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: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Technician Samantha Berger, Technician Lauren Sampedro, Office Manager Theresa Stasica.

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

Visitors: Frank Zimny, Mike Grochala, Pete Willenbring, Katy Thompson.

SETTING OF THE AGENDA
Administrator Belfiori stated that staff would like to add a new #1, under Items Requiring Board Action, Consider 2017 MS4 Annual Report, and re-number the remaining items on the agenda accordingly.

President Preiner stated that she would like to move Items Requiring Board Action original #2 Administrator Performance Review to the end of the meeting in order to convene in closed session.

Motion by Manager Haake, seconded by Manager Bradley to approve the agenda, as amended. Motion carried 5-0.
READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the June 11, 2018 Board Workshop. Motion by Manager Wagamon, seconded by Manager Haake to approve the minutes as presented. Motion carried 5-0.

Minutes of the June 12, 2018 Ramsey County Ditch 2, 3, and 5 Public Hearing Minutes. Motion by Manager Wagamon, seconded by Manager Waller to approve the minutes as presented. Motion carried 5-0.

Minutes of the June 13, 2018 Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Bradley to approve the minutes as presented. Motion carried 5-0.

ANNUAL PUBLIC INFORMATION MEETING ON THE DISTRICT’S STORM WATER POLLUTION PREVENTION PROGRAM (SWPPP) (LAUREN SAMPEDRO)
President Preiner convened the public meeting. President Preiner stated the purpose of the meeting is to provide information to, and receive input from, the public regarding the District’s Storm Water Pollution Prevention Program.

District Technician Lauren Sampedro made a presentation on the District’s Storm Water Pollution Prevention Program (SWPPP). She displayed a map of the RCWD MS4 coverage area and noted that the RCWD is an MS4 only with respect to the public drainage systems that it manages and maintains within urbanized areas as determined by the decennial census. District Technician Sampedro presented background information on how the District addresses best management practices for the six Minimum Control Measures (MCMs) as part of the MS4 program. The MCMs are: 1) Public Education and Outreach; 2) Public Participation/Involvement; 3) Illicit Discharge Detection and Elimination; 4) Construction Site Stormwater Runoff; 5) Post-Construction Stormwater Management; and 6) Pollution Prevention/Good Housekeeping.

District Technician Lauren Sampedro noted that staff was recommending approval of the 2017 MS4 Annual Report during the regular Board Meeting and direction to the District Administrator to submit it to the Minnesota Pollution Control Agency.

President Preiner asked the audience if there was any public comment.

There was no public comment. President Preiner closed the public meeting.
CONSENT AGENDA

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

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Permit Applications Requiring Board Action

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Permit Coordinator/Wetland Specialist Nick Tomczik noted that there was a minor change to the engineer’s report for file No. 18-051, under Findings, #2, under the second table, the sentence “Main Street drainage area flows to Peltier Lake which in turn discharges to Centerville Lake,” should be revised to state “Main Street drainage area flows to Peltier Lake which equalizes with Centerville Lake, “.

Permit Coordinator/Wetland Specialist Nick Tomczik stated that Permit No. 16-109 A05 is a design build with MnDot and the changes proposed by the applicant exceed the authority delegated to the Administrator under the original approval and therefore are to be considered by the Board. He noted that MnDot is changing the drainage area framework originally conditionally approved which is why it is being brought back to the Board.

Manager Waller asked Permit Coordinator/Wetland Specialist Tomczik and District Attorney Chuck Holtman how things were working with MnDot, since this is a new process.

Permit Coordinator/Wetland Specialist Nick Tomczik noted that, in general, it is working out well. He stated that they are working much closer with the applicant than they typically would because as plans change, the RCWD is seeing them in real time and having to react.

District Attorney Chuck Holtman stated that he didn’t have too much to add to Permit Coordinator/Wetland Specialist Tomczik’s statement. He stated that they are receiving and processing these as they come in and noted that they have all been generally within the framework of the original approval.

