REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, April 26, 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: Phil Belfiori, Administrator; Nick Tomczik, Permit Coordinator/Wetland Specialist; Samantha Berger, Technician; Beth Carreño, Communications and Outreach Coordinator; Theresa Stasica, Office Manager

Consultants: District Engineer Chris Otterness, Houston Engineering; District Attorney Louis Smith, Smith Partners

Visitors: Glen Miles, David Richardson.

SETTING OF THE AGENDA
District Administrator Belfiori added a new item 1 under Discussion and Information, “Follow up on Research Related to West Avenue Raingarden.”

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the April 10, 2017, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented.

Manager Waller indicated he was not going to vote for the minutes as written due to over editing under discussion of President Preiner’s request. It does not include several items that they discussed at that time. He asked this area to be completely reworked.
Manager Haake stated under line 121 of the workshop minutes she could not make sense of what she said. She stated she would like it to read “She would recommend that manager’s responsibilities be included in the policy and procedure manual.”

**ROLL CALL:**

*Manager Waller – Nay*
*Manager Haake – Aye*
*Manager Bradley – Aye*
*Manager Wagamon – Aye*
*President Preiner – Aye*

**Motion carried 4-1.**

Minutes of the April 12, 2017, Board of Managers Meeting minutes. **Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as amended.**

Manager Haake stated on page 9, line 66, the motion should show 4-1 (Haake) abstained. She noted it was shown at the end of the meeting where she changed her motion to abstain but it was not changed in the motion.

Manager Haake stated on page 20, line 526 she stated “Manager Haake noted that a sanitary sewer pipe in the area would need to be repaired or replaced. She felt the cost of doing this should be Mahtomedi’s responsibility.” Manager Waller noted a similar sentence is on line 531-532. Manager Haake asked the sentence she just added be stricken.

**Motion carried 5-0.**

**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:

**Table of Contents**

**Permit Applications Requiring Board Action**

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-007</td>
<td>Anoka County and Aspen Garden Holdings, LLC</td>
<td>Blaine</td>
<td>Final Site Drainage</td>
<td>CAPROC 6 items</td>
</tr>
<tr>
<td>17-015</td>
<td>Rosedale Commons LP</td>
<td>Roseville</td>
<td>Final Site Drainage</td>
<td>CAPROC 5 items</td>
</tr>
<tr>
<td>17-020</td>
<td>KE Properties</td>
<td>Blaine</td>
<td>Final Site Drainage</td>
<td>CAPROC 6 items</td>
</tr>
<tr>
<td>17-022</td>
<td>Eagle Ridge Partners, LLC</td>
<td>Shoreview</td>
<td>Final Site Drainage</td>
<td>CAPROC 7 items</td>
</tr>
<tr>
<td>17-025</td>
<td>City of Forest Lake</td>
<td>Forest Lake</td>
<td>Street &amp; Utility Plan</td>
<td>CAPROC 5 items</td>
</tr>
<tr>
<td>17-028</td>
<td>Lake Animal Hospital</td>
<td>White Bear Township</td>
<td>Final Site Drainage</td>
<td>CAPROC 6 items</td>
</tr>
</tbody>
</table>

Manager Bradley stated on item 17-022, Rule C1, he understood they were asking them to excavate. He asked what staff wanted the applicant to do. Technician Berger indicated the applicant must clean out
the existing pond in order to provide the treatment for the new development. Permit Coordinator/Wetland Specialist Tomczik noted at this time they do not know the extent of the cleaning and the applicant must document the work done to meet the NURP standard. He proposed changing CAPROC item one to read: Applicant must provide documentation showing an additional 0.44 acre feet of storage capacity in the southwest stormwater pond to meet NURP standards.

Manager Bradley stated on item 17-028, page 59, one inscription there is a sentence that reads “During large storm events greater than ten year, 24-hour event, the east side of the site drains to the adjacent White Bear Mini Storage parcel that overflows east into a defined drainage area, drainage way. The flows east into an existing wetland.” He wondered if that is the result of the project or the result of existing land. Permit Coordinator/Wetland Specialist Tomczik stated that was part of the existing condition.

Manager Haake stated the wetland is already taking the drainage off of the land and now there will be more drainage going in there. Is there anyway the run off is being cleaned before going in the wetland or is the wetland going to clean the water. She thought there was a lot of water going into the wetland and wondered if it will be able to clean the water enough. Technician Berger showed a drainage map to the Board and explained where the water will flow for water quality treatment.

Manager Haake wondered on Item 17-007, page 28, how high the water table is. She thought the street in the front only has raingardens in the front and then drains into the holding ponds. Technician Berger stated they did look at the seasonal high-water table of the area and this existing area includes a slope. She showed on a map where the slope is located and the different water levels.

