REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, August 8, 2018

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, Secretary Michael Bradley, and Treasurer Steven Wagamon.

Absent: None

Staff Present: Administrator Phil Belfiori, Technician Samantha Berger, Technician Lauren Sampedro, Lake and Stream Specialist Matt Kocian, Technician Catherine Nester, Office Manager Theresa Stasica.

Consultants: District Engineers Chris Otterness and Greg Bowles from Houston Engineering, Inc. (HEI); and District Attorney Louis Smith from Smith Partners

Visitors: None

SETTING OF THE AGENDA
Administrator Belfiori requested an addition to the agenda under Board action a new #4: Scheduling a compliance hearing for permit 15-097 on September 12, 2018. This item was discussed at the Monday, August 6 workshop. All the action items following will be renumbered.

Motion by Manager Haake, seconded by Manager Waller to approve the agenda, as amended. Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the July 25, 2018 Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Waller to approve the minutes as presented. Motion carried 4-0-1, Manager Bradley abstained due to his absence.
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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<td>1. Employee Extended Family and Medical Leave Request</td>
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Motion by Manager Haake, seconded by Manager Waller, to approve the Employee Extended Family and Medical Leave Request. Motion carried 5-0.

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Manager Haake stated that regarding Permit No. 18-062 there have been issues in the past with some of the developments in the area that had water going back into their parking lots. She asked how close this is to the area where those issues were along Xylite Street, and asked for clarification of the location of the holding ponds.

District Engineer Bowles reviewed the plans and noted that they have a 5.4-acre lot and will put in a new building and parking lot, which will account for 2.2 acres of new and reconstruction impervious surface. He noted that there are future plans for additional parking lot space with is 1.9 acres of impervious surface. He reviewed the location of the 3 holding ponds. He stated that he is unfamiliar with the downstream issue, but they are reducing it down to 80% flow conditions with the ponds which should help the downstream situation.
District Engineer Otterness noted that the Xylite flooding issue is on west site of 35W so it is a different branch.

Manager Bradley read aloud a statement from the engineer’s report for permit #18-065 that said: “Once these roadway connections have been completed, the previously preserved access to 69th Avenue Northeast will be demolished, and the pond will be expanded to its full capacity of 0.72 AF by the City of Fridley.” He stated that the City of Fridley is not the applicant and questioned how that is tied into the permit.

District Engineer Bowles explained that this Pulte Development is part of a Comprehensive Stormwater Management Plan with the City of Fridley. He stated that the previous permit, No. 18-055, was with the City of Fridley, to construct a pond, however, they can only complete half of it until the Pulte Development comes in and makes the connection. At that time, the City of Fridley will complete construction of the full pond.

Manager Haake asked about Permit No. 18-067 and whether it was located in Anoka County Ditch 53-62 drainage area.

District Engineer Bowles stated that this drains to a storm sewer along Lexington Avenue and ultimately Golden Lake. He noted that they are installing underground filtration and the BMPs will reduce the flows.

Manager Bradley asked about the calculations presented for the infiltration and water quality requirements and whether they had been inverted.

District Engineer Bowles stated that the numbers were correct because of the added turn lane along Lexington Avenue, but will add more pervious area along Lovell Road, so there is less impervious surface.

Manager Haake asked for clarification of how the drainage will work for the parcel in Permit No. 18-074.

District Engineer Bowles explained that this in within the Headwaters Development in Forest Lake and will create two stormwater NURP ponds with drainage heading to the northwest. He noted that there will be fifteen townhomes on 7.3 acres and 3.8 acres of impervious surface.

Manager Haake asked if the project for Permit No. 18-081 would require additional permitting later in the process because the description under Findings, suggests that it will.

District Engineer Bowles explained that this is in the Parkside Development which was approved under Permit No. 14-061, which was an overall stormwater plan and completed the grading. He
stated that for each lot that develops, the plans are reviewed to make sure they are meeting the agreed upon impervious surface numbers that were approved under the permit.

