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# RCWD BOARD OF MANAGERS REGULAR MEETING AGENDA

Wednesday, November 14, 2018, 9:00 a.m.

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

## Agenda

**CALL TO ORDER**

**ROLL CALL**

**SETTING OF THE AGENDA**

**APPROVAL OF OCTOBER 24, 2018 REGULAR MEETING MINUTES.**

**CONSENT AGENDA**

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

**Table of Contents**

**Permit Applications Requiring Board Action**

No.	Applicant	Location	Plan Type	Recommendation
18-073	Alliance Bank	Lino Lakes	Final Site Drainage Plan	CAPROC 7 items
18-079	Bison Development Co Inc.	Lino Lakes	Land Development	CAPROC 7 items
18-080	Minnesota National Guard	Arden Hills	Wetland Alteration	CAPROC 2 items
18-098	Roseville Area Schools, ISD 623	Roseville	Final Site Drainage Plan	CAPROC 5 items

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated November 7, 2018.*

## OPEN MIKE

*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.*

## ITEMS REQUIRING BOARD ACTION

1. Consider applicant response and Draft Resolution regarding Variance Application for Max Segler Permit 16-027. (Nick Tomczik)
2. Consider RCWD Water Quality Cost-Share Application R18-12 Jacob Shoreline Restoration, Arden Hills. (Samantha Berger)
3. Consider Minnesota Association of Watershed Districts (MAWD) 2018 Annual Meeting Proposed Resolutions, Bylaws Amendments and Delegate Appointment Form. (Phil Belfiori)
4. Consider Letter related to WJD 2 Branches 1 and 2 Repair. (Phil Belfiori).
5. Consider Resolution Requesting Boundary Change between the Rice Creek Watershed District and the Brown's Creek Watershed District. (Phil Belfiori)
6. Consider Resolution related to the initiating Repair proceedings for Anoka-Washington Judicial Ditch 3 Repair Report. (Phil Belfiori)
7. Consider RCWD Letter requested by Minnesota Commercial Railway. (Phil Belfiori)
8. Consider Further Direction on Electronic Meeting Participation by Managers. (Phil Belfiori)
9. Consider Stakeholder Participation Plan for Watershed Management Plan. (Phil Belfiori)
10. Consider November 28, 2018 Check Register – Resolution Authorizing Treasurer Approval. (Phil Belfiori)
11. Consider League of Minnesota Cities Liability Coverage Waiver Form. (Phil Belfiori)
12. Consider 2019 Board Calendar. (Phil Belfiori)
13. Consider Policy related to Public Communication by Managers.
14. Consider Check Register dated November 14, 2018, in the amount of \$279,053.79 prepared by Redpath and Company.

## ITEMS FOR DISCUSSION AND INFORMATION

1. 10-Year Watershed Management Plan. The Rice Creek Watershed District is currently developing its next 10-Year Watershed Management Plan. Residents of the District are invited to submit comments about their priorities and concerns within the watershed district. These comments will be considered by the Board of Managers. To be considered, comments should be submitted to [wmp@ricecreek.org](mailto:wmp@ricecreek.org) by December 31, 2018.
2. District Engineer Update and Timeline.
3. November-December Calendar.
4. Manager's Update.

**APPROVAL OF OCTOBER 24, 2018 REGULAR MEETING MINUTES.**

# DRAFT

For Consideration of Approval at the November 14, 2018 Board Meeting.  
Use these minutes only for reference until that time.

## REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, October 24, 2018

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

### Minutes

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#### **CALL TO ORDER**

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

#### **ROLL CALL**

Present: President Patricia Preiner, 1<sup>st</sup> Vice-Pres. Barbara Haake, 2<sup>nd</sup> Vice-Pres. John Waller, Treasurer Steven Wagamon, and Secretary Michael Bradley.

Absent: None.

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Technician Samantha Berger, Lake and Stream Specialist Matt Kocian, Office Manager Theresa Stasica.

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); and District Attorney Louis Smith from Smith Partners

Visitors: Kevin Biehn, Karen Kill, Sally Miesen.

#### **SETTING OF THE AGENDA**

Administrator Belfiori requested an addition of a new #7 to Consider MAWD Resolution One-Page Summary Document.

***Motion by Manager Haake, seconded by Manager Bradley to approve the agenda as amended.  
Motion carried 4-0.***

#### **READING OF THE MINUTES AND THEIR APPROVAL**

***Minutes of the October 8, 2018 Workshop. Motion by Manager Bradley, seconded by Manager Waller to approve the minutes as presented. Motion carried 4-0-1, Manager Wagamon abstained due to absence from meeting.***

***Minutes of the October 10, 2018 Board of Managers Meeting. Motion by Manager Bradley, seconded by Manager Waller to approve the minutes as presented. Motion carried 4-0-1, Manager Wagamon abstained due to absence from meeting.***

35

36

**PUBLIC MEETING FOR BROWNS CREEK WATERSHED DISTRICT /RICE CREEK WATERSHED**

37

**DISTRICT PROPOSED BOUNDARY CHANGE**

38

Administrator Belfiori reviewed the letter that was sent out to affected property owners. He noted that if the boundary change is approved it will be in effect in the 2020 tax year. He noted that the District is accepting public comment on the proposed boundary changes at today's meeting. He reviewed the steps for make a boundary change.

42

43

Sally Miesen, 9000 140<sup>th</sup> Street, stated that she did not receive a letter but all of her neighbors did. She asked who the landowner was in the City that requested the boundary change.

45

46

Administrator Belfiori stated that the concern regarding inaccuracies in the boundary with the Browns Creek Watershed District was first brought to the Board by a concerned citizen named McCallister. The Board, through a report prepared by the District Engineer, had previously identified that there are a series of areas within the Washington County portion of the Rice Creek Watershed District that are in need of correction due to inaccuracies in historic methods of identifying watershed topography. He stated that now, because of advanced technology, the District knows that many of the boundaries are inconsistent with hydrologic patterns, so the District is going through the common boundaries with adjacent watersheds methodically each year to correct the errors.

54

55

Ms. Miesen stated that she thinks her property line is the boundary that will be changed. She asked whether there were differences in setback requirements between Brown's Creek Watershed District and the RCWD.

58

59

Administrator Belfiori explained that the setback requirements are not regulated by either entity. He stated that watershed districts have rules for erosion control, flood plain management, storm water management, and wetland protection. He explained that the zoning entity deals with setbacks, which would be either the City of Grant or the City of Hugo as the land use authority.

63

64

Ms. Miesen asked if this whole situation was because of Mr. McCallister.

65

66

Administrator Belfiori stated that it was not all because of Mr. McCallister. He stated that Mr. McCallister brought it to the District's attention because he was noticing that the boundary was inconsistent with his understanding of drainage patterns, and noted that this area was likewise identified by the District Engineer as an area that the boundary was not accurate. He stated that the District has moved through this process because of the District's systematic approach for correcting the Boundary, rather than the input of a single landowner.

72

73

Manager Haake noted that the map on page 29 that shows the portion that will change to RCWD, but there appears to be a creek that runs through there. She asked how the boundaries were determined.

74

75

76 District Engineer Otterness clarified that the blue line on the map is not a creek, but rather the divide  
77 between the contributing drainage area to the watersheds .

78

79 Manager Haake asked why the District boundary wasn't being changed to follow the high ridge.

80

81 District Engineer Otterness stated that the reason the District boundary wasn't following the high ridge line  
82 exactly is because the legal boundary must follow property lines. He explained that individual land parcels  
83 can only be located within a single watershed district or water management organization.

84

85 Manager Waller stated that he wanted to ask Administrator Karen Kill from Browns Creek a question. He  
86 stated that at the last RCWD Board meeting, there were a few gentlemen from the Grant City Council  
87 informing the Board that there was a problem with a piece of property that would be coming to RCWD with  
88 the boundary change. He stated that the address of the property in question is 9643 110<sup>th</sup> St. N. He stated  
89 that he took a drive out to try to take a look at the property where they were concerned about some type  
90 of contamination but was unable to find that address. He asked Administrator Kill to give some  
91 background on the property and point out where it is located.

92

93 District Administrator Kill pointed out the location of the property. She stated that there are 3 outstanding  
94 permits dealing with erosion control that the watershed district has out of the 81 properties that are going  
95 from Browns Creek to Rice Creek. She stated that Michael and Heather Morehouse property had some  
96 grading done last fall and the only thing left to complete is removal of the silt fence. She stated that she is  
97 not sure what the property owner was doing on the property but it caused quite a stir. She explained that  
98 he removed rock as part of the grading, but used the rock elsewhere on his property. To restore the grade  
99 on his property, because of the amount of rock he was removing, he was bringing in material from  
100 Hydrovac. She stated that this was an issue because it was a slurry of fill material. She stated that the  
101 watershed district was brought in, but those questions were really about land use authority and were  
102 turned back to the city. She stated that from a watershed district perspective, the grades and the drainage  
103 on the property have not been changed. She stated that the Browns Creek Watershed District did not see  
104 anything that they were concerned about but her understanding is that due to the concerns raised by the  
105 city, the Minnesota Pollution Control Agency was brought into it and samples were taken. She noted that  
106 both this project and the project on Loren Sederstrom's property were "after the fact" permits from both  
107 the watershed district and the city. She stated that Mr. Sederstrom created a pond on his property in the  
108 county right-of-way and this has not yet been rectified. She noted that the Browns Creek Watershed  
109 District board had included language in the resolution to state that any permit that is currently underway  
110 with the existing watershed district would be finished out with the same district. She stated that there is  
111 one other property where they are building a driveway and a home that has an erosion control permit and  
112 that project has not yet broken ground. She stated that if any issues arise with any of these 3 permits, she  
113 will contact the RCWD staff and keep them apprised of the situation.

114

115 District Engineer Otterness stated that the District received correspondence from a landowner named Olivia  
 116 Herrick in the City of Hugo. He explained that Ms. Herrick owns two separate parcels which are currently  
 117 located within the Browns Creek Watershed District. However, one parcel primarily drain to the BCWD  
 118 and one to the RCWD. He stated that Ms. Herrick had expressed concern about having a parcel in each  
 119 watershed district and requested that both parcels be placed into RCWD. He stated that the  
 120 recommendation from staff is still to leave one parcel in Browns Creek Watershed District but reassign the  
 121 other to the Rice Creek Watershed District. He noted that there is room for Board discretion.

122  
 123 President Preiner stated that she likes the idea of having both parcels in one District.

124  
 125 Manager Waller confirmed that both parcels had two distinct Property I.D. numbers and stated that he has  
 126 no problem with them being in two different districts.

127  
 128 Manager Haake stated that she believes she they should be kept separate also.

129  
 130 Browns Creek Watershed District Administrator Kill stated that they have had permits near their border in  
 131 this kind of situation or where parcels are being combined and developed. She stated that they have  
 132 always been willing to take a look and be efficient and make sure it makes sense, if that is what the  
 133 landowner is concerned about.

134  
 135 Manager Bradley asked if any official action needed to be taken.

136  
 137 District Administrator Belfiori stated that no further action is necessary.

138  
 139 Manager Bradley stated that he liked Ms. Kill’s idea of finishing out any open permits and imagines that the  
 140 RCWD will reciprocate and do the same with any open permits it has.

141  
 142 District Administrator Belfiori stated that in the Browns Creek Watershed Districts concurring resolution,  
 143 that is identified and when the Board approves this at a future Board meeting, they can also reference that  
 144 in the motion.

145  
 146 **CONSENT AGENDA**

147 The following items will be acted upon without discussion in accordance with the staff recommendation and  
 148 associated documentation unless a Manager or another interested person requests opportunity for discussion:

149 **Table of Contents**

150 **Permit Applications Requiring Board Action**

No.	Applicant	Location	Plan Type	Recommendation
18-071	Elmcrest Vistas, LLC	Centerville	Final Site Drainage Plan Land Development Wetland Alteration	CAPROC 10 items

155 ***It was moved by Manager Haake, seconded by Manager Wagamon to approve the Consent Agenda***  
156 ***item for permit 18-071 outlined in the above Table of Contents in accordance with RCWD District***  
157 ***Engineer’s Findings and Recommendations dated October 17, 2018. Motion carried 5-0.***  
158

159 Permit Coordinator/Wetland Specialist Nick Tomczik gave an update for RCWD Permit #17-125 Outstanding  
160 Permit items: Anoka-Hennepin Public Schools (New Blaine Elementary School). He noted that at the  
161 October 8, 2018 Board workshop, the Board reviewed a letter that was then sent on October 9, 2018. He  
162 noted that the letter requested a response within 1 week and the District did not receive a response within  
163 the time period. He stated that staff have continued to e-mail and call, leaving messages for Stephen  
164 Anderson and Lisa Medved, who is the lead secretary for Building and Grounds. He stated that the only  
165 response the District has received was on October 22, 2018 from Ms. Medved who stated that Mr. Anderson  
166 had received the letter and that he would be getting back to the District very soon.

167  
168 Manager Haake stated that in her opinion, they are ignoring us and she would like the District to put as much  
169 pressure on as it can.

170  
171 Manager Bradley stated that the next escalation would be to send a letter to the school superintendent and  
172 their attorney explaining the difficulty the District has had with not getting them to respond to ensure that  
173 the documents are properly reflected.

174  
175 ***Motion by Manager Bradley, seconded by Manager Waller, authorizing staff and/or the District Attorney***  
176 ***to send a letter to the school superintendent and a copy to the school attorney advising of the RCWD***  
177 ***concerns. Motion carried 5-0.***

178  
179 Permit Coordinator/Wetland Specialist Nick Tomczik requested clarification of the motion. Does the  
180 District Administrator or President have the authority to sign the letter as soon as it is drafted.

181  
182 Manager Bradley stated yes, the motion authorizes staff to sign and transmit the letter.

183  
184  
185 **OPEN MIKE – LIMIT 12 MINUTES.** *Any RCWD resident may address the Board in his or her individual*  
186 *capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to*  
187 *the podium, state their name and address for the record. Additional comments may be solicited and*  
188 *accepted in writing. Generally, the Board of Managers will not take official action on items discussed at*  
189 *this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an*  
190 *upcoming agenda.*

191  
192 There was no one present to speak.

193  
194



195 **ITEMS REQUIRING BOARD ACTION**

196 **1. Consider Veit and Companies, Inc. Pay Request #5 for the Middle Rice Creek Restoration Project.**  
197 Lake and Stream Specialist Matt Kocian stated that the Middle Rice Creek Restoration Project is one  
198 of four projects covered by the BWSR targeted watershed grant. He noted that this project was  
199 initiated in 2014 and the final phase was done earlier this year. He stated that Veit and Companies  
200 was the contractor and noted that Kevin Biehn was here to give a final presentation and make the  
201 payment request.

202  
203 Kevin Biehn, Project Engineer, Emmons and Olivier Resources (EOR), gave a brief presentation on  
204 the project and expressed his appreciation for Matt and staff being so great to work with throughout  
205 the project. He explained that the primary reason for the project was to reduce sediment and  
206 Phosphorus to Long Lake but it also created an improved habitat and increased the aesthetic and  
207 recreational value. He showed a diagram that showed the old channel and the new, more sinuous  
208 channel. He reviewed the timeline for the project and noted that it is a full year late in delivering a  
209 completed project because of significant weather delays. He noted that the projected final payment  
210 total is substantially below the contract value. He noted that the engineering costs were a bit higher  
211 than expected because there were some change orders for additional soil testing to make sure that  
212 the contractors were able to include how to handle the soil in their bids.

213  
214 Administrator Belfiori noted that the increased engineering costs were anticipated by the Board in  
215 their original motion because of the need for additional soil analysis, so this cost was not  
216 unexpected.

217  
218 Mr. Biehn noted that some of the banks were made more vertically sharp and very quickly bank  
219 swallows and cavity nesters using them. He stated that he believes there were 47 pairs of them  
220 using the banks. He showed some drone video that was taken of the new sinuous channel.

221  
222 Administrator Belfiori stated that he wanted to express his thanks to Mr. Biehn and the EOR staff  
223 that worked on site during construction because they did an outstanding job and kept this project  
224 moving along and on budget.

225  
226 ***Motion by Manager Waller, seconded by Manager Haake, moves to approve Veit and Companies,***  
227 ***Inc. Pay Application #5 in the amount of \$21,459.56 for work completed under this pay request***  
228 ***related to the Middle Rice Creek Restoration Project. Motion carried 5-0.***

229  
230 **2. Consider Peterson Companies Pay Request #2 for the Oasis Pond IESF Project.**  
231 Administrator Belfiori noted that there are only punch list items remaining to be completed. He  
232 stated that staff concurs with the District Engineers opinion that the pay request is accurate and  
233 ready for approval.

