REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, June 26, 2019
Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

Approved Minutes

CALL TO ORDER
President Patricia 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, Treasurer Steven Wagamon, and Secretary Michael Bradley.

Absent: None.

Staff Present: Permit Review Technician Patrick Hughes, Lake and Stream Specialist Matt Kocian, Project Manager Kyle Axtell, District Technician Catherine Nester, Office Manager Theresa Stasica.

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners.

Visitors: Russell Henestofel.

SETTING OF THE AGENDA
Motion by Manager Haake, seconded by Manager Bradley, to approve the agenda, as presented. Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the June 3, 2019 Draft Watershed Management Plan Workshop. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 5-0.

Minutes of the June 11, 2019 Workshop. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 5-0.

Minutes of the June 12, 2019 Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. 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>43</td>
<td>McBlaine LLC</td>
<td>Blaine</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 4 items</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wetland Alteration</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>T &amp; C Land Holding LLC</td>
<td>Arden Hills</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 7 items</td>
</tr>
<tr>
<td>46</td>
<td>City of New Brighton</td>
<td>New Brighton</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 9 items</td>
</tr>
<tr>
<td></td>
<td>Burrs Family Holdings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Reiter Real Estate LLC</td>
<td>Blaine</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 6 items</td>
</tr>
<tr>
<td>49</td>
<td>City of Roseville</td>
<td>Roseville</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 5 items</td>
</tr>
<tr>
<td>50</td>
<td>Stream’s Edge Properties, LLC</td>
<td>Roseville</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 5 items</td>
</tr>
</tbody>
</table>

Manager Haake requested clarity on Permit No. 18-121 regarding the routing of runoff from the site, and stormwater Treatment

District Engineer Otterness explained that stormwater exited the site through an adjacent development and eventually into Anoka County Ditch 53-62.

Manager Haake asked how the stormwater got to the ditch.

Permit Technician Hughes clarified that Rule C for Stormwater Management is not triggered because less than 10,000 square feet of new or reconstructed impervious surface is proposed by the project.

District Engineer Otterness responded that he was not certain on the exact routing, but he could research and provide Manager Haake additional information.

Manager Haake expressed concern about Permit No. 19-043 with regard to the treatment of the water leaving the property and who would be responsible for maintenance of the proposed infiltration basins.

Permit Technician Hughes and District Engineer Otterness provided information on the flow of the water off the site and explained that the applicant is responsible for the maintenance of the BMPs that are proposed and noted that this is listed as number 5 under Administrative in the Engineers Report. He stated that this project is a redevelopment so the existing structures will be modified and moved.

Manager Haake questioned how future landowners of any of these permits would be held accountable for maintaining the BMPs into the future.

Russell Henestofel, a representative for Stream’s Edge Properties, LLC stated that they would not be doing an infiltration basin but were planning on underground storage. He stated that each of the catch basins will have sumps in them to collect all the silt and then will go through a water quality row on the front end so it
is easier to clean out during maintenance. He stated that they will also have water quality structures that will have filters that will also have maintenance conducted. He stated that there will be a recorded agreement between themselves and the City of Roseville that will be in perpetuity to whoever the landowners that these things will be maintained.

Manager Haake thanked him for being at the meeting to answer questions.

Permit Technician Hughes stated that one of the conditional approval items will be the long-term maintenance agreement. He noted that the District’s default is that this is something recorded on the property so it goes along with the title.

*It was moved by Manager Bradley, seconded by Manager Wagamon, to approve the Consent Agenda item for permits 18-121, 19-006, 19-019, 19-043, 19-045, and 19-048 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations dated June 18 & 19, 2019, subject to CAPROC requirements contained in the Findings and Recommendations. Motion carried 5-0.*

**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>19-046</td>
<td>Grant Raykowski</td>
<td>White Bear Lake</td>
<td>Final Site Drainage Plan</td>
<td>VARIANCE REQUEST</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Land Development</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CAPROC 5 items</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Crossing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Wetland Alteration</td>
</tr>
</tbody>
</table>

District Engineer Otterness stated Grant Raykowski, as the project applicant, has submitted a written request for a variance from Rice Creek Watershed District (RCWD) Rule E.3(g), which requires structures built within the 100-year floodplain to maintain a minimum of two feet of freeboard between the lowest floor and the 100-year flood elevation. The District Engineer evaluated the variance request per RCWD Rule L for Permit 16-046, as provided in the Request for Variance and Statement of Undue Hardship (Exhibit 1) dated May 14, 2019 and received on May 17, 2019.