*It was moved by Manager Bradley, seconded by Manager Wagamon to approve the consent agenda for permits 15-072, 18-061, 18-062, 18-065, 18-067, 18-074, and 18-081 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations dated August 1 & 2, 2018. Motion carried 5-0.*

**PERMIT APPLICATIONS REQUIRING BOARD ACTION**

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CAPROC= Conditional Approval Pending Receipt of Changes

District Technician Samantha Berger stated this is a CAPROC permit that also requires a variance and reviewed the project with the Board.

District Technician Berger stated the project is a new residential development in Lino Lakes. Part of the project scope includes realigning the Anoka County Ditch (ACD) 55 public drainage system tile. The existing tile on the site conveys flow from the Main Trunk and Branch 8 (coming from east of 35E) and discharges into the Main Trunk open channel on a property to the south. The existing drain tile currently collects several private drain tile laterals on the property.

To accommodate the layout of the proposed development and its associated stormwater infrastructure, the applicant is proposing to realign the Main Trunk around the perimeter of the property and abandon Branch 8 within the property. Following a petition by the applicant, the Board of Managers under Resolution 2017-28 ordered the realignment and partial abandonment the portion of the ACD 55 within the Watermark site, conditioned upon the acquisition of required permits and approvals, including the RCWD, and transferring an easement over the realignment portion of ACD 55.

Joe Jablonski, on behalf of Lennar Corp as the project applicant for the Watermark Phase 1 project has submitted a written request for a variance from Rice Creek Watershed District (RCWD) RuleC.10(b)(1), which requires a minimum easement width “for tiled/piped systems, 66 feet wide perpendicular to the direction of flow, centered on the tile line or pipe” (hereafter easement requirement). The District Engineer evaluated the variance request per RCWD Rule L for Permit 18-046 in the Request for Variance and Statement of Hardship (Exhibit A) dated and received June 11, 2018.
District Technician Berger 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.

District Technician Berger stated 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.

District Technician Berger informed the Board that she would reiterate the above criteria and District Engineer Bowles would reply with the District Engineer’s response.

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

District Engineer Bowles replied: the applicant has not met the minimum 66-foot easement centered over the tile for the entirety of the realigned tile. Rather, the applicant is proposing a 50-foot easement, eccentrically located over the tile as described in Exhibit A “Request for Variance” dated 6-11-2018. After review of the submitted documents, District staff has noted that the easement is sufficient to provide access to the public drainage system and for placement of stockpiled material for completing repairs. Additionally, the applicant is proposing manholes spaced at a maximum of 802 linear feet, which will provide better access for inspection and maintenance activities.

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

District Engineer Bowles replied: issuance of a variance for the Watermark Phase 1 project is not expected to have any negative effect on government services. The realigned public drainage system will have equivalent capacity and be accessible for completing maintenance.
District Technician Berger 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 Technician Berger asked: In assessing whether a substantial change in the character of the watershed resources may occur, we considered, not exclusively but as a measure of impact, the presence of and potential impact to the following:

- a 303(d) listed water body (i.e., an impaired water);
- a high quality or non-degraded wetland;
- a federally listed threatened or endangered species or state threatened, endangered or species of special concern and their critical habitat;
- a Scientific and Natural Area as defined by the Minnesota Department of Natural Resources;
- resources protected from nondegradation as identified within 7050.0180 Nondegradation for Outstanding Resource Value Waters; and
- Other generally sensitive resources.

District Engineer Bowles replied: The above will not be negatively affected by the reduced easement width.

District Technician Berger 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 Bowles replied: The proposed variance is for the easement requirements, which has no effect of flood elevations. The applicant is maintaining the capacity of the existing tile and therefore is not expected to impact peak rate or water quality.
District Technician Berger 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 Bowles replied: The applicant has indicated that the project cannot be built without the variance, as the project must be built to a minimum size to be marketable. The building size and location requirements is not within the purview of the District and thus not evaluated. However, the applicant met the Wetland Conservation Act requirements to avoid and minimize wetland impacts. The entire site is comprised of the development area, wetlands buffer, and required stormwater features. To meet the minimum easement width requirement or center the easement over the tile, the tile would have to be placed under additional material, additional paved surfaces, or within the footprint of a pond, none of which are prudent for maintenance. Therefore, the proposed alignment and related easement are place in the most practical location.