234

235 ***Motion by Manager Haake, seconded by Manager Waller, to approve Peterson Companies, Inc.’s***  
 236 ***pay request as submitted and certified by the District Engineer, and direct staff to issue a payment***  
 237 ***in the amount of \$100,642.62. Motion carried 5-0.***  
 238

239 **3. Consider City of Saint Anthony Pay Request #8 for Mirror Park Project.**

240 Administrator Belfiori stated that the Mirror Lake Improvement Project is substantially complete  
 241 with only punch list items remaining. He noted that this payment request is for expenses during  
 242 February through July 2018. To date, the RCWD has paid a total of \$1,022,321.34 in project costs  
 243 with \$640,000.00 coming from the BWSR grant and \$382,321.34 coming from the RCWD ad valorem  
 244 funds. Staff recommends approval of the payment.  
 245

246 ***Motion by Manager Wagamon, seconded by Manager Bradley, to approve the City of Saint***  
 247 ***Anthony’s reimbursement request of \$86,622.39 pursuant to the August 25, 2015 Cooperative***  
 248 ***Agreement. Motion carried 5-0.***  
 249

250 **4. Consider North Pine Aggregate, Inc. Final Pay Request for the Anoka County Ditch 53-62 Branch 2**  
 251 **Repair Project.**

252 Administrator Belfiori stated that staff is recommending the final payment.  
 253

254 ***Motion by Manager Haake, seconded by Manager Bradley, to approve Final Pay request in the***  
 255 ***amount of \$5,337.10 to North Pine Aggregate, Inc. for work completed under this pay request***  
 256 ***related to the Anoka County Ditch 53-62 Branch 2 Repair Project. Motion carried 5-0.***  
 257

258 District Engineer Otterness expressed his appreciation to both District staff and North Pine  
 259 Aggregate, Inc. for their work on this very successful project.  
 260

261 **5. Consider Resolutions regarding Service Agreements for Engineering, Accounting and Legal**  
 262 **Professional Services for 2019 -2020.**

263 Administrator Belfiori noted that at the October 8, 2018 workshop meeting the Board reached  
 264 consensus to not ask for interviews but to bring the proposals to today’s meeting. He stated that  
 265 the District received 12 engineering proposals, 2 proposals for legal services, and 1 proposal for  
 266 accounting services. Staff recommends retaining Houston Engineering, Inc. as District Engineer  
 267 and the 12 firms listed in the report for the engineering consulting pool for the years 2019 and  
 268 2020. He stated that staff is recommending retaining Redpath and Company for accounting services  
 269 and retaining Smith Partners and Rinke Noonan for legal services for the years 2019 and 2020.  
 270

271 Manager Waller left the meeting.  
 272

273 ***Motion by Manager Haake, seconded by Manager Bradley, to adopt Resolution 2018-29:***  
 274 ***Retention of Engineering Services Pool.***  
 275

276 **THEREFORE BE IT RESOLVED** that the Board of Managers elects to enter into or extend the  
277 services agreement for engineering services the following firms to serve as the engineering  
278 pool for an additional two-year period (2019 – 2020):

- 279 • Barr Engineering Company
- 280 • Bolton & Menk
- 281 • Emmons & Olivier Resources, Inc
- 282 • Houston Engineering, Inc.
- 283 • ISG
- 284 • Kimley -Horn and Associates
- 285 • LimnoTech
- 286 • Prosource Technologies
- 287 • Respec Water & Natural Resources
- 288 • TetraTech
- 289 • Wenck Associates
- 290 • WSB & Associates, Inc

291  
292 **BE IT FURTHER RESOLVED** that the Administrator is authorized to enter into an agreement or  
293 extension of the existing agreement with each of the firms listed above in accordance with  
294 the terms of the proposal received and such other terms as are not inconsistent therewith.

295  
296 **BE IT FURTHER RESOLVED** that notwithstanding this resolution, the District retains all  
297 discretion to seek professional engineering services from outside this pool under such  
298 circumstances as it may find appropriate.

299  
300 **ROLL CALL:**

301 ***Manager Waller – Absent***

302 ***Manager Haake – Aye***

303 ***Manager Bradley – Aye***

304 ***Manager Wagamon – Aye***

305 ***President Preiner – Aye***

306 ***Motion carried 4-0.***

307  
308 ***Motion by Manager Haake, seconded by Manager Wagamon, to adopt Resolution 2018-30:***  
309 ***Retention of Engineering Services.***

310  
311 THEREFORE BE IT RESOLVED that the Board of Managers elects to extend the services  
312 agreement for engineering services with Houston Engineering, Inc. for an additional two-year  
313 period (2019-2020);

314  
315 BE IT FURTHER RESOLVED that the Administrator is authorized to enter into an extension of  
316 the existing agreement with Houston Engineering, Inc. in accordance with the terms of the

317 proposal received and such other terms as are not inconsistent therewith.

318

319 **ROLL CALL:**

320 ***Manager Waller – Absent***

321 ***Manager Haake – Aye***

322 ***Manager Bradley – Aye***

323 ***Manager Wagamon – Aye***

324 ***President Preiner – Aye***

325 ***Motion carried 4-0.***

326

327 Manager Waller returned to the meeting.

328

329 ***Motion by Manager Haake, seconded by Manager Wagamon, to adopt Resolution 2018-31:***  
330 ***Retention of Accounting Services.***

331

332 THEREFORE BE IT RESOLVED that the Board of Managers elects to extend the services agreement  
333 for accounting services with Redpath and Company for an additional two-year period (2019-2020);

334

335 BE IT FURTHER RESOLVED that the Administrator is authorized to enter into an extension of the  
336 existing agreement with Redpath and Company in accordance with the terms of the proposal  
337 received and such other terms as are not inconsistent therewith.

338

339 **ROLL CALL:**

340 ***Manager Waller – Nay***

341 ***Manager Haake – Aye***

342 ***Manager Bradley – Aye***

343 ***Manager Wagamon – Aye***

344 ***President Preiner – Aye***

345 ***Motion carried 4-1.***

346

347 Manager Waller stated that he feels there should be a different auditor than the accountant. He  
348 stated that he believes this is a management practice that should change.

349

350 Manager Wagamon stated that the Board has had Redpath come in and give a pretty good  
351 accounting of themselves of how they wall to two portions off from each other and have done the  
352 same for several other agencies.

353

354 Manager Bradley stated that he does not feel there is an impropriety, but if there is a future concern,  
355 he feels this agreement should still be approved and the Board could hire someone separately to  
356 conduct the audit.

357

358 **Motion by Manager Haake, seconded by Manager Wagamon, to adopt Resolution 2018-32:**  
359 **Retention of Legal Services.**

360  
361 THEREFORE BE IT RESOLVED that the Board of Managers elects to extend the services agreement  
362 for legal services with Smith Partners and Rinke Noonan for an additional two-year period (2019-  
363 2020);

364  
365 BE IT FURTHER RESOLVED that the Administrator is authorized to enter into an extension of the  
366 existing agreement with Smith Partners and Rinke Noonan in accordance with the terms of the  
367 proposal received and such other terms as are not inconsistent therewith and consistent with  
368 current delineation of duties between the firms which will be clarified further in discussions with  
369 firms.

370  
371 BE IT FURTHER RESOLVED where the scope of a particular project involves subject areas normally  
372 handled by both firms, the Administrator has authority to select one of the two firms to provide all  
373 legal services associated with that project.

374  
375 **ROLL CALL:**  
376 **Manager Waller – Nay**  
377 **Manager Haake – Aye**

378  
379 **Manager Bradley – Aye**  
380 **Manager Wagamon – Aye**  
381 **President Preiner – Aye**  
382 **Motion carried 4-1.**

383  
384 Manager Waller stated that he is a big support of Rinke Noonan but has a philosophical  
385 disagreement with Attorney Smith. He stated that if these services were split into two separate  
386 motions he would vote for one and not the other, but since they are together, he voted against it.

387  
388 **6. Consider Letter related to ACD 53-62 Proposed Maintenance.**

389 Administrator Belfiori explained that per consensus at the September 24, 2018 workshop meeting  
390 he has sent out information electronically to the Board on October 19, 2018 regarding the proposed  
391 letter to Dan Lais at the DNR.

392  
393 Manager Bradley stated that he had a chance to read through the information since it was sent out  
394 electronically and noted that he had a few edits he would suggest. He stated that he could give his  
395 hand-written notes to the secretary to work with Administrator Belfiori to include the changes.

396  
397 Administrator Belfiori stated that the motion language was crafted in a way to authorize non-  
398 material changes, so he feels the Board can move forward.

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***Motion by Manager Waller, seconded by Manager Wagamon, to approve the attached letter acknowledging the DNR Letter of Permission to perform repairs on lateral 1 of branch 1 of ACD 53-62; authorizing the president or administrator to sign the letter; authorizing transmittal to DNR after final legal review and authorizing non-material changes prior to transmittal; and, further, authorizing staff to take all necessary actions to implement the proposed maintenance activities on ACD 53-62 Br. 1 Lat. 1 not earlier than November 1, 2018. Motion carried 5-0.***

**7. Consider Proposed MAWD Resolution One-Page Summary Document.**

Administrator Belfiori noted that this information was passed out to the Board just prior to the meeting and sent out electronically on October 19, 2018. He stated that the Board approved a MAWD resolution at the September Board meeting and this summary is a way to communicate the resolution to the MAWD body and appropriate members. Staff recommends approval.

***Motion by Manager Haake, seconded by Manager Bradley, to approve the MAWD resolution one- page summary document and authorize its distribution to MAWD and affiliated entities.***

Manager Waller suggested that the Board share this same document with the Soil and Water Conservation Districts in the counties in our area because it may help build some support and at the very least communicate the issue with them.

Administrator Belfiori stated that Attorney Kolb has made communication connections with some rural counties that are also his clients. He stated that if this is approved by MAWD, one of his recommendations to MAWD would be to continue communication with the Association of Minnesota Counties because it will be critical to get the rural legislators support.

Manager Waller stated that he also feels it is important to have urban counties involved.

***Motion carried 5-0.***

**8. Consider Check Register dated October 24, 2018, in the amount of \$374,108.89 prepared by Redpath and Company.**

***Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated October 24, 2018, in the amount of \$374,108.89, prepared by Redpath and Company. Motion carried 5-0.***

**ITEMS FOR DISCUSSION AND INFORMATION**

**1. 10-Year Watershed Management Plan**

Administrator Belfiori read the following statement:

439 The Rice Creek Watershed District is currently developing its next 10-Year Watershed Management  
440 Plan. Residents of the District are invited to submit comments about their priorities and concerns  
441 within the watershed district. These comments will be considered by the Board of Managers. To be  
442 considered, comments should be submitted to [wmp@ricecreek.org](mailto:wmp@ricecreek.org) by December 31, 2018.  
443

444 **2. Staff Reports.**

445 None.

446  
447 **3. November Calendar.**

448 Administrator Belfiori Updated the Board with the following events:

449 Watershed Management Plan Development workshop on Monday, November 26, 2018, 1 p.m.

450 The workshop will be held in the District conference room.

451 The regular Board workshop meeting will be held on Tuesday, November 13, 2018 at 1 p.m., due  
452 to the Veteran’s Day holiday.

453 Watershed Management Plan and Public Open House is Thursday, November 15, 2018, from 5pm  
454 – 8pm in the Large Community Program Room at the Ramsey County Library – Shoreview location.

455 The address is 4560 Victoria St N., Shoreview,  
456

457 **4. Managers Update.**

458 President Preiner stated that she had attended the Washington County meeting yesterday and there  
459 was a comment made about whether the preliminary budget had been posted. She noted that the  
460 2018 budget was posted on-line on October 23, 2017 and the 2019 budget should be posted on-line  
461 sometime this week. She also asked what the process would be for rebutting a member of the  
462 Board that presents incorrect information. She asked if it would be appropriate for another Board  
463 member to stand up and rebut if they are present at the same meeting or if it should come as some  
464 type of a letter and formal communication from the Board.  
465

466 Manager Haake stated that she feels the time to correct the information is on the spot since the  
467 meetings are recorded. She stated that after the correction is made they can always make a  
468 statement that people can call the office to clarify the information. She stated that if there is not  
469 another Board member there to make the correction, then she feels a letter would be appropriate.  
470

471 Manager Bradley stated if incorrect information or comments are made, he thinks it is the duty of  
472 the remainder of the Board to counter those comments and if they are not able to do it in person,  
473 he thinks it should be done in writing by the president.  
474

475 Manager Wagamon stated that he agreed and feels that a letter is nice, because even if someone is  
476 there you may not have all the detailed information available in order to accurately comment and  
477 pass on information.  
478

479           President Preiner stated that she would like the Board to think about this and be prepared for a  
480           deeper discussion at the workshop meeting.

481

482   **ADJOURNMENT**

483   ***Motion by Manager Wagamon, seconded by Manager Haake, to adjourn the meeting at 10:14 a.m.***

484   ***Motion carried 5-0.***



# CONSENT AGENDA

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

## Table of Contents

### Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
18-073	Alliance Bank	Lino Lakes	Final Site Drainage Plan	CAPROC 7 items
18-079	Bison Development Co Inc.	Lino Lakes	Land Development	CAPROC 7 items
18-080	Minnesota National Guard	Arden Hills	Wetland Alteration	CAPROC 2 items
18-098	Roseville Area Schools, ISD 623	Roseville	Final Site Drainage Plan	CAPROC 5 items

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated November 7, 2018.*

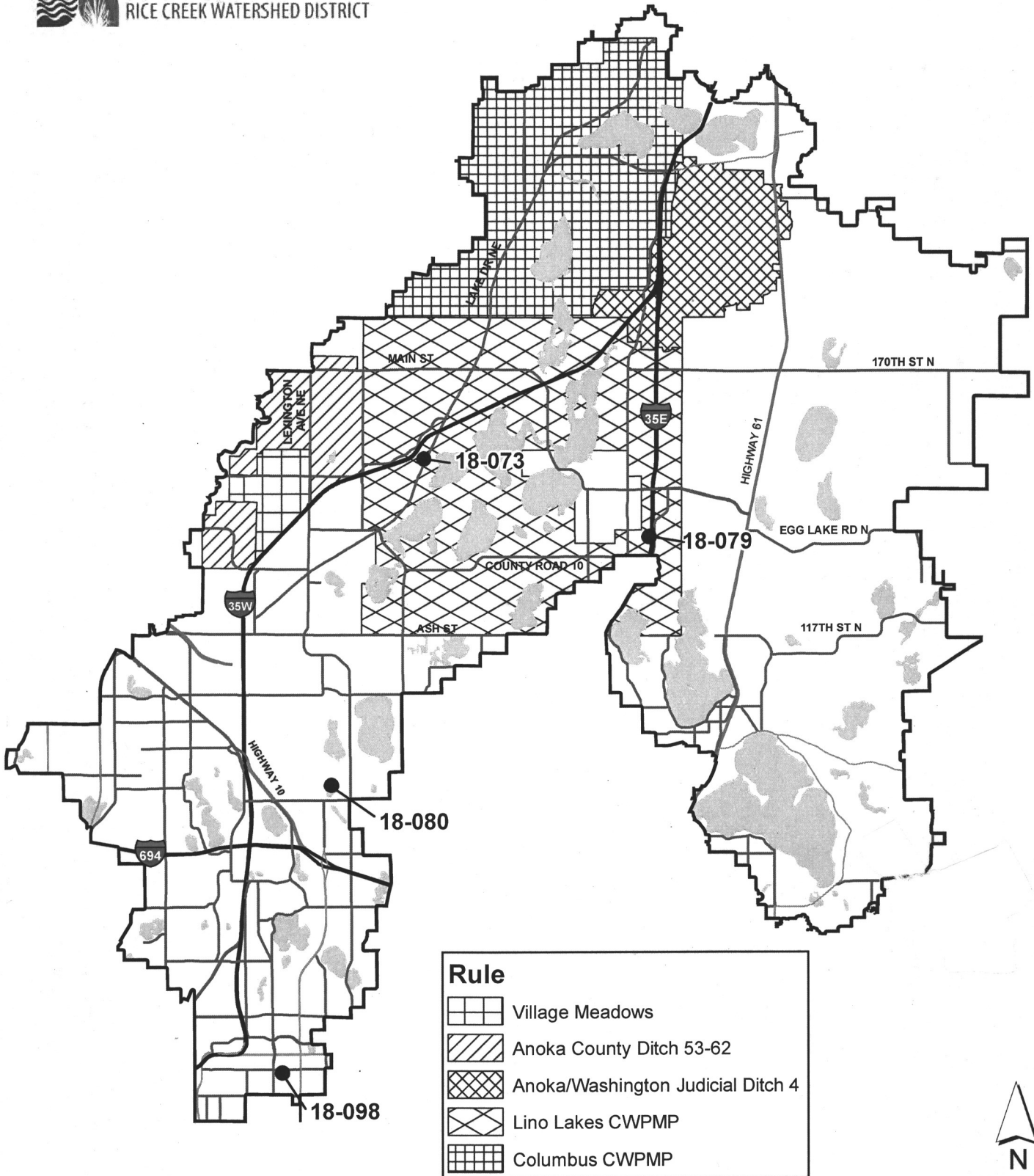
**RICE CREEK WATERSHED DISTRICT  
CONSENT AGENDA**






**November 14, 2018**

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_  
\_\_\_\_\_ to Approve, Conditionally Approve Pending Receipt  
Of Changes, or Deny, the Permit Application noted in the following Table of Contents, in  
accordance with the District Engineer’s Findings and Recommendations, as contained in  
the Engineer’s Findings and Recommendations, as contained in the Engineer’s Reports  
dated November 7, 2018.

**TABLE OF CONTENTS**

<b><u>Permit Application Number</u></b>	<b><u>Applicant</u></b>	<b>Page</b>	<b>Recommendation</b>
Permit Location Map		19	
18-073	Alliance Bank	20	CAPROC
18-079	Bison Development Company Inc	24	CAPROC
18-080	Minnesota National Guard- Arden Hills Readiness Center	28	CAPROC
18-098	Roseville Area Schools-ISD 623	31	CAPROC



Rule	
	Village Meadows
	Anoka County Ditch 53-62
	Anoka/Washington Judicial Ditch 4
	Lino Lakes CWPMP
	Columbus CWPMP



WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers

Permit Application Number:

18-073

Permit Applicant Name:

Lino Lakes Mini

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Applicant:

Alliance Bank  
Attn: Dean Anderson  
55 5th Street East #115  
St. Paul, MN  
Ph: 651-229-0070  
dean.anderson@alliancebanks.com

Consultant:

Eli Rupnow  
AMI Consulting Engineers  
3640 Talmage Circle Suite 200  
Vadnais Heights, MN 55110  
651-428-7265  
Eli.rupnow@amiengineers.com

Colin Ose  
AMI Consulting Engineers  
3640 Talmage Circle Suite 200  
Vadnais Heights, MN 55110  
651-428-7265  
Colin.ose@amiengineers.com

Project Name: Lino Lakes Mini

Purpose: FSD – Final Site Drainage; self storage development

Site Size: 5.73± acre parcel / 2.91 ± acres of disturbed area; existing and proposed impervious area is 0.0 ± acres and 2.10 ± acres, respectively

Location: 440 Park Court, Lino Lakes

T-R-S: SW ¼, Section 31, T22N, R23W

District Rule: C, D

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Recommendations: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items.

Rule D – Erosion and Sediment Control

1. Submit the following information per Rule D.4:
  - (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.
  - (h) Provide documentation that an NPDES Permit has been applied for and submitted to the Minnesota Pollution Control Agency (MPCA).
  - (i) A Storm Water Pollution Prevention Plan for projects that require an NPDES Permit.