Administrator Belfiori noted that the Board had previously given direction to bring this back to a future workshop meeting for further discussion.
Member Bradley asked whether the sentence under Findings #2, “The applicant must work with the City to update the maintenance obligation,” should be included in the CAPROC requirements for Permit No. 16-109.

Permit Coordinator/Wetland Specialist Nick Tomczik stated that he did not believe so because the City was not the applicant.

District Attorney Holtman clarified that the city facility is a pre-existing facility and MnDot will be filling in some of the capacity of that basin. He noted that the basin is still designed with sufficient capacity to meet the city’s obligation. He stated that he believes the only thing necessary is that the drawings for that basin need to be revised to show the corrected capacity.

District Engineer Otterness stated that if MnDot was going to go through the process as they had in the past, most likely it would require being done as multiple projects. He stated that the design build process could be thought of as an aggregation of a large number of multiple projects, which is why there are larger permitting costs associated with it.

Frank Zimny, 7252 Lavalle Dr, Centerville, stated that his property abuts the land that is the subject of the application by Richard DeFoe for Permit No. 18-051. He noted that in reading through the permit documentation, it said “Final Site Drainage Plan” and under exhibits it noted a plan dated 5-4-2018. He noted that the preliminary plat comes before the City of Centerville tonight and the exhibits in that application have a date of 6-21-2018. He sought to clarify that any approval the RCWD Board gives is conditional on receiving all of the necessary changes. He stated that he is new to understanding how the RCWD works, but it appears that any ongoing changes will come back to the Board for further review and approval.

President Preiner confirmed that his understanding was correct and thanked him for coming to the meeting.

*It was moved by Manager Waller, seconded by Manager Wagamon to approve the consent agenda for permits 16-109 A05, 18-049 and 18-051.*

By unanimous consent, the main motion was amended to include “as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations dated June 20, 2018.”

*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.

None.

**ADDITIONAL ITEMS REQUIRING BOARD ACTION**

1. **Consider 2017 MS4 Annual Report.**
   
   *Motion by Manager Haake, seconded by Manager Waller, to accept the 2017 MS4 Annual Report and direct the Administrator to submit the report to the MPCA. Motion carried 5-0.*

2. **Consider Lino Lakes Northeast Drainage Area Comprehensive Stormwater Management Plan.**

   Permit Coordinator/Wetland Specialist Nick Tomczik explained that the Board had discussed this item extensively at the June 11, 2018 workshop meeting. He noted that Mike Grochola, from Lino Lakes, and Pete Willenbring of WSB, the City’s consulting engineer, are present at the meeting. He stated that a revised resolution was handed out prior to the meeting. He stated that the area to be subject to the proposed CSMP includes the drainage areas of ACD 55 and ACD 72. He reviewed the changes in the resolution and noted that the word “automated” was removed and now states “gate controlled basin outlets”. He noted that the City has submitted a CSMP dated March 16, 2018. He noted that in building the system, the City will trigger District Rule I – Drainage Systems. He noted that Houston Engineering has reviewed the submittal and noted in its memo dated June 18, 2018 that the CSMP meets criteria for no adverse impact, which is defined as: No damage to structures, buildings or infrastructure from an increase in flooding (increased water surface elevation, velocity or number of days of inundation); No property damage or increased maintenance cost from increased erosion, bank failure or accelerated sedimentation; No decrease in water quality from an increase in phosphorus or sediment load; and No permanent loss of flood storage volume within the Anoka Chain of Lakes during flood peak. He stated that the District Engineer concludes that the CSMP conforms to District Rule C.5(f) and the proposed stormwater infrastructure will meet the no adverse impact standard of Rule I.3(c) if implemented according to the assumptions in the Engineer’s memo. He explained that the developer would first present its plan to the City to confirm that the intended land use and proposed impervious areas are consistent with the CSMP; the City will adopt a discharge rate standard for the 100-year, 24-hour event of no more than 0.1 cubic feet per second per acre; and the permit applicant must meet all applicable terms of District Rules other than the 100-year peak discharge standard of Rule C.7.

