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

**Attendance:** Board members Patricia Preiner, Barbara Haake via web conferencing system, Mike Bradley, and John Waller.

Absent: Steve Wagamon with prior notice.

**Staff:** Administrator Nick Tomczik; Project Manager Kyle Axtell, District Technician Lauren Sampedro; Communications & Outreach Coordinator Beth Carreño (portion of meeting); Public Drainage Inspector Tom Schmidt (portion of meeting), Technician Ashlee Ricci; District Technician Catherine Nester (portion of meeting).

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

**Visitors:** Steve Wagamon listening via telephone.

Administrator Nick Tomczik requested two amendments to the agenda to add a discussion regarding the letter from City of Hugo about Judicial Ditch 3 at 2:17pm after the discussion of JD 2 – Hugo Maintenance, as well as adding discussion regarding the Truth in Taxation at the end of the meeting. President Preiner approved the amended agenda.

Prior to meeting convening, Technician Catherine Nester and Administrator Tomczik reviewed the Board’s Policy for Remote Meeting Participation.

**Final Edits Watershed Management Plan.**

Project Manager Axtell discussed changes to the Watershed Management Plan (WMP) that came about from discussions with the City of Hugo, BWSR, and MPCA. He showed where in the WMP the changes took place. The changes included adding a column for phosphorus reduction goals by individual lakes, changing all language that referenced “land-use” to “future development,” as well as including language regarding geographic equity. Manager Bradley commented that the use of “functionally equal” was not an apples-to-apples comparison and should be considered changing it to “functionally comparable;” he provided additional language for consideration. Manager Waller commended staff on their effort but expressed concern that the additional language was not specific enough about funding and priorities. The language update was supported by majority consensus. Attorney Kolb stated he had no concerns with the proposed changes. Project Manager Axtell stated that BWSR staff was very happy with the plan and the process undertaken by the Board. He added that the additional $2.0 million added
to the RCD 2, 3 & 5 Basic Water Management Project capital improvement line was expected to
come largely from state funding. Project Manager Axtell stated that he would bring the
additional changes and updated proposed resolution to the next Board meeting on 12/11 to
recommend approval.

**Update Priebe Lake Outlet.**

Administrator Tomczik introduced the Priebe Lake Outlet topic; including a description of the
lake outlet and piping to its discharge through Hall’s Marsh and into White Bear Lake. Project
Manager Axtell informed the Board that he has met with the City of White Bear Lake, and
although the City has been doing minor maintenance on the outlet structure, the pipe has not
recently been inspected and we don’t know what condition it is in or what changes have been
made since it was originally installed. Project Manager Axtell explained that the outlet system
was a MS 103D petitioned project that was assessed through benefits and damages. Attorney
Kolb stated the district has a legal obligation to maintain district facilities and that is why staff
have undertaken how to determine what is a facility. The maintenance obligation may have
been mentioned in the process of ordering the outlet project. Attorney Kolb continued that the
project was constructed with a specific purpose and if the Cities are using the pipe for a
different purpose than originally contemplated, the discussion of maintenance is more
complicated. Majority Board consensus was for staff to do additional investigation while
determining maintenance responsibility and for Houston Engineering to draft a Task Order
describing investigation steps moving forward.

**Discussion Cost Share Grant Program Revisions.**

Administrator Tomczik introduced Communications & Outreach Coordinator Carreño and
District Technician Sampedro to discuss Water Quality Grant Program revisions and take
comments. Technician Sampedro stated that these revisions were presented to the CAC, and
the CAC recommended an additional revision to increase the allowable funding level for
projects to 90%. Manager Bradley stated his support for a regional project to receive additional
funding. Managers Preiner and Waller agreed that funding eligibility could increase with proper
vetting of a project. Manager Bradley elaborated that a project should provide a benefit to
more than a single landowner. Manager Preiner summarized that the program funding is not
increasing, just the language to guide staff. Technician Sampedro presented proposed revisions
to the program’s forms to improve readability to ensure applicants are reading the documents,
including a revised program guidelines document, temporary removal of buffer law language,
and the addition of improvements to the function of existing best management practices
(bmps) in the list of eligible activities. Managers Preiner and Waller stated staff must ensure
any improvement of existing bmps is not due to an applicant’s failure to maintain their bmps.
Technician Sampedro also presented proposed updates to the 2020 technical service
agreements with the conservation districts and county conservation division department.
Majority consensus to accept the program document updates.

