



Approved

# RICE CREEK WATERSHED DISTRICT

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## REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, April 27, 2011

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

### Minutes

#### ROLL CALL

- Present: 1<sup>st</sup> Vice-Pres. Barbara Haake, 2<sup>nd</sup> Vice-Pres. John Waller, Secretary Harley Ogata, and Treasurer Rick Mastell.
- Absent: President Patricia Preiner (with prior notice)
- Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Office Manager Theresa Stasica, Public Drainage Inspector Tom Schmidt
- Consultants: District Engineers Chris Otterness and Brent Johnson, Houston Engineering, Inc. (HEI); Chuck Holtman, District Attorney from Smith Partners
- Visitors: Jane Harper and Jay Riggs.

#### CALL TO ORDER

1<sup>st</sup> Vice-Pres. Haake called the meeting to order, a quorum being present, at 9:00 a.m.

#### SETTING OF THE AGENDA

1<sup>st</sup> Vice-Pres. Haake asked for any additions.

Permit Coordinator/Wetland Specialist Nick Tomczik requested adding Permit Application 10-086 engineer's report dated 4/26/11 to "Permit Applications Requiring Board Action-Consent Agenda".

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

#### READING OF THE MINUTES AND THEIR APPROVAL

***Minutes of the April 11, 2011, Board of Managers Workshop Meeting. Motion by Manager Mastell, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 4-0.***

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

Minutes of the April 13, 2011, Board of Managers Meeting. Motion by Manager Mastell, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 4-0.

**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**

No.	Applicant	Location	Plan Type	*Recommendation
11-015	MnDOT Metro District	Arden Hills & Shoreview	Street & Utility Construction	APPROVAL
11-016	City of Forest Lake	Forest Lake	Street & Utility Construction	CAPROC 2 items
11-022	Consolidated Construction Company	Roseville	Final Site Drainage	CAPROC 5 items
10-086	City of St. Anthony Village	St. Anthony Village	Street & Utility Plan	CAPROC 3 items

Motion by Manager Mastell, seconded by Manager Ogata, to Approve permit application 11-015 and Conditional Approve Pending Receipt Of Changes (CAPROC) permits applications 11-016 & 11-022 as noted in the above Table of Contents in accordance with the District Engineer’s Findings and Recommendations.

Friendly amendment by Manager Mastell to include CAPROC of additional permit application 10-086. Manager Ogata accepted the amendment. Amendment carried 4-0. 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 at Open Mike.

**ITEMS REQUIRING BOARD ACTION**

- Consider Centerville Water Reuse Agreement (Nick Tomczik)**  
 Permit Coordinator/Wetland Specialist Tomczik stated the agreement was regards to the City of Centerville’s redevelopment area water reuse facility. He noted this was an irrigation system using storm water. He indicated this was not a public linear project, which rule provided for banking stormwater credits. He noted this was tied to the redeveloped downtown area and would treat the water coming from the downtown area only. He stated the redevelopment of the water reuse facility does not trigger the regulations requiring water quality and volume control measures and further does not provide a process for recognition or future use of the water quality and volume control outcomes from the project. Therefore, staff has worked with the City of Centerville staff to develop a memorandum of agreement recognizing the potential outcomes from the water reuse facility and its association with the future downtown redevelopment.

79 District Attorney Holtman stated the City of Centerville has calculated the capacity of this system based on City's  
 80 own plans for redevelopment. All the agreement says is that this facility will be recognized as qualifying to  
 81 provide the treatment under District rules for any development in this area but if this area should develop more  
 82 intensively than the city has determined then there would have to be some additional treatment provided to  
 83 meet the District's rule.

84  
 85 Manager Ogata asked if there was a limitation on time to develop the downtown area. Permit Coordinator  
 86 Tomczik replied that there was not. Manager Ogata stated we are basically asking for 3 year records for purposes  
 87 of determining how much value. Permit Coordinator Tomczik replied that he was correct, the records were to  
 88 find out how much treatment there was.

89  
 90 ***Motion by Manager Mastell, seconded by Manager Ogata, to authorize the President to execute the***  
 91 ***memorandum of agreement between the City of Centerville and Rice Creek Watershed District in regards to***  
 92 ***the Centerville Water Reuse Facility. Motion carried 4-0.***

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 94 **2. Consider City of Birchwood Village (Catch Basin Sediment Sump) Cost-Share Amendment (Phil Belfiori)**

95 District Administrator Belfiori stated this was a cost-share amendment request and application for the City of  
 96 Birchwood Village. He stated the application was to add an additional catch basin and delete an approved catch  
 97 basin. He indicated this would be adding \$904.00 over the original approved amount.

