somewhere else on the parcel.

Manager Haake stated if they are going down four feet with the ponds and the water table is two feet is there any way to filter out what is coming off the hard surfaces before it gets into the water table. Permit Coordinator/Wetland Specialist Tomczik stated generally the idea of a stormwater pond is to capture the sediment preventing it from moving downstream. Storm ponds likely do have pretreatment to remove some of the course materials but once they go into the pond the idea is that they detain the water, eliminate turbulence and the sediment falls to the bottom and the water flows out of there cleaner and into the adjacent surface waters.

District Engineer Deutschman clarified for the Board how pollutants move through the pond.

*It was moved by Manager Wagamon, and seconded by Manager Bradley, to approve the variance on Permit 17-006 and CAPROC permit 17-006 as outlined in accordance with RCWD District Engineer’s Findings and Recommendations, dated April 5, 2017.*

Further Discussion:

Manager Bradley thanked staff and indicated they recently changed practices to take conditions and incorporating them in specific CAPROC requirements and he appreciated that.

*Motion carried 5-0.*

District Attorney reiterated that the Boards motion to approve the variance was approved based on staff’s findings.

**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.
1. **ADDITIONAL ITEMS REQUIRING BOARD ACTION**

   a. **Water Quality Grant Program.**

   Technician Berger introduced Marsha Soucheray, Master Water Steward, who spoke about the Master Water Steward Program.

   Technician Berger explained this project proposes the installation of a raingarden at parking lot at Bobby Thiesen Park in Shoreview. The project will remove 4 parking stalls to install a multi-celled raingarden. The project is adjacent to Island Lake, which is Tier II waterbody in the RCWD Watershed Management Plan. Island Lake is impaired for nutrients.

   The project is sized to treat a .42-inch rainfall even and will remove approximately 22,328 cubic feet of volume (55% reduction), 243 lbs of TSS (54% reduction), and .31 pounds of TP (53% reduction). The project would be beneficial for the lake, and in a highly visible area that would help provide education on the importance of water quality for those people visiting the park for sporting events. The Ramsey conservation District prepared a bid for the project totaling approximately $17,578. The City of Shoreview obtained two bids for the projects, Earth Wizards provided a bid at $23,253 and Outdoor Labs provided a bid at $15,329.

   Technician Berger noted the project benefits would be volume reduction of runoff and pollutants entering into Island Lake; an eligible practice on the City’s MS4 annual reporting for Waste Load Allocations associated with the Island Lake impairment and associated SW Urban Lakes TMDL Study; Educate the public on behavioral changes that can be made to improve water quality and beautify the space.

   This proposal was considered by the RCWD Citizen Advisory Committee at its meeting held on April 6, 2017. The CAC discussed the application and recommended the RCWD Board of Managers approve this project for up to $11,249 in cost-share funding, not to exceed 75% of eligible project expenses.

   President Preiner asked if they were moving from the 50% to the 75% category generally now. Technician Berger thought they were seeing better projects that are accepting hard surface runoff which is the reason why they are recommending that and in this situation, it is directly adjacent to the lake.

   Manager Bradley brought a monetary difference to Technician Berger’s attention within the staff report and indicated the amount that is in the motion is less than the amount recommended in the report. Manager Haake stated she liked the lower amount.

   **Motion by Manager Haake, seconded by Manager Bradley, to approve RCWD Water Quality Grant Program Contract R17-02 for the Bobby Thiesen Rain Garden project, up to $11,249 and not to exceed 75% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.**

   b. **R17-03 Erickson Shoreline Buffer**

   Technician Berger explained this project proposes the installation of a shoreline buffer along Lake Josephine in Roseville, MN. The landowner is looking to remove existing turf to install a
shoreline buffer along the steep slope leading to the lake. Lake Josephine is a Tier I Waterbody in the RCWD Watershed Management Plan.

Overall, staff supports this project and concurs with the recommendations of the Ramsey Conservation District. The goal would be to have this project inspire other folks in the community to install similar practices.

The landowner obtained two bids for the project. Outdoor Innovations Landscaping estimated the cost for the shoreline restoration at approximately $7,155.75 from Prairie Restorations and the Outdoor Labs estimated the cost at $7,569.

Ultimately, this project will help to eliminate 15.81 lbs. of Total Suspended Solids, a 72% reductions and .0467 lbs. of Total Phosphorous per yea, a 68% reduction. The applicant has submitted an application to encumber up to $3,577.88 in cost-share funding for this project, not to exceed 50% of eligible project expenses.