Manager Haake stated that she feels this is just a matter of the developer’s economics, because regardless of whether it is feasibility or profitability, they could simply lose a few houses and meet the requirements.

District Technician Berger stated that the building size and location requirements are not in the RCWD’s purview of the variance.

Manager Haake stated that she understood that but feels there could be less lots or smaller lots and it would be possible.

District Technician Berger 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 Bowles replied: In this case, the landowner has created the need since the variance is necessary to achieve the desired use of the property. However, per the discussion above, there is no feasible way to do the project which meets the requirements of the applicant, the District and the City without a variance.

District Technician Berger 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 Bowles replied: This criterion lies largely in the Board’s domain as it involves judgments of a non-technical nature. Our 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 Rule C.10 easement requirements. Other applicants have had the ability to feasibly meet this requirement onsite because the site constraints presented here were not evident or they were open channel systems where a lesser easement width was required.
Manager Haake stated that a variance, in effect, changes your law or the rules. She stated that the request needs to be looked at for unique aspects that may allow it. She believes that others will come before the RCWD and ask for the same thing to optimize what they can do to use their property. She stated that she believes that the RCWD should take a look at whether there will be a 50-foot or a 66-foot easement.

Manager Bradley stated that he shares the same concern with Manager Haake. He asked what makes this project different. They are proposing that the rule be amended to change it from 66 feet to 50 feet when there is tile. He reiterated that he would like to know what makes this case special.

District Technician Berger explained that her understanding is that the RCWD looks at the ditch systems individually and when applications come forward, then taking a look at what the actual space requirement needed in order to access the systems. In this case, 50 feet was deemed reasonable.

District Engineer Otterness noted that when staff is determining the right of way of the public drainage system as part of the historic review process, each segment is looked at closely to determine what width is required at various segments, and is not all the same throughout the system. He stated that the current requirement of a 66-foot easement for tile segments is sort of a “one-size fits all” solution. He stated that in the next rule revision, he recommends the easement requirement be reviewed, and consider aligning it more closely to the area required to do maintenance and the right of way of the system, rather than a one size fits all solution.

Manager Bradley stated that he understood what District Engineer Otterness stated but noted that approach increases the cost of each and every one of these that are reviewed because it will have to be determined individually. He stated that he can support this variance if the RCWD takes a look at the rule.

President Preiner asked if this variance was accomplishing the RCWDs goals.

District Engineer Otterness stated that the easement requirement could be referred to as a “belt and suspenders” type of rule and that no matter whether there is an easement there or not, the RCWD would still have the right of access.

Manager Haake expressed concern about only having a 50-foot easement even though she understands that will still allow for equipment to access it.

Manager Wagamon stated that it is to the point where all the easy to develop property is already gone. He stated that this situation is exactly what the variance is for and will not have a negative effect. He stated that if the RCWD was going to turn down these projects just because of semantics then a lot of good land will be wasted.
Manager Bradley stated that there are 200 acres in this parcel and he doesn’t understand why they cannot give up 15 feet to meet the easement requirements. He reiterated that he wants the RCWD to take a look at this rule and see if 66 feet is too much to be asking for when there is tile.

Manager Waller stated that he has no problem taking another look at the rule and doesn’t disagree with the concerns raised by Managers Haake and Bradley. He asked what will be south of the development and whether there would be a road put in.

District Engineer Bowles stated that south of the development is a Park N Ride lot.

Manager Wagamon stated that he wasn’t sure the RCWD should be getting involved in whether projects are viable or not but should simply decide if the projects fit the RCWD rules. He stated that this is a variance the applicant has stated they need and everything presented fits the variance criteria. He stated that he did not think the RCWD board is qualified to determine the economics of their project.

Manager Haake suggested discussing this in more detail at a workshop because the RCWD does have rules and they are supposed to be followed.