Administrative

2. Send one final, signed 11x17 sized plan set to the District, and e-mail a full-sized pdf copy to both the District and the District Engineer. Include a list of changes that have been made since approval by the RCWD Board. Final plans must include:
  - Redundant sediment and erosion control practices along the wetland boundary.
3. Submit a copy of the plat or easements establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature (if easements are required by the City of Lino Lakes).
4. The applicant must pay the remaining Water Management District Charges associated with this parcel. These charges were previously noticed to the landowner. The charges are administered through the County property tax collection process as well as administration of a deferred charge due upon development. The charges are subject to change during the 12-month CAPROC term of this permit application, therefore the applicant must contact the District prior to submitting final payment to verify the amount to be paid to the District.
5. The applicant must memorialize the responsibility for maintenance of stormwater facilities in a document executed by the property owner in a form acceptable to the District and recorded on the deed.
6. The applicant must provide an attested copy of any and all signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.
7. The applicant must submit a surety of \$6,200 along with an original executed escrow agreement acceptable to the District. If the applicant desires an original copy for their records, then two original signed escrow agreements should be submitted. The applicant must provide the first \$5,000 in the form of a check and has the option of providing the remainder of the surety amount in the form of a check or a Performance Bond or Letter of Credit. The surety is based on \$2,000 for 2.91 ± acres of land disturbance and \$4,200 for 8,385 cubic feet of stormwater management.

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. An as-built survey of all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) is to be submitted to the District for verification of compliance with the approved plans before return of the surety.

Exhibits:

1. Revised Plan Sheet T1.0, T1.1, C1.0, C2.0-C2.2, C3.0, C4.0-C4.1, C5.0-C5.2, C6.0-C6.2, L1.0, and S1.0 dated and received 11-5-2018
2. Revised Stormwater Calculations, dated and received 11-1-2018, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing condition
3. Response to RCWD comment letter dated and received 11-1-2018
4. Revised Plan sheet containing sheets T1.0, T1.1, C1.0, C2.0-C2.2, C3.0, C4.0-C4.1, C5.0-C5.2, C6.0-C6.2, L1.0, and S1.0 dated and received 10-5-2018
5. Plan set containing sheets T1, C1.0, C2.0, C2.1, C3.0, C4.0, C4.1, C5.0, C5.1, C5.2, C6.0, C6.1, C6.2, EX1, and EX2 dated and received 7-3-2018.

6. Revised Stormwater Calculations, dated and received 7-3-2018, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions
7. Applicant response to RCWD incomplete dated and received 10-5-2018
8. Geotech letter on seasonal high water table dated and received 9-7-2018
9. Stormwater Calculations, dated and received 7-3-2018, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions.
10. Permit application, dated and received 7-3-2018
11. Permit application fee dated and received 7-3-2018
12. Review file 17-173R (if applicable)

Findings:

1. Description – This project proposes the construction of a mini-storage facility with associated parking lot and access drive in Lino Lakes. The project proposes 2.10 ± acres of new impervious and approximately 2.91 ± acres of land disturbance. Flows onsite will drain into an onsite infiltration basin, then discharge into an existing stormwater pond located west of the site, ultimately reaching Marshan Lake the Resource of Concern. A future phase 2 of the project is described in the plans; however, the stormwater features have not been sized for the future phase and the applicant will be subject to the District rules in place at the time Phase 2 occurs. The applicant has submitted a \$2,250 application fee, which corresponds to 1-2.5 acres of new/redeveloped impervious surface and 2.5-10 acres of land disturbance.
2. Stormwater – The applicant is proposing the BMP as described below for the project:

Proposed BMP Description	Location	Pretreatment	Volume provided	EOF
Surface infiltration basin	Western property line	Sump catch basin and Clay-lined Pretreatment pond	8,390 ± cubic feet below the outlet	897.5

Soils on site are primarily silty sands (HSG B) soils. Thus, infiltration is considered feasible and infiltration is acceptable to meet the water quality requirement. Per Rule C.6(c)(1), the Water Quality requirement is 1.1-inches over the new/reconstructed area (2.10± acres) for a total requirement of 8,385 ± cubic feet. Adequate pretreatment has been provided. Soil borings, along with test pits, indicate a seasonal high water table located at an elevation of approximately 890.5. The bottom of the infiltration basin is located at 894.5, thus the applicant has met the 3 feet of separation design requirement. The infiltration basin is expected to drawdown within 48-hours after a storm event. The project is not located within a DWSM area. The applicant is treating more than 85% of the impervious area. Pretreatment is provided through a sump catch basin and pre-treatment pond. TSS has been removed to the maximum extent practicable. The applicant has met all the Water Quality requirements of Rule C.6 and the design criteria of Rule C.9(a).

Drainage Area	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
East to Lake Drive	0.66	0.50	1.66	1.22	4.43	3.17



West to Stormwater Pond	4.34	2.10	9.54	7.10	23.22	21.61
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The project is not located within the Flood Management Zone. The submitted information indicates that the project does not increase peak runoff rates in compliance with District Rule C.7. The infiltration basin is compliant with the freeboard requirement of Rule C.9(g).


3. Wetlands – Wetlands are located onsite. Wetlands were delineated under review file(s) 17-173R with boundary decision, which remains valid, issued on 6-25-2018.

The project proposes the installation of an outlet pipe that would traverse the wetland boundary into the adjacent stormwater pond. It appears that wetland impact associated with your proposed work would qualify as “no-loss” under the Wetland Conservation Act and as a result, not be subject to regulation under that law. However, the District will not formally make that finding without a no-loss application under Minnesota Rules 8420.0315 and further District review. The applicant is not required to request a no-loss determination, but it may be desirable to obtain the added assurance against enforcement that it would provide. Please note also Minnesota Rules 8420.0410, which requires that the work meet certain requirements in order to qualify as no loss. The applicant has indicated that they intend to submit a WCA No-Loss application for the work; however, this has not yet been provided.

4. Floodplain – The site is not in a regulatory floodplain.
5. Erosion Control – Proposed erosion control methods include silt fence, rock construction entrances, inlet protection and rip rap. An NPDES permit is required for the project. The information listed under the Erosion and Sedimentation Control Recommendations needs to be submitted. Otherwise, the project complies with RCWD Rule D requirements.
6. Bridges and Culvert Crossing/Drainage Systems – None.
7. Documenting Easements and Maintenance Obligations – Applicant must meet the easement and maintenance obligations per Recommendations above. Applicant must provide a draft maintenance declaration for approval, and a receipt showing recordation of the approved maintenance declaration and the drainage and flowage easements (if required).
8. Previous Permit Information – RCWD Review File #17-173R is the wetland determination for the site; RCWD Permit #03-066 relates to a regional business park that includes the adjacent stormwater pond.

I hereby certify that this plan, specification or report was prepared by me or under by direct supervision

 11-7-18  
Samantha Berger

 11-7-18  
Kate MacDonald



WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers

Permit Application Number:  
Permit Applicant Name:

18-079  
Eastside Villas

Applicant:

Bison Development Co Inc.  
Attn.: Roger Hokanson  
1550 91<sup>st</sup> Ave NE Suite 110  
Blaine, MN 55449  
Ph:  
Fx:  
roger@hokph.com

Consultant:

Carlson McCain Inc.  
Brian Kallio  
3890 Pheasant Ridge Drive Suite 100  
Blaine, MN 55449  
Ph: 763-489-7910  
Fx: 763-489-7959  
bkallio@carlsonmccain.com

Project Name: Eastside Villas

Purpose: LD – Land Development; New Residential Development

Site Size: 9.50± acre parcel / 8.50± acres of disturbed area; existing and proposed impervious areas are 0.00 ± acres and 3.90 ± acres, respectively

Location: NE of Northpointe Development, south of Cedar Street and west of 35E, Lino Lakes

T-R-S: NW ¼, Section 25, T31N, R22W

District Rule: C, D

Recommendations: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items.

Rule C - Stormwater

1. Per Rule C.9(f), an outfall structure discharging to a wetland, public water or public water wetland must incorporate a stilling-basin, surge-basin, energy dissipater, placement of ungrouted natural rock riprap or other feature to minimize disturbance and erosion of natural shoreline and bed resulting from stormwater discharges.

Rule D – Erosion and Sediment Control

2. Submit the following information per Rule D.4:
  - (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.
  - (h) Provide documentation that an NPDES Permit has been applied for and submitted to the Minnesota Pollution Control Agency (MPCA).
  - (i) A Storm Water Pollution Prevention Plan for projects that require an NPDES Permit.



Administrative

3. Send one final, signed 11x17 sized plan set to the District, and e-mail a full sized pdf copy to both the District and the District Engineer. Include a list of changes that have been made since approval by the RCWD Board.
4. Applicant needs to secure City's execution of updated maintenance agreement reflecting pond expansion.
5. Submit a copy of the plat or easements establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature (if easements are required by the City of Lino Lakes).
6. The applicant must provide an attested copy of the signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.
7. The applicant must submit a surety of \$53,000 along with an original executed escrow agreement acceptable to the District. If the applicant desires an original copy for their records, then two original signed escrow agreements should be submitted. The applicant must provide the first \$5000 in the form of a check and has the option of providing the remainder of the surety amount in the form of a check or a Performance Bond or Letter of Credit. The surety is based on \$5,000 for 8.5 acres of disturbance and \$48,000 for 95,960 CF of storm water ponds.

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. An as-built survey of all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) is to be submitted to the District for verification of compliance with the approved plans before return of the surety.

Exhibits:

1. Plan set dated 7-9-2018 and received 7-13-2018.
2. Permit application, dated 7-13-2018 and received 7-13-2018.
3. Permit application checklist, no date, received 7-13-2018.
4. Stormwater Calculations, dated 7-9-2018 and received 7-13-2018, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions.
5. Geotechnical report dated 7-12-2018 and received 7-13-2018.
6. Permission email from Lino Lakes, dated and received 11-2-2018.

Findings:

1. Description – The project proposes the construction of a residential development for Eastside Villas in Lino Lakes. The parcel is currently undeveloped (0 acres of impervious surface). The project will add 3.90± acres of impervious surface and disturb 8.50± acres overall. The project drains to an existing stormwater pond which outlets to JD3 Branch 4 and ultimately discharges into Peltier Lake which is the resources of concern. An existing stormwater pond was constructed in permit application 13-094 on a lot adjacent to the proposed project and is owned by the City of Lino Lakes. The City of Lino Lakes has granted permission to expand the existing



pond onto the proposed project property to account for the increase in impervious surfaces as a result of this permit application. The applicant has submitted a \$3,750 application fee, which corresponds to 2.5 to 5 acres of new/redeveloped impervious surface and 2.5 to 10 acres of land disturbance.

2. Stormwater – The applicant will expand an existing BMP as described below for the project:

BMP Description	Location	Existing Pond Volume (Acre-ft)	NURP Requirement* (Acre-ft)	Volume Provided (Acre-ft)
Stormwater Pond (Pond 500)	Southern Property Line	1.35±	2.20±	5.00±

\* Total NURP requirement for both existing and proposed drainage area.

Soils on site are primarily clay sands (HSG C) soils. Thus, infiltration is not considered feasible and stormwater ponds are acceptable to meet the water quality requirement. Per Rule C.6(c)(1), the Water Quality requirement is 2.2-inches over the new/reconstructed area (3.90± acres) for a total requirement of 31,145± cubic feet, which is less than the 2.5-inch design criteria. Approximately 87% of the project either flows to the pond or meets the requirements of Rule C.6(f). The remaining 13% is runoff from roofs with a flow path slope greater than 5%. Thus it is not considered treated, however it does not require additional TSS removal. A weir capable of controlling the 2-year, 10-year, 100-year, and preventing migration of floating debris and oil for the 1-year event is proposed on the outlet control structure for pond 500. A stabilized emergency overflow to convey flows greater than the 100-year critical storm event must be provided. Otherwise, the applicant has met all the Water Quality requirements of Rule C.6 and the design criteria of Rule C.9(d).

Drainage Area	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Northeast of Site	2.2	2.7	6.7	6.3	21.3	16.8
Northwest of Site	1.3	1.3	2.5	2.4	5.0	4.5
South of Site	7.1	5.2	16.7	15.3	19.0	17.6
Totals	10.6	9.2	25.9	24.0	45.3	38.9

The project is not located within the Flood Management Zone. The applicant has complied with the rate control requirements of Rule C.7.

An existing stormwater pond was constructed for the residential development adjacent to the current project. The current project proposes to expand the existing stormwater pond. The existing stormwater pond was originally modeled with TP 40 values under permit application 13-094. The model submitted under 13-094 was updated for ATLAS 14 values as part of a permit extension which resulted in a high water level of 917.4. The houses that were previously construction prior to 13-094 permit extension were not fully compliant with the freeboard of 100-year Atlas 14 rainfall event. The proposed high water level of the expanded pond has remained at 917.4 when modeled with ATLAS 14 values. Thus the District Engineer has determined the high water level to be considered an existing condition. The proposed houses are fully compliant with the freeboard requirements of Rule C.9(g). Any existing houses which do not meet the 2-foot of separation from the 100-year Atlas 14 high water elevation are considered an existing condition.

3. Wetlands – Wetlands are located onsite however no impacts to the wetlands are proposed.
4. Floodplain – The site is not in a regulatory floodplain.

5. Erosion Control – Proposed erosion control method includes silt fence. An NPDES permit is required for the project. The information listed under the Erosion and Sedimentation Control Recommendations needs to be submitted. Otherwise, the project complies with RCWD Rule D requirements.
6. Drainage Systems – There are no drainage systems on or adjacent to the property.
7. Documenting Easements and Maintenance Obligations – The maintenance agreement for the existing pond must be updated to include the expansion of the pond. A receipt of the plat or drainage and flowage easements must be provided (if required).
8. Previous Permit Information – Previous permit information includes 18-077R and 13-094.

I assisted in the preparation of this report under the supervision of the District Engineer.

Ben Jore 11-7-18

Ben Jore, EIT  
EIT Reg. No 13431

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

Greg Bowles 11/7/18

Greg Bowles  
MN Reg. No 41929





WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers

Permit Application Number:

18-080

Permit Applicant Name:

AHRC Wetland Permit Application-AHATS Readiness Center

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Applicant:

Minnesota National Guard  
Attn: Lt. Col Sukut  
1245 County Hwy 96  
Arden Hills, MN 55112  
Ph: 651-634-5229  
Fx:  
sol.d.sukut.mil@mail.mil

Consultant:

Scott Thelen  
Pinnacle Engineering, Inc.  
11541 95th Ave N  
Minneapolis, MN 55369  
Ph: 612-432-5590  
Fx:  
sthelen@pineng.com

Department of Military Affairs  
Attn: Justin Skoglund  
Camp Ripley 15000 Highway 115  
Little Falls, MN 56345  
Ph: 320-616-6074  
Justin.a.skoglund2.nfg@mail.mil

Project Name: AHRC Wetland Permit Application-AHATS Readiness Center

Purpose: Construction of a regional National Guard Readiness Center with associated roads, parking, and stormwater treatment

Site Size: 567.2 ± acre parcel / 21.24 ± acres of project area; existing and proposed impervious area is 0.0 ± acres and 9.82 ± acres, respectively

Location: 1185 Highway 96 W, Arden Hills

T-R-S: SE ¼, Section 15, T30N, R23W

District Rule: F

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Recommendations: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items.

Rule F – Wetland Alteration

1. Applicant must provide a "Transaction Form for Withdrawal of Wetland Credits from the Minnesota Wetland Bank", which is signed by the bank user and the bank seller
2. The applicant must provide proof of BWSR debiting wetland bank for the correct amount and type of wetland credit.

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. Permittee must submit an as-built survey of wetland boundaries, quantifying the wetland impact area for verification of compliance with the approved plans.
2. Applicant must use DNR guidance materials to avoid incidental takings of Blanding's turtles.

Exhibits:

1. Stormwater management report dated and received 11-7-2018 including project narrative, drainage maps, and HydroCAD calculations for the 2, 10, and 100 year event.
2. Wetland Permit Application, received 07-16-2018.
3. Revised Wetland Permit Application, dated and received 07-26-2018.
4. Revised Figure 4 Preferred Alternative, dated 10-02-2018 and received 10-03-2018.
5. Figures 4a and 4b, dated 10-03-2018 and received 10-04-2018.
6. Response memo to DNR, dated 09-25-2018 and received 10-01-2018.
7. DNR concurrence with T&E findings, dated and received 11-01-2018.
8. Review files 16-181R and 18-083R.

Findings:

1. Description – The proposed project is to construct a regional National Guard Readiness Center. The Readiness Center is a facility that will support training, administrative, and logistical requirements for the assigned Army Reserve/National Guard (ARNG) units. The facility will be built on Federal-owned, State-licensed land. Projects on federal land are not required to comply with local requirements. The applicant is exclusively applying for a WCA determination and has elected not to pursue a RCWD permit for any other rules (e.g. stormwater management, erosion and sediment control). The total project area is approximately 21.24 acres with approximately 9.82 acres of new impervious surface area through buildings, parking and walkways. The site drains north to Marsden Lake, the Resource of Concern. No application fees are required for public entities.
2. Stormwater – The applicant is proposing three infiltration basins with a greater number of pretreatment basins (seven). The applicant is not applying for compliance with Rule C, however, they are voluntarily complying with requirements RCWD Rule C. The provided calculations confirm that the applicant has met the water quality requirements of Rule C.6, the Flood Management Zone rate control standards of Rule C.7, and the freeboard requirements of Rule C.9(g).
3. Wetlands – Wetlands were delineated under review file 16-181R with a boundary decision issued on 01-24-2017. This determination remains valid.

A replacement plan application was submitted to the District on 07-03-2018 for proposed wetland impacts. The application was determined to be incomplete because it did not address the special considerations of WCA 8420.0515 for threatened and endangered species and rare natural communities. The consultant has a license to access the Natural Heritage Information System (NHIS) and a revised application was submitted on 07-26-2018. The application was subsequently noticed by the LGU on 07-27-2018. The comment period closed on 08-20-2018 and the applicant has addressed all TEP comments. However, the DNR did not concur with the consultant's findings for impacts to rare species. The consultant provided a revised memo for addressing 8420.0515. The DNR approved the consultant's findings, noting the possible presence of Blanding's turtles, in an email received 11-01-2018. The MnDNR provided guidance to avoid incidental takings. Applicant must use guidance materials to avoid incidental takings of Blanding's turtles.

The applicant has provided a sequencing flexibility request and an alternatives analysis, including discussion of impact avoidance, minimization and mitigation. Applicant has provided a no-impact alternative and an alternative design where the southern access follows a different path which includes impact to additional wetland and on-site mitigation. The applicant has reasonably avoided and minimized wetland impacts to the extent possible. The applicant has addressed all comments and the TEP concurs that WCA impact sequencing is met, use of a wetland bank is preferred.

