



Approved

RICE CREEK WATERSHED DISTRICT

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REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, January 28, 2009

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

Minutes

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ROLL CALL

Present: President Patricia Preiner, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Manager-Elect Harley Ogata, and Treasurer Rick Mastell.

Absent: None

Staff Present: Administrator Doug Thomas, Permit Coordinator/Wetland Specialist Nick Tomczik, Office Manager Theresa Stasica, Inspector Dave Bauer, District Technician Tom Schmidt, Environmental Education Coordinator Dawn Pape, Inspector Elizabeth Muller

Consultants: District Engineer Mark Deutschman and Brent Johnson, Houston Engineering, Inc.; District Engineer Chuck Holtman, Smith Partners

Visitors: Mike Goodnature, Conservation Specialist, Paul Erdmann, Conservation Technician for the Ramsey Conservation District; John Johnson; Gary Uhde

CALL TO ORDER

President Preiner called the meeting to order, a quorum being present, at 9:00 a.m.

OATH OF OFFICE – HARLEY OGATA

Mr. Harley Ogata took the Oath of Office.

SETTING OF THE AGENDA

President Preiner asked for any additions.

The Board adopted the amended Agenda by consensus.

ELECTING ACTING-DISTRICT SECRETARY

Motion by President Preiner, seconded by Manager Haake, to elect Manager Waller as the Acting-District Secretary. Motion carried 5-0.

BOARD OF
MANAGERS

Barbara A. Haake
Ramsey County

Rick A. Mastell
Anoka County

Harley M. Ogata
Ramsey County

Patricia L. Preiner
Anoka County

John J. Waller
Washington County

Approved

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READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the January 12, 2009, Workshop Meeting Minutes. Motion by Manager Mastell, seconded by Manager Haake, to approve the minutes as presented. Motion carried 4-0 (Manager Ogata abstained).

Minutes of the January 14, 2009, Board of Managers Meeting. Motion by Manager Haake, seconded by Manager Mastell, to approve the minutes as presented. Motion carried 4-0 (Manager Ogata abstained).

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

No.	Applicant	Location	Plan Type	*Recommendation
08-073	City of Mounds View	Mounds View	Construction of Pedestrian Trail	CAPROC 3 items

Manager Haake asked if this trail was from “Red Oak Drive to Edge wood Road” instead of “Oak Drive to Edgewood Road” as stated in the engineer’s report. The District Engineer responded he would check into that.

No.	Applicant	Location	Plan Type	*Recommendation
09-033	Ehlers and Assoc.	Roseville Land Development		CAPROC 8 items

Motion by Manager Mastell, seconded by Manager Waller, to Approve Conditional Pending Receipt Of Changes (CAPROC) Permit Applications 08-073 and 09-033 as noted in the above Table of Contents in accordance with the District Engineer’s Findings and Recommendations, as contained in the Engineer’s Report dated January 22, 2009. Motion carried 5-0.

- #KEY: APW=Approp. of Public Waters LD=Land Development S&UC=Street & Utilities Construction
- BC=Bridge Construction NPR=No Permit Required UC=Utility Construction
- CC=Culvert Construction PDS=Pub./Priv. Drng. Sys. UDC=Utility Ditch Crossing
- CSM=Comp.Stormwater Mgmt. RG=Rough Grading WA=Wetland Alteration
- FSD=Final Site Drainage SA=Shoreland Alteration WB=Wetland Banking

*CAPROC = Conditional Approval Pending Receipt Of Changespro = pending receipt of

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.

ITEMS REQUIRING BOARD ACTION

- 1. Consider City of Lino Lakes Resource Management Plan (RMP)/Comprehensive Wetland Protection and Management Plan (CWPMP) Rule RMP-3**
District Administrator Thomas recommended the Board adopt the implementing Rule for the Lino Lakes Resource Management Plan (RMP) Comprehensive Wetland Protection and Management Plan (CWPMP) Rule RMP-3. He reviewed the background of the Plan for the Managers.

82 *Motion by Manager Haake, seconded by Manager Mastell, to adopt Resolution 2009-03, Adopting*
83 *Rule RMP-3 Implementing the Lino Lakes Resource Management Plan.*

84

85 **ROLL CALL:**

86 *Manager Haake – Yea*

87 *Manager Mastell – Yea*

88 *Manager Ogata - Yea*

89 *Manager Waller – Yea*

90 *President Preiner - Yea*

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92 *Motion carried 5-0.*

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94 President Preiner asked that there be a correction to the memo: Rule RMP-3 Comment Response,
95 page 2 of the memo, Lee Perrault, Bernier Family Farms.

96

97 **2. Consider Professional/Contracted Service Administrator Authorization to Enter into Certain**
98 **Contracts**

99 District Administrator Thomas stated during the work of the Personnel Committee, in May 2008, the
100 powers and duties of the District Administrator were discussed with specific focus on the
101 Administrator’s authority to initiate projects, studies and other actions consistent with the adopted
102 budget of the District. He indicated the Managers discussed this at their January 12 workshop and
103 made recommendations. This resolution would adopt policy on various thresholds for entering into
104 certain contracts and begin the 30-day notice for the by-law change. So the by-laws will be consistent
105 with policy.

