The Board convened workshop at 1:00 p.m.

Attendance: Board members Patricia Preiner, Steve Wagamon (left at 4:09pm), Barbara Haake, Mike Bradley, and John Waller (arrived at 1:30pm)

Absent:

Staff: Administrator Nick Tomczik; District Technician Lauren Sampedro; Communications & Outreach Coordinator Beth Carreño (portion of meeting); Public Drainage Inspector Tom Schmidt (portion of meeting).

Consultants: District Engineers Chris Otterness– Houston Engineering (HEI), Attorney John Kolb-Rinke Noonan via web conferencing system.

Visitors: None

Administrator Nick Tomczik requested an amendment to the agenda to add a discussion regarding the DNR land acquisition in Washington County at the end of the workshop. President Preiner approved the amended agenda.

Discussion Revisions Resolution 09-05 Internal Policy on Rule/Permit Enforcement.

Administrator Tomczik introduced the District’s internal policy on rule/permit enforcement, which was discussed at the previous Board meeting on 9/25/19. Staff revised the internal policy in several locations to add that staff will issue a letter advising a failure to respond within a District-provided deadline may result in a compliance order. Administrator Tomczik stated that a compliance hearing could be scheduled instead of sending a letter. Manager Haake asked for clarification on the 10-day response deadline and if staff would schedule a compliance hearing directly after 10 days. Administrator Tomczik replied that staff will apply judgement depending on the severity of the non-compliant project. He also stated that this internal policy may be revised again in the future to remove repetitive sections in the document. Manager Haake stated that she likes the revised document. Administrator Tomczik stated staff will bring the revised policy to the Board at the next meeting on 11/4 to recommend approval.

Discussion on BWSR Call for Nominations-Outstanding Watershed District Employee Award.

Administrator Tomczik discussed BWSR’s Outstanding Watershed District Employee Award and reviewed the past award winners and nominations from the RCWD. The BWSR is requesting nominations for the award. Administrator Tomczik stated the award is intending to shift more to project, program staff, rather than District Administrators. The Board discussed the good work of
all District staff and Manager Bradley suggested nominating Matt Kocian for his work on carp management. Manager Bradley asked what is needed for the nomination. Administrator Tomczik responded that the provided nomination form will be filled out and submitted by the deadline of 11/8.

Discussion on MAWD Resolutions & Voting.

Administrator Tomczik distributed the recently received MAWD resolution materials for the Board’s review and stated the resolutions will be voted on at MAWD’s 12/6 meeting. He discussed that thirteen resolutions are to be considered by MAWD, the District needs to appoint two delegates and an alternate to represent the District to consider the entire MAWD agenda. Communications & Outreach Coordinator Beth Carreño and Administrator Tomczik reviewed each resolution with the Board and the MAWD/District recommendations, answered questions, and provided additional background information as requested by the Board. Administrator Tomczik stated that the provided materials are to prepare the District’s delegates to comment and vote on the materials at the MAWD meeting, and delegates are limited to voting based on the Board’s position as a whole.

Manager Waller arrived for the workshop at 1:30pm joining the discussion on the resolutions.

The Board by consensus supported resolutions:

1-Request the DNR enact legislation and policies to streamline the permitting process.
2-Default Classification for Artificial Watercourses That Serve as Public Drainage Ditches.
3-Heron Lake Watershed District General Operating Levy Adjustment.
4-Resolution to Clarify County Financing Obligation and Authorize Watershed District General Obligation Bonds for Public Drainage Projects.
5-Watershed District Membership on Wetland Technical Evaluation Panels.
6-General Funding for Flood Risk Mitigation Projects.
8-Chinese Mystery Snail Designation Change and Research Needs.
9-Additional State Funding to Watershed Management Organizations to Implement Flood Risk Mitigation Projects.

The Board by majority consensus supported resolution:

6-MAWD Opposition to Any Legislation That Establishes Watershed District Spending Requirements by Political Regions or Boundaries. The Board by majority consensus supported this resolution, with Manager Waller in opposition.

The Board by consensus opposed resolutions:

7-Incorporating Nutrient Management into State Funded Practices.
11- Resolution to Ban the Use of Pesticides and Herbicides that are Known Carcinogens on Residential and Commercial Lawns.

12- Resolution to Limit Wake Boat Activities that Directly Cause Shoreline Erosion and Spread Aquatic Invasive Species.

These resolutions will be an action item at the Board’s 11/4 meeting and delegates will receive more information before the MAWD 12/6 meeting. Manager Wagamon stated he will be an alternate delegate at that meeting due to his questionable attendance.