Impact/Mitigation Table

Wetland Name (Location)	Impact Amount	Replacement Ratio	Required
Wetland 5	3,920 ft <sup>2</sup> (.09 acres)	2:1	7,840 ft <sup>2</sup> (0.18 acres)

Wetland replacement will occur via wetland bank account 1618, in the amount of 0.18 acres (Anoka, 20, 7). The wetland bank is within the same major watershed as the site. The applicant must provide the final BWSR withdrawal transaction form and demonstrate final withdrawal from the BWSR Bank.

4. Floodplain – There is floodplain east of the proposed project (891.46 NAVD 88) and no impacts or alteration is proposed.
5. Erosion Control – The applicant is not applying for compliance with Rule D.
6. Bridges and Culvert Crossing/Drainage Systems – Not applicable.
7. Documenting Easements and Maintenance Obligations – None required.
8. Previous Permit Information – A wetland delineation was approved under 16-181R. Pre-application discussion occurred under 18-083R.

I hereby certify that this plan, specification or report was prepared by me or under by direct supervision



Patrick Hughes



Samantha Berger





WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers

Permit Application Number: 18-098  
Permit Applicant Name: Brimhall Elementary School Addition & Remodeling

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Applicant:

Roseville Area Schools, ISD 623  
Attn: Shari Thompson, Director of Business Services  
1251 County Road B2 West  
Roseville, MN 55113  
Ph: 651-635-1615  
Shari.thompson@isd623.org

Consultant:

Eric Meyer  
Larson Engineering, Inc  
3524 Labore Road  
White Bear Lake, MN 55110  
Ph: 651-481-9120  
Fx: 651-481-9201  
emeyer@larsonengr.com

Project Name: Brimhall Elementary School Addition & Remodeling

Purpose: FSD – Final Site Drainage; Classroom additions and parking lot reconfiguration/addition for more efficient traffic flow

Site Size: 13.88± acre parcel / 4.06 ± acres of disturbed area; existing and proposed impervious areas are 4.60 ± acres and 5.57 ± acres, respectively

Location: 1744 County Road B west; Roseville, MN 55113

T-R-S: NE ¼, Section 16, T29N, R23W

District Rule: C, D

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Recommendations: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items.

Rule C - Stormwater

1. Applicant must provide a dimensioned detail of the EOF for Basin 1.

Rule D – Erosion and Sediment Control

2. Submit the following information per Rule D.4:
  - (a) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.
  - (b) Provide documentation that an NPDES Permit has been applied for and submitted to the Minnesota Pollution Control Agency (MPCA).

Administrative

3. Submit the permit application with an original signature of the successful bidder to the District.
4. Send one final, signed 11x17 sized plan set to the District, and e-mail a full-sized pdf copy to both the District and the District Engineer. Include a list of changes that have been made since approval by the RCWD Board.



5. A public permittee may meet the perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. A draft document has been submitted and is under review. (The agreement process requires submittal of the final original signed agreement to the District. If the applicant needs an original of the signed agreement, then two endorsed final agreements should be submitted.)

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. An as-built survey of all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) is to be submitted to the District for verification of compliance with the approved plans.

Exhibits:

1. Updated Plan sheets C100, C200, C300, C400, and C500 dated 10-26-18 and received 10-26-2018.
2. Letter from the City of Roseville granting permission to realign existing storm sewer under proposed site of Basin 2, dated 10-30-2018 and received 10-30-2018.
3. Draft maintenance agreement received 10-26-2018.
4. Larson response to ER comments dated 10-26-2018 and received 10-26-2018.
5. Water Elevation letter from geotechnical consultant dated 10-24-2018 and received 10-25-2018.
6. Plan set containing 7 sheets dated 9-28-2018 and received 10-10-2018.
7. Permit application, dated 10-5-2018 and received 10-8-2018.
8. Permit application checklist, no date, received 10-10-2018.
9. Updated Stormwater Calculations, dated 10-25--2018 and received 10-25-2018, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions.
10. Stormwater Pollution Prevention Plan, dated 10-5-2018 and received 10-10-2018.
11. Geotechnical Report, dated 9-26-2018 and received 10-10-2018.
12. Boundary, location, topographic and utility survey map dated 5-2-2018 and received 10-10-2018.

Findings:

1. Description – The project proposes the construction of classroom additions, reconstruction of sidewalk and bituminous pavement, construction of a new bituminous bus lot and parking lot at the Brimhall elementary school, located on a 13.88 acre parcel in Roseville. Existing and proposed impervious areas are 4.6± acres and 5.57± acres respectively, resulting in 0.97± acres of new impervious and 0.7± acres of reconstructed impervious surface area. The applicant also proposes 0.96± acres of pavement rehabilitation where native soils will not be disturbed and are thus exempt from the water quality requirement per Rule C.2(f). Approximately 4.06 acres of total area will be disturbed. Runoff from the site drains to BMPs and then to city storm sewer and RCD 4 and Little Johanna Lake, the resource of concern. An application fee is not required for public entities.
2. Stormwater – The applicant is proposing the BMPs as described below for the project:



Proposed BMP Description	Location	Pretreatment:	Volume provided
Basin 1	NW area of project site	Rain Guardian	4,477± cubic feet
Basin 2	SW area of project site	Rain Guardian	2,819± cubic feet
Basin 3	NE area of project site	Rain Guardian	9,055± cubic feet
Basin 4	West of proposed parking area in NW area of project site	Rain Guardian	2,214± cubic feet

Soils on site are primarily sandy lean clay (HSG D) soils. Thus, infiltration is not considered feasible and bio-filtration is acceptable to meet the water quality requirement. Per Rule C.6(c)(1), the Water Quality requirement is 1.69-inches over the new/reconstructed area (1.6± acres) for a total requirement of 9,912± cubic feet. The applicant is proposing to achieve the water quality volume through 4 bio-filtration basins, which are appropriately sized for the contributing drainage area. The project treats 100% of the new/reconstructed impervious area. Adequate pre-treatment has been provided. Drawdown is expected within 48-hours using an appropriate rate of 1.6 inches per hour. 12-inches of sand has been provided above the drain tile. The seasonal high water table could not be determined from the provided geotechnical report, however due to HSG type-D soils movement of groundwater is not a concern. The applicant has met all the Water Quality requirements of Rule C.6 and the design criteria of Rule C.9(c).

Drainage Area	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
County Road B	2.8	1.4	5.1	2.6	11.3	9.3
Offsite South	6.0	4.1	9.4	9.1	22.5	17.7
Offsite East	2.1	1.7	4.0	3.2	8.6	6.9
Totals*	9.1	5.8	15.2	11.9	35.2	28.1
80% of existing	7.3		12.2		28.1	

\*Difference due to time of concentration

The project is located within the Flood Management Zone. The submitted information indicates that the project meets the requirement to reduce peak runoff rates for the 2-yr, 10-yr, and 100-yr storm events to ≤80% of existing rates in compliance with District Rule C.7.

The project is in compliance with the freeboard requirement of Rule C.9(g).

3. Wetlands – There are no wetlands located within the project area.
4. Floodplain – The site is not in a regulatory floodplain.
5. Erosion Control – Proposed erosion control methods include silt fence, rock construction entrances, inlet protection, hydroseeding, erosion control blanket and a concrete wash-out. An NPDES permit is required for the project. The information listed under the Erosion and Sedimentation Control Recommendations needs to be submitted. Otherwise, the project complies with RCWD Rule D requirements.
6. Drainage Systems – There are no drainage systems on or adjacent to the property.

7. Documenting Easements and Maintenance Obligations – Roseville does not require easements on private stormwater management facilities. Applicant must execute an agreement with the RCWD for the maintenance of the stormwater facilities to ensure proper functioning.
8. Previous Permit Information – Permit #14-106 (Evergreen Park Reconstruction & Underground Detention/Reuse System) was the only previous permit identified for this site.

I assisted in the preparation of this report under the supervision of the District Engineer.

 11/7/2018

Mark Christenson, EIT

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

 11-7-18

Katherine MacDonald  
MN Reg. No 44590

## **ITEMS REQUIRING BOARD ACTION**

1. Consider applicant response and Draft Resolution regarding Variance Application for Max Segler Permit 16-027. (Nick Tomczik)

**RESOLUTION NO. 2018-33**

**RICE CREEK WATERSHED DISTRICT  
BOARD of MANAGERS**

**CONCERNING REQUEST FOR VARIANCE  
PERMIT No. 16-027, MAX SEGLER**

Manager \_\_\_\_\_ offered the following resolution and moved its adoption, seconded by Manager \_\_\_\_\_:

**BACKGROUND**

1. On May 11, 2016, the Rice Creek Watershed District (RCWD) Board of Managers ("Board") approved Permit No. 16-027 with conditions, for issuance to Max Segler ("Permittee"). The work encompassed construction of a single-family residence with a driveway crossing over a wetland and associated floodplain.
2. To preserve flood storage capacity, RCWD Rule E.3(b) requires that for any fill placed in floodplain, an equal amount of replacement flood storage volume be created during the term of the permit. Among other conditions, Permit No. 16-027 required creation of flood storage replacement volume equal to the amount of fill in floodplain that the applicant's engineer estimated the wetland crossing would require. In addition, the permit required Permittee to submit an as-built survey of floodplain fill impact and replacement volume to confirm compliance. Permittee proposed to fill 26 +/- cubic yards (CY) of floodplain for the crossing, and his submitted plans designated the location where replacement volume would be created. The approved plans were incorporated into the permit.
3. Permittee completed construction of the residence and of an 18-foot wide surface driveway with 3:1 side slope. According to the District engineer's review of the as-built survey, the project placed a total of 24 CY of fill within the floodplain.
4. All work under the permit has been completed, except for the required creation of replacement flood storage volume. The permit term has elapsed. On May 9, 2018, Permittee appeared before the Board and his concern regarding the permit condition was discussed at length. On August 23, 2018, Permittee submitted a request for an after-the-fact variance, asking to be relieved of the responsibility to fulfill the outstanding permit condition. The Board has considered this request at its regular meetings of September 26, 2018, and October 10, 2018.
5. The Board has reviewed the request in accordance with District Rule L: Variances. Under this rule, to grant a variance, the Board must find:
  - Special conditions apply to the structure or land that do not apply generally to other land or structures in the District.
  - Because of the property's unique conditions, undue hardship or practical difficulty to the applicant would result if the strict letter of the rule were applied. Economic

considerations alone do not constitute undue hardship if reasonable use of the property exists.

- The proposed activity will not adversely affect public health, safety or welfare; create extraordinary public expense; or adversely affect water quality, water control or drainage; and
- The intent of the rule is met.

6. The Board has applied the “practical difficulty” standard rather than the “undue hardship” standard, in that the former is not as strict for the applicant to meet. Under Rule L, the Board determines whether “practical difficulty” has been shown by considering the following criteria:

- Criterion (a): How substantially the request varies from the rule requirement.
- Criterion (b): The effect of the variance on government services.
- Criterion (c): Whether the variance would substantially change the character of watershed resources or be a substantial detriment to neighboring properties.
- Criterion (d): Whether the practical difficulty can be alleviated by a technically and economically feasible method other than a variance.
- Criterion (e): How the practical difficulty occurred and whether the landowner created the need for the variance.
- Criterion (f): Whether the variance will serve the interests of justice.

7. In his variance request, Permittee states that creation of replacement flood storage volume would require the removal of valuable forest edge habitat that also serves as natural wetland buffer. He cites as well the expense associated with tree removal, excavation and site restoration. His request includes a letter from his consultant, Wayne Jacobson of Jacobson Environmental, PLLC, which notes that during 2016, in which total precipitation reached a 25-year high, the driveway structure caused no flooding. It includes as well a July 30, 2018, letter from Kathleen Castle, City Planner, stating that the City prefers maintaining forested buffer vegetation, though it does not object to the RCWD’s requirement. An April 11, 2018 letter from Tom Wesolowski, City Engineer, confirms that the location identified for volume replacement in Permittee’s plans and incorporated into the permit is acceptable to the City.

8. In a September 19, 2018 memorandum, the District engineer evaluates the technical basis for the variance request pursuant to the above criteria. The engineer recommends that the variance be denied due to the absence of practical difficulty, for reasons including the following:

a. Per criterion (c), while the one-time loss of 24 CY of floodplain volume likely will not have a significant impact on the 100-year floodplain elevation, multiple occurrences of floodplain storage volume loss could result in an impact to the 100-year elevation. Also, the absence of flooding under high annual precipitation levels is not indicative, as the purpose of preserving flood storage is for individual high-intensity precipitation events or concentrated intervals of high-intensity precipitation.

b. Also per criterion (c), the applicant has not quantified the number of trees that would need to be removed, has not provided their sizes, and has not sought to assess the buffer function that would be lost to create the required replacement flood storage. Historically, the RCWD has not considered tree removal to be a practical difficulty, in that trees regularly are removed in constructing projects.

c. Per criterion (d), the flood storage replacement location is as identified and proposed by Permittee in his submitted plans, indicating that the Permittee did not consider meeting the permit condition in this location to be infeasible.

d. Per criterion (f), the need to remove trees to comply with the permit condition, and the cost of doing so, are not site-specific conditions.

9. On September 24, 2018, Permittee telephoned District engineer Greg Bowles and related the following additional reasons and arguments for the after-the-fact variance:

a. During driveway construction, subsurface utilities such as gas, electric and sewer were placed through the area designated for flood storage replacement, thus making it impossible to meet the condition at the location specified in the plans without relocating the utilities.

b. Alternative areas to excavate for flood storage replacement, referenced as areas B1 and B2, were evaluated but are not feasible because they would require tree removal as well, both to create the flood storage volume and further to allow equipment ingress to and egress from the location.

c. Loss of trees would result in less water taken up by tree roots.

d. Neighbors and the City prefer the trees to remain as buffer.

10. The Board considered these additional matters at its September 26, 2018 meeting. At the conclusion of the meeting, Permittee was advised that the Board would act on the request at its October 10, 2018 meeting. RCWD staff advised Permittee that he would bear the burden to support the variance request, including information about the following:

a. The depth and alignment of the utilities and, in light of that, whether some or all of the flood volume replacement in the permit-designated area can be achieved.



- b. Whether the utilities could have been located differently so as to not interfere with replacement in the permit-designated area.
- c. Whether some amount of volume replacement can feasibly be provided higher on the site, with a hydraulic connection to the basin.
- d. From the city, what potential buildout remains within the relevant shoreland area.
- e. From the city, documentation of any landmark trees on the parcel and how the city code regulates removal of a landmark tree.

Permittee was advised that technical information would be most authoritative if prepared by Permittee's technical representative.

11. Thereafter, Permittee submitted further support for the arguments he has advanced above. The District engineer has reviewed this added material in an October 4, 2018 addendum to its memorandum. Permittee's submittals are attached to that memorandum. In his submittals, Permittee includes a drawing prepared by his technical consultant that identifies a location where an estimated 12.7 cubic yards of flood storage replacement can be achieved. Permittee notes that the area proposed for flood storage contains 18 trees of 16-inch diameter, and five trees of 24-inch diameter. The District engineer advises that on the basis of the elevation the District uses to determine compensatory storage, Permittee may be able to achieve additional volume and potentially the full amount required.

## FINDINGS

12. The minutes of the Board's regular meetings of May 9, 2018; September 26, 2018; and October 10, 2018; and the documents regarding this matter within the official materials of those meetings; are incorporated into the record of this variance consideration.

13. Special conditions apply to Permittee's structures or lands, by virtue of the relation of the wetland to the buildable portion of the land and the location of crossing access. Special conditions do not include the need to remove trees to create the required flood storage replacement. Trees regularly are removed for site development. The record does not indicate that the trees located within the area designated by Permittee include those specially designated by scientific standards or official controls for preservation. The City defines trees of certain diameter as "landmark" trees, but Permittee does not document whether any such trees lie within the flood storage replacement location. Further, the City engineer advises that if landmark trees must be removed to conform to a District permit, the City does not require tree replacement.

14. Permittee has demonstrated practical difficulty, based on a weighing of the following:

- a. Permittee himself proposed the location of flood storage replacement. At that time, necessarily, Permittee considered replacement in that location to be

reasonably achievable. However, difficulty has resulted from the placement of subsurface utilities within the replacement area.

b. Although the proposed instance of fill would not raise the 100-year flood elevation of the wetland basin significantly, the District engineer advised that the cumulative allowance of fill in proportion to that requested by Permittee could result in problematic loss of flood storage within the floodplain of Long Lake. It is RCWD policy to carefully preserve regional flood storage volume within the Lower Rice Creek planning region, where the Permittee's work is located. The District's watershed management plan (for example, sections 3.3.5, 5.5, 6.3.2.5 and 8.3.2) identifies water quantity management as an important priority and one that is addressed through the District's regulatory program.

c. Granting the variance would not affect government services, as it would not serve as a precedent for floodplain fill applications to be determined on a case-by-case basis, instead of by the uniform criterion of Rule E.3(b). A variance in this case would be based on the unique conditions of the parcel configuration in relation to the wetland and the location of the subsurface utilities that, the Board finds, is due in part to excusable circumstances.

d. Permittee has submitted a drawing prepared by his technical consultant that represents that a minimum of 12.7 cubic yards of replacement can be provided.

e. Permittee has not documented that it was impossible to locate the utilities outside of the designated replacement location. By installing the utilities in the asserted location, at a time when Permit No. 16-027 was in effect and designated that location for excavation, Permittee created the need for the variance. However, the Board finds that the circumstances under which the utilities were placed in that location mitigate Permittee's responsibility for that and allow the Board to conclude that Permittee should not be required to move the utilities in order to utilize the replacement location identified in the permit.

15. At the October 10, 2018 Board meeting, Permittee represented to the Board that he will achieve at least 14 cubic yards of flood volume replacement and that he accepts a variance under the terms set forth below.

**THEREFORE BE IT RESOLVED** that the August 23, 2018 variance request for relief from Rule E.3(b) under Permit No. 16-027 is granted, with the following conditions:

- Before work begins, Permittee must record on the property a covenant that any fill threshold exemption under the District's floodplain alteration or equivalent rule will be inapplicable to any further floodplain fill activity on the property.
- Before work begins, Permittee will pay to the District the amount of \$712.50 for outstanding variance review fees.
- Permittee will create the greatest amount of flood storage replacement feasible within the area delineated in Attachment A to this resolution. Permittee will supply an as-built



survey and such other documentation that demonstrates the creation of at least 14 cubic yards of flood storage replacement.