This proposal was considered by the RCWD Citizen Advisory Committee at its meeting held on April 6, 2017. The CAC discussed the application and passed a motion recommending that the RCWD Board of Managers approve this project for up to $3,577.88 in cost-share funding, not to exceed 50% of eligible project expenses.

Manager Haake stated in the past they have notified everyone in the area of the restoration to come and look at it and possibly do one and she has not done that recently. Technician Berger stated when they looked at the project there was discussion about a neighbor possibly doing the same thing and she thought this would be something they could explore in the future.

*Motion by Manager Haake, seconded by Manager Bradley, to approve RCWD Water Quality Grant Program Contract R17-03 for the Erickson’s shoreline project, up to $3,577.88 and not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.*

Communication and Outreach Coordinator Carreño stated they have been talking a lot about how her position can support the strategies for some of these projects and making the largest impact with their investments.

2. **Consider Appointment of John Bartunek to the RCWD Citizen Advisory Committee.**

Communication and Outreach Coordinator Carreño stated the Board of Managers is required to maintain an advisory committee to advise and assist the Managers with all matters affecting the interests of the watershed district as well as to make recommendations on all proposed RCWD projects and improvements.

The City of Hugo and other partners in Washington County were contacted by District staff for assistance in recruiting CAC members. City of Hugo provided the name of the current applicant, John Bartunek, and Mr. Bartunek submitted an application. Mr. Bartunek lives in Hugo (Washington County). Mr. Bartunek is responsible for stormwater management at Xcel Energy.
and teaches stormwater management certification courses at the U of M. Mr. Bartunek
attended the CAC meeting on March 1, 2017 prior to submitting his application.

If approved, Mr. Bartunek would fill one of the two vacancies in Washington County. There are
no other eligible applicants from Washington County. Staff recommends that the Board appoint
John Bartunek to fill one of the Washington County vacancies on the CAC at the April 12, 2017
Board meeting. However, the Board may decide to interview Mr. Bartunek before the decision
to appoint is made.

President Preiner asked after Mr. Bartunek attended the meeting did he have questions that the
Board should be considering. Communication and Outreach Coordinator Carreño indicated Mr.
Bartunek attended a very busy CAC meeting where a lot of discussion was taking place and she
thought he was excited about the work that was being done and appreciated the thoughtful,
approach and open dialogue taking place.

Motion by Manager Haake, seconded by Manager Waller, to appoint John Bartunek to serve
on the District’s Citizen Advisory Committee for the remainder of 2017.

Manager Bradley indicated he knew Mr. Bartunek professionally and felt he was well qualified.

Motion carried 5-0.

Communication and Outreach Coordinator Carreño thanked Manager Waller for his help and
knowledge in the recruitment process.

Water Resource Specialist Axtell stated the RCWD Board of Managers held a duly noticed public
hearing on March 8, 2017 for the Oasis Pond Iron-Enhanced Sand Filter Project and passed
Resolution 2017-06, ordering the project, authorizing execution of the BWSR grant agreement
and authorizing execution of a project agreement with the City of Roseville. Since that time,
Roseville has also executed the project agreement and BWSR has approved the grant work plan
and executed the grant agreement.

Houston Engineering, Inc. has worked with RCWD staff to develop Task Order 2017-016 for the
development of final design construction plans and specifications for the project and to assist
RCWD staff with regulatory applications (Minnesota DNR, Army Corps of Engineers) and bid
solicitation. The bidding process will be completed in 2017 in anticipation of undertaking
construction in the summer of 2018. The cost of the proposed task order is not to exceed
$48,700, which includes a sub-consultant agreement with Sebesta for the electrical engineering
portion of the project.

We anticipate one more task order to be necessary in the future for construction oversight and
close-out processes. This will be presented to the Board for consideration at a later, more
appropriate time.

Motion by Manager Waller, seconded by Manager Haake, to approve the Houston
Engineering request for services with a total cost of $48,700 as defined in the attached Task
Order 2017-016, dated April 5, 2017, authorizing the Board President to execute the document. Motion carried 5-0.