District Technician Berger noted that as part of the easements, the applicant is proposing to place manholes which will allow for better inspection and access for maintenance of the pipe.

Manager Bradley suggested something like this could be included in a rule revision for increased access.

District Administrator Belfiori clarified that the rule was developed as a “one size fits all rule”, which is inherently both a strength and a weakness. He noted that in this particular case, a historic review was completed and approved and the Engineer has completed an analysis of the areas needed to reasonably maintain. The applicant has applied for a variance and noted that staff reviews these on a technical basis and reviews whether this would inhibit the RCWD standards. He stated that this has basically become a storm sewer system and some city systems have less than this to maintain their storm sewers. He stated that the main intent for the 66-foot easement would be for an open channel excavation spoil pile. However, when you are maintaining a storm sewer system you may not need that because you have manholes and maintain it that way. He noted that the staff and the District Engineer are telling the Board that from a technical standpoint, there is no additional benefit from an outcome perspective, for more than a 50-foot easement.

District Engineer Bowles gave a brief overview of the parcel as well as the nearby parcels.

District Technician Berger clarified that this project is part of a planned realignment of ACD 55 which has already been approved by the Board.
Manager Waller noted the statement in the report that “While the project is located in the Lino Lakes CSMP project boundary, the City has not yet constructed the regional stormwater management facilities described within the CSMP.” He asked about the estimated time that the City of Lino Lakes could complete the facilities and where they will be located.

District Engineer Bowles stated that Phase 1 is not utilizing the stormwater capacity of the holding ponds and Peltier Lake. He explained that it is using the capacity remaining in ACD 55.

Manager Waller stated that his understanding was that this would be done on the ACD 55 portion and that a large pond would be created on the ACD 72 portion.

District Engineer Bowles stated that the large pond will connect with both ACD 55 and ACD 72. He stated that Phase II will require them to start building the channel, the outlet and the large ponds.

Manager Waller confirmed that this will only take the capacity of the system that this parcel is entitled to and not for the total parcels that will be developed in the future. He stated that Manager Haake expressed concerns about the open properties that are to the east and west of the Park N Ride. He just wanted to clarify that this particular development will not take the entire capacity of the ACD 55 system and will only take the capacity that this portion is entitled to have.

Motion by Manager Wagamon, seconded by Manager Waller, to Approve the Variance request for variance application 18-046 as outlined in accordance with RCWD District Engineer’s Variance Technical memorandum, dated August 2, 2018.

Manager Waller noted that he would like the rule revision to be discussed at a workshop, per the request of Managers Bradley and Haake.

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

Motion carried 4-1.

Motion by Manager Wagamon and seconded by Manager Bradley, to CAPROC permit 18-046 as outlined in accordance with RCWD District Engineer’s Findings and Recommendations, dated August 2, 2018.

**ROLL CALL:**
Manager Waller – Aye
Manager Haake – Nay
Manager Bradley – Aye
Manager Wagamon – Aye
President Preiner – Aye
Motion carried 4-1.

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. Carp Program Update and Consider ProCom barrier purchase.
Lake and Stream Specialist Matt Kocian noted that this was a continuation of the discussion from June 26, 2018, when Carp Solutions presented their final report. He stated that at that time, the RCWD was planning to move towards the purchase of the ProCom barriers but still needed to work on contract details and the contracts are now ready. He stated that there are two separate agreements, one is a cancellation of the existing rental agreement and the second is the purchase agreement. He reviewed some of the photos from the ProCom barriers and pens for removal of fish. He noted that, by cancelling the existing rental contract, and moving directly to purchase, as recommended by staff, the District will save $20,000 in rental expenses. He stated that another positive is that the BWSR watershed grant dollars can be utilized for this purchase. He stated that this has been documented with BWSR to ensure that they would approve this purchase with one caveat, that at some point, before the end of the calendar year, that the Board adopts a five-year management plan to deal with carp. He stated that there will be some maintenance costs for the equipment and noted a proposal was received from ProCom for inspection and repairs and would be around $15,000-$18,000 annually. He stated that the electrodes will need to be replaced every 5-7 years at a cost of around $15,000. He noted that the two agreements were prepared by Smith Partners and have already been approved by ProCom.