106

107 *Motion by Manager Mastell, seconded by Manager Haake, to approve Resolution 2009-04*
108 *Authorizing the District Administrator to Enter into Certain Contracts and adding “consistent with*
109 *the approved District budget” to item #2 of the: Therefore be it Resolved.*

110

111 **ROLL CALL:**

112 *Manager Haake – Yea*

113 *Manager Mastell – Yea*

114 *Manager Ogata - Yea*

115 *Manager Waller – Yea*

116 *President Preiner - Yea*

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118 *Motion carried 5-0.*

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120 **3. Consider RCWD Revised Noticing Requirements for District Projects**

121 District Administrator Thomas stated at a recent public hearing regarding the partial abandonment of
122 a public drainage ditch, a question was asked about whether all properties in the ditch benefited area
123 were notified. After a discussion with the District Attorney and the District Drainage Attorney, it was
124 determined that proper legal notice had been provided for. A number of Board members expressed
125 an interest in making sure that the District provides notice of hearings to all interested parties and
126 cited other notice requirements that cities commonly use. At the December 8, 2008 Board
127 Workshop, this issue was discussed again.

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129 Based on the workshop discussion a revised Noticing Requirements for District Projects
130 memorandum was provided by Smith Partners.

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District Administrator Thomas recommended the Board adopt the January 2, 2009 Noticing Requirements for District Projects memorandum as a working guide for staff to follow for providing legal notice and in some cases expanded notice of various District projects and activities.

Motion by Manager Haake, seconded by Manager Waller, to adopt the January 2, 2009 Noticing Requirements for District Projects memorandum as a working guide for staff to follow for providing legal notice of various District projects and activities. Motion carried 5-0.

4. Consider Century Farms Development, Initiate Enforcement Action

Permit Coordinator Nick Tomczik stated Century Farms North is a large residential development located in the southwest corner of 125th and Sunset in Lino Lakes. The permit applicant and consultant are in the audience today. This permit was CAPROced (Conditional Approved Pending Receipt of Changes) but never fully completed to the point of permit issuance. There are outstanding administrative items to be resolved before the permit can be issued. RCWD has been working with the applicant and consulting engineer to resolve these issues amicably, but progress has been slow to non-existent. He recommended the Board authorize the Administrator to give notice to Century Farms and all responsible parties of a Board compliance hearing to be held on February 11, 2009 at the regularly scheduled meeting. He also recommended the Board authorize the Administrator to request a DNR order requiring correction of WCA violations.

Motion by Manager Haake, seconded by Manager Mastell, to authorize the Administrator to give notice of a Board compliance hearing for Century Farms North (permit file #02-129) on February 11, 2009 and request a DNR order requiring WCA violation corrections.

Manager Waller stated he did not see any reason to not follow the proposed motion, but he was not anxious to pursue requesting a DNR order until after the public hearing. He requested that the Administrator wait until after the hearing before the request to DNR was made.

Manager Haake stated it appeared that staff had reached out to Century Farms many times and she was sure Century Farms had been told of the process and what would happen.

Manager Waller stated he was not asking for a change in the motion, but that the Administrator exercises his discretion until after the hearing was held.

ROLL CALL:

- Manager Haake – Yea**
- Manager Mastell – Yea**
- Manager Ogata – Yea**
- Manager Waller – Yea**
- President Preiner – Yea**

Motion carried 5-0.

5. Consider Check Register dated 01/28/09, in the amount of \$526,002.44, prepared by HLB Tautges Redpath.

Motion by Manager Mastell, seconded by Manager Haake, to approve check register dated 01/28/09, in the amount of \$526,002.44, prepared by HLB Tautges Redpath.

Manager Mastell asked Administrator Thomas to clarify some of the end of the year billings.

Motion carried 5-0.

181 **ITEMS FOR DISCUSSION AND INFORMATION**

182 **1. Long Lake Shoreline Assessment Study, Report Presentation, Ramsey Conservation District**
183 **(RCD)**

184 Mike Goodnature, RCD Conservation Specialist, gave a presentation to the Board on the
185 findings and recommendations of the assessment study. He also provided cost estimates for
186 potential projects on Long Lake.

187 Manager Haake questioned if RCD had looked into the effect of boat traffic and the chance of
188 having a city ordinance.

189 Mr. Goodnature replied they had discussed the effect of boat traffic and shoreline erosion but
190 had not pursued the ordinance. That was not a part of the study.

191 Administrator Thomas asked if the Long Lake Association had seen this presentation.

192 Mr. Goodnature replied that he had been in contact with the Association and they were very
193 interested in the study and hearing the outcome.

194 Manager Waller expressed his concern with vegetative shorelines and their failures. He
195 wondered if there were practices where rip rap was incorporated since it seems to have a
196 lower failure rate.

197 Mr. Goodnature replied there were instances where both rip rap and vegetation could be
198 used together and this is something they could implement on Long Lake.

199 Manager Mastell questioned if this study could be used on the ground.

200 Mr. Goodnature replied that it already had. Ramsey Conservation District received a grant for
201 native buffer cost-shares and a part of the grant will be used to work with landowners on
202 Long Lake to stabilize the shoreline.

203 The Manager's thanked Mr. Goodnature.

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205 **2. Staff reports**

206 Reviewed. No Board action taken.

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208 **3. February Calendar**

209 Reviewed. No Board action taken.

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211 **4. Manager's Update**

212 The Manager's discussed their attendance at the recent round of Southwest Urban Lakes Public
213 meetings. They also talked about attending the Bald Eagle TMDL public meeting that takes place
214 tonight.

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216 **ADJOURNMENT**

217 ***Motion by Manager Mastell, seconded by Manager Waller, to adjourn the meeting at 10:28 a.m. Motion***
218 ***carried 5-0.***