Manager Haake asked how much freeboard, if the cement slabs will have above the existing water table. Technician Berger stated they should have plenty of freeboard due to the slope at the entrances to each of the townhomes and all of the ponds will be significantly lower. Manager Haake asked what the elevation of the land is. Permit Coordinator/Wetland Specialist Tomczik stated he has been on site and there is quite a bit of drop at the pond edge and a retaining wall. Technician Berger showed the contours of the parcel. District Engineer Chris Otterness referred to the Engineer’s report noting the seasonal high ground water elevation and the adequate separation between the groundwater and the bottom of the infiltration basin.

Manager Haake stated on 17-020, page 40, asked if they had some problems on Ball Road and wondered if this will exasperate problems. Permit Coordinator/Wetland Specialist Tomczik stated Ball Road is associated with a lateral of ACD 53-62. He stated the waters due eventually contribute to that lateral. He noted it is compliant with the rules. Engineer Otterness stated the issues that have been raised by landowners are more related to the neighborhood to the north and east of Ball Road by East Side Park. He stated that is where there have been some noted problems with high water table in the backyards. This project would be unrelated to what those issues are. The District still have to make sure the applicant is not creating problems downstream because the capacity of the public drainage system is limited due to its a flat slope and takes longer for water to remove itself from the area.

*It was moved by Manager Bradley, seconded by Manager Wagamon, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated April 19, 2017 including Permit Coordinator/Wetland Specialist Tomczik proposed change to CAPROC item one for permit 17-022. 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.

Mr. Glen Miles, 7828 Camp Three Road, NE, Columbus, MN, stated he was before the Board appealing his assessments on Ditch 46. He stated per an email he received from RCWD on April 19, 2017, he was informed that charges for the ditch 46 were approved on January 13, 2016 and assumed the Rice Creek Watershed District informed the residents as to what their charges would be. He noted he was not informed at all. He stated he first learned of the charges when he received the Anoka County Property Tax form and there was a Special Assessment on it. After questioning Anoka County, he found this was Rice Creek Watershed assessment. His objection is mainly with property parcel #22-3222120001, which is thirty-one acres of wetland north and west of Columbus Lake. He stated that he was aware while Columbus Lake and surrounding wetland bog is a part of the Rice Creek system, it is not in his view, part of Ditch 46. Ditch 46 empties into this wetland area and disburses throughout the wetland area and through Columbus Lake. He stated that in their discussion, Mr. Schmidt agreed it would not be likely to make changes to this wetland so as he saw it, these thirty-one acres are a holding area for excess water flowing in from Ditch 46 and also water increases from Ditch thirty-one through Howard Lake and flows down into the Rice Creek system. He stated he is being charged on the thirty-one acres $511.01 per year for five years, totaling $2,555.04 to hold excess water for Rice Creek Watershed District.

District Administrator Belfiori reviewed the assessment process with the Board and Mr. Miles. He noted there were nine public meetings over a number of years and to his understanding Mr. Miles was notified of the landowner information meeting and hearing where this was discussed and was also noticed appropriately. He stated there is also an appeals window which is now closed. He stated Mr. Miles contacted him and other staff at the District. He reviewed the discussion he had with Mr. Miles.

District Administrator Belfiori stated the charge is not just related to the project location, it is related to the system they are repairing and has been consistent through all of the WMD’s the Board established. This property does drain into those systems and has been delineated consistently with how they have done it in other locations within the District.

District Engineer Otterness stated the benefit of the repair to Mr. Miles property is probably minimal however that is not how the charge is set up. It is not based on a benefit standpoint, but rather the volume of runoff from the property to the ditch. He thought it was likely that some point in the future the District will be completing maintenance in different portions of ACD 46 out to Rice Creek. The remaining Water Management District charge after the project is completed will be utilized to complete further maintenance throughout of the system.

Mr. Miles stated he did receive postcards of meetings and thought he attended two of them. He stated he should have appealed the charge but the first notification he ever got of what his assessments would be was after he received his Anoka County Property tax statement and then he inquired from there what those special charges were. He wondered how he could appeal something within the time frame when he did not know what he was appealing until he got his assessments. He stated he would have liked to have seen Rice Creek Watershed District send out to all residents what their charges would be
so they would know. District Administrator Belfiori appreciated Mr. Miles attending those meetings. District Administrator Belfiori stated that the charge information was available both on the District website and in hardcopy format at the RCWD office and that this was relayed to those in attendance at the information meetings. He also stated that the Board, in the past, has not made it a policy to send out specific data to every single landowner but there was notification to the landowners specifying what the meeting would entail.

District Engineer Otterness stated the appeal process is not a District policy, it is a Statute requirement as he understood it. He stated if they were to reconsider any charges after the appeal period is done then they would have to, under the law, reopen the entire hearing process for the charges.

