REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, August 24, 2016

Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

Approved Minutes

CALL TO ORDER
President 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 J. Bradley, and Treasurer Steve Wagamon.

Absent: None

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik,
District Technician Samantha Berger, Regulatory Assistant Patrick Hughes.

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


SETTING OF THE AGENDA
District Administrator Belfiori added an item to the Workshop Agenda. A CAC application.
Motion by Manager Haake, seconded by Manager Bradley, to adopt the agenda as presented.
Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the August 8, 2016, Board of Managers Workshop Meeting. Motion by Manager
Wagamon, seconded by Manager Haake, to approve the minutes as presented.
Manager Waller indicated he would be voting against the workshop minutes because as stated
in the past he believed they needed to install an audio recording for accurate records and he was
looking back at the Workshop minutes on April 11th and he also noticed an item there that was
discussed and the majority of what was given was missing and he did not catch it at the time. In
the future he thought they needed to have an audio recording in order to capture accurate
minutes.
ROLL CALL:
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Nay
President Preiner – Aye

Motion carried 4-1.

President Preiner indicated they would bring this back to a future workshop meeting.

Minutes of the August 10, 2016, Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as amended.
District Attorney Smith indicated he did not attend the meeting, it was actually Mr. Holtman who attended.

Motion carried 5-0.

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

CONSENT AGENDA

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-074</td>
<td>City of New Brighton</td>
<td>New Brighton</td>
<td>Final Site Drainage</td>
<td>CAPROC 4 items</td>
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</tbody>
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Motion by Manager Haake, seconded by Manager Waller, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated August 17, 2016. Motion carried 5-0.

PUBLIC HEARING REGARDING-PROPOSED 2017 BUDGET & LEVY, THE BALD EAGLE LAKE WATER MANAGEMENT DISTRICT (WMD), THE ACD 15/AWJD4 WMD, ACD 31 WMD, AND THE ACD 46 WMD.

President Preiner stated the Rice Creek Watershed Districts Proposed 2017 Budget and Levy including the watershed wide property tax levy and special levies for the Bald Eagle Lake Water Management District, the ACD 15/ JD4 Water Management District, the ACD 31 Water Management District, and the ACD 46 Water Management District.

President Preiner stated the Purpose of the hearing is to hear comments and take testimony from parties having an interest in the proposed 2017 budget and levy. The levy will include a property tax levy on all properties located within the watershed district. It will also include additional special levies on four water management districts: the Bald Eagle Lake Water Management District, the ACD 15/JD4 Water Management District, the ACD 31 Water Management District, and the ACD 46 Water Management District.
President Preiner asked Administrator Belfiori to provide a summary of the 2017 budget and levy impact as well as the water management districts.

Administrator Belfiori presented the proposed 2017 Rice Creek Watershed Budget.

President Preiner stated the purpose of the hearing is to receive comments from interested parties. It is not designed to get into a discussion with Board members and only to hear comments.

There were no public comments made.

President Preiner closed the Public Hearing and reconvened the Regular Board Meeting.

OPEN MIKE – LIMIT 12 MINUTES. Any RCWD resident may address the Board in his or her individual capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

There were no comments made at Open Mike.

ADDITIONAL ITEMS REQUIRING BOARD ACTION

1. Consider resolution approving no loss determination for impacts to wetland related to the repair of Anoka County Ditch 31.

   Permit Coordinator/Wetland Specialist Tomczik explained this item is in relation to wetland matters for repair of Anoka County Ditch 31. He stated their engineer has determined that the project would not impact wetlands subject to the requirements of the Wetland Conservation Act. With that an application for no loss determination was submitted under WCA and noticed to parties for comment; there were also no comments.

   Motion by Manager Haake, seconded by Manager Waller, to approve Resolution 2016-16, Resolution approving no loss determination for impacts to wetland related to the repair of Anoka County Ditch 31 ordering:

   A. The Board of Managers hereby approves the no-loss determination for the repair of Anoka County Ditch 31.

   B. The Board of Managers further directs its staff to issue a Notice of Decision on no-loss for the repair of Anoka County Ditch 31.
ROLL CALL:
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner - Aye

Motion carried 5-0.

2. Consider resolution approving impact sequencing and approving replacement plan for impacts to wetland related to the repair of Anoka County Ditch 46.
Permit Coordinator/Wetland Specialist Tomczik stated this item is in regards to wetland matters, for repair of Anoka County Ditch 46. The District Engineer has considered alternatives to the proposed drainage system for repair to avoid and minimize wetland impacts. The wetlands and areas of concern were delineated, that delineation was noticed, comment period closed, and there were no formal comments. There was also a site visit performed and a decision was made on that delineation. The replacement plan was also noticed and the District received no comment.

