REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, August 14, 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, and Treasurer Steven Wagamon.

Absent: Secretary Michael Bradley (with prior notice)

Staff Present: Interim District Administrator Nick Tomczik, District Technician Lauren Sampedro, Communications & Outreach Coordinator Beth Carreño, Office Manager Theresa Stasica.

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

Visitors: Brian Olsen.

President Preiner noted that because of Manager Bradley’s absence, the Board needs to appoint a temporary Secretary.

Motion by Manager Waller, seconded by Manager Wagamon to appoint Manager Haake as temporary Secretary. Motion carried 4-0.

SETTING OF THE AGENDA
Interim District Administrator Nick Tomczik stated that staff would like to amend the agenda and add a new #4 regarding Permit 16-107 compliance update and renumber the agenda accordingly.

Motion by Manager Haake, seconded by Manager Wagamon, to approve the agenda, as amended. Motion carried 4-0.
READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the July 10, 2019 Board of Managers Meeting.
Interim District Administrator Tomczik noted that this item was tabled at the previous meeting and explained the unique parliamentary procedure necessary.

Motion by Manager Haake, seconded by Manager Preiner, to remove from the table, the July 10, 2019 Board of Managers Meeting minutes. Motion carried 4-0.

Motion by Manager Haake, seconded by Manager Wagamon to approve the amendment to the July 10, 2019 Board of Managers Meeting minutes. Motion carried 4-0.

Motion by Manager Haake, seconded by Manager Wagamon, to approve the July 10, 2019 Board of Managers meeting minutes as amended. Motion carried 4-0.

Minutes of the July 22, 2019 Workshop. Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 4-0.

Minutes of the July 24, 2019 Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 4-0.

Minutes of the August 7, 2019 Special Meeting.
Interim District Administrator Tomczik noted that the header needs to be adjusted to reflect that it was a Special Meeting and that it was held on August 7, 2019. He stated that on line #51 the word “complied” should be “compiled” and on line #136, the word “distributed” should be changed to “distribute”.

Motion by Manager Haake, seconded by Manager Wagamon, to approve the August 7, 2019 Special Meeting minutes as amended. Motion carried 4-0.

1. 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>19-064</td>
<td>Mounds View EDA</td>
<td>Mounds View</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 8 items</td>
</tr>
<tr>
<td>19-071</td>
<td>Otter Lake Animal</td>
<td>Lino Lakes</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 6 items</td>
</tr>
<tr>
<td>19-073</td>
<td>Centennial Public</td>
<td>Circle Pines</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 3 items</td>
</tr>
</tbody>
</table>
Interim District Administrator Nick Tomczik confirmed the consent agenda status and consistency under the Board’s adopted protocols and stated that staff had no changes.

Manager Haake stated that in reference to Permit No. 19-064, this development in the City of Mounds View has been a very complicated site and noted that there are underground holding areas for the water that comes off the impervious surfaces. She asked about the capacity of the underground storage and asked for assurance that it would be able to contain all the water that is running off and will be let go at a rate that will not flood anything downstream.

District Engineer Otterness stated that on page 31 of the packet, a list of the storm water treatment of each of those underground facilities is provided. He explained that the total requirement is 10,981 cubic feet and they will be exceeding that with their site and are meeting the District’s rate control requirements.

Manager Haake expressed her appreciation for the planning that went into this complicated project and asked who would be responsible for maintaining the storage facilities if there were sediment.

Interim District Administrator Tomczik stated that the District requires maintenance of the facilities and noted that this is declared in a recorded document on the property. He explained that typically there is an access point where they vacuum out and jet the sediment. He confirmed that it is the applicant’s obligation and reiterated that it will be recorded on the property.

It was moved by Manager Haake, seconded by Manager Wagamon, to approve the Consent Agenda item for permits 19-064, 19-071 and 19-073 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations dated August 7, 2019, subject to CAPROC requirements contained in the Findings and Recommendations. Motion carried 4-0.

2. **CONSENT AGENDA**

Water Quality Grant Program Cost Share Application

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Project Type</th>
<th>Eligible Cost</th>
<th>Pollutant Reductions</th>
<th>Funding Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>R19-08</td>
<td>City of White Bear Lake</td>
<td>White Bear Lake</td>
<td>5-curb cut Raingardens</td>
<td>$29,862.38</td>
<td>Volume: 88% TSS: 90% TP: 90%</td>
<td>Not to exceed 75%; up to $22,396.80</td>
</tr>
</tbody>
</table>

It was moved by Manager Wagamon and seconded by Manager Haake, to approve the Water Quality Grant contract R19-08 up to $22,396.80 not to exceed 75% of eligible project expenses as outlined in the above table, in accordance with RCWD Staff’s Recommendation and established program guidelines. 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.