Manager Bradley asked for clarification that ProCom would continue to work with the RCWD for maintenance at $15,000 annually.

Lake and Stream Specialist Kocian stated that their initial proposal is for $18,000 a year.
Manager Bradley asked where ProCom is located.
Lake and Stream Specialist Kocian stated that ProCom is located in Poland. He stated that they can remotely access the equipment and check the power output and diagnostics from there.

Manager Bradley asked how the Whooshh program was coming along.

Lake and Stream Specialist Kocian stated that the Whooshh program is somewhat separate from the barrier system. It is a research project that is being conducted by the University of Minnesota. He noted that they are somewhat going back to the drawing board because they had trouble getting the fish to swim into the fish ladder. He stated that the actual Whooshh system works fine, the problem is with the entrance system. He stated that regardless of how well the Whooshh system works, the ProCom barrier still has great value in the District’s long-term carp management program.

Manager Wagamon confirmed that the maintenance testing that needs to be done is beyond the staff’s ability, so there isn’t much of a choice other than to have ProCom complete the work.

Lake and Stream Specialist Kocian stated that is correct but noted that there are some options longer term, to reduce those annual costs and staff could take over some of the minor maintenance with repairs to the electrodes. He stated that this company has proprietary equipment, so there aren’t a lot of options.

Manager Haake stated that ProCom had proposed $18,000, but asked if they had been talked down to $15,000.

Lake and Stream Specialist Kocian confirmed that their initial proposal was for $18,000, but he believes there is some room for negotiation to get it down a bit.

Manager Haake confirmed that the RCWD was being asked to consider purchasing the control box and not renting it. She asked if the maintenance was going to cost $18,000/year and rental was $20,000, why the RCWD would want to own the equipment when it is basically the same price.

Lake and Stream Specialist Kocian stated that the existing contract is $20,000/year for each of the two units for rental. He stated that to own the equipment is $60,000.

Manager Haake stated that if the RCWD rents the equipment, maintenance is part of that agreement and questioned why the RCWD would want to own the equipment.

Lake and Stream Specialist Kocian stated that if the RCWD continues to rent the equipment, long term, the costs will be far greater than owning it. He explained that the
purchase would be for the control boxes, which are the brains of the system and will not
be outdated anytime in the near future. He stated that the replacement costs he
referenced would be for the electrodes every 5-7 years.

Manager Haake asked if the barrier was in for all of the last winter and noted that when
there is freezing water, that equipment can move.

Lake and Stream Specialist Kocian stated that both systems were left in throughout the
winter this past year and did fine and had no damage. He stated that the long-term plan
is to take them out and store them over the winter and reinstall them in the spring.

Manager Haake asked if going into the very cold water to reinstall before migration would
be considered part of the maintenance from ProCom or if staff would be doing it.

Lake and Stream Specialist Kocian stated that it would be done by staff.

Manager Haake asked if the RCWD would be discontinuing the winter seining.

Lake and Stream Specialist Kocian stated that winter seining will definitely still be in their
toolbox. If the opportunity presents itself for a successful removal of the carp, they will
jump on it. He stated that they have found over the past five years that winter seining is
not a reliable means for removing large numbers of fish.

President Preiner asked whether ProCom would come here if the system were to break
down.

Lake and Stream Specialist Kocian stated that if the control box needs maintenance, that
is included in the agreement. He stated that they will be visiting the site once a year and
completing minor repairs. If there were catastrophic damage, he believes repairs would
have to be managed by a separate contract, staff, or a local contractor.

District Administrator Belfiori stated that this is part of a bigger picture and ramping up
carp management throughout the entire watershed.

Manager Haake confirmed that it will cost $60,000 to buy it rather than renting for
$20,000/year.

Lake and Stream Specialist Kocian clarified that neither the rental of $20,000/year or the
purchase at $60,000, included maintenance.

