Minutes

REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, May 13, 2015
Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

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

ROLL CALL

Absent: Secretary Michael J. Bradley (with prior notice)

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Technical Specialist/Permit Reviewer Chris Buntjer, Lake and Stream Specialist Matthew Kocian, Office Manager Theresa Stasica, District Technician Samantha Kreibich.

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

Visitors: None.

Motion by Manager Waller, seconded by Manager Wagamon, to propose 1st Vice-Pres. Haake as Acting Secretary for the meeting. Motion carried 4-0-1 (Bradley).

SETTING OF THE AGENDA
District Administrator Belfiori added item 4 under Additional Items Needing Board Action: Consider Future Conditions, Model HEI Task Order.

Motion by Manager Haake, seconded by Manager Wagamon, to adopt the agenda as amended. Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the April 22, 2015, Board of Managers Meeting Regular Meeting. Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 4-0.

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


BOARD OF MANAGERS
Michael J. Bradley | Barbara A. Haake | Patricia L. Preiner | Steven P. Wagamon | John J. Waller
Ramsey County | Ramsey County | Anoka County | Anoka County | Washington County
CONSENT AGENDA

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Technical Specialist/Permit Reviewer Buntjer stated on page 24 of the packet under Finding One, second to last sentence it states “the parking lot just north of East Road has been withdrawn from the permit application”, which was a holdover from the original. This amendment is to add that parking lot back in so the sentence should be stricken.

Manager Haake stated since the parking lot is being added back in, this is more impervious surface and is this existing already or is more being added. Technical Specialist/Permit Reviewer Buntjer indicated it is being added. There is a small amount of gravel there now but they do plan on making a parking lot. Their requirement for the original permit they are proposing a stormwater reuse system so the requirement for that system is larger and is already proposed to be well oversized. Manager Haake asked if the stormwater reuse system will be oversized so it will be able to handle the parking lot. Technical Specialist/Permit Reviewer Buntjer indicated that was correct. He noted a dry pond will also be installed west of the parking lot to take care of the rate control concerns.

Motion by Manager Waller, seconded by Manager Haake, to approve the consent agenda as outlined in the above Table of Contents permits 14-020, 15-040 and 15-048 in accordance with RCWD District Engineer’s Findings and Recommendations, dated May 4 & 6, 2015. Motion carried 4-0.

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

   a. R15-01: Harlan Harrison, Raingarden (Poplar Lake/RCD 3)
      District Technician Kreibich explained this project proposes the installation of a rain garden to capture runoff from the property owner, neighbor, and the majority of the houses to the west and north of the applicant. RCWD staff agrees with the recommendations expressed by the conservation district and thinks the project would help alleviate drainage concerns, while providing a visible project in a neighborhood lacking any BMPs. Further, this project is in an area of the District that is in need of volume and rate control.

      RCWD’s Citizen Advisory Committee and Staff recommend that the RCWD Board of Managers approve the Water Quality BMP Cost-Share funds for Harlan Harrison raingarden project.

      Manager Haake asked why two of the Committee members voted no to this item. District Technician Kreibich stated the issues brought up was the water quality benefit. She noted two of the new members on the Committee are engineers so they were looking at these projects closely.
Motion by Manager Haake, seconded by Manager Wagamon, to approve RCWD Water Quality BMP Cost-Share Contract R15-01 for the Harlan Harrison raingarden project, up to $2,177.04, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 4-0.

b. R15-02: Sophie Oliver, Raingarden (Lake Judy)
District Technician Kreibich explained this project proposed the installation of a two-celled raingarden, connected by a dry creek swale, to capture roof and backyard runoff from the property owner and 6 of the surrounding neighbors. In its initial development, a large drainage swale served the backyards in the development; however, over time, the swale has been filled by the surrounding landowners with trees, fences, and landscaping, causing a low point and pooling in the Oliver’s backyard. RCWD staff agrees with the recommendations expressed by the conservation district and thinks the project would help alleviate drainage concerns for the landowners while providing water quality and habitat benefit.

RCWD’s Citizen Advisory Committee and Staff recommend that the RCWD Board of Managers approve Water Quality BMP Cost-Share funds for Sophie Oliver raingarden project.