District Engineer Otterness stated that the project proposes to reconstruct and enlarge a garage in a floodplain area on a single-family residence at 2503 Manitou Island, White Bear Lake. The project drains to White Bear Lake, the Resource of Concern (ROC). The property is approximately 1.21 acres, of which 0.05 acres will be disturbed. Impervious surface area will increase by 0.01 acres. The regulatory floodplain elevation for the site is 927.3 (NAVD88). The project proposes to reconstruct the garage in the same location and at the same elevation (927.7 NAVD88) as the existing garage. The project will only achieve 0.4 feet of freeboard above the 100-year flood elevation. District Rule E.3(g), requires 2 feet of freeboard above the 100-year flood elevation. The applicant has requested a variance from RCWD Rule E.3(g) for the 1.6 feet lack of freeboard. The proposed application is compliant with all other RCWD Rules.
Permit Technician Hughes stated the District Engineer evaluated the variance request by applying the “practical difficulties” test set forth in the District’s variance rule. 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 Technician Hughes stated that ultimately, the Board determines whether consideration of the above criteria supports approval of a variance. The Board may exercise discretion in analyzing the applicant’s compliance with the variance criteria – both generally and with regard to application of the individual variance (and other rule) criteria. The Board also may require input from legal counsel. Nothing in the presented variance memorandum should be construed as rendering a legal opinion.

Permit Technician Hughes informed the Board that he would reiterate the above criteria and District Engineer Otterness would reply with the District Engineer’s response.

Permit Technician Hughes asked per practical difficulties criterion (a), how substantial the variation is in relation to the RCWD Rule requirement(s).

District Engineer Otterness replied: the applicant is proposing to rebuild the proposed garage in the same location and at the same elevation as the existing garage. The existing garage (built >80 years ago) is only 0.4 feet above the 100-year floodplain elevation, thus not meeting the freeboard requirements of Rule E.3(g) by 1.6 feet.

Permit Technician Hughes asked per practical difficulties criterion (b) the effect the variance would have on government services.

District Engineer Otterness replied: issuance of a variance for the 2503 Manitou Island project is not expected to increase the cost or difficulty of providing governmental services. The City of White Bear Lake has already reviewed and permitted this project. The City granted 4 variances for the project: 1) for a 50’ setback from the OHWL, 2) for a 40’ setback from the road, 3) for a maximum allowable square footage from auxiliary buildings on the site, and 4) for a 3’ freeboard.
requirement from the 100-year HWL also known as the base flood elevation (BFE) by the City. In this case the BFE matches the RCWD regulatory floodplain elevation.

Permit Technician Hughes 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.

District Engineer Otterness replied: The project is proposing placing 4.5 cubic yards (CY) of fill within the floodplain to accommodate the larger footprint of the garage. This 4.5 CY of fill will not change the 100-year flood elevation of White Bear Lake, thus per Rule E.3(e) floodplain mitigation of less than 10 cubic yards does not require mitigation. The proposed fill of 4.5 CY and not meeting the freeboard requirements of Rule E.3(g) is not expected to affect above mentioned watershed resource criteria. The project is currently compliant with all other District Rules except for Rule E.3(g).

Permit Technician Hughes 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 Engineer Otterness replied: The proposed fill of 4.5 CY and not meeting the freeboard requirements of Rule E.3(g) is not expected to have a negative effect on neighboring properties and is allowable by RCWD Rules.

Permit Technician Hughes 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 Engineer Otterness replied: The proposed plan would place 4.5 CY of fill in the floodplain to accommodate the increased footprint of the garage and sets the lowest floor elevation only 0.4 feet above the 100-year flood elevation. The proposed plan causes minimal land disturbance and does not propose the removal of any of the surrounding trees.
Three alternative design options were considered to meet the freeboard requirements of Rule E.3(g). The first option would be to raise the building up to meet the required 2 feet of separation through the placement of additional fill and a retaining wall. The applicant represents that this would require significant fill, grading and change of topography around the shoreline of the lake. The additional work would also damage or require the removal of 45 mature trees.

