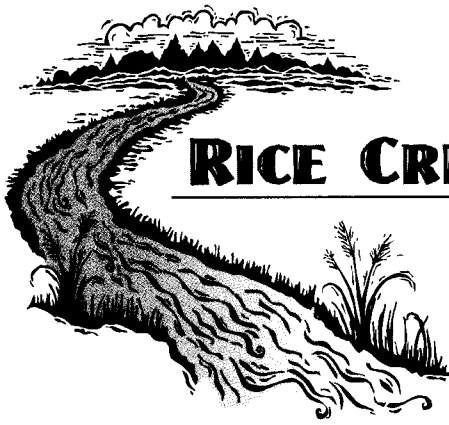


Approved



RICE CREEK WATERSHED DISTRICT

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REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, January 12, 2011

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

Minutes

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ROLL CALL

Present: President Patricia Preiner, 2nd Vice-Pres. John Waller, Secretary Harley Ogata, and Treasurer Rick Mastell.

Absent: 1st Vice-Pres. Barbara Haake – with prior notice.

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica, Inspector Dave Bauer

Consultants: District Engineer Mark Deutschman and Mike Lawrence, Houston Engineering, Inc. (HEI); Louis Smith, District Attorney from Smith Partners

Visitors: None

CALL TO ORDER

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

SETTING OF THE AGENDA

President Preiner asked for any additions.

District Administrator Belfiori made the following changes:

1. Table the Consideration of potential Lange Property, number 3 on agenda.
2. Add number 9 under Board Action, Consider Woodland Road Drainage Study in Blaine.
3. Add number 10 under Board Action, Consider follow-up letter related to policy makers and stakeholder meeting on drainage system repair and maintenance.
4. Add number 11 under Board Action, Consider Oasis Pond project partial payment number 2.

Motion by Manager Mastell, seconded by Manager Haake, to adopt the agenda as amended. Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the November 29, 2010, Board of Managers Workshop Meeting.

Manager Waller believed he was at this meeting and this should be checked.

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

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Motion by Manager Mastell, seconded by Manager Ogata, to approve the minutes as presented with staff checking into Manager Waller request and approve minute change if verified. Motion carried 4-0.

Minutes of the December 6, 2010, Board of Managers Workshop Meeting.
Motion by Manager Mastell, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0.

Minutes of the December 8, 2010, Board of Managers Meeting.
Motion by Manager Mastell, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0.

Minutes of the December 27, 2010, Board of Managers Special Meeting.
Motion by Manager Mastell, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 4-0.

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 Willernie Local Stormwater Management Plan Approval
Water Resource Specialist Axtell stated the City had very few water resources within the City and therefore the plan was very small. He noted there was also very little stormwater infrastructure. He indicated the City had adopted a resolution (2010-03) that recognized RCWD’s permitting authority within the City and adopted RCWD’s Watershed Management Plan by reference. Based on those actions, the staff was recommending approval of the Local Stormwater Management Plan.

Motion by Manager Ogata, seconded by Manager Waller, to approve Resolution 2011-01, Resolution to approve City of Willernie Local Surface Water Management Plan and its adoption.

- ROLL CALL:**
Manager Haake – Absent
Manager Mastell – Aye
Manager Ogata – Aye
Manager Waller – Aye
President Preiner - Aye

Motion carried 4-0-1.

2. Consider Permit Amendment 06-098 Lake Johanna Woods
Permit Coordinator/Wetland Specialist Tomczik stated the District had received a request to amend this permit, which increased 580 square feet of online wetland impact. He stated this impact had been reviewed by the District Engineer and found it would not compromise their previous engineering review.

Motion by Manager Ogata, seconded by Manager Waller, to approve amendment to permit 06-098 Lake Johanna Woods for an additional 580 sq ft of wetland impact. Motion carried 4-0.

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3. Consider Potential Lange Property Acquisition

Tabled per staff's recommendation.

Motion by Manager Waller, seconded by Manager Ogata, to Table Consider Potential Lange Property Acquisition to be brought back at the February 9, 2011 meeting. Motion carried 4-0.

4. Consider Retention of Engineering services pool

District Administrator Belfiori stated in December the subcommittee recommended the retention of the engineering firms currently on the engineering services pool. He indicated the Resolution would authorize him to enter into the agreements with the 2011 fee schedules.

Motion by Manager Ogata, seconded by Manager Waller, to approve Resolution 2011-02, Retention of Engineering Services Pool.

ROLL CALL:

Manager Haake – Absent

Manager Mastell – Aye

Manager Ogata – Aye

Manager Waller - Aye

President Preiner – Aye

Motion carried 4-0-1.

5. Consider Task Order Approval for District-wide Modeling Phase III (final phase) of District-wide Modeling Contract

District Administrator Belfiori stated this was for consideration for the third year of the District-wide Modeling project. He noted this was consistent with the Work Order approved by the Board in 2008. He stated there would be a presentation by Houston Engineering later in the meeting.

Motion by Manager Ogata, seconded by Manager Waller, to approve Houston Engineering Task Order 2011-06 for professional services to complete the District Wide Modeling Year 3 Implementation and authorize the Board President to execute the document. Motion carried 4-0.