Manager Haake asked what the phosphorus and water quality was for this. District Technician Kreibich stated there was not as much comment on this item. They are looking at .25 pounds of total phosphorus removal.

President Preiner thought this was more about the drainage than the phosphorus removal. District Technician Kreibich indicated that was correct.

Motion by Manager Haake, seconded by Manager Waller, to approve RCWD Water Quality BMP Cost-Share Contract R15-02 for Sophie Oliver raingarden project, up to $3,869.23, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 4-0.

c. R15-03: Scott & Jessica Engman, Shoreline (Bald Eagle Lake)
District Technician Kreibich explained this project proposed the installation of a shoreline buffer along a lakeshore property off Bald Eagle Lake in White Bear Township. The phased project will take place over many years to restore the shoreline; the first phase will include the removal of reed canary grass and the installation of native plants and shrubs. RCWD staff supports the design provided by the two bids and thinks the project would be a good example of what a native shoreline should look like along this recreation lakes. Bald Eagle is classified as Tier 1 Lake in the District’s Watershed Management Plan.

RCWD’s Citizen Advisory Committee and Staff recommend that the RCWD Board of Managers approve Water Quality BMP Cost-Share funds for the Scott and Jessica Engman shoreline project.

Manager Haake wondered what the total expenses will be for the District if this is phase one of the project. District Technician Kreibich indicated they may come back in for phase two. There have been projects like this in the past where they have done the phased projects.

Manager Haake asked how many feet is in the red area. District Technician Kreibich indicated there is 1200 square feet of buffer and it looks like it is 200 linear feet. Manager Haake asked if this would be a 600 linear foot project. District Technician Kreibich did not think they would be doing the entire shoreline around. She believed the entire project would be in the red area.
Motion by Manager Waller, seconded by Manager Wagamon, to approve RCWD Water Quality BMP Cost-Share Contract R15-03 for Scott and Jessica Engman shoreline project, up to $4,980, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 4-0.

d. R15-04: Victoria Village Townhomes, Raingarden (Island Lake)

District Technician Kreibich explained this project proposes the installation of a planted drainage swale at Victoria Village Townhome Association in Shoreview. The project will provide water quality treatment for surfaces that were otherwise untreated and will help educate residents of the association on the importance of stormwater treatment. RCWD staff supports the recommendations expressed by the Conservation District and thinks the project would be a good fit for the cost-share program. Ultimately, the project will drain to Island Lake, a Tier II water body in the Rice Creek Watershed District’s Watershed Management Plan.

RCWD’s Citizen Advisory Committee and Staff recommend that the RCWD Board of Managers approve the Water Quality BMP Cost-Share funds for Victoria Village Townhomes Raingarden project.

Motion by Manager Waller, seconded by Manager Wagamon, to approve RCWD Water Quality BMP Cost-Share Contract R15-04 for Victoria Village raingarden project, up to $5,000, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 4-0.


District Administrator Belfiori stated the Resolution initiates the process to reestablish and correct the drainage system record for Anoka/Washington Judicial Ditch 3 to reflect the functional alignment, dimension grade and right-of-way of that system. It will also authorize the District Engineer to investigate and report the findings of the alignment, the cross section of the profile structural location, materials, elevations and right-of-way of that drainage system.

District Administrator Belfiori indicated this also authorizes the Board to have staff set a time and location for an information meeting on this reestablished drainage system record and also a hearing on that same record. He stated that initial discussions on the Engineer’s report is tentatively scheduled for the May 26th Special Workshop meeting, time permitting. The District Engineer would present the results of the analysis to the Board and describe the corrected record.

Motion by Manager Waller, seconded by Manager Haake, to approve Resolution 2015-18 FINDINGS AND ORDER DIRECTING PROCEEDINGS TO REESTABLISH AND CORRECT DRAINAGE SYSTEM RECORD FOR ANOKA/WASHINGTON JUDICIAL DITCH 3 (Statutes §103E.101, subd. 4a) with the following order:

A. The Board of Managers shall follow the procedures of Statutes Section 103E.101, subd. 4a to reestablish and correct the drainage system record for AWJD 3 to reflect the functional alignment, dimension, grade and right-of-way of the system.