4. Consider Metropolitan Council Stormwater Grant Application
District Administrator Belfiori stated as discussed at the March 22, 2017 Board meeting and the April 10, 2017 Board workshop, attached please find six draft applications for the 2017 Metropolitan Council Stormwater Grant. Staff is currently working with Cities to make minor revisions and finalize the grant applications. A final grant application package will be available to the Board at the April 12, 2017 Board meeting. The purpose of the Metropolitan Council Stormwater Grant is to provide partial funding for stormwater improvements that our partner Cities would like to undertake. Through strong coordination with our partners, the District has received application requests for $1,025,200 in grant funding for high priority projects in six communities, with total project costs of over $3.5 million.

According to Metropolitan Council requirements, the District must be the named applicant and will sign the grant agreement as the Grantee if the application is successful. The District requested cities to provide the attached letter of intent as a precondition of the District’s application to the Council for such funds. The letter identifies that if a grant is awarded to the RCWD and the grant agreement is signed, the city will be responsible to ensure that all terms of the grant agreement are met including (but not limited to): a requirement to execute a memorandum of agreement between the District and the City that will include preparing the required work plan and budget, funding the required 25 percent local contribution (except as the District independently may provide cost-share), completing construction or installation per the grant agreement, performing required maintenance, and holding the District harmless and indemnify it with respect to all claims, costs and liabilities arising from the grant and the supported project.

Motion by Manager Haake, seconded by Manager Waller, to authorize RCWD staff to submit the six attached 2017 Metropolitan Council Stormwater Grant Applications.

Manager Bradley assumed District Administrator Belfiori contacted White Bear Township and got their application funding amount corrected. District Administrator Belfiori indicated he did and thanked Manager Bradley for noticing.

Motion carried 5-0.

5. Consider Task Order for Anoka County Ditch 53-62 Branch 2 Design and Construction Management
District Administrator Belfiori stated as a follow-up to the March 22, 2017 Board approved Resolution which ordered the repair and continued implementation of the Anoka County District (ACD) 53-62 Branch 2 repair, please find attached for Board consideration, Houston Engineering’s (HEI) task order 2017-011.

The professional services to be provided are identified in the attached HEI document and include:
• Coordination of permitting, design, prepare construction plans, prepare bid documents, complete construction management services and provide project management for the repairs;
• Complete the necessary permit application and respond to agency questions and work toward acquisition of permits;
• Complete “reasonably necessary area” maps for construction (i.e., construction limits) on that will be revised based on landowner requests and District comments.
• Design of the channel repairs, channel realignment, erosion repairs, and culvert structures, based on recommendations of the ACD 53-62 Branch 2 Repair Report and develop an Engineer’s Opinion of Probable Construction Cost;
• Preparing the bid documents, bid advertisement, review of the bids received and prepare a memorandum recommending the preferred contractor; and
• Providing construction observation services. To should be noted that HEI is responsible for directing the contractor to reasonably ensure construction according to the plans. HEI has estimated the total cost of services at $ 94,800. The estimated total cost for these services was included in the approved RCWD 2017 budget (assuming some inspection services etc. taking place in 2018 budget). Funds for this effort will come out of fund 60-32 ACD 53-62 Branch 2 repair.

Manager Bradley asked for clarification of attachments B and C. District Engineer Deutschman stated this is the outline for the construction specifications.

**Motion by Manager Wagamon, seconded by Manager Haake, to approve the Houston Engineering request for services with a total cost of $94,800 as defined in the attached HEI Task Order 2017-11 dated March 10, 2017 and authorize the Board President to execute the document. Motion carried 5-0.**

6. **Consider Browns Preserve Monitoring and Bank Management Task Order**

District Administrator Belfiori stated as a follow-up to the March 6, 2017 Board workshop meeting, please find attached for Board consideration, Houston Engineering’s (HEI) task order 2017-015 related to Browns Preserve Monitoring, Credit Maximization, and Bank Management.

The professional services to be provided are identified in the attached HEI document and include (assuming Board consensus at the April 10, 2017 Board workshop to pursue the (“reduced management alternative”):

• Development of quote package for subcontractor to perform management work;
• Completing annual monitoring and reporting;
• Management and oversight of subcontractor doing the field work;
• Coordination of the credit management process with agencies and developing a credit report and deposit forms; and
• Conducting a follow-up wetland delineation.

As noted in the attached table, the “reduced management alternative” provides the lowest cost per credit realized and matches the HEI recommend annual budget for this anticipated work as was contained in the approved 2017 budget. It should also be noted that the estimated total
cost of services (59,840) does not include cost for subcontractor site management /field work
which HEI estimates at apx. $30,000. Given that the portion of the overall cost will be billed in
2018, it is anticipated that the estimated total cost for these services was included in the
approved RCWD 2017 budget within fund 60-18.