   Permit Coordinator/Wetland Specialist Nick Tomczik noted an additional change in the revised resolution on page 4, paragraph 1.a, and read aloud the revised language. “Each basin outlet will be controlled by a gate that is operated in a manner that the District finds responds reliably and efficiently to Peltier Lake elevations in accordance with the
standards of paragraph 1.b.” He stated that this has also eliminated the automated gate language. He stated that the City feels that non-automated gates may be acceptable and are reliable, and that during the design process it may be able to develop a means of managing the gates in conjunction with the Peltier Lake elevation that the District will consider to be reliable. He noted that the District Engineer has expressed some concern about relying on the human element with non-automated gates. He stated that at this time, the revised text is acceptable. The District will consider the specific proposal when the City approaches the District for review of the proposed design, and therefore staff finds it acceptable to leave open at this time whether automated gates are required. He noted that there are no additional changes in the resolution language, but explained that these basins are to provide the live storage for 100-year, 10-day snow melt which is above and beyond the typical runoff.

District Engineer Otterness stated that this snow melt capacity is a key component to the CSMP, that there is the ability to hold excess runoff when the water levels creep up in Peltier Lake. He explained that the concern with the gates is that the types of events are relatively rare and not something that are likely in the everyday function for whoever will be managing these gates. He noted that this was the rationale behind the original recommendation of automated gates. He stated that City staff will need to have some sort of practical means of providing assurance that the gates will be able to be operated consistently whether being operated through an automated system or some other means. He stated that it needs to be something more vigorous than just being mentioned in the resolution language.

Manager Bradley asked what would happen if the RCWD isn’t satisfied with the City’s proposal eight months from now.

Permit Coordinator/Wetland Specialist Tomczik stated that the Board could deny the Rule I permit because it is not consistent with the CSMP plan.

Manager Bradley stated that he felt the language in the fifth “Whereas” statement could imply that the RCWD was going to abandon ACD 55 and ACD 72, which he assumes is not the case.

Permit Coordinator/Wetland Specialist Tomczik stated that he feels this is clarified later in the document under item #9 which states, “The District as drainage authority will continue to maintain and exercise jurisdiction over ACD 55 and ACD 72.”

District Engineer Otterness stated that both the CSMP and the engineering report discuss interim conditions with regard to the public drainage systems. He stated that the idea identified is that as development occurs there may be a need to realign and partially abandon the drainage system if and when those components become no longer necessary for conveying water from those portions of the development. He stated that
eventually, it is possible that the majority of the public drainage system currently in place within the CSMP could be abandoned, but these decisions will have to be reviewed as each development comes in.

District Attorney Holtman stated that condition #9 states, “Each system will remain subject to partial or full abandonment, or transfer, pursuant to drainage code procedures.”, and noted that there are procedures that would be followed, and legal standards for abandonment that would need to be met. He stated that there is also a possibility of a transfer procedure to relinquish jurisdiction over the drainage system, which is also provided for under the Drainage Code, where the City may integrate part or all of a drainage system into its own stormwater conveyance system.

Manager Waller stated that he wanted to remind the Board and the engineers that this system services a very small portion of the western part of the City of Hugo as well. He stated that he assumes that this would also be discussed with the City of Hugo before any decisions on abandonment were considered.

Permit Coordinator/Wetland Specialist Tomczik continued an overview of the revised resolution.

Motion by Manager Haake, seconded by Manager Wagamon, to adopt Resolution 2018-17: Approving the Lino Lakes Comprehensive Stormwater Management Plan (CSMP).