B. The engineer, to the extent not already accomplished in its analysis supporting the historical review memorandum, shall investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, elevations; and right-of-way of the drainage system.

C. Drainage Authority staff, upon completion of the engineer’s investigation, shall set a date, time and location for an informational meeting on the reestablished and corrected drainage system records.
D. Drainage Authority staff, upon completion of the informational meeting and refinement of the engineer’s investigation, shall set a date, time and location for a hearing on the reestablished and corrected drainage system records.

E. Drainage Authority staff shall give notice of the hearing by mail to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage system and shall give additional notice either in a newspaper of general circulation in the drainage system area or by publication on Drainage Authority’s web-site and in all other ways as required by Board policy.

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

Motion carried 4-0-1.

3. Consider Check Register dated 5/13/15, in the amount of $34,251.90, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated 5/13/15, in the amount of $34,251.90, prepared by Redpath and Company. Motion carried 5-0.

4. Consider Future Conditions Model HEI Task Order.

District Administrator Belfiori stated the task order is for consideration to authorize the President to execute a task order to develop a future conditions model for Upper Rice Creek. The purpose of this work is to evaluate the future land use changes associated with the development within the drainage area upstream of Baldwin Lake, which includes both Peltier, Centerville and the Chain of Lakes and the hydrology and hydraulics of the entire Rice Creek through and upstream of the lakes. Work will also address the Manager’s interest as mentioned in previous discussions and increase understanding the potential implications of the increase in the amount of impervious surface should the portions of the contributing drainage area develop in accordance with the future land use described within the municipal plans.

Motion by Manager Waller, seconded by Manager Wagamon, to approve Houston Engineering Task Order 2015-022, for Professional Services to complete the future land use condition hydrology and hydraulics analysis of Upper Rice Creek and authorize the Board President to execute the document.

Manager Waller stated in the discussion to be clear about what will be used to represent the 2030 land use plans and the future conditions. District Engineer Deutschman stated the approach will be to use the local land use plans prepared by the Cities, to reflect the amount of impervious surface and use the information for model development.

Manager Waller stated the definition of ultimate build out on these plans often times the MUSA District is defined and also a reserve district that is defined and can be used. He wondered if the analysis would include the reserve districts. District Engineer Deutschman stated the modeling will rely on each City future land use plan. These generally who which areas area expected to be developed, regardless of the MUSA boundary. Manager Waller stated he would like to see the maximum use of this analysis as possible and in addition, he would like to have this type of analysis updated with the land plans as they go along rather than every ten years.
President Preiner asked what authority did the District have to make the cities change the numbers after the modeling results are completed. Manager Waller clarified that he was not asking them to reduce their plans. President Preiner wondered under what authority does the District have to make the cities change the numbers because she expected the numbers to be less and wondered what authority the District had to make those changes in the future.

District Engineer Deutschman stated the latest plan is 2030 that the Met Council has requested and he believed there is a little bit of misnomer what the information means. It does not necessarily reflect the developed condition in 2030. 2030 is the target date. The land use plan could reflect ultimate build out so this is somewhat of a fictitious build out condition and is updated periodically. Typically, the detail in the land use plan does not show specific subdivisions and developments, what it shows is the anticipated land use. District Engineer Deutschman stated that they will contact each City to ensure the most recent future land use plan is used. The value in this for the District is it will help them in the future if they decide if they need to do some rule revisions.

*Motion carried 4-0.*

**ITEMS FOR DISCUSSION AND INFORMATION**

1. **District Engineer Update and Timeline**
   - District Engineer Deutschman stated it looks like they are going to receive a permit for the 137th Avenue culvert installation on Anoka County Ditch 10-22-32. There are discussions going on at the staff level about when they can actually get that installed.
   - Permit Coordinator Tomczik stated recently they had some concerns from an applicant regarding fulfilling their CAPROC obligation. There is an upcoming internal staff meeting which they will discuss those affairs. Additionally, there are a few wetland violations out there on the landscape. Both are in the City of Blaine and they do have stop work orders. One was a police report and the DNR is involved. One of the gentlemen is frustrated but they will be following procedures to get on site and do their job.
   - President Preiner asked how large the offenses were. Permit Coordinator Tomczik indicated they were not that large.