Motion by Manager Bradley seconded by Manager Wagamon, to authorize the
Administrator to execute the enclosed Termination Agreement for the contract
between the Rice Creek Watershed District and ProCom System S.A., dated April 19, 2017. Motion carried 5-0.

Motion by Manager Bradley seconded by Manager Wagamon, to authorize the Administrator to execute the enclosed Equipment Purchase Agreement for two electronic control and power supply systems, in the amount of $60,000.00. Motion carried 5-0.

Manager Haake reiterated that the plan would still be to sein the fish in the winter months, as the opportunity presents itself.

Manager Bradley clarified that this is referenced in the staff memo as the first option under Findings for removal of adult carp with winter seining with commercial fishermen.

2. Consider City of White Bear Lake Raingardens Water Quality Grant Program cost share application.

Technician Samantha Berger explained this is a grant program application for raingardens as part of a street reconstruction project in the City of White Bear Lake. She noted that the proposal is for five curb-cut raingardens at four different landowner locations. She noted that the curb cuts were installed as part of the street reconstruction and grant dollars will not be going towards the curb cuts themselves, but rather the excavation, plants, and pretreatment areas. She explained that because there are four different landowners, the process is slightly revised from the usual process and the City of White Bear Lake will enter into an agreement with the contractor and the District will then enter an agreement with the City of White Bear Lake. She reviewed the three different bids and noted the lowest bid was from Field Outdoor Spaces in the amount of $23,055.64. She stated that with the 75% eligible for project expenses, the RCWD would be paying about $3,500 per raingarden. She noted that the landowners are very engaged and are looking at some future maintenance training in partnership with a Master Water Steward. She reviewed the water quality benefits for the 2.5-acre drainage area and stated that the Citizen Advisory Committee (CAC) was very excited about this project.

Manager Haake asked if the maintenance agreements would follow the owners of the properties.

Technician Samantha Berger stated that the process for the water quality grant program is not to record the agreements against the properties, however it is an option. She stated that it can be difficult because there is a consent and subordination which requires the mortgage company to sign off on the agreement and it can be difficult to make contact with these large mortgage companies.
Manager Haake asked if there was a way for a new landowner to understand the RCWD money would have to be refunded as part of this cost share program, if the maintenance isn’t done.

Technician Berger stated that they ask the landowner to inform the new buyer of the agreement and obligations.

Manager Haake asked if the City of White Bear Lake understood the obligations for the landowners. She noted that there is a current issue in the City of Mounds View surrounding raingardens and who is responsible for the maintenance.

Technician Berger stated that she knows the City of White Bear Lake is excited about the installation of the raingardens as part of the street project but is not sure that they have formal ordinances in place to address this. She stated that she thinks that they RCWD can continue to discuss this with the City of White Bear Lake.

President Preiner stated that she thinks perhaps there needs to be a discussion about the cities taking on maintenance for all of these.

Manager Haake stated that she thinks raingardens are wonderful and a great idea, she is just concerned about the potential for future problems with maintenance.

Technician Berger stated that maintenance is a very important issue and staff recognizes that engaging people in the communities with training and having the Master Water Steward engaged is important and communities need the District’ support.

Manager Haake stated that she thinks the RCWD should consider having an agreement that the City of White Bear Lake must sign to clarify they understand the need for maintenance. She suggested that it be added to a future workshop discussion.

Manager Waller stated that about a decade ago, there was a street improvement completed in this general area. The city was very helpful in putting in catch basins and doing the maintenance so he doesn’t see any problems in talking with them and reminding them of the conversations surrounding Clark Avenue, Lake Drive and the water quality programs.

*Motion by Manager Bradley, seconded by Manager Waller, to approve RCWD Water Quality Grant Program Contract R18-08 for the City of White Bear Lake Street Reconstruction and Curb-Cut raingarden project, up to $17,291.73 and not to exceed 75% of eligible project expenses, in accordance with established program guidelines.*

*Motion carried 5-0.*
Manager Haake reiterated that the RCWD still needs to work with the cities on maintenance expectations for the raingardens and the possibility of maintenance being the responsibility of the cities.