- Stipulation 2 of Permit 16-027 is revised to read: "Applicant must provide an as-built survey of the flood plain impact and mitigation area to the District for verification of compliance with the approved plans and the variance approved on November 14, 2018."

The question was on the adoption of the Resolution and there were \_\_\_ yeas and \_\_\_ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PREINER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WALLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the resolution \_\_\_\_\_.

\_\_\_\_\_  
Michael Bradley, Secretary

Dated: November 14, 2018

\* \* \* \* \*

I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

**IN TESTIMONY WHEREOF**, I hereunto set my hand this November 14, 2018.

\_\_\_\_\_  
Michael Bradley, Secretary

## **ITEMS REQUIRING BOARD ACTION**

2. Consider RCWD Water Quality Cost-Share Application R18-12 Jacob Shoreline Restoration, Arden Hills. (Samantha Berger)

## MEMORANDUM

### Rice Creek Watershed District

**Date:** November 8, 2018  
**To:** RCWD Board of Managers  
**From:** Samantha Berger, District Technician  
**Subject:** R18-12 Jacob Shoreline Restoration  
RCWD Water Quality Grant Program Application

#### R18-12 Jacob Shoreline Restoration

- Location: 1492 Arden Place, Arden Hills, MN
- Project Type: Shoreline Restoration and Buffer Planting
- Total Eligible Project Cost: \$3,988.76
- RCWD Cost-Share Recommendation: \$1,994.38 (50%)

#### BACKGROUND

This project proposes the restoration and stabilization of approximately 72 square feet of shoreline located off Lake Johanna in Arden Hills. The site is located in a cove of Lake Johanna on the north end of the lake. Lake Johanna is a Tier 1 waterbody in the RCWD Watershed Management Plan. This site is adjacent to the project previously approved at the last CAC meeting for the Larson property (R18-12). The landowners are intending to utilize the same contractor for the work.

The existing condition of the site consist of mowed grass and concrete blocks all the way to the shoreline with some undercutting occurring at the bank. The design for the project will include the following: installation of a planted coir log, and buffer plantings. The project will help filter runoff coming from the home (catchment of 11,765 square feet) while providing habitat along the lakeshore and erosion protection.

At the last CAC meeting, we discussed the effectiveness of coir logs and the question of whether to fund these types of bio-engineering projects at a higher level. The CAC was ultimately supportive of funding at the 75%; however, the Board was concerned about the longevity of bio-logs and decided to ultimately fund the project at the 50% level—which is consistent with our funding level typically provided for shoreline projects.

The applicant obtained two bids for the project. Field Outdoor Spaces at \$3,988.76 and MN native Landscapes at \$4,625.00

The estimated pollutant reductions for the shoreline restoration are as follows: a 51% reduction in volume (2,950.45 cubic feet); 109.74 lbs. of reduction in TSS, a 81% reduction; and 0.12 lbs. reduction in TP, a 50% reduction. Ramsey County recommended the project be funded at the 75% level. However, based off the previous project approval and the fact that we typically we fund shoreline projects at 50%, staff is recommending that we fund the project at 50%.

The project was considered at the CAC meeting on November 7<sup>th</sup>. There was discussion on other types of bio-engineering practices. Staff indicated that other “soft armoring” practices include the biologs and cedar tree revetments. Ultimately, a decision was made to approve the project at the 50% level. Motion carried.

#### RECOMMENDATION

RCWD’s Citizen Advisory Committee and Staff recommend that the RCWD Board of Managers approve Water Quality grant funds for R18-12 for the Jacob Shoreline Stabilization

Proposed motion: Manager \_\_\_\_\_ moves to approve RCWD Water Quality Grant Program Contract R18-12 for the Jacob Shoreline Stabilization, up to \$1,994.38 and not to exceed 50% of eligible project expenses, in accordance with established program guidelines.

**To:** RCWD Advisory Committee  
**From:** Brian Olsen: Environmental Resource Specialist  
**Date:** 10-October-2018  
**Re:** Christine Jacob Cost Share Application

**Project:**

1492 Arden Place  
 Arden Hills, MN 55112  
 Shoreline Restoration & Buffer Planting

**Material & Labor Estimate:** \$3,988.76  
**Cost Share Request:** \$2,991.57

**Background:**

The proposed shoreline restoration is on the south side of a residential property on Lake Johanna in Arden Hills. Current conditions are an eroding shoreline with mowed grass up to the water edge. There is also concrete blocks along the shore to try to stop the erosion. Lake wave action is undercutting the bank and eroding sediment. Water currently flows from the house and lawn into the lake. As a result, ecological function is limited along the shoreline and pollutants and sediment are running off from the house and eroding bank into Lake Johanna.

The proposed project is to remove the existing turf grass and concrete blocks, establish a restored shoreline by installing a native planting to create a buffer between the lawn and the lake, and use a coir log to protect the plants near the water edge. This project looks to create a stable shoreline by establishing a natural planting to slow and filter the water that flows off of the property into the lake to help remove pollutants and filter sediment. The planting will also serve to create a much healthier natural habitat along the lake edge since the restoration will be restored to a more native state, and be connected to a similar project at the neighboring property.

Total catchment area treated by proposed project is 11,765 square feet. Once established, this shoreline will stabilize the erosion and be an effective measure to filter runoff, reduce sediment movement, and reduce the rate and volume of stormwater that would otherwise runoff into Lake Johanna, as well as create a healthy ecosystem of a native shoreline habitat.

**Recommendation:**

It is my recommendation that this project be awarded cost share in the amount of \$2,991.57 or 75% of the eligible project costs, whichever is less.

**Pollution Reductions:**

	<i>Before</i>	<i>After</i>	<i>Reduction</i>	<i>Red. %</i>
Volume (cu-ft/yr)	5,733.43	2,782.98	2,950.45	51%
TSS (lbs/yr)	135.48	25.74	109.74	81%
TP (lbs/yr)	0.1975	0.0812	0.1163	58%





# EXHIBIT A: Site Drainage



## PROPOSED PROJECTS

ID	PROJECT TYPE	SIZE [SQ-FT]	COST ESTIMATE	ESTIMATED GRANT AWARD	AFFECTED WATER BODY	CLEAN WATER BENEFIT
A	SHORELINE RESTORATION	65	\$3,988.76	\$2,991.57 [75%]	LAKE JOHANNA	SEDIMENT/PHOSPHOROUS

## LEGEND

 SHORELINE BUFFER	 STORMWATER RUNOFF
 WATER FLOW	 CONTOUR LINE (2')

## NOTES

CONCEPTUAL DRAWING FOR REFERENCE USE ONLY  
 \* DISCLAIMERS:  
 1. COST SHARE FUNDING UP TO 75%, CAPPED AT \$7,500 PER PROJECT  
 2. COSTS AND PERCENTAGES ARE ESTIMATES. FUNDING IS DEPENDENT ON APPROVAL BY THE RCWD BOARD OF SUPERVISORS

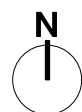
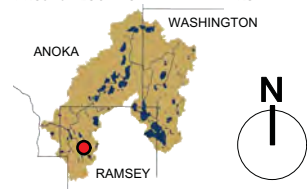


## CLEAN WATER PLAN

**PROPERTY OWNER:**  
 CHRISTINE JACOB  
**ADDRESS:**  
 1492 ARDEN PLACE  
 ARDEN HILLS, MN 55112

**DATE:** 10/08/18  
**CLEAN WATER PLAN PROVIDED BY:**  
 RICE CREEK WATERSHED DISTRICT [RCWD] &  
 RAMSEY COUNTY PARKS & RECREATION  
 SOIL & WATER CONSERVATION DIVISION

PROJECT LOCATION WITHIN WATERSHED:

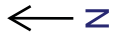






### Legend

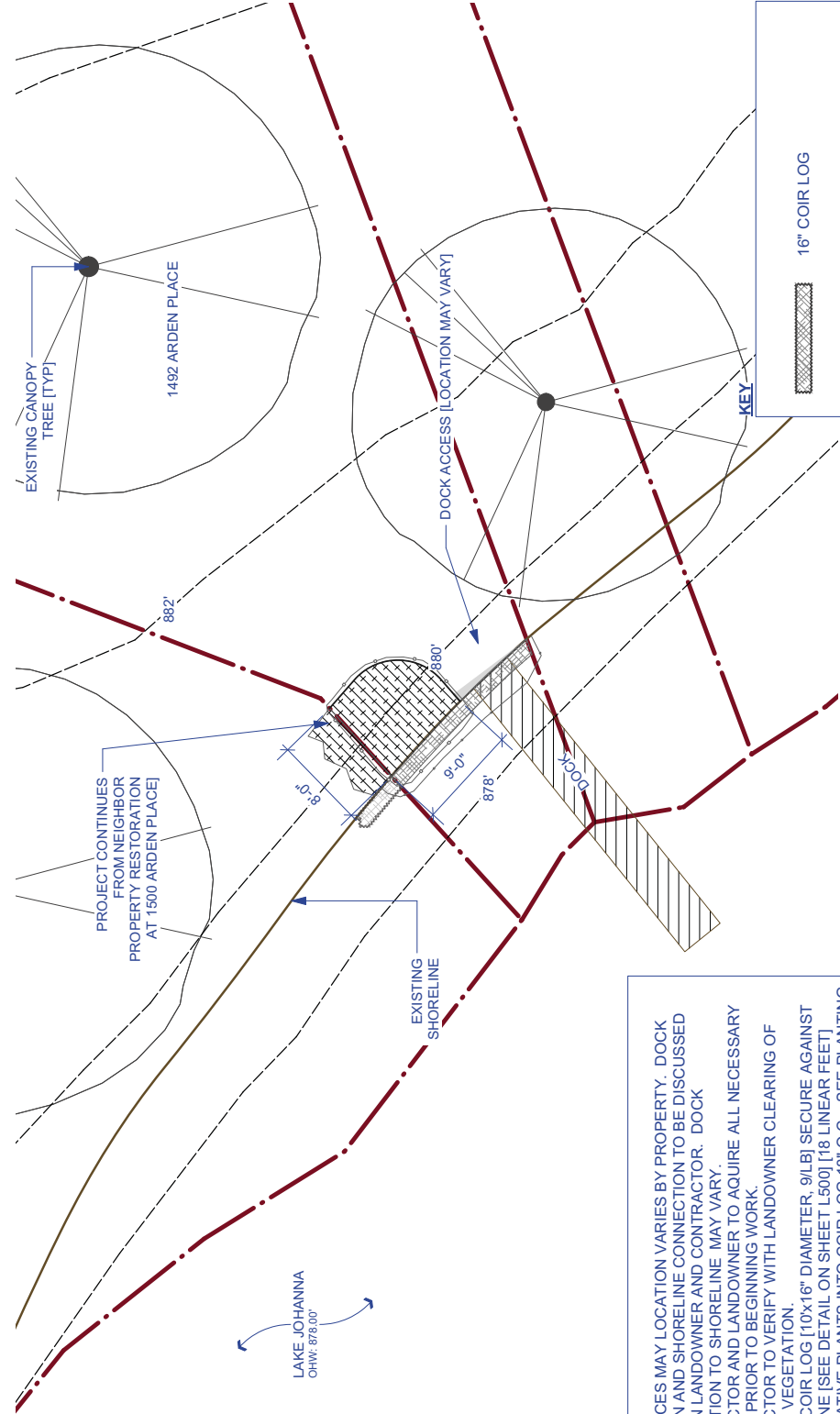
-  District Boundary
-  Project Location
-  Public Waterway
-  Previous Grant Projects
-  Public Ditch - Open Channel
-  Public Ditch - Stormsewer
-  Public Ditch - Municipal
-  Public Ditch - Tile
-  Private Natural Waterway





LAYOUT PLAN

L100



**KEY**

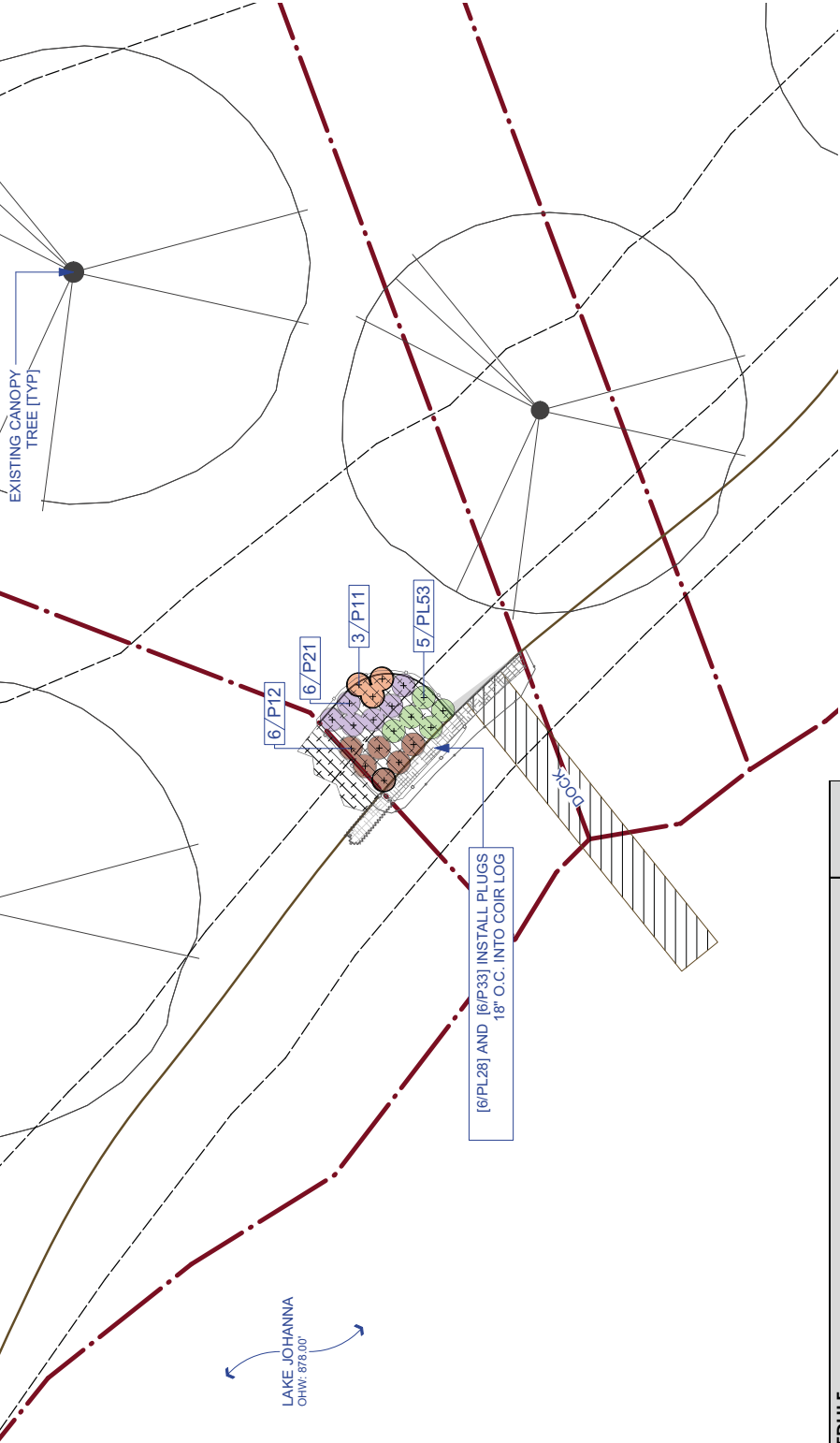
- 16" COIR LOG
- NAG BIONET C125 [OR APPROVED EQUIVALENT]
- PROPERTY LINE [APPROXIMATE]
- SILT CURTAIN/SILT FENCE [OR EQUIVALENT]
- HERBIVORE EXCLUSION FENCE

**NOTES CONTINUED:**

11. SEEDING/PLANTING ALTERNATE:  
 ALTERNATE PLANTING PLANT TO INCLUDE NATIVE SEED MIX TO BE INSTALLED ALONG WITH POTTED PLANTS. IF THIS STRATEGY IS USED, MULCH WILL NOT BE ADDED AS THE SEEDING WITH NATIVE SPECIES, COVER CROP, AND EROSION CONTROL BLANKET WILL BE SUFFICIENT. VERIFY THIS STRATEGY AND NATIVE SEED MIX WITH SOIL & WATER DIVISION STAFF PRIOR TO INSTALLATION.
12. SIZE/SHAPE/LOCATION OF BUFFER PLANTING MAY VARY. VERIFY WITH LANDOWNER. MAINTAIN APPROXIMATE SQUARE FOOTAGE OF PLANTING.

**NOTES:**

1. DOCK ACCESS MAY LOCATION VARY BY PROPERTY. DOCK LOCATION AND SHORELINE CONNECTION TO BE DISCUSSED BETWEEN LANDOWNER AND CONTRACTOR. DOCK CONNECTION TO SHORELINE MAY VARY.
2. CONTRACTOR AND LANDOWNER TO ACQUIRE ALL NECESSARY PERMITS PRIOR TO BEGINNING WORK
3. CONTRACTOR TO VERIFY WITH LANDOWNER CLEARING OF EXISTING VEGETATION.
4. INSTALL COIR LOG [10"x16" DIAMETER, 9/LB] SECURE AGAINST SHORELINE [SEE DETAIL ON SHEET L500] [18 LINEAR FEET] [PLANT NATIVE PLANTS INTO COIR LOG 18" O.C. - SEE PLANTING PLAN]
5. RE-GRADE SHORELINE WHERE NECESSARY FOR COIR LOG AND PLANTING INSTALLATION.
6. COVER PLANTING AREA IN NAG BIONET C125 EROSION CONTROL BLANKET [65 SQ-FT] [OR APPROVED EQUIVALENT]
7. INSTALL 2"-THICK TWICE SHREDDED HARDWOOD MULCH OVER EROSION CONTROL BLANKET [PLANT NATIVE PLANTS THROUGH EROSION CONTROL BLANKET AND 2"-THICK MULCH] [SEE PLANTING PLAN ON SHEET L400]
8. INSTALL STEEL EDGING ON LANDWARD SIDE OF PLANTING AREA. INSTALL EDGING FLUSH WITH GRADE [15 LINEAR FEET]
9. INSTALL HERBIVORE EXCLUSION FENCE SURROUNDING PLANTING AREA [4' VINYL-COATED WIRE FENCING; 5.5' T-POSTS INSTALLED 10' ON CENTER] [36 LINEAR FEET]
10. INSTALL SILT CURTAIN/FENCE OR EQUIVALENT PRIOR TO SOIL DISTURBANCE. [-22 LINEAR FEET] [AS NECESSARY]



PLANT SCHEDULE				
Qty	Latin Name	Common Name	Size	Spacing
P11	Asclepias tuberosa	Butterfly Weed	4" Pot	24" O.C.
P12	Lobelia cardinalis	Cardinal Flower	4" Pot	24" O.C.
P21	Liatis spicata	Marsh Blazing Star	4" Pot	24" O.C.
PL53	Carex hystericina	Porcupine Sedge	4" Pot	24" O.C.
PL28	Carex lacustris	Lake Sedge	2" Plug	18" O.C.
P33	Mimulus ringens	Monkey Flower	2" Plug	18" O.C.
<b>6</b>	<b>32</b>	<b>TOTAL PLANTS</b>		

**NOTES:**  
 11. SEEDING/PLANTING ALTERNATE:  
 ALTERNATE PLANTING PLANT TO INCLUDE NATIVE SEED MIX TO BE INSTALLED ALONG WITH POTTED PLANTS. IF THIS STRATEGY IS USED, MULCH WILL NOT BE ADDED AS THE SEEDING WITH NATIVE SPECIES, COVER CROP, AND EROSION CONTROL BLANKET WILL BE SUFFICIENT. VERIFY THIS STRATEGY AND NATIVE SEED MIX WITH SOIL & WATER DIVISION STAFF PRIOR TO INSTALLATION.