6. Consider 2011 RCWD Board meeting/workshop calendar

District Administrator Belfiori stated each of the months have two meetings, with the exception of November and December. He indicated Manager Haake has included some legislative meetings to the calendar as well as requested the December 14 regular meeting be moved to December 7 and the December 12 Workshop be moved to December 5.

Motion by Manager Mastell, seconded by Manager Ogata, to approve the 2011 RCWD Board meeting/workshop calendar as amended. Motion carried 4-0.

7. Consider Water Quality BMS Cost-Share Applications

a. Gena & Kyle Larson – Lakeshore Restoration

Water Resource Specialist Axtell stated this was for vegetative stabilization for the shoreline on Locke Lake. He stated that due to availability of DNR Shoreland Habitat Restoration funds and financial considerations with this

128 landowner, staff was recommending a 75% cost-share for a total cost share of \$7,459.65. 52% of the cost would be
129 covered by the DNR funding and 23% of the cost would be covered by the RCWD Water Quality BMP cost-share
130 program. He indicated the shoreline was actively eroding and staff felt this was a valid restoration project.
131

132 Manager Ogata asked why the formula was changed here. Water Resource Specialist Axtell stated the DNR
133 funding was only available for certain shoreline restoration projects and the only reason the money was available
134 was because a previous project had been cancelled, which freed up funds in the grant agreement. He stated if the
135 funding was not used now, it would not be available and the DNR would put it back into the State's general fund.
136 He noted there were no projects coming up that would meet the requirements of the DNR funding.
137

138 Manager Ogata stated potential applicants could come forward though. Water Resource Specialist Axtell
139 responded it was possible, but the time frame would be very tight.
140

141 Manager Mastell stated in the future, it would be helpful to have photos showing the erosion.
142

143 Water Resource Specialist Axtell summarized the timeline where the project would need to be completed by.
144 Manager Ogata stated he understood the timeline, but he was concerned about the 50% requirement. He
145 acknowledged this was a hardship, but was this something that should be an exception and what criteria would
146 be used for the future exceptions.
147

148 President Preiner stated the project should not be pushed if the landowner could not afford it in the first place.
149

150 Water Resource Specialist Axtell stated in this case there would be an additional 130 feet to be restored and it
151 would join 15 or 16 other projects on the lake. Doing this would restore a good portion of the lake. He noted
152 there would be sufficient buffer with the stabilization also. He viewed this as a very good candidate for restoration
153 from staff perspective.
154

155 ***Motion by Manager Mastell, seconded by Manager Waller, to approve RCWD Water Quality BMP Cost-Share***
156 ***Contract A10-03 for Gena and Kyle Larson's lakeshore restoration project, up to \$7,459.65, not to exceed 75%***
157 ***of eligible project expenses.***
158

159 Manager Ogata inquired about the exception need that had not been present in other cases. Water Resource
160 Specialist Axtell responded staff viewed this as a high quality candidate for a restoration project. He stated DNR
161 funding was available and it could be used or the District could use their own dollars. He stated that the fund
162 matching scenario is similar to one seen last year where RCWD funds were leveraged against BWSR grant funds
163 through the Ramsey Conservation District to provide a total of 75% cost-share for some projects. The difference
164 is that this external fund source is also administered by the RCWD. He stated if the DNR funding was not
165 available, the landowner would only be allowed 50%.
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167 Manager Waller stated he did not see the District was violating its own rule of 50%.
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169 Manager Mastell also believed the District was following its cost-share rules.
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ROLL CALL:

- Manager Haake – Absent**
- Manager Mastell – Aye**
- Manager Ogata – Aye**
- Manager Waller – Aye**
- President Preiner - Nay**
- Motion carried 3-1-1.**

b. Pamela Deters – Lakeshore Restoration

Water Resource Specialist Axtell stated this was a lakeshore restoration on Bald Eagle Lake. He indicated staff and the Advisory Committee were recommending the project.

Motion by Manager Mastell, seconded by Manager Ogata, to approve RCWD Water Quality BMP Cost-Share Contract R10-16 for Pamela Deters’ Lakeshore restoration project, up to \$1,361.48, not to exceed 50% of eligible project expenses. Motion carried 4-0.

8. Consider Check Register dated 01/12/11, in the amount of \$107,545.74, prepared by HLB Tautges Redpath. Motion by Manager Mastell, seconded by Manager Waller, to approve check register dated 01/12/11, in the amount of \$107,545.74, prepared by HLB Tautges Redpath. Motion carried 4-0.

9. Consider Woodland Road Drainage Study in Blaine.

District Administrator Belfiori explained to the Board the area of study is south of Woodland Road and to the east of Our Saviors Lutheran Church in the City of Blaine. The City of Blaine had investigated the drainage and erosion control problem and had determined that the receiving area is too small and lacks necessary storage capacity for the volume and rate of runoff coming from the upstream drainage area (which includes drainage from three cities - Blaine, Lexington and Circle Pines). This volume has been increasingly directed to this area over the years. The City of Blaine is requesting the District’s cost-share assistance of 50% and not to exceed \$6,000 in conducting a feasibility study to identify a course of action in addressing the drainage problem.