ITEMS REQUIRING BOARD ACTION


   District Technician Lauren Sampedro stated that White Bear Township submitted its final revised local water plan on August 6, 2019 and it is now consistent with District and State requirements. She noted that a few water resource issues have been identified within the Rice Creek boundary such as water quality issues and maintenance of storm water infrastructure. The Township drains to several impaired waters and the Township is a regulated MS4 on 4 TMDLs. To improve water quality and address these TMDLs, White Bear Township will continue to implement its stormwater management ordinance in order to reduce phosphorus loading and will enforce its animal ordinance with regard to management of animal waste. She explained that the Township is interested in coordinating with the District on the implementation of Bald Eagle Lake projects, which is included in the Township’s CIP table. Staff recommends approval of White Bear Township’s LWP as submitted on August 6, 2019.

   Motion by Manager Wagamon, seconded by Manager Haake, to adopt Resolution 2019-22: Approving White Bear Township Local Water Management Plan.

   THEREFORE, BE IT RESOLVED that the RCWD Board of Managers hereby approves White Bear Township’s local water management plan, as submitted on August 6, 2019.

   ROLL CALL:

   Manager Waller – Aye
   Manager Haake – Aye
   Manager Bradley – Absent
   Manager Wagamon – Aye
   President Preiner – Aye

   Motion carried 4-0-1.

2. Consider District / MAWD Legislative Platform.

   Interim District Administrator Tomczik stated that Communications & Outreach Coordinator Beth Carreño is present to discuss the District and MAWD Legislative Platform. He stated that the District had a conversation about this at the recent August 12th workshop.

   Communications & Outreach Coordinator Beth Carreño stated that there were no changes requested or directed at the workshop meeting so the document before the Board is the same as what they saw at the workshop.
Motion by Manager Haake, seconded by Manager Wagamon, to approve submittal of the proposed resolution, “MAWD Opposition to Legislation That Established Watershed District Spending Requirements by Political Regions or Boundaries” to the MAWD resolution committee before September 2, 2019, with non-substantive changes prior to submission.

Manager Waller stated that he will be voting against the motion. He explained that as a representative for Washington County, he feels that this is very popular and has support amongst the taxpayers in Washington County. He stated that he feels it is not unreasonable to assure them that they should receive direct benefits for their tax dollars. He stated that this legislation would authorize 90% of the money collected through special assessments and ad valorem taxes to be spent on projects and programs in Washington County. He stated that without the minimum spending and reporting requirements, Washington County taxpayers will continue to pay for maintenance of water quantity and quality services which have been deferred for decades. He went on to state that by deferring water quality and quantity services the Washington County tax base has fallen. Drainage infrastructure systems have not been maintained and has resulted in the transformation of many of our wetlands in the mouths of our woodlands that are wetland woodlands such as tamarack, birch, ash and basswood that have been replaced by an invasive species of cattails and narrow leaf. He explained that for the above reasons, he will not support the adoption of this resolution.

Manager Haake stated that she supports this motion because watershed districts were formed in order to take care of any kind of issue related to watershed. She stated that because this is a watershed of Rice Creek the District covers an area that includes 28 member cities and numerous counties. She stated that the idea of a watershed district is that there are no boundaries and because of that, we all want protection of the watershed as a whole. She stated that taxes are levied on the valuation of each County and everything within the watershed benefits everybody else within the watershed. She stated that she supports this resolution because it is something that should be done throughout the whole watershed and not on an individual county or city basis.

Manager Wagamon stated that he agreed wholeheartedly with Manager Haake’s statement.

ROLL CALL:
Manager Waller – Nay
Manager Haake – Aye
Manager Bradley – Absent
Manager Wagamon – Aye
President Preiner – Aye
   Motion carried 3-1-1.
Interim District Administrator Tomczik suggested that because of the different viewpoints and statements from the Managers he would like it to be clearly defined what proposed legislation the Board is responding to.

Communications & Outreach Coordinator Beth Carreño explained that there was a bill introduced to set spending limits on the Rice Creek Watershed District based on County boundaries, specifically Washington County. She noted that no action was taken on either the House file or the Senate file since the initial introductions by the authors, however they could be brought up in future legislative sessions. She stated that Manager Waller stated that 90% of what was collected in Washington County would be spent on projects and programs for the County and unless the bill has been modified, she believes that it only states allocation of funding for projects and not programs. She stated that the resolution being presented to MAWD does not necessarily speak directly to opposing just that legislation but to state that MAWD will oppose any legislation that tries to undermine or restrict funding based on anything other than watershed priorities.

Manager Waller stated that he would like to point out that this isn’t a limitation, but a direction of where money should be spent from where it is collected. He stated that there is no limit and this is just a base amount of money to be put in for water quality and quantity spending and is an exterior budget control. He stated that interior budget controls have failed for a number of years and this particular bill, even though it doesn’t specifically talk about House Bill 2314 or Senate File 2372, that is the direction this resolution is pointing. He reiterated that he does not see how this bill limits anything, it just says that money that is collected in Washington County will be spent on programs and projects in Washington County. He stated that Washington County taxpayers strongly support this legislation.