District Attorney Smith stated even though they were not the legal counsel participating in this process, when a special water management district is set up and notification is sent and a hearing is held with charges being assessed, the appeal period is set by Statute so they would need to follow that process. If the District wants to reconsider charges they can do that prospectively but he thought their records were set for what was charged.

Manager Bradley asked for someone to explain how the deferral of a portion of the charges benefits Mr. Miles. District Administrator Belfiori reviewed the benefit of deferring assessments.

Mr. Miles thanked the Board for hearing is appeal request.

**ADDITIONAL ITEMS REQUIRING BOARD ACTION**

1. **Consider 2016 Annual report.**

   Communications and Outreach Coordinator Carreño explained the District is required to submit an annual activity report to the Board of Water and Soil Resources within 120 days of the end of the District’s fiscal year. The content of the annual activity report includes an assessment of the previous year’s annual work plan, a projected work plan for the next year, and several other administrative criteria.

   The Board felt this was a very good report. Manager Waller indicated he would like to see some kind of summary for lay people to understand. He stated people do not mind paying a tax if they feel a service is coming back to them through a tax they paid. He asked in the future that they be more itemized in the budgeting towards where the tax money came from and what went back and to be specific between what is actual tax dollars and if there were matching tax dollars that came from some other source. Communications and Outreach Coordinator Carreño stated there were a couple parts in the comments that she was going to digest and give some thought to as they move forward with this. She agreed that the report is definitely written more for internal purposes. She stated one of the things they will be looking at for this year and moving forward with is picking highlights from the report and utilize it to send out in a newsletter for the public. They wanted to promote some of the activities more in a very public way. In regards to the budget piece, she will keep the suggestions in mind and bring to the Board for consideration.

   President Preiner stated their needed to be a Board discussion regarding Manager Waller’s comments before the annual report format would be changed.
Motion by Manager Haake, seconded by Manager Wagamon, to approve the 2016 Annual Report and submit to the Board of Water and Soil Resources. Motion carried 5-0.

2. Consider Water Quality Grant Program-Master Water Steward Project: A17-03 Redeemer Lutheran Church – Rain Garden

District Technician Berger stated this project proposes the installation of a raingarden at Redeemer Lutheran Church in Fridley. The project will remove an existing boulevard to make room for a curb-cut raingarden that will treat runoff generated from the parking lot and the street. The project is tributary to Locke Lake which is Tier III waterbody in the RCWD Watershed Management Plan.

The project was pursued by the RCWD Master Steward, Paul Westby who is participating in a raingarden within the City Right of Way. The City will participate in this project by excavating the basin, removing fill, removing trees (existing Ash), tilling in compost, pouring curb-cut and apron. The Church will help with the installation of the rain guardian pretreatment chamber and with cost of plantings and materials. The Church has community members who are willing and able to help with this work. RCWD Water Quality Grant program will reimburse work, in-kind, by paying $10 an hour for unskilled labor and $20 an hour for skilled labor.

The project will treat a large amount of impervious surface (2.42 acres) that would be otherwise left untreated. In addition, the project is in a highly visible area that would help provide education on the importance of water quality for those people visiting the church and nearby park.

The Anoka Conservation District prepared a bid for the project totaling approximately $4,440. District Technician Berger indicated that this project is recommended for 75% due to the high amount of impervious surface being treated by the project.

Motion by Manager Bradley, seconded by Manager Wagamon, to approve RCWD Water Quality Grant Program Contract A17-03 for the Redeemer Lutheran Church rain garden project, up to $3,330 and not to exceed 75% of eligible project expenses, in accordance with established program deadlines.

Manager Haake noted she was not in favor of approving 75% of cost share.

Motion carried 4-1.

3. Consider Pay Request #7 from Rachel Contracting, Inc. for the Hansen Park Project.

District Administrator Belfiori stated Rachel Contracting has continued to make progress on the Hansen Park Comprehensive Water Management Project and has submitted its seventh pay request. Staff concurs with the District Engineer’s opinion that the pay request is ready for approval.

Motion by Manager Haake, seconded by Manager Waller, to approve Rachel Contracting, Inc.’s pay request as submitted and certified by the District Engineer, and directs staff to issue a payment in the amount of $58,721.58. Motion carried 5-0.
4. **Consider Washington Judicial Ditch 2, Branch 2 Repair Task Order.**

District Administrator Belfiori stated as a follow-up to the Boards majority consensus at the April 10, 2017 Board workshop meeting, attached for Board consideration is Houston Engineering’s task order 2017-014 related to Washington Judicial Ditch (WJD) 2 Branch 2 Repair Memorandum.

Based on HEI recommendation and Board consensus at the April 10, 2017 Board workshop meeting, staff recommends Board approval of the Houston Engineering request for services with a total cost of $18,600 as defined in the attached HEI Task Order 2017-14 dated March 29, 2017.