THEREFORE, BE IT RESOLVED that the Lino Lakes CSMP is approved subject to the following terms:

1. The City may build, operate and maintain regional retention basins to manage the 100-year, 24-hour event for development within the drainage area. The conveyance and retention system will conform to the following parameters:

   a. Each basin outlet will be controlled by a gate that is operated in a manner that the District finds responds reliably and efficiently to Peltier Lake elevations in accordance with the standards of paragraph 1.b.

   b. Basin outlets will be controlled so that:

      (i) When the elevation of Peltier Lake is above 886.2, there is no discharge to the lake; and

      (ii) When the elevation of Peltier Lake is below 886.2, discharge to the lake does not exceed 0.1 cubic feet per second per each acre within the drainage area.
c. The basins will provide storage above the outlet (live storage) equal to the 100-year, 10-day snowmelt from the contributing area without overtopping.

2. Development within the drainage area will be deemed to comply with the 100-year, 24-hour peak flow standard if the District finds that there is, or within the permit period will be, a functional regional facility meeting the parameters of paragraph 1, above. A facility is functional when:

a. The City has documented that the facility has been constructed per approved plans, and the facility’s as-built capacity;

b. The City’s obligation to the District to operate and maintain the facility has been memorialized;

c. The City, by fee or easement, has the perpetual right to operate and maintain the facility; and

d. The facility is current on maintenance.

3. In addition, an application must:

a. Include City affirmance that the proposal conforms to the CSMP or addresses any divergence.

b. Demonstrate that the proposal meets a City ordinance limiting site peak discharge for the 100-year, 24-hour storm event to no more than 0.1 cubic feet per second per acre.

c. Demonstrate no adverse flood impact for the 100-year, 24-hour event upgradient from the regional facility.

4. An applicant independently must demonstrate compliance with all requirements of District Rule C other than the 100-year, 24-hour standard of Rule C.7. If the applicant demonstrates that infiltration is not feasible on-site, Rule C.6 requirements may be met through the use of a regional facility with City permission and provided the facility meets Rule C.9 design criteria.

5. The CSMP applies to impervious surface within the drainage area to a limit of 295.8 acres in the East subwatershed), 317.3 acres in the Central subwatershed, and 56.8 acres in the Western subwatershed. The City will cooperate with the District to keep accurate accounts as to cumulative development and the use of capacity within regional facilities.
6. If District Rules should be revised to impose a stricter standard for the 100-year, 24-hour peak discharge or its equivalent, an applicant will be required to provide for the added degree of control. However, applicants will not be subject to any such added compliance obligation for applications submitted as complete within 10 years of the date of CSMP approval.

7. If a development within the drainage area proceeds in advance of a functional facility, or if it is designed so as not to drain to the City’s conveyance infrastructure, it must independently meet the 100-year, 24-hour standard of Rule C.7, and the associated no adverse impact standard of Rule C.5(d), including site peak discharge criteria developed by the District engineer for use of ACD 55 and ACD 72.

8. If development within the drainage area is designed so as not to drain to the City’s conveyance infrastructure, the acreage of the drainage area will be reduced accordingly for the purpose of future CSMP implementation.

9. The District as drainage authority will continue to maintain and exercise jurisdiction over ACD 55 and ACD 72. Any element of the City’s regional conveyance infrastructure work that alters or involves one of the public drainage systems will be reviewed under applicable provisions of the drainage code and District Rules. Each system will remain subject to partial or full abandonment, or transfer, pursuant to drainage code procedures.

10. Approval is effective on the City’s submittal of a final CSMP and written confirmation of the District Administrator that the CSMP conforms to the technical specifications on which the June 18, 2018 analysis of the District engineer is based.

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

Motion carried 5-0.

District Administrator Belfiori stated that about three years ago the RCWD had a very productive workshop with the City Council from Lino Lakes and has actually been working on this for about five years. He stated that this is an example of the CSMP at work and noted that there is a very actively developing watershed and the land use authorities are critical partners in managing the watershed. He stated that this is a shining example of the cooperation and participation with the land use authority where there can be
economic development and have positive water management at the same time. He stated that this is a cutting-edge program and they presented it to MAWD on June 22, 2018 as a statewide example program.