Motion by Manager Bradley, seconded by Manager Wagamon, to approve Resolution 2016-17, Resolution Approving impact sequencing and approving replacement plan for impacts to wetland related to the repair of Anoka County Ditch 46 and ordering:

A. The Board of Managers hereby determines that the replacement plan application associated with the repair of Anoka County Ditch 46 is adequate and that wetland impacts associated with the repair of Anoka County Ditch 46 are adequately and appropriately sequenced to ensure avoidance and minimization of wetland impacts while still accomplishing the necessary repair of the drainage system.

B. The Board of Managers further determines that the Replacement Plan Application addresses all wetland impacts requiring replacement and that any remaining wetland impacts are either exempt from replacement requirements or result in no loss of wetland function and value.

C. The Board of Managers approves the Replacement Plan Application for the maintenance of Anoka County Ditch 46.

D. The Board of Managers further directs staff to issue a Wetland Conservation Act Notice of Decision for replacement application on repair of Anoka County Ditch 46.

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

Motion carried 5-0.
3. **Consider revised permit fees schedule.**  
Permit Coordinator/Wetland Specialist Tomczik stated on July 27, 2016, the RCWD Board considered a waiver from the permit fee schedule and after that action; continued with a second action directing staff to draft a revised permit fee schedule specific to Rule G and Rule I. Staff have drafted a revised permit fee schedule specific to Rule G Crossings and Rule I Drainage for the Board to consider.

Permit Coordinator/Wetland Specialist Tomczik explained the current permit fee schedule for the potential to “over charge” applications when their applications trigger Rule G and Rule I and/or have components requiring a public drainage petition. All three regulations review similar materials to confirm compliance and when one or more of the rules are triggered; those materials are generally reviewed once but the fee schedule requires multiple fees.

Permit Coordinator/Wetland Specialist Tomczik stated the revised permit fee schedule eliminates the fee overlap. The following are the effective adjustments to the permit fee schedule:

- Rule G no change
- Rule I change fee from $2250 to $500. (In consultation with District engineer, $500 represents the relative level of effort for Rule I review).
- Add note clarifying the administration of a single fee when the action triggers both Rule G and Rule I. Further, eliminating a permit application fee when the action requiring Rule G and/or Rule I require a bond to cover costs under MN Statute 103E.

*Motion by Manager Haake, seconded by Manager Waller, to adopt revised application fee schedule and direct staff to update posting locations. Motion carried 5-0.*

4. **Consider Metropolitan Council grant agreement and MOA with the City of Hugo for the Water’s Edge Reuse Project.**  
Administrator Belfiori congratulated the Board on the Water’s Edge Reuse Project grant from the Metropolitan Council. The Board thanked the Staff and City for considering it.

Administrator Belfiori reviewed the grant requirements with the Board.

*Motion by Manager Waller, seconded by Manager Bradley, to approve the MOA with the City of Hugo and the grant agreement with the Metropolitan Council for implementation of the Water’s Edge Stormwater Reuse Project and further to authorize the Board President to execute each document without any further non-substantive changes on the advice of Council and with the condition that the Grant agreement be executed after the City has approved the MOA.*
Manager Bradley asked if the City of Hugo has seen the MOA. Administrator Belfiori indicated they have and they anticipate staff recommendation for approval at an upcoming Council meeting.

Manager Waller thought there was only a million dollars available so to receive a grant for $200,000 is an outstanding accomplishment for the Administrator and staff. He noted this is not seen that often. President Preiner thought this was also an indication of a matter of trust with the Met Council with the District doing what they say they are going to do.

**Motion carried 5-0.**

**Motion by Manager Haake, to approve the Memorandum of Agreement.**

District Attorney Smith indicated the previous motion included this with all the exact conditions of the order so their preference would be to just rest on the motion Manager Haake just adopted.

**Manager Haake withdrew her motion.**

5. **Consider release of proposed RCWD Water Management Plan (WMP) minor amendment for review.**

District Technician Berger stated the proposed revisions are intended to be “minor” pursuant to the District’s current WMP amendment process and Minnesota Rules Chapter 8410. The revisions focus on providing additional detail and clarity to the plan as well as modernizing the plan to be accurate with recent changes to MN Rules and will help aid future planning for the District and its partners. The plan amendments were meant to be a “quick hit” and additional alterations will take place during the next major Plan revision in 2018-2020. The minor amendment included revisions to Sections 1, 6, 7, 8, and Appendix G.