RAMSEY COUNTY SWCD  
 1435 PAUL WIRKWOOD DR  
 ARDEN HILLS, MN 55112  
 651-266-7280  
 www.ramseycounty.us

PROJECT: JACOB, CHRISTY  
 LOCATION: 1492 ARDEN PLACE  
 ARDEN HILLS, MN 55112  
 WATERSHED DISTRICT: RICE CREEK WATERSHED DISTRICT

DESIGNER: BTO  
 DATE: 08/28/18  
 REVISION:  
 REVISION:  
 REVISION:  
 CHECKED BY:  
 TAA:

NOTES:  
 PLANT SUBSTITUTIONS MAY OCCUR  
 MUST RECEIVE STAFF APPROVAL  
 PRIOR TO INSTALL. PLANT LOCATION  
 MAY VARY.  
 INSTALL PLANTS THROUGH EROSION  
 BLANKET AND 2" THICK MULCH  
 SEED INSTALLATION MAY OCCUR AS  
 ALTERNATE OR IN ADDITION TO PLANTING  
 MUST RECEIVE APPROVAL PRIOR TO  
 INSTALL

SCALE: 1"=10'-0"

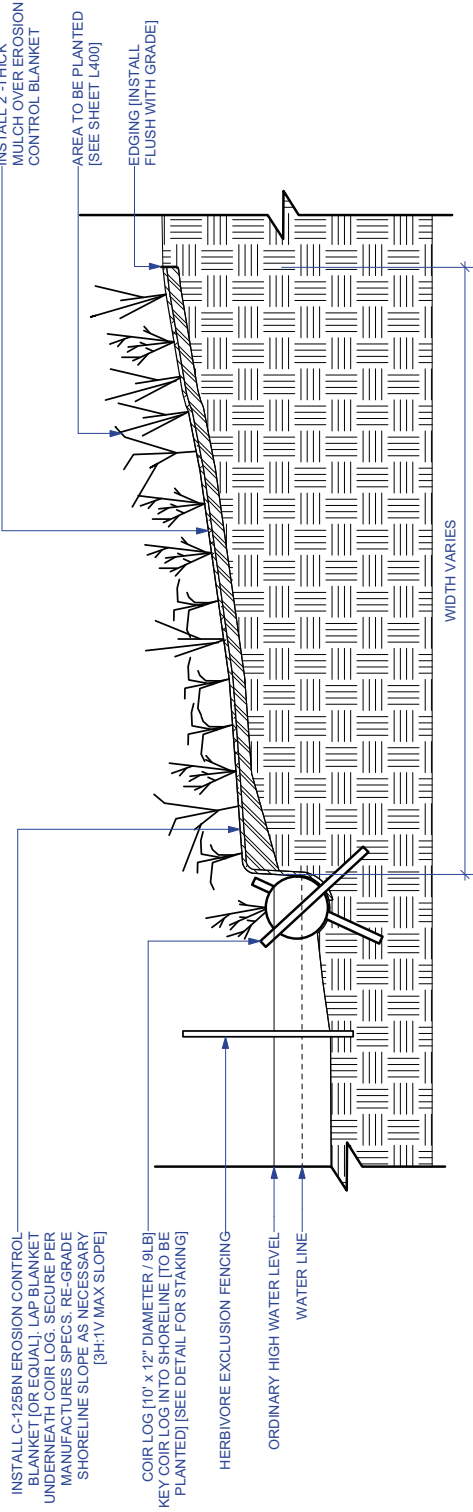
PLANTING PLAN

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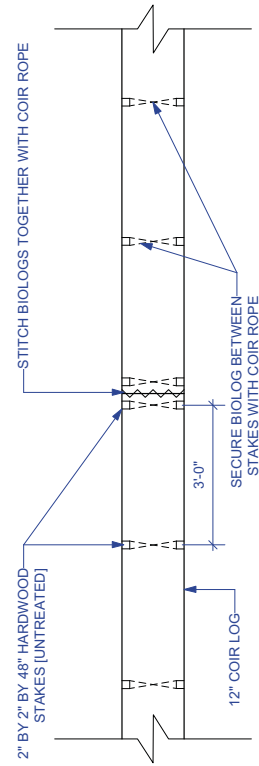
L200



**1** SHORELINE SECTION [TYP]  
Scale: 3/8" = 1'-0"



**2** COIR LOG DETAIL [TYP]  
Scale: 3/8" = 1'-0"





Prepared By: Rob Schultz – Project Manager  
 Minnesota Native Landscapes, Inc.  
 Date Submitted: 10/4/2018  
 Submitted to: Laura Larson  
 Christy Jacobs

Proposal for Lakeshore Restoration at  
 Larson and Jacob Residence  
 1500 Arden Place  
 Arden Hills, MN 55112

**Larson Project Area:** ~665 Sq. Ft.-West Buffer and 240 Sq. Ft.-East Buffer

**Procedure:**

- » Conduct a selective prep herbicide application targeting the undesirable vegetation. Care will be taken to keep existing good natives present within the buffer.
- » Based on the volume of existing vegetation present on the site as a preparatory step MNL proposes to conduct a prescribed burn of the area to remove existing thatch and open the area for mulching and plug installation. MNL will be responsible for obtaining all necessary burn permits as well as notifying the proper local authorities prior to burning. If a burn cannot occur based on weather or other factors out of our control, MNL will weed whip the site prior to installation.
- » Installation of the coir logs will start on the most eastern boundary of the Jacob’s residence and continue westward to an area on the Larson’s lakeshore where there is an abundance of existing native vegetation. Roughly 110’ in total distance.
- » Installation of a natural netting blanket C125BN will span across the entire planting area working around existing natives that were salvaged during prep.
- » The installation of 6” black plastic edging will be used as a barrier between the existing turf edge and the native planting buffer. Based on the uneven terrain of the existing property, there may be some areas that are not able to be installed flush with grade. No additional fill will be brought in to level out the area.
- » Two inches on natural hard wood mulch will then be placed across the planting areas.
- » Once mulch is placed, installation of the 4” pots will take place as per Ramsey County’s design. Depending on water levels, the call for 2” plugs into the coir log may need to be altered so as to have a successful planting in those areas. A representative from Ramsey and MNL will make the determination on placement at time of planting. Once the plants are installed, MNL will water them thoroughly that day.
- » Turf restoration will be determined if needed based on the disturbance made from the project installation. If deemed needed between the landowner and MNL, the area will be seeded and covered with certified weed free straw.

	<b>Item</b>	<b>Units</b>	<b>Qty</b>	<b>Unit Price</b>	<b>Total Price</b>
<b>Prep:</b>	<del>Herbicide Application</del>	EA	2	<del>\$250.00</del>	<del>\$500.00</del>
	<del>Clearing by Prescribed Burn/Weed Whip</del>	LS	1	<del>\$500.00</del>	<del>\$500.00</del>
<b>Installation:</b>	Mobilization	LS	1	\$600.00	\$600.00
	Erosion Control (Water’s Edge)	LF	105	\$9.00	\$945.00
	Coir Log (16”/9lb)	LF	80	\$35.00	\$2,800.00
	Super Edge Plastic Edging (6”)	LF	102	\$4.50	\$459.00
	Twice Shredded Hardwood Mulch	CY	4	\$85.00	\$340.00
	C125BN	SY	74	\$7.50	\$555.00
	2” Native Perennial Plug	EA	66	\$3.50	\$231.00
	4” Native Perennial Pot	EA	179	\$6.50	\$1,163.50
	Turf Restoration	LS	1	\$350.00	\$350.00
	<del>Herbivore Exclusion Fence (4’ Snow Fence)</del>	LF	218	<del>\$2.50</del>	<del>\$545.00</del>
Disposal/ Material Haul Away	LS	1	\$500.00	\$500.00	
					<b>\$9,698.50</b>

**Procedure:**

- » All items pertaining to the buffer planting are similar to the above Larson Residence.
- » After conversations with Ramsey County SWCD, it is recommended to remove the existing the retaining wall block along both sides of the dock. The plan is to leave a section under the dock to allow for a base for the dock to be situated on. This will be discussed with the landowner prior to material removal. The removal will be completed by the landowner and placed in one single pile for MNL to remove.

**Jacob Project Area: ~240 Sq. Ft.-Buffer**

	Item	Units	Qty	Unit Price	Total Price
Prep:	Herbicide Application	EA	2	\$100.00	\$200.00
	Clearing by Prescribed Burn/Weed Whip	LS	1	\$300.00	\$300.00
	Retaining Wall Block Disposal	LS	1	\$600.00	\$600.00
Installation:	Mobilization	LS	1	\$600.00	\$600.00
	Erosion Control (Water's Edge)	LF	30	\$9.00	\$270.00
	Coir Log (16"/9lb)	LF	30	\$35.00	\$1,050.00
	Super Edge Plastic Edging (6")	LF	30	\$4.50	\$135.00
	Twice Shredded Hardwood Mulch	CY	1.5	\$85.00	\$127.50
	C125BN	SY	27	\$7.50	\$202.50
	2" Native Perennial Plug	EA	80	\$3.50	\$280.00
	Turf Restoration	LS	1	\$200.00	\$200.00
Disposal/ Material Haul Away	LS	1	\$300.00	\$300.00	
					<b>\$4,265.00</b>

\*The installed restoration area will require on-going vegetation management in the first three growing seasons to ensure their success. MNL's vegetation management controls and minimizes all weedy and undesirable species while native species establish and flourish. Vegetation management will include multiple weed control visits during the year which include but not limited to entire site or spot mowing, hand weeding and spot spraying. This would be contracted separately if desired.

**Contract Information:**

If you wish to contract MNL for these services, please return one signed copy of this agreement to:

- » Minnesota Native Landscapes, Inc. (MNL) 8740 77th St NE, Otsego MN 55362
- » Email: Rob@MNLcorp.com

**Notes:**

1. In order to be able to access the areas under the dock the first section of deck must be removed by owner prior to installation.
2. All herbicide applications will be conducted by Minnesota Department of Agriculture licensed applicator(s).
3. Quantities to be adjusted as needed based on final site conditions. Unit pricing will apply to final quantities used.
4. This quote does not include the placement or grading of any topsoil and assumes acceptable growing soils will be provided.
5. MNL cannot be liable for unseen, unmarked items within the restoration area. All items under 3 ft. must be clearly marked to avoid damage or injury.
6. MNL does not warranty against acts of vandalism, severe drought, flooding, ice heave action or damages caused by wildlife.
7. Quote assumes a Locate to identify any underground utilities in the seeding area(s) to be completed by **MNL, Inc.** The presence of shallow utilities, electric lines, invisible fencing etc. may alter pricing. Any privately owned/ installed underground obstacles are **Owner's** responsibility to mark. MNL will not be liable for damages.
8. This quote includes watering the day of planting. Any further watering will be completed by homeowner.
9. This quote does not include maintenance.
10. MNL does not guarantee the success of the restoration without performing all services, including the first three years of maintenance.
11. This quote is good for a period of 30 days.
12. All work will be billed following completion, with payment being due within 30 days of receipt of invoice. *Any amount remaining unpaid beyond 30 days shall incur a 1½% monthly finance charge.*

**Submitted By:**

**To accept this quote sign here:**



**Robert Schultz**

**Sign**

**Date**

**DATE: 10/1/18**

## **Shoreline Stabilization**

Christy Jacob  
1492 Arden Place W  
Arden Hills, MN 55112



**Please read the entire contract as it describes conditions of sale, customer responsibilities and other information. This contract is valid for 30 days.**

This contract encompasses a unique plan and estimate created for client named above. The contract with the client includes this contract, as well as the plan provided to the client (if applicable) and the full estimate.

### **Insurance**

Field maintains general liability, property damage and workman compensation insurance. Field is happy to provide a certificate of insurance upon request.

### **Lien Notice**

Any person or company supplying labor or materials for this improvement to your property may file a lien against your property if that person or company is not paid for their contributions.

### **Change Orders**

Field strives to foresee any challenges we may encounter, however surprises do happen and can result in a Change Order. If there is a change the Designer or Foreman will contact you and explain why a change is needed and give you a price based on material cost and an hourly labor rate of \$58 an hour. If you verbally approve this change an email will be sent out detailing the change in the estimate.

### **Payment**

Client will be invoiced directly after completion of the project, and payment is due according to Payment Schedule below. A service charge of 2% per month will be issued on payments not received within thirty days of the invoice date. All quoted prices are subject to state and local sales tax. Projects that are over two weeks, or split up over the season, or involve subcontractors can be subject to "In Progress" invoicing. If, in the event the project has incomplete with outstanding punch list items, it is acceptable to withhold 10% of final payment until the items are resolved.

**Credit Cards:** Field accepts Master Card and Visa as a convenience to our clients for all types of payments. Since we don't want to increase our overall pricing to all clients to account for processing fees, a fee of 3.5% will be added to any invoice paid with a credit card.

<b>Payment Schedule</b>	
<i><b>Initial Payment</b></i>	<i><b>Final Payment</b></i>
<i><b>Deposit Due At Signing For Project Scheduling</b></i>	<i><b>Invoice Due Within 3wks of Project Completion</b></i>
<i>50% of Estimate</i>	<i>Remainder of Invoice</i>

**DATE: 10/1/18**

**Underground Utilities.**

Public: Any public utilities will be marked prior to construction.

Private: Any known private utilities disturbed during our installation will need to be addressed, and if outdated, will need to be brought up to code. In most cases, Field will trench and install new conduit and client will need to schedule an electrician to complete the wiring (If you do not have a regular electrician, Field can recommend one). Field will invoice the trenching and conduit in a Change Order; Electrician's cost is separate from Field's.

Field is not responsible for incorrectly marked, unmarked or not buried to standard depth utilities. Field works in a conscience and responsible manner and will do everything we can do to avoid underground utilities in the work area. The most common utilities encountered are cable/phone and private electric. If the power from a home to a garage is running underground and is older than 10-20yrs, it is very likely running without a conduit, 8" underground, and is not up to code. Depths for electrical to be up to code; 6-18" metal conduit, 18-24" pvc conduit, & 24" no conduit needed. Any known private utilities will be located with our equipment and/or careful excavation, but Field reserves the right to discuss the remediation before resuming the project and the remediation may incur a Change Order. If we sever a line we can attempt to temporarily fix it, but you may need to contact your service provider.

**Plant Warranty**

Client will be charged for all plant material installed based on the plant list in this estimate. Some changes will occur based on availability, quality of available nursery stock and qualitative judgment during installation. If more or fewer plants are required, client will be invoiced for the plant material that is installed.

All purchased plants are warrantied up to one year, with the exception of marginally hardy varieties. Our warranty demands that the client has kept plants watered for the entire period of the warranty. If client purchases plants separately and Field installs them, the plants are not warrantied through us. If Field orders the plants and the client installs, the plants are covered under our warranty. PLEASE ASK YOUR DESIGNER ABOUT DETAILS ON EACH PLANT.

We DO NOT warranty transplanted / re-located plants. We DO NOT warranty sod or seed.

**Hardscape Warranty**

Paver / flagstone patios, walkways and stone / block retaining walls carry a three year warranty on craftsmanship. Field will repair, replace and/or adjust the installed items should they show minor to major degradations from the original craftsmanship. Minor defects are warrantied up to 3 years (i.e. chipping, washout, buckling, major crumbling, cracks / breaks). Major defects are warrantied after the 3 years up to 10 years (i.e. major settling, at risk crumbling, major material degradation). Field is not responsible for damage due to natural disasters, flooding, house / property settling, accidents or physical / mechanical damage due to automobiles, snow blowers or other tools. Please refer to the manufacturer for material warranties.

This agreement shall be governed and construed in accordance with the laws of the State of Minnesota.

**Client has read and agrees to the terms in this document and understands the tasks to be completed by Contractor, as defined in this contract, the plan and estimate.**

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date



**DATE: 10/1/18**

## **Shoreline Restoration**

Christy Jacob  
1492 Arden Place W  
Arden Hills, MN 55112

ande1637@umn.edu



### **Demolition and Preparation**

- Treat invasive/non-desirable vegetation along shoreline with herbicide application (approximately 84 sq ft). Minimum 1-2 applications with Rodeo.
- Remove all dead-standing vegetation prior to planting.
- Treat turf grass within project limit with herbicide application (approximately 138 sq ft). Minimum 1-2 applications with Rodeo.
- Regrade shoreline where necessary for coir log and planting installation.