The second alternative option would be to move the footprint of the proposed garage in order to avoid triggering Rule E. The applicant has represented that this option would avoid potential shoreline impacts but would potentially damage or require removal of approximately 36 mature trees.

Regarding alternative options 1 and 2, the City of White Bear Lake does not have any tree preservation ordinance that applies to the proposed project that would prohibit removal of said trees. Additionally, the submitted tree survey indicates predominantly 5”-7” cedar trees in the area with several significantly sized (14” – 28” Diameter at Breast Height [DBH]) Oak, Ash, Willow, and Maple trees.

The last alternative identified was to raise the proposed garage through the use of block footings. The applicant has indicated that with the water table so close to the proposed garage floor elevation, that there would likely be inadequate soil conditions to construct a footing and block/poured foundation wall structure. The groundwater table is assumed to be approximately at the water level of the lake which was last read by the MNDNR at 925.66 (on 5/26/2019) which is only 1.84 below the proposed garage floor elevation. The applicant has represented that they would then have to add piling structures as well as bring in stabilized soil to achieve adequate compaction. The project as it is currently proposed was designed with a slab on grade structure with frost protection insulation to address less impact of excavation on the site and disturbance of native soils, tree roots, and re-grading of the site area to minimize the impact on the trees.

The District Engineer has not independently confirmed the difficulties characterized by the applicant for each alternative but does not find the applicant’s alternative assessment to be unreasonable.

Permit Technician Hughes asked: Per criterion (e), we considered how the practical difficulty occurred, including whether the landowner created the need for the variance requires consideration.

District Engineer Otterness replied: The District Engineer finds that the current landowner did not cause the situation which lead to the undue hardship. The existing garage is over 80 years old and the applicant represents that the structure is beginning to fail and needs to be rebuilt for safety reasons and to accommodate standard garage door sizes. The need for variance was created by the desire to rebuild the failing garage in its current location and not impact existing
trees. Per the discussion above, the applicant has indicated that the proposed project design is
the most desirable to protect existing trees and is willing to accept the reduction in freeboard
and increase in potential risk of flooding to their own proposed garage, thus has requested
variance from the freeboard requirement of Rule E.3(g).

Permit Technician Hughes 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
is necessary.

District Engineer Otterness replied: This criterion lies largely in the Board’s domain as it involves
judgments of a non-technical nature. One 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 District’s freeboard requirements of Rule E.3(g). Other applicants have had
the ability to feasibly meet these requirements onsite, and the practical difficulties provided by
the applicant are not unique to the site. Another consideration is the relationship of the existing
rule to the public interest. The intent of Rule E.3(g) is not to protect a downstream resource, but
rather to decrease the risk of damage to the landowner’s property. In this case, the applicant
has demonstrated acceptance of the inherent increased flood risk. With this in mind, if the Board
decides to grant the variance request, it is our recommendation that the applicant record on the
property that the proposed garage was built with a freeboard of 0.4 feet above the 100-year
flood elevation which is non-compliant with RCWD standard freeboard regulations.

Manager Haake noted that the applicant is taking responsibility and is recording everything.

Manager Bradley stated that he appreciates the consideration for a future buyer by putting the
notice directly on the deed.

It was moved by Manager Bradley, and seconded by Manager Wagamon, to Approve the
Variance request for variance application 19-046 as outlined in accordance with RCWD District
Engineer's Variance Technical memorandum, dated June 12, 2019. Motion carried 5-0.

It was moved by Manager Bradley, and seconded by Manager Wagamon, to Approve CAPROC
permit 19-046 as outlined in accordance with RCWD District Engineer’s Findings and
Recommendations, dated June 19, 2019. Motion carried 5-0.