District Technician Berger reviewed the revisions with the Board.

Manager Haake indicated she would like to see the Clean Water Grant Program name changed. She knew they had cost share and describes what it is about and when they use Clean Water Grant Program it mixes it in with what is happening on the State level. She wondered how this can be resolved. She wondered why they went from Cost Share Program to Clean Water Grant Program. District Technician Berger indicated there is a lot of confusion when people hear Cost Share and they do not know what that really means. Staff and Board see it as being clear but residents do not understand it, so that is why they decided to change it to just a grant program and to simplify the name.

Administrator Belfiori stated one of the things they did with former employee/outreach coordinator Bromelkamp and District Technician Berger was they thought about it from the audience perspective of a local landowner. He stated most residents do not know
about the Clean Water Grant Program as the District does. They went through a process at a couple different workshops to talk about a name change. They also talked about that significantly at two different Citizen Advisory meetings as well.

Manager Bradley thought alternative names could be Water Quality Grant Program or Water Improvement Grant Program. Manager Haake thought either of those were great names and she did not know how anyone has a problem with the word “share” and thought that would be a good thing. She stated she liked the word “quality” and takes the clean out and specifies more clearly to her that it is improving the water quality. Manager Bradley supported the proposed word change.

Manager Haake stated she would like to change the title to “Water Quality Grant Program”. Administrator Belfiori stated they can make that change as part of the Board’s release with the motion in the packet to release this for public comment. The final approval of these changes, pending no comments in the public review and comment period would be at the Board’s October 26, 2016 Board meeting.

District Technician Berger continued with her document changes review with the Board.

President Preiner stated if they are taking on the maximum of $50,000 per project, so if they have a $200,000 budget and someone comes in with a $199,000 project could the Board say yes to it or is there no limit. Administrator Belfiori stated every year they authorize program guidelines for the Urban Stormwater Cost Share Remediation and authorize staff to go out for advertisement for interest. This has been moved to October 1, 2016, ahead of time for City street projects. Every year they have before them consideration of the program guidance, which talks about logistics and the financial cap and percentages. What the plan is doing is allowing the Board the flexibility during that consideration to make changes per the Board’s wishes every year.

Manager Haake asked the Board what they thought about this, first come first served basis and how do they judge that they are going to be more worthy if there is not another one out there. Manager Bradley stated it was his understanding it would be just as described by Administrator Belfiori. He stated he had proposed a change because his concern was that they do not hamstring themselves during a period of this plan their ability to amend based on available funding. As they find themselves doing more or fewer projects they may find themselves wanting to increase or decrease this particular program. He did not want this plan to limit their funding/budgeting process.

Manager Haake asked how this solves the issue of first come/first served. Manager Bradley thought they would go out for bids and the bids will set forth the terms. The bid process will determine the cap.

Manager Waller stated he understood the flexibility to the budgeting process to maybe increase the total amount of money in that program depending on demand. The issue he
found is how do they gauge that demand for the coming budget year. He thought to
make it work they needed to meet semi-annually with the cities in order to educate the
cities and find out how much money is needed for the coming year.

Administrator Belfiori stated one of the discussions they had at the April City/County
Partner meeting was related to a rule change in which there has been brought forth
support and they anticipate bringing forth for release and public review in September is
related to rules for public linear projects that do not increase impervious surface. As part
of that effort, it is anticipated that it will open up the grant opportunity when the cities
are doing urban reconstruction street projects.

Motion by Manager Bradley, seconded by Manager Haake, to accept for filing the DRAFT
minor amendments to the District’s Watershed Management Plan and authorizes staff
to release the proposed draft amendments for 45-day comment period and take other
necessary actions to complete the Watershed Management Plan minor amendment
process consistent with the timeline and process associated with the “minor”
amendment procedure as found in MN Rules 8410.

District Attorney Smith indicated there was discussion to change the Title from “Clean
Water Grant Program” to “Water Quality Grant Program” and this should be included as
a friendly amendment if the Board wishes.

Motion by Manager Bradley, seconded by Manager Haake to accept the amendment to
change the name of “Clean Water Grant Program” to “Water Quality Grant Program”
and also include changes to the program as presented by District Technician Berger.

Motion carried 5-0 to the amendment to the motion.

Manager Waller stated he would like to state that this is not the only opportunity to offer
changes to this document and they will have several months to review this before the
final approval.

Motion carried 5-0 on the original motion.

