REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, April 13, 2016
Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

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, Technical Specialist/Permit Reviewer Chris Buntjer, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica.

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

Visitors: Kevin Gaylor, Scott Anderson, Jim Hafner.

SETTING OF THE AGENDA
Manager Waller requested adding an item under the Discussion regarding Washington County Drainage Ditch #6. President Preiner suggested adding it to Manager Update.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the March 23, 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).

Minutes of the March 23, 2016, Board of Managers Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 4-0-1 (Manager Haake abstained).
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>15-082</td>
<td>City of Roseville</td>
<td>Roseville</td>
<td>Street &amp; Utility Construction</td>
<td>CAPROC 4 items</td>
</tr>
<tr>
<td>16-007</td>
<td>City of St. Anthony</td>
<td>St. Anthony</td>
<td>Street &amp; Utility Construction</td>
<td>CAPROC 4 items</td>
</tr>
<tr>
<td>16-011</td>
<td>MN Dept of Transportation</td>
<td>Lino Lakes</td>
<td>Street &amp; Utility Construction</td>
<td>CAPROC 3 items</td>
</tr>
<tr>
<td>16-020</td>
<td>City of Blaine</td>
<td>Blaine</td>
<td>Final Site Drainage</td>
<td>CAPROC 3 items</td>
</tr>
</tbody>
</table>

Motion by Manager Waller, seconded by Manager Haake, to conditional 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 & 6, 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.

Mr. Kevin Gaylor, 5560 Lexington Avenue North. Mr. Gaylor stated since he purchased the property 7 years ago he has gone from having a completely private back yard to a completely unobstructed view of County Road I from his back yard because the drainage has not been maintained and has killed all of the large mature trees in the back. He indicated he called a representative of the Board six years ago about getting something done and was told it was not in the budget. He offered to rent the equipment and do it himself and a permit was not allowed. He stated he is losing two trees a year from his property and each of his neighbors is experiencing the same thing. This has been discussed with the City and Ramsey County and they deferred it to this Board. He stated he did not know what else to do. He indicated he has actually suffered a realty loss of approximately $30,000. He would like the Board to consider that and see what could be done in regards to this issue.

District Administrator Belfiori thanked Mr. Gaylor for coming and asked for his name and contact information so a staff person could contact him. He indicated someone will review this and get back to him on the issue.

Manager Waller asked for Mr. Gaylor’s address. Mr. Gaylor stated his address is 5560 Lexington Avenue North.
ADDITIONAL ITEMS REQUIRING BOARD ACTION

Administrator Belfiori presented the 2015 District Annual Report to the Board. He reviewed the report with the Board.

Manager Haake asked if the District completed the PRAP (performance review and assistance program) report from BWSR. District Administrator Belfiori indicated they have had that report in the past. This year they have not, however Minnesota rules 8410 have changed and they are required within the next two years to update this report to develop specific projects and if they wish to, they can add additional projects every two years. He noted they do it a little different than some of the greater Minnesota areas due to their Comprehensive Watershed Planning Act but they still have to do the bi-annual update due to the changes to Minnesota rules Chapter 8410.

Manager Bradley thought the report was very well written and easy to read. Manager Waller stated he would like to see an additional overview of this report which talks about the balancing of the three major areas of responsibility to show how the interaction of these are being accomplished by the District.

Motion by Manager Haake, seconded by Manager Wagamon, to accept the 2015 District Annual Report.

District Administrator Belfiori asked for clarification regarding modification of the document for this year. Manager Haake indicated there would be no modifications this year.

Motion carried 5-0.

2. Consider HEI Task Order for Phase 4 of Engineering/Final Design for Hansen Park Project
Water Resource Specialist Axtell updated the Board on HEI task order for Phase 4 of engineering/final design for Hansen Park project.

Manager Haake asked what monies are left after all of the current work has been completed. Water Resource Specialist Axtell stated they are still within budget and thought engineering was coming in under budget at this time. He reviewed his estimates with the Board and stated the only monies spent so far have been for engineering and testing.

Motion by Manager Haake, seconded by Manager Waller, to approve the Houston Engineering request for services with a total cost of $71,100 as defined in the attached Task Order 2016-012, dated April 7, 2016, authorizing the Board President to execute the document. Motion carried 5-0.

3. Consider Urban Stormwater Remediation (USWR) Grant Application from City of Hugo and City of Mounds View.
Water Resource Specialist Axtell updated the Board on the two Urban Stormwater Remediation Grant applications and additional information provided from City of Hugo for funding a TYMCO Regenerative Air Sweeper and the City of Mounds View-Lambert Avenue Storm Sewer Extension.
Manager Haake requested the two items be split up and discussed separately. Water Resource Specialist Axtell stated they could do that but there is one resolution for both of them. Manager Haake indicated she would vote against both so it was fine to make one motion.