District Engineer Deutschman noted their contractual agreement with the District requires that
if they use a sub-consultant it requires approval of the District, which is why he is bringing it to
the Boards attention. This task order is largely being completed by CCES, using the contract
vehicle between the District and Houston Engineering. CCES will be doing the management of
the contractore and reporting monitoring results. The District will have a separate agreement
with the contractor to do the actual Brown’s Preserve management work for the coming year,
which typically includes spraying, thatch removal, prescribed burning and similar activities.

**Motion by Manager Haake, seconded by Manager Bradley, to approve the Houston**
**Engineering request for services with a total cost of $59,840 as defined in the attached HEI**
**Task Order 2017-15 dated March 30, 2017 and authorize the Board President to execute the**
**document. Motion carried 5-0.**

**7. Consider Annual Curlyleaf Pondweed Management Program.**
District Administrator Belfiori stated this year, as in previous years, they are moving forward
with Curlyleaf Pondweed treatment. This year, in three lakes, Bald Eagle Lake, Silver Lake and
Reshanau lake. He noted the table should be changed for the Reshanau 2017 per the
agreement shown on page 144. The amounts should be $12,000 for RCWD; $12,000 for
Reshanau for a total cost of $24,000. This is consistent with the agreement.

Manager Bradley noticed the cost share with the DNR is for zero dollars and he assumed staff
will seek any funds that are available. District Administrator Belfiori stated the grant submission
closed in roughly three hours this year and the District missed the opening.

**Motion by Manager Wagamon, seconded by Manager Bradley, to authorize the Administrator**
**to enter into agreements with Reshanau and Silver Lake Cooperators to cost-share on**
**Curlyleaf pondweed treatments. Motion carried 5-0.**

**Motion by Manager Wagamon, seconded by Manager Bradley, to authorize the Administrator**
**to enter into professional service agreements with PLM Lake and Land Management for**
**chemical treatment of Reshanau, Bald Eagle, and Silver Lakes, with the total contract cost not**
**to exceed $52,000.**

District Administrator Belfiori noted the District has an ongoing agreement with Bald Eagle Lake
for treatment so no approval is needed.

**Motion carried 5-0.**

**8. Consider Halls Marsh Outlet Repair Task Order.**
District Administrator Belfiori stated as a follow-up to the February 6, 2017 Board workshop
meeting, please find attached for Board consideration, Houston Engineering’s (HEI) task order
2017-012 related to the Engineering services for construction of Halls Marsh Outlet Repair Project.

The professional services to be provided are identified in the attached HEI document and include (Pending the Board discussion at the April 10, 2017 Board workshop):

- Development of final design and construction of the Halls Marsh Outlet Repair Project.
- Coordination with the DNR to amend the existing Public Waters Work Permit and coordination with the City of Mahtomedi public works staff related to utilities in the area.
- Conducting an initial meeting with the affected landowners and a second informational meeting with affected residences associated logistics of homeowner temporary relocation during construction.
- HEI will assist the District with project solicitation and the bid process and will conduct a pre-bid meeting to explain the project to prospective contractors.
- HEI will assist the District with construction management.

As noted in the attached HEI task order table, the total project cost for the project is estimated to range from $107,200 – $135,200. The approved 2017 budget for this work as included in fund 95-03 is $40,000. Given the extent and scale of the construction needed to repair this outlet was not anticipated in the approved 2017 budget, staff recommends use of approximately $70,000 – $100,000 of District fund balance to address the difference between the approved 2017 budget for fund 95-03 and the estimated total project cost. The necessary fund balance would be transferred to fund 95-03 as part of the upcoming fund balance transfer process in spring/summer 2017.

*Motion by Manager Waller, seconded by Manager Haake, to approve the Houston Engineering request for services with a total cost of $29,200 as defined in the attached HEI Task Order 2017-12 dated March 31, 2017 and authorize the Board President to execute the document.*

Manager Haake indicated she would like to see Mahtomedi contribute some money to this since there is a repair being made to a sanitary sewer pipe that has been deteriorating, one of their city pipes.

*Motion carried 5-0.*

Manager Bradley asked to revisit item 7 for cost review.