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 99 ***Motion by Manager Mastell, seconded by Manager Ogata, to amend the 2009 Urban Stormwater***  
 100 ***Remediation Program cost-share agreement between the Rice Creek Watershed District and the City of***  
 101 ***Birchwood Village by increasing the maximum cost-share amount to \$13,404.00. Motion carried 4-0.***

102  
 103 **3. Consider Check Register dated 04/27/11, in the amount of \$267,210.84, prepared by HLB Tautges Redpath.**  
 104 ***Motion by Manager Mastell, seconded by Manager Ogata, to approve check register dated 04/27/11, in the***  
 105 ***amount of \$267,210.84, prepared by HLB Tautges Redpath. Motion carried 4-0.***

106  
 107 **ITEMS FOR DISCUSSION AND INFORMATION**

108 **1. Washington County Conservation Plan (Washington SWCD and Washington County staff)**

109 Jane Harper, Washington County and Jay Riggs, Washington Conservation District, presented the Land and Water  
 110 Legacy Program Conservation Priorities.

111  
 112 Mr. Belfiori asked how this project would work into the East Hugo project. Mr. Riggs stated they had been in  
 113 contact with that advisory committee and the criteria for identifying the areas was based on what was provided  
 114 by the County. He noted the Hugo analysis was just looking at the land cover data and they have been  
 115 coordinating with them throughout the process.

116  
 117 Ms. Harper stated in terms of where the County would coordinate was using this as a tool for implementation.  
 118 She stated if there were areas that were important for the City or RCWD to permanently protect, then the  
 119 Wetland Water Legacy would be one avenue to explore a partnership with the County. She stated the plan was  
 120 fairly narrowly focused and to a large extent the areas would be common priorities for other organizations, but  
 121 they might not be 100 percent aligned. Ms. Harper stated they were trying to use the program as a tool to make a  
 122 broader use.

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 124 Mr. Riggs stated most importantly they were sharing the data with the City. He clarified that just because they  
 125 had priority conservation areas it did not preclude protection of land outside of the priority conservation areas.

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Ms. Harper stated they were asking RCWD and other involved parties to comment on the plan and the area names. They would be reviewing comments and revising the program document before they present their program recommendations to the Washington County Board sometime this summer for their approval and the program would be implemented under their direction.

Manager Haake asked when the response back was needed. Ms. Harper responded over the next four to six weeks. She understood it would take time for the managers to look at this.

1<sup>st</sup> Vice Pres. Haake recommended the Managers give their thoughts and opinions by June 1.

Manager Waller stated he noticed that his land was within a high priority area. He thought the area labeled Rice Lake Wetlands should also include the word "woods" because there were woods located there. He stated the Rice Creek area land use was changing from agriculture to urban/housing. He asked how they would protect agriculture. He stated the Washington County Judicial Ditch 2 corridor had a lot of agriculture, but across Rice Lake there was the continual building of new homes and there would be more. He stated Ditch 3 by Hugo was also active agriculture land use. He realized the emphasis was on conservation, preservation, and protection. He stated as a landowner, he was suspicious of his land being designated as high priority under this project, that he would lose the use of his property. He noted they were located only 17 miles from Downtown St. Paul and the sewer capacity had been doubled in the past years. When he was small there were no homes west of the County line – those were open fields and now Hugo was changing. He stated for ten areas to designate as high priority areas they probably were not on the west side because with the infrastructure of the highways, the new County Park, and the width of County Road 4, there would be more and more building of homes and it would be difficult to have a high priority area there. He stated he did not see any preservation for agriculture. Ms. Harper stated from the County's program this was a discretionary purchase and they were not trying to create County parks or create fee acquisition. She indicated they would be working with landowners. Regarding the farmland, she stated the Washington County Board specifically did not include agricultural or farmland in the referendum language so in a large picture level, that was not a purpose that drives the expenditure of the 20 million dollars and therefore it did not drive the focus on this project. However, for water quality purposes, etc. they may protect farm fields if the ultimate goal was meeting one of the purpose of the referendum. It did not say they would not protect and purchase an interest in property that has agriculture use. She stated this was just a policy decision made and she believed agriculture was important, but it was not chosen for this purpose.

Manager Waller noted there still were commercial agricultural functions in Hugo, including dairies and nurseries. He stated those people have properties that are still a good share of their living and designating this as a priority for preservation rather than conservation would make it more difficult for them to use the property. He stated this area was changing in use from agriculture to urbanization.

1<sup>st</sup> Vice Pres. Haake recommended Manager Waller write up this thoughts and share it with the Managers.

Manager Ogata stated for landowners this was envisioned as a match program, but a grant program. Ms. Harper responded for the County's program, this was a purchase of interest in property focused in two areas – fee acquisition of lands within the County and the other focus was conservation easements on the property. She stated the competitive aspect was where they did the requests for proposals and they accepted applications from landowners who were interested in conserving their property. She stated they had chosen the highest eight. She stated the match program could be requested from the RCWD on a project they would be working on with the landowner.

174 2. **Staff reports**  
175 District Attorney Holtman updated the Managers on the Lee Stevens project.  
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177 Manager Waller left the meeting.  
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179 3. **May Calendar**  
180 No comments.  
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182 4. **Manager's Update**  
183 No comments.  
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185 **ADJOURNMENT**

186 *Motion by Manager Mastell, seconded by Manager Ogata, to adjourn the meeting at 10:19 a.m. Motion carried 3-0.*