Communications & Outreach Coordinator Beth Carreño noted that the next item is the letter to MAWD leadership stating the Districts continued support of the 2018 resolution to reinforce existing rights to maintain and repair 103E drainage systems.

Motion by Manager Haake, seconded by Manager Wagamon, to approve submittal of the letter to be signed by Board President Preiner supporting the 2018-08 Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems,” to MAWD staff before September 2, 2109, with non-substantive changes.

Manager Haake stated that to clarify for anyone who doesn’t know, MAWD stands for Minnesota Association of Watershed Districts which holds its annual meeting in December. She explained that the resolutions being discussed are for all the other 45 watershed districts within the State to consider.
ROLL CALL:
Manager Waller – Aye
Manager Haake – Aye
Manager Bradley – Absent
Manager Wagamon – Aye
President Preiner – Aye
Motion carried 4-0-1.

3. Consider Office Lease Extension.
Interim District Administrator Tomczik informed the Board that the District has an inventory of its property of significant value and does carry property insurance. He noted that there was a computer glitch that affected the information in the rent table on page 120 of the packet. He noted that the rent amount for the period of 11/1/2021 through 10/31/2022 should be $8,198.88.

Motion by Manager Wagamon, seconded by Manager Waller, to authorize the District administrator to execute the “Fifth Amendment to Lease” as presented, with any further non-material changes and on advice of counsel.

Manager Haake stated that the District seems to have gotten a pretty big jump on this because she thought the current lease expired on October 31, 2020.

Interim District Administrator Tomczik stated that the lease extension was being discussed early because the District has a lot of infrastructure, property and computers that would have to managed and moved if another space would be considered or could be found.

Motion carried 4-0.

Interim District Administrator Tomczik stated that staff would like to have a brief discussion about Permit No. 16-107. He stated that this permit held by Mahtomedi School District for a parking reconstruction project has been extended. He stated that the permit expires on June 15, 2020 however, the District inspector has communicated that they are having problems with the project demonstrating compliance with the rules and the built condition on site has not been demonstrated consistent with the plans that were approved. He stated that on December 3, 2018, former District Administrator Belfiori extended the permit for this project. He shared a copy of the Laserfiche file where all the District records are kept and noted the communication from November 8, 2018 where the District requested and spoke to the problem that there was an issue with the project. He noted the other lines of text from the Laserfiche document that are all communications out to the applicant asking them to please address the issue or to let the District know how they would like to address and discuss the issue. He stated that since
that time there has been little progress moving forward. He showed the Board a letter that the District sent to another similarly situated applicant; file 17-125Anoka-Hennepin School District. He asked the Board if they would authorize staff to work with legal counsel to send a similar letter to try and get a response from the Mahtomedi School District. He noted that this type of letter would typically be sent to their attorney.

Manager Waller stated that he thinks that would be the correct process to follow. He stated that he would like to follow the same protocol that was used when the District was communicating with the Anoka-Hennepin School District. He stated that he thought that the District began discussion with the superintendent and not the attorney.

Interim District Administrator Tomczik stated that if the Board were to technically read the policies that staff are to follow, it talks about bringing folks in for a compliance hearing which is a lot of work and lot of staff time. He stated that the thought process is that if the District can find an alternative path and get a response via letter it will be much more efficient and cost effective for the District and permittee.

Manager Waller stated that there is adequate time to send letters.

President Preiner stated that she would like to have a deadline for a response to make sure things don’t go too far before they are corrected.

Motion by Manager Haake, seconded by Manager Waller, to authorize staff to draft a letter and move ahead with a deadline for the Mahtomedi School District relating to Permit No. 16-107. Motion carried 4-0.

5. Consider Check Register dated August 14, 2019, in the amount of $61,736.32 prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Haake, to approve check register August 14, 2019, in the amount of $61,736.32, prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Update and Timeline.

Interim District Administrator Tomczik stated that the City of Mounds View City Administrator contacted him to discuss their stormwater BMPs resulting from their road reconstruction project. He stated that he had responded and asked for additional detail as to the content of what Mounds View would like to discuss as the Board should first be apprised of any factual matters about the permits or adopted policies. He did not get a response back so he sent a follow-up second email inquiring for those details. Interim District Administrator Tomczik stated that District Engineer Otterness and himself met with Forest Lake staff and their engineer to look at some planning for the JD-4 area in the
southwest portion of the City of Forest Lake. He stated that he will bring any resulting information back to the Board at a future workshop.

2. **Managers Update.**
Manager Haake asked that a future workshop discussion be where the regular meetings are held. She stated that she would like the Board to consider holding the meetings at their Blaine office building. She stated that the times there have been members of the public at the Board meetings there hasn’t been more than 8 or 10 people and she thinks they would fit in the Board room. She stated that perhaps staff can pull the numbers to see what the District was paying in rent to hold them at the Shoreview Council Chambers before that discussion.

President Preiner stated that the Board will also need to know what the contract terms are for the current facility and whether it is long term or month to month.

**ADJOURNMENT**

*Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 9:40 a.m.*