**Reconsider annual Curlyleaf Pondweed Management Program**

Manager Bradley stated in reviewing this the $52,000 matched the prior amended cost of $5,400 for Silver Lake, $32,658 for Bald Eagle Lake and $13,476 for Reshanau Lake. He wondered if this should be amended to $64,000 to reflect the revised numbers. District Administrator Belfiori stated the amount should be $62,123. He asked if the motion could be amended.
Motion by Manager Waller, seconded by Manager Bradley, to reconsider the motion to enter into professional service agreements with PLM Lake and Land Management for chemical treatment of Reshanau, Bald Eagle, and Silver Lakes. Motion carried 5-0.

Motion by Manager Wagamon, seconded by Manager Bradley, to authorize the Administrator to enter into professional service agreements with PLM Lake and Land Management for chemical treatment of Reshanau, Bald Eagle, and Silver Lakes, with the total contract cost not to exceed $62,123.

Manager Haake stated it was noted the District was not contributing $24,000 initially and understood District Administrator Belfiori would work with the $52,000 that was approved. She stated she was going to vote against raising this. Manager Bradley felt this was a math issue and should have been corrected.

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

Motion carried 4-1 (Manager Haake).

9. Consider Check Register dated April 12, 2017, in the amount of $993,177.98, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Waller, to approve check register dated April 12, 2017, in the amount of $993,177.98, prepared by Redpath and Company.

District Administrator Belfiori reviewed the large payments being made that were listed on the check register. These were 2-project payment requests approved at the Boards April 12, 2017.

Motion carried 5-0.

**ITEMS FOR DISCUSSION AND INFORMATION**

District Administrator Belfiori noted at the April 10, 2017 workshop meeting there was Board consensus for the President to appoint a subcommittee related to by-laws and board policy provisions.

President Preiner appointed Managers Haake and Bradley to the subcommittee and indicated they needed to have a discussion regarding structure. She stated she would like to see, if possible to have a few meetings and when they are ready then all five members should meet to discuss.

Manager Haake understood they are going through the by-laws and current policies and procedures and because she knew the entire Board needed to be involved including staff, she wondered if everyone could get a copy and have them review for suggestions so Manager
Bradley and herself know what to discuss. Manager Bradley stated he wanted Manager Haake to be Chairperson of the sub-committee because she seemed well versed in this. He thought they should set a deadline for meeting and have the other members along with staff submit any issues they might have for them to discuss.

Manager Haake noted the sub-committee will meet on April 27, 2017 so if anyone has anything they want reviewed to submit them by that date.

**Motion by Manager Wagamon, seconded by Manager Waller, to appoint Manager Bradley and Manager Haake to the By-Laws Subcommittee. Motion carried 5-0.**

2. **Administrator’s Annual Performance Review**

President Preiner stated this item is in reference to the annual performance review for District Administrator Belfiori. She stated she forwarded to District Administrator Belfiori some of the questions the Board still had. She stated the process is everyone will get their review into her by April 17, 2017 and she will forward them to staff and publicly notice a meeting at 8:00 a.m. on April 26, 2017 before the regular board meeting for review.

President Preiner stated in regard to item 4, who do they want to summarize the evaluation forms. Originally, they discussed having Sarah Noah do this but there are other people they can find to do this. Manager Bradley did not think they needed to be summarized.

Consensus of the Board was there would be no need to summarize the forms.

President Preiner stated she did receive from Manager Bradley a way to put the form online so she would send it out to everyone.

**Motion by Manager Haake, seconded by Manager Wagamon, to approve the attached Administrator Annual Performance Review form and the process and timeline as described. Motion carried 5-0.**

3. **District Engineers Update and Timeline.**

District Engineer Deutschman updated the Board on engineering activities and timelines. He noted he was pleased how District staff and Houston Engineering staff have worked so well together to get projects completed, under the direction of Administrator Belfiori.

Manager Haake wanted to personally thank the staff for their contributions. She suggested a letter of thanks be given to the staff because they like to know that they are recognized and appreciated as well as receiving salary increases.

Consensus of the Board was to add a letter of thanks from the Board to staff for personnel files. Manager Waller thought this deserved a motion to be made.

**Motion by Manager Haake, seconded by Manager Wagamon, to have Administrator Belfiori draft a letter of commendation for staff.**
District Engineer Deutschman stated he the roles are clear in terms of who is doing what which creates efficiency and cost savings for the District.

**Motion carried 5-0.**

3. **Manager’s Update**

Manager Bradley stated he attended the Ramsey County AIS meeting. He stated he is going to take a course to be qualified to inspect boats at the boat ramp on Bald Eagle, along with his wife and a few neighbors.