2. **Presentation – Estimating Historical Water Quality Using Diatoms/Lake Cores**
   - Lake & Stream Specialist Kocian made a presentation to the Board regarding using diatoms to estimate historical water quality.
   - Manager Haake stated what she finds interesting is phosphorus is naturally in the lake and she found the presentation very interesting.
   - Manager Waller stated a standard that is uniform across the State does not necessarily apply to every water body and that they are individual and historical data can vary quite a bit from one to another. Lake & Stream Specialist Kocian stated it can and he noted there are different standards for deep and shallow lakes throughout the State. Right now, there are different standards by region in the State and within those regions, there are different standards depending on whether it is a deep or shallow lake.
   - President Preiner stated when they started looking at the process to changing the goal what was the process to change the goal in the State without going through legal issues. She wondered if they could come up with the studies to determine what really needs to be attained instead of trying to get a goal that cannot be done. Lake & Stream Specialist Kocian stated his understanding is there is a formal process to setting a site specific standard in
any TMDL study. It has been done around the State but it is a rare process. In the case of Peltier, a challenge from
an outside group claimed that the setting of the standard was not done properly, and the proposed site specific
standard for Peltier was discarded. For the purposes of the Watershed District, they use the State Standard as
default goals or benchmarks. They have some other goals they have set forth in the District Plan that varies
somewhat and recognizes some of the nuances between different lakes and regions and what those goals should
be. They do have some different goals in their plan that differ from this. In the case of a lake like Peltier,
achieving the goal of 60 micrograms per liter seems out of reach. What they really want to do as a District and
want to communicate to lake residents is try to decrease the frequency and the magnitude of algae blooms. They
want to make a visible difference on their lake. They may not meet that standard but if they can cut down on the
days in which they have really nasty algae blooms from twenty to ten days and not as severe, he thought lake
residents would see that as good progress and they would be happy to achieve that.

Manager Waller asked if the concerns on Peltier were from the State agencies. Lake & Stream Specialist Kocian
stated in the case of Peltier the challenge was from the Minnesota Center for Environmental Advocacy. Manager
Waller asked if there was any possibility that the staff works with the State Agencies that they could increase the
frequency of the process that is available for individual lakes. Lake & Stream Specialist Kocian stated that is a
possibility but the amount of the technical work that would need to be done in order to set the site specific
standard is pretty high and doing the work on Peltier was neither cheap or fast so for doing it for every lake would
be time consuming.

Manager Waller asked if there was any possibility in working with the State in order to make that process easier.
Lake & Stream Specialist Kocian stated he was not sure but it could be a possibility.

District Engineer Deutschman stated one practical consideration is beyond the use by Rice Creek is that when
they do a total maximum daily load an equation is written that describes the amount of reduction of phosphorus
that needs to occur to get to that level and the requirement to achieve that is apportioned to those communities
and their storm water permits will achieve that. There are other implications of the standard.

Manager Waller thought that would be similar to what was done in Hugo with the golf course and Bald Eagle Lake
because the Hugo claimed some credits under their storm water permit so more programs that are done
upstream that would cut the input of phosphorus into the lake would be helpful.

District Administrator Belfiori stated the District and cities are MS4 (Municipal Separate Storm Water System)
communities and through the PCA, the city gets a permit to discharge their municipal stormwater to the lakes
and streams of the State. When they have a TMDL, after it is done and approved, it gets incorporated into the MS
4 permit. That permit requirements includes language that there should be some progress towards getting to
the number designated in the permit. The District rules are separate from that MS 4 process. The District rules
are different and they allow the use of CSMPs (Comprehensive Storm Water Management Plans), regional plans
that allow City's to pursue a plan that would identify a regional project somewhere and identifies eligible "credit"
for future projects.

3. Manager's Update

District Administrator Belfiori stated there is a special workshop on May 26, 2015 at 2:00 p.m. at Rice Creek with a
long agenda. The Board also directed staff to set up a Board onsite tour of Hansen Park in the City of New
Brighton immediately following the June 10th Board meeting.

ADJOURNMENT

Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 9:52 a.m. Motion carried 4-0.