**Motion by Manager Haake, seconded by Manager Bradley, to approve the Houston Engineering request for services with a total cost of $18,600 as defined in the attached HEI Task Order 2017-14 dated March 29, 2017 and authorize the Board President to execute the document. Motion carried 4-1 (Manager Waller abstained).**

5. **Summary of Administrator’s Performance Review**

President Preiner stated this morning at 8 AM the Board held a closed meeting, as authorized by Minnesota Statutes Section 13D.05, Subdivision 3, for the purpose of evaluating the performance of District Administrator Phil Belfiori, and to set an appropriate salary for Mr. Belfiori.

Prior to this meeting, the Board had an evaluation form prepared by its human resources consultant, Sara Noah. Using this form, each Manager separately evaluated Mr. Belfiori for the period covering February 15, 2015 to February 15, 2017. The five evaluations were provided to each Manager and to Mr. Belfiori. The Board of Managers discussed these evaluations. Based on these evaluations and the salary structure previously approved by the Board for the Administrator position, the Board increased Mr. Belfiori’s current salary to $109,500, which is an increase of approximately 4% percent per year since his last salary adjustment in September 2014.

**Motion by Manager Bradley, seconded by Manager Wagamon, that this summary of the Administrator’s performance evaluation be placed in Mr. Belfiori’s personnel file.**

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

**Motion carried 3-2.**

6. **Consider Check Register dated April 26, 2017, in the amount of $324,079.77, prepared by Redpath and Company.**

**Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated April 26, 2017, in the amount of $324,079.77, prepared by Redpath and Company. Motion carried 5-0.**
ITEMS FOR DISCUSSION AND INFORMATION

1. **Follow up on Research Related to West Avenue Raingarden**

   District Administrator Belfiori stated this item is a follow-up to the March 22, 2017 Board decision. He stated Technician Berger would like to make some comments based on research she did in regard to President Preiner’s comments related to some different restrictions to potentially put on the property.

   District Technician Berger reviewed the project with the Board. She stated there would not be any intention to convert the parcel back into a boat launch because there is no parking area and with a three-way intersection close by there is a safety concern. She reviewed the agreement with the Board. She stated a couple of options the Board could take as actions are:

   Option 1: Staff Recommendation: Concede that current agreement is sufficient to meet the Board’s intent.

   Option 2: Amend the current agreement, authorizing approval to the administrator, advising the city of the need to incorporate a perpetual (but unrecorded) constraint into the existing agreement.

   Option 3: Same as option 2. Noting, agreement cannot be recorded without city expense of establishing legal description.

   Manager Bradley stated based on the concerns of invasive species and the need to control that at the current Bald Eagle boat launch he was sure no one would want to have an additional boat launch without an inspection area where there could be a risk of invasive species entering the lake.

   Board consensus was to move forward with Option 1.

2. **Update on MAWD Summer Tour**

   District Technician Belfiori updated the Board on the MAWD Summer Tour which is being held June 21-23, 2017 in the Leech Lake area.

   There was discussion between Board members regarding the materials for the MAWD proposed bylaws, manual of policy and procedures and budget proposal that will be presented at this meeting. It is important to have Board representation to vote on these items.

   Manager’s Wagamon, Haake and Waller indicated they will be attending the meeting. President Preiner noted she would not be attending. Manager Bradley indicated he would probably not be attending.

3. **Staff Reports**

   There were no comments.

4. **May Calendar**

   Manager Bradley indicated there will be a Board Workshop meeting after the May 24, 2017 meeting. Manager Haake was not sure they would need a workshop meeting at the end of May because they have one at the beginning of June.
5. **Manager’s Update**

Manager Waller stated he asked District Administrator Belfiori to check in with Birchwood Village Mayor Wingfield to make sure she is updated on what is going on with the project at Halls Marsh and to also contact the residents. District Administrator Belfiori stated staff did send out a letter after the last board meeting and Mayor Wingfield was included on that.

Manager Haake updated the Board on the DNR N & E Metro Groundwater Area Advisory Team Meeting and that they are waiting on the US Geological survey study to come through. This is to deal with White Bear Lake and the water levels. She stated one of the proposals to augment the lake would be coming out of the Vadnais Lake area. The price depends on what is done but is between $40-$50 million. They do not know how it will be paid for.

President Preiner asked if the Board wanted anything further done by staff in regard to Mr. Miles assessment. Manager Waller suggested a letter be written to Mr. Miles that they understand his concerns but no action will be taken. Manager Haake thought the postcard that is sent out for the assessment meeting should indicate that if the resident attends that specific meeting they will be informed of the specific assessment charged to their PID. District Engineer Otterness stated the proposed charge memo and table of individual pin number charges are available on the website and at the District office. The postcard included a web URL to that location.

**ADJOURNMENT**

*Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:30 a.m.*

*Motion carried 5-0.*