### **Planting Beds and Lawn**

- Install coir log (10'x16" diameter, 9/lb secure against shoreline). Approximately 35 linear feet.
- Plant native plants into coir log 18"
- Cover planting area in Nag Bionet C125 erosion control blanket (approximately 221 sq ft).
- Install aluminum edging on landward side of planting area to separate garden bed from lawn. Includes cutting a 5-6" deep trench to hold the edging, trimming and staking edging sections, and compacting soil around edging sides. Approximately 102 linear feet.
- Mulch planting areas. Includes installing 2" of double shredded hardwood mulch over erosion control blanket. Hardwood mulch reduces weed colonization and helps maintain soil moisture (reducing watering). To be effective mulch should be renewed every 2-3 years.
- Install plant material through the erosion control blanket and 2" thick mulch. Includes planting according to highest industry standards. Trees are planted with the primary root within 1-2" above finished grade and includes a tree gator for proper watering (watering reference guide provided). Note: Plants are listed at the end of the estimate. Some plant choices invariably change based on nursery availability and/or quality of plant material.
- Install herbivore exclusion fence surrounding planting area (4' vinyl coated wire fencing; 5.5 t-posts installed 10' on center) Approximately 100 linear feet.
- Install mulch log prior to soil disturbance (approximately 35 linear feet).
- Any lawn damage around work area or caused by machine access will be regraded with topsoil and seeded, unless specified. If sod is desired it will be extra and sod is NOT warrantied.**

DATE: 10/1/18

## Shoreline Restoration

### Demolition and Preparation

Number	Size	Type	Price	Price Total
<b><i>The amount of debris disposal is difficult to estimate, changes to the estimated amount will</i></b>				
0.5	yd.	Sod and Soil Disposal	\$48.00	\$24.00
2	ea	Herbicide Application (84 sq ft)	\$80.00	\$160.00
35	ft	Mulch Logs	\$1.25	\$43.75
1	yd.	Brush Disposal	\$48.00	\$48.00
<b>TOTAL MATERIAL COST</b>				<b>\$275.75</b>
<b>TOTAL LABOR COST</b>				<b>\$462.00</b>
<b>Demolition and Preparation TOTAL</b>				<b>\$737.75</b>

### General Landscaping

Number	Size	Type	Price	Price Total
3	16' Sect.	1/8" Aluminum Edging - Unpainted, 4" high	\$36.99	\$110.97
4	10'x16"	Coir Log, Coconut	\$191.80	\$767.20
24	2"x2"x48"	Wood Stakes	\$1.71	\$41.10
1	yd.	Hardwood Mulch	\$35.62	\$35.62
221	sq ft	NAG Bio-Net C125	\$1.18	\$260.38
2	50' roll	Herbivore-Exclusion Fence 4' vinyl coated wire	\$68.50	\$137.00
10	ea	T-Posts, 5.5'	\$5.34	\$53.43
1	ea	Zip Ties	\$13.70	\$13.70
1	lb.	Grass Seed	\$4.80	\$4.80
0.25	lb.	Starter Fertilizer	\$6.85	\$1.71
0.25	50lb bag	PennMulch	\$64.39	\$16.10
1	ea.	<b>PLANTS (See Attachment)</b>	\$222.00	\$222.00
1	ea.	Delivery	\$75.00	\$75.00
<b>TOTAL COST</b>				<b>\$1,739.01</b>
<b>TOTAL LABOR COST</b>				<b>\$1,512.00</b>
<b>General Landscaping TOTAL</b>				<b>\$3,251.01</b>

<b>GRAND TOTAL</b>	<b>\$3,988.76</b>
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**DATE: 10/1/18**

**Plant List**

Quantity	Size	Botanical Name	Unit Price	Total Price
1	tray/4"pot	Asclepias incarnata	\$39.00	\$39.00
1	tray/4"pot	Caltha palustris Marsh Marigold	\$48.00	\$48.00
1	tray/4"pot	Chelone glabra White Turtlehead	\$48.00	\$48.00
0.5	tray/4"pot	Eupatorium Joe Pye Weed	\$39.00	\$19.50
0.5	tray/4"pot	Blue Flag Iris	\$57.00	\$28.50
1	tray/4"pot	Rudbeckia subtomentosa	\$39.00	\$39.00
Total:				<u>\$222.00</u>

# Ramsey Conservation District

## MATERIAL & COST ESTIMATE

[FOR REFERENCE USE ONLY - NOT A BID SHEET]

Christy Jacob  
 1492 Arden Place  
 Arden Hills, MN 55112  
 BMP Type: Shoreline Stabilization and Buffer Planting  
 Number of BMPs: 1

County: Ramsey  
 Date: 28-Aug-18

Installed Materials: Project A					
Item	Qty	Unit	Unit Cost	Amount	
Erosion and Sediment Control (silt fence or curtain - as necessary)	22.00	lin-ft	\$ 3.85	\$	84.70
Herbicide Application (Water-Safe) [invasive/non-desirable plants, and turf grass]	85.00	sq-ft	\$ 3.75	\$	318.75
Disposal/Material Haul-Away	1.00	job	\$ 400.00	\$	400.00
Bio-Log: Coconut Bio-Log [10' x 12" dia. (9lb/ft) coir log, hardwood stakes, coir rope]	18.00	lin-ft	\$ 50.00	\$	900.00
Edging (Metal: 1/8" x 6" x 8')	15.00	lin-ft	\$ 12.00	\$	180.00
Twice-Shredded Hardwood Mulch (2" depth)	0.50	cu-yd	\$ 80.00	\$	40.00
NAG Bio-Net C125 (or approved alternate)	65.00	sq-ft	\$ 1.87	\$	121.55
Native Plant: 2" Plug (34 Carex lacustris + 34 Acorus calamus - installed into coir log)	12.00	each	\$ 10.00	\$	120.00
Native Plant: 4" Pot	20.00	each	\$ 20.00	\$	400.00
Turf Restoration (as necessary for site disturbance outside project area)	1.00	job	\$ 350.00	\$	350.00
Herbivore-Exclusion Fence (4' green plastic safety fence- include posts)	36.00	lin-ft	\$ 2.50	\$	90.00
				<b>Subtotal</b>	<b>\$ 3,005.00</b>

Additional Bid Items [as necessary]					
1] [Dock Access to be designed and bid seperately with landowner]			\$	-	\$ -
2]			\$	-	\$ -
3]			\$	-	\$ -
4]			\$	-	\$ -
5]			\$	-	\$ -
6]			\$	-	\$ -
				<b>Subtotal</b>	<b>\$ -</b>

Project Total: Project A	
<b>Project Estimate</b>	<b>\$ 3,005.00</b>
:-10%	\$ 2,704.50
:+10%	\$ 3,305.50
Estimated WD/WMO Grant Award: \$1,502.50	
Estimated RCD Grant Award: \$0.00	
<b>Potential Grant Award Total: \$1,502.50</b>	
<b>Estimated Landowner Cost: \$1,502.50</b>	





## **ITEMS REQUIRING BOARD ACTION**

3. Consider Minnesota Association of Watershed Districts (MAWD) 2018 Annual Meeting Proposed Resolutions, Bylaws Amendments and Delegate Appointment Form. (Phil Belfiori)

**MEMORANDUM**  
**Rice Creek Watershed District**

---

**To:** Board of Managers **Date:** November 8, 2018  
**From:** Phil Belfiori  
**Subject:** Minnesota Association of Watershed Districts (MAWD) Annual Meeting:  
Delegate Appointment Form, Proposed Fiscal Year 2019 Budget, Proposed  
Resolutions and Bylaws Amendment Info Packet

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**Background / Discussion**

Attached please find the summary that outlines each of the proposed MAWD resolutions and staff recommendations for the annual meeting. These proposed resolutions can be considered together or individually by the Board of Managers. Also attached are the 2018 Proposed Changes to MAWD Bylaws for your review.

The Board will certify that the District is a watershed district duly established and in good standing pursuant to MN Statutes 103D, and it is a regular member of MAWD for the year 2018. The Board will also appoint two official delegates and one alternate for the MAWD annual meeting.

**Attached:**

- Memo: 2018 MAWD Resolutions – RCWD Voting Recommendations dated November 8, 2018.
- Watershed District Member Meeting Materials including, notice of annual meeting, Delegate Appointment Form, Proposed Fiscal Year 2019 Budget, Proposed Resolutions and Bylaws Amendment Info Packet.

**MEMORANDUM**  
**Rice Creek Watershed District**

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**To:** Board of Managers **Date:** November 8, 2018  
**From:** Phil Belfiori  
**Subject:** 2018 MAWD Resolutions – RCWD Voting Recommendations

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**Background / Discussion**

Listed below is a summary that outlines each of the proposed MAWD resolutions that will be acted on at this year’s meeting in Alexandria on Friday, November 30, 2018. Also provided is a recommendation on what the District’s position might be for each of the resolutions.

Also note that the MAWD Resolution/Policy Committee Review and Recommendations are attached.

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**Resolution #1:** Bois de Sioux WD- Allow an Increase to Manager Compensation

**Summary:** Board Manager compensation has not been adjusted since 2005, despite increasing water quality and water quantity demands and responsibilities placed on Watershed Districts. The resolutions specifically calls for MAWD supports legislation to lift and/or increase the maximum \$75 a day manager compensation rate set in MN Statute 103D.315 Subd.8. If the compensation rate is raised to a new dollar amount, MAWD supports the inclusion of an annual cost of living adjustment with the local board having authority to set their own rates for a lesser amount if deemed appropriate.

**MAWD Committee Recommendation:** Approve.

**Recommended RCWD position:** Support MAWD committee recommendation.

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**Resolution #2:** Bois de Sioux WD- Increase or Remove the \$250k General Fund Tax Levy Limit

**Summary:** The General Fund ad valorem tax levy has not been adjusted since 2001 despite increasing water quality and water quantity demands and responsibilities placed on watershed districts. The resolution asks that MAWD supports legislation to increase or remove the \$250,000 general fund ad valorem tax levy limit set in MN Statute 103D.905 Subd. 3. If the limit is raised to a new dollar amount, MAWD supports an inflationary adjustment be added to statute.

**MAWD Committee Recommendation:** Approve

**Recommended RCWD position:** Support MAWD committee recommendation.

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**MEMORANDUM**  
**Rice Creek Watershed District**

**Resolution #3:** Bois de Sioux WD- Require Timely Appointments to the BWSR Board

**Summary:** The resolutions asks that MAWD supports legislation that requires the Governor to make BWSR Board appointments within 90 days of a vacancy or board member term expiration.

**MAWD Committee Recommendation:** Approve.

**Recommended RCWD position:** Support MAWD committee recommendation. 90 days seems appropriate for filling these positions.

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**Resolution #4:** Wild Rice Watershed District- Require Watershed District Permits for DNR.

**Summary:** Seek legislation to require that MN DNR apply for WD permits for proposed work on wildlife management area and other conservation-oriented property. Specifically the resolution seeks MAWD supports an amendment to the Minn. Stat.§103D.315, Subd. 5, to include the MN Department of Natural Resources as a state agency required to get permits from watershed districts when applicable.

**MAWD Committee Recommendation:** Approve.

**Recommended RCWD position:** Support MAWD committee recommendation.

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**Resolution #5:** Heron Lake WD - Adjust WD Statutory Borrowing Limit

**Summary:** Calls for MAWD to support amending the watershed law (Chapter 103D) and/or the drainage code (Chapter 103E) to improve the capacity of watershed districts to finance drainage projects, by:

- Increasing watershed districts' limit on borrowing;
- Allowing counties to issue drainage project bonds earlier in the project development process; and
- Enhancing watershed district ability to obtain competitive borrowing rates from both counties and financial institutions.

**MAWD Committee Recommendation:** Approve.

**Recommended RCWD position:** Support MAWD committee recommendation.

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**Resolution #6:** Roseau River WD: Ensure Timely Updates to Wildlife Management Area (WMA) Plans

**Summary:** The resolution asks MAWD to support that Wildlife Management Area (WMA) Operation and Maintenance Plans and/or Management Plans are either drafted or brought current in a timely fashion, with input from local governmental entities, to ensure their consideration in future One Watershed One Plan efforts.

**MAWD Committee Recommendation:** Approve.

**Recommended RCWD position:** Support MAWD committee recommendation.

## MEMORANDUM

### Rice Creek Watershed District

**Resolution #7;** Prior Lake Spring Lake WD- Remove Impediments to Common Carp Removal in Lakes

**Summary:** The resolution asks MAWD to support legislation to require the DNR to allow Common Carp removal as part of an electrofishing program and to support legislation to require the DNR to license and assign multiple commercial fishermen to commercial fishing areas to ensure that watershed districts will have the ability to remove the carp as part of their management programs.

**MAWD Committee Recommendation: Approve**

**Recommended RCWD position:** Support the resolution, pending inclusion of two significant modifications which are summarized in below:

1. The resolution offers specific language regarding electrofishing as a means for carp management. While RCWD use electrofishing, the RCWD also use many other methods for management. Modify the proposed resolution to be less specific by including both the potential legislation or DNR Rule change which will have boarder applicability for all watershed districts.
2. A DNR Rule change could achieve the same outcome for watershed districts as legislation. By broadening the language to include “legislation or DNR Rule change”, RCWD believes there is an increased chance for action regarding this resolution.

The specific recommended revisions to the language within the proposed resolution are **attached**.



# BACKGROUND INFO on PROPOSED RESOLUTION #7

## Remove Impediments to Common Carp Removal in Lakes

**Proposing District:** Prior Lake-Spring Lake Watershed District

**Contact Name:** Diane Lynch

**Phone Number:** 952-440-0067

**Email Address:** [dlynch@plslwd.org](mailto:dlynch@plslwd.org)

### Background that led to submission of this resolution:

1. The Legislature has given sole authority to the Commissioner of Natural Resources to issue special permits for taking, possessing, transporting and disposing of wild animals, which includes carp research, capture and removal.

~~2. The Department of Natural Resources allows electrofishing of common carp as “research projects” under an educational special permit. Common carp are categorized as a “nuisance species.”~~

~~3. The Department of Natural Resources, by practice, does not allow carp removal under educational permits except where it is part of a clearly defined research project.~~

~~2. Common carp destroy lake vegetation, negatively alter aquatic ecosystems, and degrade water clarity. Watershed districts are working to manage common carp to improve water clarity.~~

~~3.4. Carp removal is allowed under an “Inland Commercial Fish Removal Permit Class B.” Under Rule 6260.2400, inland commercial fishing areas are assigned. Commercial fishing in state waters is allowed by license, permit or contract under Rule 6260.0200. The Department of Natural Resources licenses and assigns commercial fishermen to the inland commercial fishing areas. The fisherman assigned to the inland commercial fishing areas may be unavailable, unmotivated, lacking proper equipment etc., so removal may not happen when needed by the District. In addition, the licensed fisherman must give permission for other individuals to remove the carp as part of a management program. In short, current DNR rules are burdensome to watershed districts and other LGU’s wishing to manage common carp.~~

~~4. 5. Electrofishing is part of a District’s carp management program. Other aspects of carp management include installing carp barriers, seining, carp tournaments and disposal. Districts may use multiple methods for managing common carp, including electrofishing, netting, barriers, and recreational tournaments.~~

~~5. 6. It is in the best interest of a watershed district and the state of Minnesota to remove nuisance species when they are electrofished to aid a District’s carp management program and to demonstrate to the public that efforts are being made to reduce common carp populations on multiple levels. It is also in the best interest of a District and the state of Minnesota to contract with other commercial fisherman besides the one assigned to the inland commercial fishing area to ensure removal can be conducted in a timely manner. ~~can be implemented.~~~~

### Ideas for how this issue could be solved:

Initiate legislation or DNR Rule changes to require allow the Department of Natural Resources to ~~routinely allow Class B permits to be issued in conjunction with “educational special permits” to watershed districts and the entities they hire to do the electrofishing for common carp.~~ issue timely permits to watershed districts and other LGU’s for common carp management conducted for the purpose of aquatic ecosystem restoration and water clarity improvements. In addition, entities should be allowed to hire licensed commercial fishermen other than those assigned to a particular inland commercial fishing area for common carp removal only.

**Anticipated support or opposition from other governmental units?**

We would expect watershed districts to support it. The Department of Natural Resources may welcome legislation since they will not have to go through a lengthy rulemaking process.

**PROPOSED 2018 MAWD RESOLUTION #7**

**Remove Impediments to Common Carp Removal in Lakes**

**Submitted by:** Prior Lake – Spring Lake WD

**WHEREAS** the Department of Natural Resources (DNR) regulates the state's fisheries;

**WHEREAS** Common Carp are a nuisance species and destroy native vegetation habitat needed by native fish and wildlife; and

**WHEREAS** the activities of Common Carp cause turbidity, lack of water clarity and suspend pollutants in the water column; and

**WHEREAS** watershed districts ~~use electrofishing as a way to estimate numbers of Common Carp as part of their aquatic invasive species management plans~~manage common carp to restore aquatic ecosystems and improve water clarity; and

**WHEREAS** ~~the DNR does not allow carp removal permits with electrofishing except where removal is part of a clearly defined research project~~DNR rules lack flexibility for granting permits to watershed district for common carp management; and

**WHEREAS** the DNR assigns commercial fishermen to inland commercial fishing areas as a sole source, the fisherman may be unavailable to assist the watershed districts and watershed districts are required to get their permission to capture and dispose of Common Carp; and

**WHEREAS** it is in the best interest of the watershed districts and the state of Minnesota to remove Common Carp to enhance water quality;

**THEREFORE, BE IT RESOLVED** that MAWD supports legislation ~~or DNR Rule changes~~ to require /allow the DNR to ~~allow Common Carp removal as part of an electrofishing program~~grant permits to watershed districts and other LGU’s for common carp management.

**THEREFORE, BE IT FURTHER RESOLVED** that MAWD supports legislation to ~~require~~allow the DNR to license and assign multiple commercial fishermen to commercial fishing areas to ensure that watershed districts will have the ability to remove the carp as part of their management programs.

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**Notes:**

1. If approved, this resolution modifies a resolution originally passed in 2014 as follows:  
 “MAWD supports actions legislation to require the DNR to allow Common Carp removal as part of an electrofishing program.”  
 “MAWD supports actions legislation to require the DNR to license and assign multiple commercial fishermen to commercial fishing area to ensure that watershed districts will have the ability to remove the carp as part of their management programs.”
2. Committee Recommendation: “Approve,” but the committee notes that the original resolution did not preclude legislation and this version would not preclude non-legislative options from being pursued if deemed appropriate.