3. Consider Check Register dated June 27, 2018, in the amount of $454,148.96 prepared by Redpath and Company.

   Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated June 27, 2018, in the amount of $454,148.96, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports.
   Administrator Belfiori stated that MAWD Summer Tour last week was excellent. He stated he and District Engineer Otterness gave a presentation on how urban and rural watershed based flood control work together. He stated that they made their presentation along with the Buffalo Red River Watershed District. He stated that he felt there was a lot of good conversation and interest surrounding this issue.

2. July Calendar
   Manager Haake noted that the workshop on July 31, 2018 at 1:00 p.m. needs to be added to the list.

3. Managers Update.
   Manager Waller noted that he had attended the programs at the MAWD Summer Tour. He stated that most of the programs that were discussed and presented, the RCWD has already done. He noted that the Legislative Commission meeting was held at the hotel, but they did not have enough members for a quorum. He noted that Senator Wiger, and Representatives Torkelson and Fischer, attended and it was interesting to hear what they had to say. He noted that they announced their plan to come out to the Northeast metro area sometime this summer, so he introduced District Administrator Belfiori to them in order to make arrangements for their visit.

   District Administrator Belfiori noted that he has sent an e-mail to their Executive Director, Mr. Stark, who has already replied. He noted that he had included links to the RCWD website with three of the possible key projects to consider adding to their tour: Oneka Ridge, Hansen Park, and Middle Rice Creek Restoration.

4. Administrator Performance review.
   By unanimous consent, the Board convened in closed session to evaluate the performance of the District Administrator. The Administrator affirmed that he is not requesting that the review be conducted in open session.

   The Board reconvened in open session.
Manager Bradley, on behalf of the Board, summarized the Board’s conclusions regarding the evaluation, as follows: The five Board members met in a closed session with Mr. Belfiori to do an evaluation. Board members and Mr. Belfiori commented on our perceptions of successes and other issues including the continued update of the District’s watershed management plan. After that the Board met without Mr. Belfiori for discussions regarding salary. There was not a strong consensus as to the salary action. After discussion, three Board members concurred in adjusting Mr. Belfiori’s salary to the top of zone 2, bottom of zone 3, which is $130,000.

Manager Wagamon commented that the Administrator has done a fabulous job, that this salary figure is where he belongs according to the District’s manual, and that if the Board considers the Administrator’s salary in the same fashion as the Administrator considers staff salaries, he is in the category in which he belongs.

President Preiner commented that in her view, the Administrator has done an outstanding job. She thinks the salary needs to be set according to the marketplace, in which employee salaries and payrolls are moving up. She believes that from this reference point, $130,000 is the correct salary.

Manager Haake commented that she was willing to concur at $120,000, but that the Board raised the Administrator’s salary $10,000 last year and now is proposing another $20,000 raise, which is $30,000 in two years. She very much opposes this. She has concern about the analysis that Sara Noah performed in determining watershed district administrator salary ranges by review of other positions such as city manager. Manager Haake does not believe that the positions are comparable in responsibility. She would have concurred in $120,000, under objection, but cannot support $130,000. She notes that in Hennepin County and Ramsey County, there has been consideration of the role of watershed districts versus functions that could be performed by county staff. Manager Haake stated that no one individual is irreplaceable. She does not believe that this salary would be supported by the citizens of the district, who probably are conservative on the question of salaries, and so she will oppose it.

Manager Waller commented that he will not support a $130,000 salary.

President Preiner said that in terms running a business and staff replacement cost, and in light of today’s market, $130,000 is an appropriate salary.
Motion by Manager Bradley seconded by Manager Wagamon, to establish a salary effective July 1, 2018, of $130,000 per year.

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

Motion carried 3-2.

ADJOURNMENT
Motion by Manager Haake, seconded by Manager Waller, to adjourn the meeting at 11:22 a.m. Motion carried 5-0.