Manager Mastell asked if all three Cities were going to be involved, or was the District only going to do the Agreement with Blaine and have Blaine get the other Cities involved. District Administrator Belfiori responded staff could be directed to have an inter-city meeting with all three Cities for an inter-city agreement. He stated the City of Blaine was agreeable to getting the Cities together for this meeting.

Motion by Manager Mastell, seconded by Manager Waller, to approve the 50% cap at \$6,000.00, but have the City of Lexington and City of Circle Pines be involved also.

Manager Ogata asked if all three Cities did not agree would the deal not be done. Manager Mastell responded that was not his intent, but all of the Cities needed to be contacted by the District for their involvement and to not rely on the City of Blaine to communicate with the other Cities.

Manager Mastell accepted the friendly amendment and Manager Waller agreed. Motion carried 4-0.

- 217 **10. Consider follow-up letter related to policy makers and stakeholder meeting on drainage system repair and**
218 **maintenance**
219 District Administrator Belfiori stated this was a follow-up relating to the policy makers and stakeholder meeting
220 on drainage system repair and maintenance. He noted a letter had been drafted for review by the Board.
221
222 Manager Mastell requested paragraph 3 be made clearer.
223
224 Manager Ogata asked if Senator Anderson was in the District. He asked staff to verify this.
225
226 President Preiner recommended the letter go to all Senators and Representatives in the District.
227
228 Manager Mastell asked if the Power Point presentation that was handed out at that meeting should also be
229 included. District Attorney Smith stated he believed those materials included potential solutions to the problem
230 and it was okay to include those materials and it was up to the District as to what they wanted to do.
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232 Manager Ogata stated he liked the idea of sending it to the entire delegation, but he asked if a targeted approach
233 should be sent to Senator Vandever so this did not get lost.
234
235 Manager Waller stated he was wondering if this should also be done for the House.
236
237 President Preiner believed there should be a more personally addressed letter to the people who were in
238 attendance at the workshop thanking them and then a general letter went out to the other listed representatives.
239
240 Manager Waller recommended the Watershed District lobbyists also be informed as well as some of the other
241 Boards so there was a wider distribution.
242
243 Manager Ogata stated he had spoken with Manager Haake and he had told her it would go along way if there was
244 a way MAWD, including Ray Bohn , could have a meeting also.
245
246 Manager Waller requested a formal letter be sent to Manager Haake as President of MAWD requesting this
247 meeting.
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249 Manager Mastell also recommended the Drainage Work Group be included in the list.
250
251 District Engineer Deutschman stated the pie chart could be put in a tabular format and included in the letter. He
252 noted there was no specific engineering group, but there was a County engineer's group which could be engaged
253 as an option also.
254
255 **Motion by Manager Mastell, seconded by Manager Ogata, direct staff to mail out the letter along with**
256 **attached pie-charts to the Senators and Representatives within the District with a clarification to paragraph 3**
257 **that that the "House Research Department or the Senate Counsel, Research and Fiscal Analysis Office"**
258 **investigate the cost to taxpayers of these regulatory programs. That the letter also be copied to Ray Bohn at**
259 **the Minnesota Association of Watershed Districts, Drainage Work Group, and County Engineers Group.**
260 **Motion carried 4-0.**
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- 263 **11. Consider Oasis Pond project partial payment number 2**
264 District Administrator Belfiori stated the contractor had submitted a partial payment number 2 for the Oasis
265 Pond project which was reviewed by the District Engineer and recommended for payment in the amount of
266 \$55,059.58.
267
268 *Motion by Manager Ogata, seconded by Manager Mastell, to approve partial payment #2 in the amount of*
269 *\$55,059.58 to Peterson Contracting, Inc. for the Oasis Pond Project. Motion carried 4-0.*
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272 **ITEMS FOR DISCUSSION AND INFORMATION**

- 273 **1. District Wide Modeling Project Update**
274 District Engineer Mark Deutschman and Mike Lawrence of Houston Engineering gave a presentation to the Board
275 regarding the District-wide Modeling project. We are in the third year of the three year effort.
276
277 **2. Manager's reports**
278 Manager Waller shared a Pioneer Press news article with the Board regarding the appointment of the new DNR
279 commissioner.
280 Manager Mastell commented that private permit applications were up according to the permit report provided
281 to the Board and that was good to see.
282 President Preiner thanked everyone for their work on the 1/10/11 morning workshop.
283

284 President Preiner stated the regular session would adjourn to proceed to a closed Executive Session to discuss the JD2
285 DNR/Miron Litigation at 10:43 a.m.
286

287 Manager Waller remained in the council chambers while Managers Mastell, Ogata, and Preiner proceeded to the Rice
288 Creek room located behind council chambers with District Counsel Smith and Administrator Belfiori.
289

290 The regular meeting reconvened at 11:04 a.m.
291

292 **ADJOURNMENT**

293 *Motion by Manager Mastell, seconded by Manager Ogata, to adjourn the meeting at 11:04 a.m. Motion carried 5-0.*