PUBLIC HEARING: BALD EAGLE LAKE IRON-ENHANCED SAND FILTER PROJECT

President Preiner stated: The regular Board meeting is now recessed, and the public
hearing is opened on the Rice Creek Watershed District’s proposed ordering of the Bald
Eagle Lake Iron-Enhanced Sand Filter Project. The purpose of this hearing is to receive
comments from the public on the project, proposed to be constructed in partnership with
White Bear Township. Before the watershed district can provide funds for this capital
improvement, state law requires that the board of managers hold a public hearing,
receive public comments and make a judgment that the project is a sound and cost-
President Preiner requested Project Manager Kyle Axtell give a brief presentation of the proposed project. When his remarks are completed, the floor will be open for any members of the public who wish to address the board. At that time, if the audience wishes to comment, please come forward to the podium and state your name and address for the record. If you have a written copy of your statement, or any other documents that you would like to submit, please give them to Theresa Stasica, our meeting clerk. During public comment, managers are welcome to ask questions of commenters to clarify their remarks. I also may ask Project Manager Axtell to respond to any technical questions raised. Managers will hold their own comments about the project until the public hearing is closed. At that time, the board will have the opportunity to discuss the project.

Project Manager Axtell gave an overview of the project location and stated that Bald Eagle Lake is impaired because of an excess of phosphorus. He noted that the District has made great strides in improving water quality in this area over the last 10 years. He stated that in 2012 a TMDL and implementation plan were approved for Bald Eagle Lake and gave an overview of the history of the project. He noted that Ramsey County Ditch 11 (RCD11) flows to the lake and has almost no water quality treatment due to the age of the surrounding development. He stated that the project is expected to annually remove 43.7 pounds of phosphorus (TP) and 1.38 tons of suspended solids (TSS). He reviewed the cost-benefit analysis and noted that it is the 2nd most cost-effective major project in the sub-watershed report and noted that it is more implementable that the most cost-effective project. He noted that this project will be done in partnership with White Bear Township. He reviewed the concept project layout and current flow path of RCD11 as well as the construction of a wet pond. He explained that the wet pond will provide passive water treatment for the ditch and will act as a sediment basin regardless of whether the filter is running. He noted that the iron-enhanced sand filter will be similar to what was constructed at Hansen Park and Oasis Pond. He noted that many of the people in the area really view RCD11 as more of a creek and noted that the flow rates will not be changed with this project. He explained that the total estimated project cost is $490,000 and the District received a BWSR grant in the amount of $392,000. He stated that the total District cost will be $98,000. He reviewed the timeline of the project and noted that construction will happen in the summer of 2020 and will have a lifespan of 25 years.

There being no members of the public present, President Preiner closed the public hearing.
President Preiner stated: The regular Board meeting is now recessed and the public hearing is opened on the Rice Creek Watershed District’s proposed ordering of the Lower Rice Creek Stabilization Project. The purpose of this hearing is to receive comments from the public on the project. Before the watershed district can provide funds for this capital improvement, state law requires that the board of managers hold a public hearing, receive public comments and make a judgment that the project is a sound and cost-effective project to help fulfill our water resource goals. That is the purpose of today’s hearing. In accordance with state law, notice of this hearing was published for two successive weeks in the St. Paul Pioneer Press and mailed to all cities within the watershed district, as well as the district’s four counties.

President Preiner requested Lake and Stream Specialist Matt Kocian give a brief presentation of the proposed project.

Lake and Stream Specialist Matt Kocian gave a brief overview of the project location and its current condition. He explained that the Lower Rice Creek is the area below Long Lake and just upstream of the Mississippi River. He showed some pictures of the erosion and sediment transfer down to Locke Lake along the Lower Rice Creek. He reviewed some of the feasibility study information and concept plans. He stated that the area is owned by the City of Fridley, but is operated by Anoka County as a regional trail. He noted that there is an access agreement with the City of Fridley and Anoka County Parks to construct the project and noted that they have been excellent partners. He stated that the project goals are to reduce erosion and sedimentation and improve the in-stream habitat for fish and invertebrates. He reviewed the estimated project costs and noted that the majority of the costs will come from the Clean Water Fund Grant with the District’s total funding being approximately $150,306. He stated that the project could be constructed during the fall and winter of 2020 with expected close-out in spring of 2021.