**Informational Modeling and Management of Drainage Systems.**

District Engineer Chris Otterness provided a presentation to the Board outlining how HEI utilizes the District model, the model’s features and limitations, how the model addresses issues, and how it is used for public drainage system decisions. Several Board members asked why the model does not include new developments. Administrator Tomczik and Engineer Otterness replied that the model performance and function may not necessarily increase with more data and HEI works to determine when the model investment still results in value and impact. President Preiner asked if the model is compatible with cities’ models. Engineer Otterness replied that the District continues to collaborate with the communities to ensure the model is compatible and the District is currently working with the MN DNR to make flood models more compatible. Engineer Otterness provided suggestions for model use in drainage management decisions including to continue evaluating the existing and full build-out condition, but not the “interim” condition, and to understand that the model is relative (additional model precision will not substantively affect most drainage system management decisions). Manager Waller emphasized a need for the District to collaborate with cities and continue having a dialogue with them to ensure conveyance systems are articulated. He would like to see the District be more involved in new developments when drainage systems are present. Administrator Tomczik responded that the District does this to the degree that it can and provided an example of a recent partnership with the City of Blaine on educating residents after a developer has left. Manager Bradley asked if this should be part of a future city/county partner meeting. Public Drainage Inspector Tom Schmidt stated the District should be cautious about providing incomplete information to communities, such as the extent of private drainage systems.

**Informational Public Drainage System Cost Allocations to Date**

Engineer Otterness provided a presentation on the District’s public drainage system cost allocations to date in response to the Board’s request for more information on where funds come from for public drainage system projects. Engineer Otterness outlined the differences between the terms “trunk conveyance system” and “main trunk,” He described that the District’s ad valorem funds are used for trunk conveyance system repairs, ecological preservation, and minor repairs (maintenance) while major repairs, such as drainage system reconstruction, assign costs to landowners through a Water Management District (WMD). Engineer Otterness reiterated that costs that are more regional in nature are assigned to ad valorem and costs that are more local in nature are assigned locally (WMD). The WMDs are discussed more thoroughly in the District’s draft 2020 Watershed Management Plan. Attorney Kolb added that prior to 2007 the District was completing public drainage system repairs.
entirely through M.S. 103E, however between 2008-2009 the District adopted a generalized policy for how the public drainage system repairs would be completed using some of the alternative processes that the District has available to it as a watershed district, such as the WMD charge system. The WMDs are used instead of assessing localized benefits under M.S.103E; the District acknowledges there are local benefits but there are also components that are of a broader District benefit.

Manager Wagamon asked if the proposed H.F. 2314 will change how the District allocates public drainage system costs in the future. Manager Bradley replied that the District would need to change its policies if it got passed.

Addition to Agenda: Update on potential DNR Land Acquisition in Washington County

Administrator Tomczik updated the Board on the MN DNR’s potential land acquisition for a wildlife management area (WMA) in the City of Forest Lake, in response to the Board’s direction at the 10/23 meeting. Administrator Tomczik reached out to the City of Forest Lake’s Assistant City Administrator Dan Udem, June Mathiowetz, of Washington County’s land and water legacy program, who provided information on Washington County’s Land and Water Legacy Program priorities. The DNR’s acquisition of the land would fulfill part of the County’s plan. Administrator Tomczik has a call in to Washington County’s Deputy Administrator to discuss further. Public Drainage Inspector Schmidt stated that a public watercourse goes through the two WMAs, and any watercourse going through the WMAs is considered a public water by the DNR, whether part of the public inventory or not. The District’s public drainage tile is already within the WMA property and subject to the DNR’s perceived restrictions. There is also a private line that branches off the District’s tile, whose extent is unclear.

Public Drainage Inspector Schmidt stated the District will provide a connection that the DNR could use at their discretion, but the DNR currently wants the private tile line to remain unconnected. He stated that the DNR’s land acquisition does not have any effect on the management of the public drainage system (WJD 5) since portions of that system are already within the WMA and would not be affected by the proposed land acquisition. Attorney Kolb added that if the new land acquisition was going to substantially change the District’s public drainage system, the District would need to get involved; however, this is not the case and the land acquisition does not affect the District any more than it already does. Attorney Kolb does not advise getting involved in the acquisition as it is already pre-endorsed by Washington County. Administrator Tomczik stated that the District does not know what the unintended consequences may be to the adjacent property owners and suggests that the best outcome might be to respond to the involved parties and express that they should be mindful of the potential unintended consequences, and the District will maintain JD 5 as we are required to do under 103E. Public Drainage Inspector Schmidt reiterated that the District should suggest to the City to consider what may happen with the land acquisition in light of the District’s current legal obligations for the public drainage system. (Manager Wagamon left the workshop at 4:09pm.)

Administrator Tomczik asked for the Board’s direction on staff’s suggested methods of responding. Manager Waller stated it is important to have the City’s support of the District’s future repair of the area and believes the land acquisition is leverage for the City to assist the District with its public drainage system work as a partner. Attorney Kolb suggested to focus on
land acquisition rather than tying it with public drainage system repair to avoid creating confusion. The Board by consensus directed Attorney Kolb to draft a letter focusing on the land acquisition and direct staff on behalf of the Board to communicate with the County and City and follow up as necessary.

The workshop was adjourned at 4:17p.m.