3. **Consider City of Shoreview Local Water Management Plan.**

Technician Lauren Sampedro explained that the City of Shoreview submitted a final revised Local Water Management Plan on July 27, 2018 that is consistent with the RCWD management plan and State requirements. She noted that the City of Shoreview has identified water quality impairments and localized flooding water resource issues. The City of Shoreview is included in the Lino Lakes Chain of Lakes TMDL, Southwest Urban Lakes TMDL, and the Upper Mississippi River Bacteria TMDL and would like to work with the RCWD on water quality improvement projects. She noted that they have also included the Rice Creek Fields Stormwater Reuse project in their plan. This is something the RCWD has approved cost share funding for through the urban stormwater remediation grant program this year and noted that the RCWD also assisted the City of Shoreview in obtaining a stormwater reuse grant the previous year. To address the localized flooding issue at the RCD 1 drainage area, the City would like to partner with the District on a RCD 1 drainage system study. Staff finds that the City of Shoreview’s Local Water Management Plan is consistent with the District’s watershed management plan and recommends approval.

Manager Waller stated that when we had the tour, he and Administrator Belfiori attended a lecture where they talked about their interest in pervious surfaces and water quality. He suggested the other Board members also take time to go look at their new water treatment plant.

Manager Bradley asked if RCD 1 was on the District’s list to be repaired.

District Administrator Belfiori stated that RCD 1 is not on the list for comprehensive repair but is on the list for inspection protocol and necessary minor maintenance.

Technician Sampedro stated that she had checked with the City and they indicated that this area has high water levels that are a concern and is shown in the floodplain. She noted that they had not updated their information to include the Atlas 14 rainfall data, so part of the study will be analyzing this area looking at the Atlas 14 information and determining how the high water levels change and impact the adjacent properties.

**Motion by Manager Haake, seconded by Manager Bradley, to adopt Resolution 2018-22: Approving City of Shoreview Local Water Management Plan.**

THEREFORE, BE IT RESOLVED that the RCWD Board of Managers hereby approves the City of Shoreview local water management plan, as submitted on July 27, 2018.
ROLL CALL:
Manager Waller – Aye
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
President Preiner – Aye

Motion carried 5-0.

   Technician Catherine Nester noted that staff is requesting the scheduling of a compliance
   hearing for Permit No. 15-097 for Todd Zwiefelhofer Home Construction in Dellwood due
   to recurring non-compliance with permit requirements. She noted that she plans to
   continue to work with the permittee to try to resolve the issues, but in the event that they
   are not resolved in a timely manner, she is requesting the scheduling of a compliance
   hearing for the September 12, 2018 meeting.

   Motion by Manager Haake, seconded by Manager Waller, to authorize Scheduling a
   compliance hearing for permit 15-097 on September 12, 2018. Motion carried 5-0.

5. Consider Request for Qualifications (RFQ) for Salary Survey.
   Administrator Belfiori stated that pursuant to the RCWD employee manual to conduct a
   salary survey every other year, staff is proposing to partner with two other watershed
   districts, the South Washington Watershed District and the Capital Regional Watershed
   District. He explained that they are requesting a qualification based RFQ process to
   ensure that whatever firm is selected has documented experience in similar projects as
   well as qualified personnel. Staff is recommending approval.

   President Preiner stated that she feels partnering with the other watershed districts is a
   great idea.

   Manager Waller asked that the State agencies, such as DNR and BWSR, not be excluded
   from the analysis, because he thinks some of those jobs are similar and can help establish
   accurate salary ranges.

   Motion by Manager Wagamon, seconded by Manager Preiner, to authorize distribution
   of the attached RFQ for Human Resources Consulting Service for Salary Administration
   and Job Classifications with any non-material changes. Motion carried 5-0.

   Manager Haake confirmed that this will include private and non-profit entities.

   District Administrator Belfiori explained that the process will be similar to years past with
   data analysis by the firm that will utilize what they feel is appropriate based on their
experience. He stated that the RCWD will rely on their expertise to lay out the details in their workplan.