There being no members of the public present, President Preiner closed the public hearing.

**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.

No Comments.
ITEMS REQUIRING BOARD ACTION

   Project Manager Kyle Axtell stated that staff is recommending that the Board approve Resolution 2019-18. He noted that the title of the resolution contains an error and should say “103B.251”, not “103B.231”.

   *Motion by Manager Haake, seconded by Manager Bradley, to adopt Resolution 2019-18: Resolution Ordering The Bald Eagle Lake Iron-Enhanced Sand Filter Project Pursuant To Minnesota Statutes §103B.251.*

   THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes §103B.251 and the WRMP, the Project is ordered.

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

2. Consider Ordering Lower Rice Creek Stabilization Project.
   Lake and Stream Specialist Matt Kocian stated that staff recommends approval of the resolution ordering the Lower Rice Creek Stabilization project.

   *Motion by Manager Bradley, seconded by Manager Haake, to adopt Resolution 2019-19: Ordering The Lower Rice Creek Stabilization Project Pursuant To Minnesota Statutes §103B.251.*

   THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes § 103B.251 and the WRMP, the Project is ordered and established as the Lower Rice Creek Stabilization Project.

   **ROLL CALL:**
   - Manager Waller – Aye
   - Manager Haake – Aye
   - Manager Bradley – Aye
   - Manager Wagamon – Aye
   - President Preiner – Aye
   
   Motion carried 5-0.
3. **Affirming Permit 19-047: Thurnbeck Preserve Joint Power Agreement (JPA).**

Permit Technician Hughes explained that on May 17th, 2019 the District received a permit application within the City of Columbus for a single-family residential subdivision project called Thurnbeck Preserve Second Addition. The project is split between the Sunrise River Watershed Management Organization and Rice Creek Watershed District jurisdictions. In the current project design, there are multiple stormwater basins that are located on the legal boundary. This Joint Powers Agreement allows for both regulatory authorities to review the project based on the post-development hydrologic boundary, obtain long-term maintenance obligations, and have authority to enter the property. Staff recommends Board approval of the attached JPA for Thurnbeck Preserve Second Addition as it relates to permit application #19-047.

Manager Bradley stated that there is information missing on the 3rd line of the JPA regarding the property address. He stated that there is no description of the project, or Thurnbeck Preserve and no reference that he can find to Permit application 19-047. He stated that to him, this document is not very well written.

Manager Waller stated that he agrees and feels this document is incomplete and didn’t tell him anything about what will be going on.

Manager Haake suggested tabling this item and bringing it back for discussion at a future meeting.

Permit Technician Hughes stated that the Joint Powers Agreement was drafted by Smith Partners with some input from the City of Columbus. He stated that the goal of this item on the agenda was to consider a JPA prior to the actual permit application coming before the Board.

District Engineer Otterness stated that there may be some permit timelines that are dependent on getting some agreement from the Board, and suggested not tabling this item but getting a consensus with certain conditions added and perhaps give authorization to Interim Administrator Tomczik in order to move forward with the process.

Manager Bradley stated that he doesn’t have anything in front of him to actually approve because there is so much missing information.

Permit Technician Hughes noted that on page 103 there is an overall grading plan that shows a bit of the Phase 2 plans, the current legal boundary, and the boundary for permitting authority.

District Attorney Smith stated that the Board encounters this situation a number of times when there is a project or developer on the edge of the boundary. He noted that this
The Board agreed that they would like to have more details and a description of the project.

Motion by Manager Bradley, seconded by Manager Waller, to authorize Interim Administrator Tomczik to work with counsel and the District Engineer as necessary, to provide more details and to enter into a Joint Powers Agreement with Sunrise River Watershed Management Organization related to Thurnbeck Preserves, Second Addition, and authorize the Board President to execute Permit 19-047: Thurnbeck Preserve Joint Power Agreement with any non-material changes and on advice of counsel.

District Engineer Otterness showed the current legal boundary of Rice Creek Watershed District in relation to the proposed flow and boundaries. He stated that a legal description or address for the property can be added in the first paragraph of the agreement which would help clarify that issue.