District Technician Berger reviewed the anticipated timeline for remaining tasks with the
Board.

District Technician Berger stated the project proposes the installation of a rain guardian
inlet device on existing curb-cut rain garden in Circle Pines. The street is currently under
construction and the landowner wanted to use this opportunity to install a rain guardian
device to help make maintenance of his rain garden easier. The project ultimately drains
to Golden Lake a Tier II water body in the Rice Creek Watershed District’s Watershed
Management Plan.
District Technician Berger explained the Anoka Conservation District provided the bid for the project at $971.31. The applicant received initial cost-share in the amount of $3,490 and is requesting an additional $485.66 for the installation of the rain guardian. The city contractor intends to pour the curb, while the installation of the device will be completed by the landowner. Staff supports the project and feels it will be a good addition to the raingarden to help ensure long term maintenance and the longevity of the rain garden.

District Technician Berger stated this type of proposal was discussed, in general, by the RCWD Citizen Advisory Committee at its meeting held on August 3, 2016. Staff asked about whether the CAC would support retrofit projects such as the installation of a rain guardian and they indicated yes. Since a formal application was not presented at that time, they did not make a motion for approval.

District Technician Berger stated RCWD’s Citizen Advisory Committee and Staff recommend that the RCWD Board of Managers approve Clean Water Grant funds for the Percy’s rain guardian retrofit project.

Manager Haake thought the rain guardian was a great idea but thought $971.31 was expensive for this. District Technician Berger stated the rain guardian is approximately $600 and the resident will be installing the rain guardian himself with reimbursement of $10/hour by the District.

**Motion by Manager Haake, seconded by Manager Wagamon, to approve RCWD Clean Water Grant Program Contract A16-01 for the Percy’s rain guardian retrofit project, up to $485.66 and not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.**

7. Consider authorizing notice for Request For Proposals (RFPs) for engineering, legal and accounting services.

Administrator Belfiori stated as per Minnesota Rules 8410, the RCWD is required to biannually solicit for professional services. In the past we have published the notice in our official newspaper, posted in on our website, and mailed the notice to our current engineering pool. The request simply requires written proposal (five copies) include background and profile information on the firm, along with the specific information as to expertise in watershed district matters, hourly billing rates for 2017-2018, and names and qualifications of personnel. He stated the Board may wish to form a subcommittee to review the information with the Administrator and make a recommendation to the full Board. The subcommittee would likely meet sometime in October after the October 5th submittal deadline.

Manager Haake wondered if they wished to have staff along with some of the Managers meet for review before approval. Managers Bradley and Waller agreed to meet with staff to review.
Consensus of the Board was to have Manager’s Bradley and Waller meet with the staff to review the Request For Proposals (RFP’s) for engineering, legal and accounting services.

Motion by Manager Haake, seconded by Manager Waller, to authorize the District Administrator to publish in the Districts official newspaper, post on the website and mail to the current consultants, engineering pool the notice for Request For Approval (RFP’s) for the 2017-2018 year. Motion carried 5-0.

8. Consider Check Register dated August 24, 2016, in the amount of $287,790.21, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated August 24, 2016, in the amount of $287,790.21, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Update on Hanson Park project permitting.
   Administrator Belfiori updated the Board on the Hansen Park project permitting.

   President Preiner stated she would like to see the breakdown of time put in to this to determine the cost in obtaining the permit. Manager Haake agreed and wondered if this could be provided at some time.

2. Staff Reports
   There were no comments.

3. September Calendar
   There were no comments.

4. Manager’s Update
   Manager Waller stated he received in his packet the agenda for tomorrow nights’ meeting for the North East Metro Water Summit in Hugo. Manager Haake stated she would be there. Manager Waller stated this is basically a memorandum of understanding and does not include the District and does not also include any of the Washington or Ramsey County communities that are in the Watershed District that are immediately around the lake. He stated one thing that bothered him was White Bear Lake, Dellwood, White Bear Lake Township, Mahtomedi, Birchwood, Willernie and Grant do not go to that meeting and he thought they were part of that solution and most of the agenda talks about how they can do conservation programs and gather cooperative efforts. It is more of a discussion rather than an action item. He wanted to point out that if they are going to have a talking session then the cities that have been doing the complaining should be at the table with them.
Manager Waller noted White Bear Lake water level is coming up because of all of the rain they have had.

**ADJOURNMENT**

*Motion by Manager Haake, seconded by Manager Bradley, to adjourn the meeting at 10:09 a.m. Motion carried 5-0.*