   Administrator Belfiori noted that this was introduced at the workshop and the letter was handed out prior to the meeting. He stated that the PRAP representative was very complimentary to the RCWD Board.

   President Preiner asked Administrator Belfiori to explain to the public what the PRAP evaluation is.

   Administrator Belfiori stated that it is a performance-based evaluation done by a neutral third party of our performance as a watershed district. He noted that on every single criteria, the RCWD ranked high and in most cases, at the highest possible rating. He stated that there was also a stakeholder’s survey conducted which also ranked the RCWD at the highest level.

   Manager Haake asked if there was a way to put a paragraph in the letter that states, “We thank you for your analysis of our watershed district and the one item that we found the most gratifying was to see that we were ranked number one out of watershed districts”.

   Administrator Belfiori stated that in addition to this letter, staff is working with the Communications Coordinator to craft more formal communication material to our partners and legislators in an attempt to communicate this evaluation in a more direct way. This letter will go to BWSR and will be placed into the report.

   Manager Haake reiterated that she would like to see it communicated in the letter as well.

   Administrator Belfiori stated that this can be clarified in the letter if the Board chooses.

   Manager Bradley noted that he had a typographical error in the second paragraph, fifth line, the word “advance” should be “advanced”.

   **Motion by Manager Wagamon, seconded by Manager Bradley, to authorize the Administrator to execute and submit the PRAP response letter, dated August 8, 2018, to the Minnesota Board of Water and Soil Resources. Motion carried 4-0-1, Manager Haake abstained.**

   Manager Waller stated that there are some things about this letter that he doesn’t like. He stated that he felt like their process and analysis wasn’t really an analysis. He stated that this letter is simply a formality that the Board is acknowledging receipt.

7. Consider Check Register dated August 8, 2018, in the amount of $135,517.67 prepared
by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Waller, to approve check register dated August 8, 2018, in the amount of $135,517.67, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Update and Timeline.

District Engineer Otterness stated that he didn’t have anything specific to discuss, but would be happy to answer questions.

Manager Waller noted that he had a comment to address to the Administrator, Permit Coordinators, Engineers and the legal representative for the RCWD. He stated that there was discussion earlier today about a variance on our drainage rule. He wanted to remind everyone that this particular area along the 35E corridor is highly susceptible to flooding. He stated that many years ago there was a problem along the east side in Hugo in what is called Victor Gardens and he would have never thought that there would be a problem with the 22 homes in that area. They had a big problem and the RCWD was able to successfully correct it. He stated that on both sides of the freeway in ACD 55 and ACD 72, those ditches have similar problems. He stated that he can remember a few years ago when corn was $8 a bushel and someone from outside of the area rented that property and came in and used pretty big equipment and tore the tiles up. When the RCWD redid ACD 55, there were so many broken tiles in there they just discontinued their use, but still tried to maintain the same size and capacity. He stated that there are some years where those fields are unusable because of the water. He stated that he is asking all staff to remember what happened in Victor Gardens and keep it in the back of their minds when they go in to work on this project. He stated that he is not against the project, but wants to make sure the correct precautions are taken so the RCWD does not have to go in and retro-fit a year or two after the project is completed. He asked that they make sure that floor basins/freeboard have the two feet.

Manager Bradley noted that as part of the District Engineer’s report, it shows that the RCWD has spent 99% of the budget on the review of the local water management plans and have only completed 85% of the reviews. He asked if there was a contingency fund to cover the extra expenses.

Administrator Belfiori stated that the full amount shown in the District Engineer’s report is less than what was budgeted this year, however the task amount wasn’t written for that amount. He stated that they are trying to maximize their internal resources as much as possible and then utilizing Houston Engineering.

Manager Wagamon stated that he wanted to give kudos to the staff with regard to the report because they are doing all the work and deserve all the credit.
2. Managers Update.
President Preiner attended the CAC kayak party and meeting and it went well.

ADJOURNMENT
Motion by Manager Haake, seconded by Manager Bradley, to adjourn the meeting at 10:44 a.m. Motion carried 5-0.