Motion carried 5-0.

Consider Remote Meeting Policy Adoption.

District Technician Catherine Nester noted that the Board had provided feedback on a draft policy relating to remote meeting participation at the June 11, 2019 workshop meeting. He noted that staff and legal counsel modified the policy based on this feedback. She stated that there has been audio/visual equipment installed in the RCWD large conference room and staff is recommending adopting the revised remote meeting participation policy.

Manager Haake asked if there would be any training for the Board members that may be participating remotely.

District Technician Nester stated that Tierney Brothers will be coming out to conduct training for a few of the staff members and noted that the Board is also welcome to participate in the training session.

President Preiner suggested that the training be scheduled prior to a regular workshop meeting so the Board can all attend and receive the training.

District Attorney Smith stated that he wanted to make sure the Board was aware that their policy is more restrictive than the Statute requires. He noted that for example, in

447 document is the standard template that addresses the question of how these two permitting authorities will work together. He stated that if he is understanding the Board’s feedback, they would just like to have more details and a description of the project.

450 The Board agreed that they would like to have more details and a description of the project.

454 Motion by Manager Bradley, seconded by Manager Waller, to authorize Interim Administrator Tomczik to work with counsel and the District Engineer as necessary, to provide more details and to enter into a Joint Powers Agreement with Sunrise River Watershed Management Organization related to Thurnbeck Preserves, Second Addition, and authorize the Board President to execute Permit 19-047: Thurnbeck Preserve Joint Power Agreement with any non-material changes and on advice of counsel.

462 District Engineer Otterness showed the current legal boundary of Rice Creek Watershed District in relation to the proposed flow and boundaries. He stated that a legal description or address for the property can be added in the first paragraph of the agreement which would help clarify that issue.

466 Motion carried 5-0.

470 Consider Remote Meeting Policy Adoption.

471 District Technician Catherine Nester noted that the Board had provided feedback on a draft policy relating to remote meeting participation at the June 11, 2019 workshop meeting. He noted that staff and legal counsel modified the policy based on this feedback. She stated that there has been audio/visual equipment installed in the RCWD large conference room and staff is recommending adopting the revised remote meeting participation policy.

477 Motion by Manager Bradley, seconded by Manager Waller, to authorize Interim Administrator Tomczik to work with counsel and the District Engineer as necessary, to provide more details and to enter into a Joint Powers Agreement with Sunrise River Watershed Management Organization related to Thurnbeck Preserves, Second Addition, and authorize the Board President to execute Permit 19-047: Thurnbeck Preserve Joint Power Agreement with any non-material changes and on advice of counsel.

481 District Engineer Otterness showed the current legal boundary of Rice Creek Watershed District in relation to the proposed flow and boundaries. He stated that a legal description or address for the property can be added in the first paragraph of the agreement which would help clarify that issue.

485 Motion carried 5-0.

490 Consider Remote Meeting Policy Adoption.

491 District Technician Catherine Nester noted that the Board had provided feedback on a draft policy relating to remote meeting participation at the June 11, 2019 workshop meeting. He noted that staff and legal counsel modified the policy based on this feedback. She stated that there has been audio/visual equipment installed in the RCWD large conference room and staff is recommending adopting the revised remote meeting participation policy.

497 Motion by Manager Bradley, seconded by Manager Waller, to authorize Interim Administrator Tomczik to work with counsel and the District Engineer as necessary, to provide more details and to enter into a Joint Powers Agreement with Sunrise River Watershed Management Organization related to Thurnbeck Preserves, Second Addition, and authorize the Board President to execute Permit 19-047: Thurnbeck Preserve Joint Power Agreement with any non-material changes and on advice of counsel.

495 District Engineer Otterness showed the current legal boundary of Rice Creek Watershed District in relation to the proposed flow and boundaries. He stated that a legal description or address for the property can be added in the first paragraph of the agreement which would help clarify that issue.

500 Motion carried 5-0.
number 3, it states that a quorum of the Board must be physically present at the regular meeting location. The statute only requires that there be one Manager be present at the meeting location. He noted that another example is item 4B which states that members of the public attending the meeting where the remote location is, can see and hear all discussion. The statute only requires the members of the public that are at the regular meeting location must be able to see and hear all discussion.