Manager Haake stated she will be attending a meeting the DNR is having of the North and Northeast Metro Ground Water Management Area study that is to deal with White Bear Lake and the levels. The discussion is going to be on some of the different options and one option is going to be the idea of bringing in water from Lake Vadnais to White Bear to augment the lake. Manager Wagamon thought the lake was within historical levels so he wondered why they were going to bring water over from another lake. Manager Bradley stated this is why they want to try to have an established level determined.

The Board discussed the USGS report and modeling.

Manager Waller noted he attended the Washington County Consortium meeting and they are in the planning stages, talking about how the planning is working between the County and Townships. There is not the coordination with the cities so they are discussing how they can work that together as well. There was also discussion about how the Watershed Districts in Washington County would coordinate with the cities in Washington County.

Manager Waller stated he also ran into former Mayor McAllister and he had asked earlier that since he has paid into the Rice Creek Watershed District since the beginning of it but is geographically located outside the District, he wondered if the District would be able to do a project in his area if they need it. He stated that is a question that should be answered and hoped an answer could be sent to Mr. McAllister regarding that.

Manager Waller stated he realized they have a great deal of difference in the Watershed itself as far as the needs in the geographical area. The upward part of the Watershed District is much different in its stage in life than what the lower part is. Over the years he has noticed they have been stretched for funds for maintenance. He asked District Attorney Smith if they can break down subdivisions in the Watershed District by County and tax at different rates for the needs that are there because the needs in Ramsey County are different than the needs for Washington County. He wondered if they could become more site specific with needs. District Attorney Smith stated there would not be a need for legislation for the Watershed District to adopt a subwatershed district approach. This has already been done on a much smaller scale within their drainage systems and to a certain degree with the lake work. The areas that the District draw from for a specialized tax treatment based on more particular needs is an approach that they have the legal authority to take in a variety of ways in the Watershed but the policy comment is also referring to some of the complexities already identified. As they drill down and look at the particular needs of each County or look at who benefits from each individual project that they do, it becomes very complex to ask and answer the question of who benefits from these
projects and in general it is that kind of question in the late 80’s with controversy within this watershed that led Senator Gene Merriam proposing the comprehensive watershed planning law so they do more broad planning and broad based approaches and then levy across the whole watershed for that planning and project.

District Attorney Smith stated this gets very complex trying to identify benefited areas but they do have a way to do that if they wish. It is a matter of making a good record and going through a process in their plan to build a justification for that. Manager Waller wondered if they could adjust the tax for larger subdivisions, not necessarily specific projects. He wondered if they needed a regional approach to this.

President Preiner stated since they are appointed by the County is this something they needed to go to the counties to see if they wanted the Board to pursue something like that. She thought they should have some say. Manager Wagamon thought this was the reason why the Watershed District was established, to get around political boundaries which is what was causing all of the fights for the money and he thought Manager Waller was trying to go back to before the Watershed was established and start all over.

District Engineer Deutschman stated in terms of the Watershed District strengthening its connection to the cities, they have already done that and took great strides in doing that when they last amended their plan and modified the information needs from those cities with regard to approval of their local surface water plans. The District may not have made the connections with the counties but they have connected with the cities. He stated they have done things to strengthen the relationship between other governments in the District and it has been reflected, at least in part, by the District’s current plan.

Manager Waller stated he did not take issue with that and was talking about strengthening that by looking for more specific funding for those particular areas. He was looking how to change the funding point of view of this into a more regional concept to work in with what is going on. Manager Haake noted they have already received the legal answer to this and the Board has the ability to change the policy. Manager Waller stated what he understood is that this would be legally possible and policy possible to do.

District Engineer Deutschman stated some of the current plans being done now for Watersheds are looking at regional priorities within the context of the overall boundary and is something they can look at when doing the Watershed Management Plan Revision. District Attorney Smith stated their legal authority is to do this on a Watershed basis so they can create sub-watershed tax districts or water management districts, like they have done on a smaller scale and they can apply that on a larger scale but thought it would be problematic to simply follow County boundaries as their basis for that. If they wanted to take a larger approach as long as they have hydrology and the other factors factored in then they have the basis for taking a different approach but it would be very complicated.

Manager Haake noted on the motion for the minutes that were approved, she abstained.
ADJOURNMENT

Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:36 a.m.

Motion carried 5-0.