**Motion by Manager Waller, seconded by Manager Wagamon, to approve Resolution 2016-08, resolution for ordering of 2016 Urban Stormwater Remediation Cost-Share Projects, Pursuant to Minnesota Statutes 103B.251, Be it Resolved that the Board of Managers hereby authorizes the Board President to execute each of the respective cost-share agreements between the Rice Creek Watershed District and the Cities of Hugo and Mounds View, with any final non-material changes and on advice of counsel.**

Manager Bradley thought the street sweeper was a particularly good project. He stated in regards to the Mounds View item, he had asked they get the information they received but it is not great information but the Board is not committing a large amount of money so he will be voting in favor of both of the items.

Manager Waller stated Scott Anderson, Hugo City Maintenance Chief, was in the audience and he asked that good records for the street sweeper be kept on sediment removal he felt this will be an important part of how the Districts funds these types of applications in the future. He indicated he would like to know the tonnage of phosphorus collected and how they will dispose of it so it does not reenter the system again.

Manager Wagamon asked if the street sweeper was five times more efficient and cost effect than the rain gardens. Water Resource Specialist Axtell stated if varies depending on the use.

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

Motion carried 4-1.

4. **Consider Authorizing Staff to Negotiate Anoka County Ditch 46 Water Management District (WMD) Appeal.**

District Administrator Belfiori explained he had a conversation with Mr. Greg Boehm, City of Columbus resident, who is representing his mother’s property which they have appealed the Anoka County Ditch 46 Water Management District charges on their property. He stated the total charges were $6,566.36, of which fifty percent (50%) of that is deferred until development occurs, if ever. $3,283.18 remains. Pursuant to Board discussion he talked to Mr. Boehm about the Board’s discussion to reduce the charge by eighty percent (80%) due to the presents of a DNR public waters wetland. Therefore, the total charge for the property would be $1,313.28 of which fifty percent (50%) is deferred so the total over a five-year period for the property is $656.64. Mr. Boehm verbally agreed to the reduction and took BWSR’s Stipulation of Dismissal of Appeal of WMD charge under Statutes Section 103D.535 document to his mother, Ms. Cora Ida Boehm-property owner, for her signature.
Motion by Manager Waller, seconded by Manager Haake, accepts the settlement on the terms contained in the stipulation and authorizes the Board President to sign it.

President Preiner thought this was the right thing to do.

Motion carried 5-0.

5. Consider Check Register dated April 13, 2016, in the amount of $35,675.76, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated April 13, 2016, in the amount of $35,675.76, prepared by Redpath and Company.

Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Update and Timeline.

District Engineer Deutschman updated the Board on Brown’s Preserve and Well #5 which the ACOE requested the District the monitor. At this time the ACOE has informed the District that they no longer need to monitor it.

2. Manager’s Update

Manager Waller stated he attended the Washington County Consortium meeting and they were discussing invasive species and next month they will be visiting sites if anyone is interested in attending. He updated the Board on invasive species and what was discussed.

Manager Waller stated in regards to Washington County Ditch #6, he wanted to make sure they are being transparent, accountable, objective and impartial and he wanted to make sure with Attorney Smith if they were planning on disqualifying themselves in this matter if there was any legal business because they were also representatives for Comfort Lake. District Attorney Smith asked if this was in reference to the boundary change issue. Manager Waller indicated it was. Mr. Waller stated he was getting the feeling that this was going to be a little more involved than what he expected it to be.

District Attorney Smith stated that the first order of business is to make sure the Board is aware that in this case Mr. Kolb of Rinke Noonan is representing the Rice Creek Watershed District. Manager Waller indicated that was correct but District Attorney Smith was also involved with the other side so he asked if there were plans on representing them because he felt this was a conflict of interest or appears to be. District Attorney Smith indicated he would be happy to answer questions the Board has but felt this item was pretty straight forward.

Manager Waller indicated he was cautious about having consultants that represents other Districts that are close to them and this is an item where they have a consultant that represents both sides and has a financial interest in both of these. President Preiner believed Attorney Kolb was representing the District. Manager Waller stated he was but both are here. Manager Bradley stated he was confident that as long as Mr. Kolb does their legal work and they do not go to litigation they will be fine.
Manager Haake asked Manager Waller in regards to transparency, what did he know that the Board did not know that there might be something that is going to occur that will have an issue. Manager Waller stated he was not sure yet but the issue is that it did not make sense for them to have the responsibility of the upstream party if they do not have an outlet to the lake. He stated in the future it may be determined that they do have an outlet to the lake and need to move their political boundary and then they would inherit the entire ditch so because of this he is being cautious.

Manager Wagamon indicated he felt comfortable with the current consultants. Managers Haake and Bradley agreed.

District Administrator Belfiori updated the Board on the current status of discussions.

**ADJOURNMENT**

*Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 9:47 a.m.*  
*Motion carried 5-0.*