Manager Bradley asked how the document could be modified to match the statute.

District Attorney Smith stated that the board could delete “wherever their physical location”. He stated that that statute was amended during the last session to require that the minutes of a meeting, when there is remote participation, note the member that was attending remotely and give the reason that they were attending remotely. He suggested that the policy be amended so this is understood.

Manager Bradley stated that he would like to make a small change in item number 2 and change “ie” to “eg”.

Motion by Manager Bradley, seconded by Wagamon to adopt the attached Remote Meeting Participation Policy dated 6/13/19 and direct staff to update the Policies and Procedures Manual accordingly, with amendments: number 2, replace the “i.e.” with “e.g.”; in item 4B, strike the clause “wherever their physical location”; and add number 5, that the minutes will reflect when there is remote attendance, the identity of the remotely attending manager and the reason for the remote attendance.

Manager Haake stated that she is fine with the minutes stating that somebody is participating remotely but is not comfortable with it being said out loud on the recording, that they are out of town.

Manager Bradley stated that according to the statute, it could be said that they are participating remotely and the “Manager meets the requirements of the policy”.

Motion carried 5-0.

5. Consider Minnesota Pollution Control Agency-Clean Water Partnership Loan Pay Down.

Lake and Stream Specialist Kocian explained that the total cost for the Bald Eagle Lake Alum treatment was about $890,000 and in order to cover the up-front costs, a Clean Water Partnership loan was acquired in an amount of $400,000. He stated that by the time the loan payments were due, the Bald Eagle Lake Management District had accrued a balance of $218,019, which now resides in the fund balance. He stated that staff is recommending that the District pay down the Clean Water Partnership loan because it would allow the District to save on interest payments for this loan.
Manager Haake stated that she thinks it is a great idea.

President Preiner stated that she thinks that perhaps the full $218,019.00 should not be used and something should be left in the fund for issues that may arise.

Lake and Stream Specialist Kocian stated that he understands President Preiner’s concern, however the Bald Eagle Lake Management District continues to collect funds and there has not been a year since 2010 where expenditures exceeded the funding that has come in.

*Motion by Manager Haake, seconded by Manager Bradley, to make a one-time payment to the Minnesota Pollution Control Agency for the Bald Eagle Lake TMDL Implementation Project (Clean Water Partnership loan number SRF0270) in an amount of $218,019.00.*

Manager Waller asked how much was currently owed on the loan.

Lake and Stream Specialist Kocian stated that the amount currently owed is $294,196.00. He noted that the loan payments would be finished off within the next year and a half. He stated that the Bald Eagle Lake Management District is set to be renewed with the redoing of the watershed management plan, so those funds will continue to come in and be used to pay off the loan until it is fully paid off.

Manager Bradley stated that it is his understanding that after the loan is paid off while the WMD will exist, no additional funds will be collected unless there are further projects authorized.

Lake and Stream Specialist Kocian replied that is correct.

*Motion carried 5-0.*

6. **Consider Check Register dated June 26, 2019, in the amount of $541,693.67 prepared by Redpath and Company.**

Manager Wagamon stated that the check register was very high this month. This is due to a large surety return of $96,550 and a grant reimbursement. Manager Wagamon read aloud correspondence from Office Manager Stasica that explains the grant reimbursement.

*Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated June 26, 2019, in the amount of $541,693.67, prepared by Redpath and Company. Motion carried 5-0.*
ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports.
   The Board had no comments.

2. July Calendar.
   The Board reviewed the calendar.

3. Managers Update.
   President Preiner stated that Metro MAWD will be on July 16, 2019 at 7:00 p.m. at their new headquarters.

   Manager Waller stated that he had taken exception to the Districts brochure entitled, *Water Knows No Boundaries* that the Board reviewed at their last workshop meeting. He stated that he was asked at the workshop meeting if he had any other questions or comments on it and he explained that he still finds it unacceptable and doesn’t agree with the first statement that says water knows no boundaries.

ADJOURNMENT

Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:23 a.m. Motion carried 5-0.