**Discussion 2020 Board Calendar.**

Administrator Tomczik introduced the 2020 Board calendar and made a note that the September
workshop will be September 8th, a Tuesday, due to Labor Day holiday, and the November Board
meeting is November 10th, a Tuesday, due to the Veteran’s Day holiday. He also explained that
the December meeting will be in the evening. No concerns noted with the 2020 Board calendar.

Update Discussions Public Drainage Systems w/ MnDNR, MAWD, AMC.
Administrator Tomczik introduced the topic; noting the District’s shared participation in funding
Rinke Noonan in this issue and Attorney Kolb provided an update to the discussions between
MnDNR, MAWD, and AMC. Attorney Kolb updated the Board that the MnDNR had submitted a
document that explained how the MnDNR envisions the interaction of drainage and public
waters. There is a difference in how MnDNR and drainage attorneys view drainage proceedings.
He further explained that the MnDNR has established their own drainage review team.

Update JD 5 & DNR Land Acquisition for WMA
Administrator Tomczik began the update on JD 5 and the DNR land acquisition for WMA by
passing out the letter that was submitted in response by a Washington County commissioner.
He added that the District currently uses a flowchart; included in the proposed WMP, to
determine responses to public vs private drainage system concerns. Attorney Kolb added that
the Watershed District has no specific authority to manage private drainage, unless it’s
regulated under the District Rules. Administrator Tomczik stated that staff will continue to voice
the Board position of potential consequences to DNR and other interested parties.

Discussion Task Order Investigate Repair JD 5
Administrator Tomczik introduces the topic and District Engineer Otterness. Engineer Otterness
explained that that task order will be similar to past task orders and that there will be
discussions with the DNR. President Preiner and majority consensus direct HEI to draft task
order and proceed.

RCWD Manager & Staff Professional Development
Administrator Tomczik introduced Dr. Erica Garms of Working Smarts and Board and staff to
each other. Communications and Outreach Coordinator Carreño explains that Dr. Garms was
invited to the workshop to support a larger discussion about district development for Board
and staff. This is in part from the Board seeing the need for improvement of board - staff
communication as well as broader unified and clear communication to the public. Consensus to
proceed with Working Smarts contract.

Discussion JD2 - Hugo Maintenance
Drainage Inspector Schmidt introduced the topic and stated that any cost over the estimated
cost for the City of Hugo’s JD 2 maintenance project should be billed directly to the District to
reduce administrative costs. The administrative costs of Hugo’s maintenance has been higher
than anticipated; when compared to district administration of projects. Administrator Tomczik
and Drainage Inspector Schmidt agreed that Hugo, as a City, has different efficiencies than the
District as the Drainage Authority. Majority consensus to provide additional funds directly to
contractor from district’s maintenance fund and further revisit the agreement with City.
Discussion JD 3 Hugo Letter
Administrator Tomczik introduced the letter and summarized the content. The City expressed in their letter that it should not be responsible for the costs of lowering two culverts as part of the JD 3 repair project; main culvert located at 118+31 and 79+58. Technician Ricci added that the record is quite unclear as to what, if any, elevations were provided as part of District permitting. Drainage Inspector Schmidt added that any elevations, if given, were not an official ACSIC as it was not yet known. Majority consensus to continue to work with the City regarding lowering of the culverts to the now known ACSIC or 103E proceedings to substantiate the record. Drainage Inspector Schmidt summarized the tree removal request from the City’s letter, adding that we should have an agreement in place for future tree removal. Managers Preiner and Waller expressed that the tree removal should occur as part of the upcoming repair, to establish the maintenance corridor now and not wait for future removal.

Discussion Task Order RCD 4 “Step 3” Cost/Allocation
Administrator Tomczik introduced the topic and explained that this intended task order is to determine cost and benefit allocation for potentially placing RCD 4 in a pipe. Majority consensus to move forward with next step.

Update ACD 10-22-32 Amended Engineers Repair Memo
District Engineer Otterness updated the Board on what changes were added in the amended engineer’s report and would be presented at the public hearing. The changes were based on updated modeling. He also added that the petitioner and their consultant could propose other means of determining damages. Administrator Tomczik concluded by stating that the public hearing will be for listening and receiving comments.

Truth in Taxation
Administrator Tomczik stated that this is only the public meeting and not the hearing. This process does provide the Board the opportunity to reduce but not increase its proposed budget and levy.

The workshop was adjourned at 5:03 p.m.