**MEMORANDUM**  
**Rice Creek Watershed District**

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**Resolution #8;** RCWD: Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems

**Summary:** Not needed.

**MAWD Committee Recommendation:** Approve.

**Recommended RCWD position:** Approve.

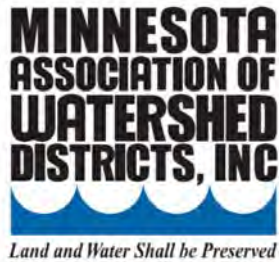
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**Resolution #9;** MN Association of Watershed Administrators (MAWA)- Recommend Administrators for Clean Water Council Appointments

**Summary:** resolutions asks that MAWD asks any representative of the Clean Water Council to resign when they lose their direct association to a watershed district; and that MAWD will recommend to the Governor’s office that administrators in good standing with MAWD be appointed to the Clean Water Council.

**MAWD Committee Recommendation:** The MAWD board of directors approve and bring forward for a full vote of the MAWD membership.

**Recommended RCWD position:** Support MAWD committee recommendation. It is appropriate that the MAWD representative on the CWC be directly associated with a Watershed District, however it seems that either Managers or Administrators could effectively serve in this capacity effectively.



Minnesota Association of Watershed Districts, Inc.  
[www.mnwatershed.org](http://www.mnwatershed.org)

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**Minnesota Association of Watershed Districts, Inc.  
2018 Annual Convention and Trade Show  
November 29 - December 1, 2018  
Arrowwood Resort, Alexandria MN**

## **Watershed District Member Meeting Materials**

Enclosed are the following items:

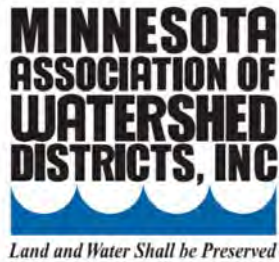
1. Notice of Annual Meeting
2. Delegate Appointment Form – please return to [mnwatershed@gmail.com](mailto:mnwatershed@gmail.com)
3. Proposed Fiscal Year 2019 Budget
4. Resolutions and Bylaws Amendment Information Packet

This packet has been distributed to administrators via email with “read receipt” enabled at time of delivery. Administrators – please distribute copies to your managers. No paper copies of this packet will be sent via the U.S. Postal Service.

Note: a full meeting packet, including an agenda, previous meeting minutes, and reports, will be distributed to watershed district administrators and made available on the MAWD website no later than one week prior to the Annual Meeting.

**We are looking forward to seeing you at this year’s convention!**

**PLEASE BRING THE RESOLUTIONS PACKET WITH YOU TO THE CONVENTION.  
EXTRA COPIES WILL NOT BE AVAILABLE ON SITE. THANK YOU!!**



## MN Association of Watershed Districts, Inc. 2018 Annual Meeting Notice

NOTICE IS HEREBY GIVEN that the 2018 Annual Meeting of the Minnesota Association of Watershed Districts, Inc. will be held at the Arrowwood Conference Center, Alexandria, MN, beginning at 8:00 a.m. on Friday, November 30, 2018 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2019 budget;
4. To consider and act upon proposed resolutions;
5. To consider and act upon proposed bylaws changes;
6. To elect three directors, one from each region, for terms ending in 2021;
7. To consider and act upon any other business that may properly come before the membership.

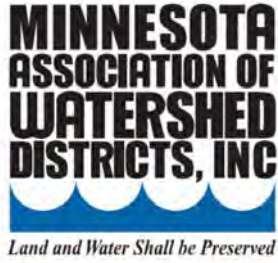
Sincerely,

*Mary Texer*

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Mary Texer  
Secretary





## MN Association of Watershed Districts, Inc. 2018 Delegate Appointment Form

The \_\_\_\_\_ **Watershed District** hereby certifies that it is a watershed district duly established and in good standing pursuant to Minnesota Statutes 103D and is a member of the MN Association of Watershed Districts, Inc. (MAWD) for the year 2018.

The \_\_\_\_\_ **Watershed District** hereby further certifies the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with the District.

**Delegate #1:** \_\_\_\_\_

**Delegate #2:** \_\_\_\_\_

**Alternate:** \_\_\_\_\_

Authorized by: \_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Title

\*\* Please return this form to [mnwatershed@gmail.com](mailto:mnwatershed@gmail.com) at your earliest convenience. \*\*

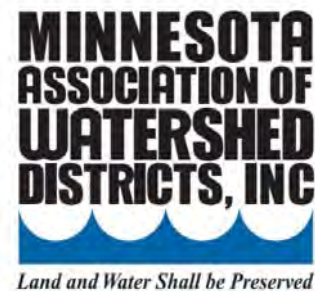
**MAWD Proposed Fiscal Year 2019 Budget**  
**October 1, 2018 - September 30, 2019**

	FY2019	FY2018	FY2018	FY2017	FY2016
	Oct '18-Sep '19	Oct '17-Sep '18	Oct '17-Sep '18	Nov '16- Sep '17	Nov '15-Oct '16
<b>INCOME</b>	<b>Proposed BUDGET</b>	<b>Last Year's BUDGET</b>	<b>FY2018 ACTUAL</b>	<b>FY2017 ACTUAL (11 months)</b>	<b>FY2016 ACTUAL</b>
Dues - Watershed District Members	216,600	225,000	218,421	117,590	121,412
Dues - Associate Members (WMOs)	2,500	2,500			
Annual Convention					
Annual Meeting Registrations	55,000	55,000	59,129	52,068	49,390
Annual Trade Show	25,000	13,000	21,655	22,250	11,495
Pre Conference Workshop: Drainage	6,500	5,000	6,800	5,595	9,010
Pre Conference Workshop: Administration	2,400	600	2,550	775	600
Pre Conference Workshop: Managers	2,400	2,500	2,295	2,950	4,250
Legislative Day at the Capitol	9,000	9,000	8,185	8,325	7,450
Summer Tour	17,500	17,500	18,891	21,469	14,390
MAWD Workshops	2,500	2,500	0	2,720	3,000
Interest	100	100	66	111	241
<b>TOTAL</b>	<b>339,500</b>	<b>332,700</b>	<b>337,992</b>	<b>233,853</b>	<b>221,238</b>
<b>EXPENSES</b>					
<b>Administration &amp; Program Management</b>					
General Administration - Staff	70,000	90,000	70,747	62,311	81,345
Benefits /Taxes for Salaried Employees	30,000	30,000	15,069		
General Administration - Contract	12,000				
Communications, Conferences - Contract	36,000	48,000	48,835	33,750	10,000
<b>Legislative Affairs</b>					
Lobbying - Staff (includes Administrative Lobbying)	24,500				
Lobbying - Contracted Services	40,000	35,000	48,251		
Lobbyist Expenses	1,000	1,000	1,395	3,647	1,754
<b>Professional Services</b>					
Legal Fees	2,000	2,000	1,377	1,308	
Accounting and Audit Fees	6,000	5,000	4,650	4,100	3,550
Liability Insurance	1,800	1,700	1,645	1,645	1,551
<b>Office Expenses</b>					
Rent	3,600	3,000	2,400		
Mileage and General Office Expenses	11,250	7,200	11,965	4,257	3,994
Dues, Other Organizations	500	500			
Memorials	250	250	50		
<b>Board and Committee Meetings</b>					
Per Diems and Expenses - Directors	20,000	34,000	16,448	22,092	26,400
Board and Committee Meeting Expenses	1,500	1,500	1,081	1,440	1,471
<b>Special Projects</b>					
WD Handbook, Surveys, etc.	1,600	1,500		1,361	7,250
<b>Education and Events</b>					
Annual Convention					
Annual Meeting	40,000	40,000	45,073	39,208	37,079
Annual Trade Show	8,500	9,000	8,631	6,322	9,569
Pre Conference Workshop: Drainage	2,500	2,000	2,871	1,817	2,993
Pre Conference Workshop: Administration	1,000	500	587	339	
Pre Conference Workshop: Managers	1,000	2,500	1,754	580	2,288
Legislative Breakfast	5,500	7,500	6,246	7,045	7,177
Summer Tour	12,500	20,000	9,483	16,000	14,402
Credit Card Processing Fees	3,500	3,500	3,020	3,323	2,791
Special Workshops	2,500	2,500		2,271	
Partner Event Participation	500				1,153
<b>TOTAL</b>	<b>339,500</b>	<b>348,150</b>	<b>301,578</b>	<b>212,816</b>	<b>214,767</b>
<b>STATEMENT OF NET POSITION</b>					
Assets, Cash and Equivalents, actual			217,693	154,113	140,033
Deposits received, deferred				(4,799)	(11,385)
Liabilities, accounts payable, taxes payable			(34,352)	(2,387)	(2,760)
<b>ENDING NET ASSETS</b>			<b>183,341</b>	<b>146,927</b>	<b>125,888</b>

# 2018 MAWD Resolutions Packet

DATE: October 31, 2018  
 TO: MAWD Members  
 FROM: Sherry Davis White, Resolutions Committee Chair  
 Mary Texer, Governance Committee Chair

**PLEASE BRING THIS PACKET TO THE CONVENTION; EXTRA PRINTED COPIES WILL NOT BE AVAILABLE ONSITE.**



## RE: Committee Recommendations for 2018 Resolutions and Bylaws Amendment

Enclosed are items that will require a vote at this year’s annual meeting. Please review them as a board and have your appointed delegates prepared to vote on Friday, November 30th. Here is a recap of our timeline, along with recommendations made by the Resolutions Committee on nine resolutions and the Governance Committee on proposed changes to the bylaws.

### Timeline

- End of October** Resolutions (along with committee feedback) will be emailed to districts
- November** Districts should discuss the resolutions at their November meetings and name delegates for voting at the annual meeting
- November 30** Debate and voting to take place at the Friday morning business meeting
- December / January** Legislative Committee will review any newly adopted resolutions, along with existing ones, and make recommendations to the MAWD Board of Directors for the 2019 legislative platform
- January** MAWD Board of Directors will finalize the 2019 legislative platform

### Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Allow an Increase to Manager Compensation	Approve
2	Increase or Remove the \$250k General Fund Tax Levy Limit	Approve
3	Require Timely Appointments to the BWSR Board	Approve
4	Require Watershed District Permits for DNR	Approve
5	Adjust WD Statutory Borrowing Limit	Approve
6	Ensure Timely Updates to Wildlife Management Area (WMA) Plans	Approve
7	Remove Impediments to Common Carp Removal in Lakes	Approve
8	Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems	Approve
9	Recommend Administrators for Clean Water Council Appointments	Forward to Membership for a Vote - See Notes in Packet

### Governance Committee Recommendations on Bylaws Amendment

Description of Bylaws Changes	Committee Recommendation
(1) Allow Water Management Organizations (WMOs) to be full voting members of MAWD.  (2) Make non-substantial language changes to clean up the document and make it consistent with language in the Manual of Policy and Procedures (MOPP).	The committee reviewed both the Bylaws and the MOPP in July 2018. In addition to cleaning up the language to make the documents consistent both internally and with each other, the committee recommends adding language to allow for WMOs to join MAWD with full voting rights. Dues would be calculated using the same formula as used for Watershed District members starting in 2020.  The MAWD Board of Directors accepted the committee’s proposed changes to the MOPP at the September 21 board meeting and further recommends the changes proposed to the Bylaws as presented.

# BACKGROUND INFO on PROPOSED RESOLUTION #1

## Allow an Increase to Manager Compensation

<b>Proposing District:</b>	Bois de Sioux WD	Roseau River WD
<b>Contact Name:</b>	Jamie Beyer	Tracy Halstensgard
<b>Phone Number:</b>	320-563-4185	218-463-0313
<b>Email Address:</b>	<a href="mailto:bds wd@runestone.net">bds wd@runestone.net</a>	<a href="mailto:rrwd@mncable.net">rrwd@mncable.net</a>

### Background that led to submission of this resolution:

Board Manager compensation has not been adjusted since 2005, despite increasing water quality and water quantity demands and responsibilities placed on Watershed Districts.

If we want to recruit and retain competent, thoughtful, forward-looking individuals, compensation is an important tool - and the flexibility to customize pay according to regional norms could also be very important to some districts.

### Ideas for how this issue could be solved:

Support the pursuit of legislation that increases the per diem for watershed district managers, or the ability for watershed districts to determine their own rates - similar to the authority granted to cities.

### Anticipated support or opposition from other governmental units?

Opposition has told us that the per diem is a standard amount and is comparable to other government official per diems - however, those comparisons sometimes involve a government position that receives a base salary.

### This issue is of importance (Check one):

To the entire State:  \_\_\_\_\_  
Only our Region: \_\_\_\_\_  
Only our District: \_\_\_\_\_

# PROPOSED 2018 MAWD RESOLUTION #1

## Allow an Increase to Manager Compensation

Submitted by: Bois de Sioux WD and Roseau River WD

**WHEREAS** Manager compensation is restricted to \$75 per day by 103D.315 Subd. 8;

**WHEREAS** Manager compensation has not been increased by the MN Legislature since 2005;

**WHEREAS** \$75 no longer reflects current pay standards, and does not represent fair compensation for the knowledge, skills, abilities, and effort provided by individuals serving in the highly-specialized public service of governing water quantity and quality; and

**WHEREAS** the ability to recruit and retain willing individuals to fill Board Manager positions is hampered by the outdated compensation limit.

**THEREFORE, BE IT RESOLVED** that MAWD supports legislation to lift and/or increase the maximum \$75 a day manager compensation rate set in MN Statute 103D.315 Subd.8. If the compensation rate is raised to a new dollar amount, MAWD supports the inclusion of an annual cost of living adjustment with the local board having authority to set their own rates for a lesser amount if deemed appropriate.

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### Notes:

1. If approved, this resolution would replace existing language from a resolution passed in 2015 that stated:  
“MAWD supports amending Statute 103D.315 Subd 8 to reflect compensation not to exceed \$100 a day.”
2. MN Statute 103D.905 Subdivision 3 currently reads:  
“**MN Statute 103D.315 MANAGERS.**  
Subd. 8. **Compensation.** The compensation of managers for meetings and for performance of other necessary duties may not exceed \$75 a day. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties.”
3. Committee Recommendation: “Approve” since it allows more options than existing policy.



## **BACKGROUND INFO on PROPOSED RESOLUTION #2 Increase or Remove the \$250k General Fund Tax Levy Limit**

<b>Proposing District:</b>	Bois de Sioux WD	Roseau River WD
<b>Contact Name:</b>	Jamie Beyer	Tracy Halstensgard
<b>Phone Number:</b>	320-563-4185	218-463-0313
<b>Email Address:</b>	<a href="mailto:bdswd@runestone.net">bdswd@runestone.net</a>	<a href="mailto:rrwd@mncable.net">rrwd@mncable.net</a>

**Background that led to submission of this resolution:**

The General Fund ad valorem tax levy has not been adjusted since 2001 despite increasing water quality and water quantity demands and responsibilities placed on watershed districts. At the very least, the figure could be updated based on an inflationary index.

**Ideas for how this issue could be solved:**

Support the pursuit of legislation that increases the maximum amount or net formula result or adds an annual inflationary adjustment.

**Anticipated support or opposition from other governmental units?**

unknown

**This issue is of importance (Check one):**

To the entire State:   X    
Only our Region:             
Only our District:

**PROPOSED 2018 MAWD RESOLUTION #2**  
**Increase or Remove the \$250k General Fund Tax Levy Limit**  
**Submitted by: Bois de Sioux WD and Roseau River WD**

**WHEREAS** Minnesota watershed district administrative levies are restricted to \$250,000 by MN Statute 103D.905 Subd. 3;

**WHEREAS** the \$250,000 limit was legislatively enacted in 2001 and has not kept pace with the current needs and expectations placed on watershed district operations; and

**WHEREAS** the ability to fulfill water management expectations of local, state, and federal government regulations, as well as that of landowners in the District are hampered by the outdated levy limit.

**THEREFORE, BE IT RESOLVED** that MAWD supports legislation to increase or remove the \$250,000 general fund ad valorem tax levy limit set in MN Statute 103D.905 Subd. 3. If the limit is raised to a new dollar amount, MAWD supports an inflationary adjustment be added to statute.

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**Notes:**

1. If approved, this resolution would replace existing language from a resolution passed in 2016 that stated:

“MAWD supports legislation to increase the cap on the general fund levy to \$500,000.”

2. MN Statute 103D.905 Subdivision 3 currently reads:

**“MN Statute 103D.905 FUNDS OF WATERSHED DISTRICT.**

Subd. 3. **General fund.** A general fund, consisting of an ad valorem tax levy, may not exceed 0.048 percent of estimated market value, or \$250,000, whichever is less. The money in the fund shall be used for general administrative expenses and for the construction or implementation and maintenance of projects of common benefit to the watershed district. The managers may make an annual levy for the general fund as provided in section 103D.911. In addition to the annual general levy, the managers may annually levy a tax not to exceed 0.00798 percent of estimated market value for a period not to exceed 15 consecutive years to pay the cost attributable to the basic water management features of projects initiated by petition of a political subdivision within the watershed district or by petition of at least 50 resident owners whose property is within the watershed district.”

3. Committee Recommendation: “Approve” since it allows more options than existing policy.

## **BACKGROUND INFO on PROPOSED RESOLUTION #3**

### **Require Timely Appointments to the BWSR Board**

<b>Proposing District:</b>	Bois de Sioux WD	Roseau River WD
<b>Contact Name:</b>	Jamie Beyer	Tracy Halstensgard
<b>Phone Number:</b>	320-563-4185	218-463-0313
<b>Email Address:</b>	<a href="mailto:bdswd@runestone.net">bdswd@runestone.net</a>	<a href="mailto:rrwd@mncable.net">rrwd@mncable.net</a>

**Background that led to submission of this resolution:**

Although there are two issues here - board member positions left vacant on the BWSR board and employing a policy of continuing the membership of board members whose terms have expired - we feel that the same solution can be applied to both: require that vacancies and expirations be filled within 90 days.

When vacancies occur on the BWSR Board, there is no statute that limits the length of time the position may be left vacant – and vacant board positions equate to public underrepresentation. We feel that unfilled vacancies can be used strategically, to lock-out specific organizations and/or regions of Minnesota out of the BWSR Board and allow the appointed Board to pass agency rules that are politically driven.

When board member terms expire, under Minn. 15.0575 Subd. 2 successors need not be appointed and qualified until July 1st, thus permitting the expired board member to serve up to an additional six full months past their term. We feel six months is unnecessarily long and is used as a political strategy to slow and delay board appointments. Board terms are clearly stated and understood; the Governor should be able to evaluate potential candidates ahead of board term expirations, and have appointees lined-up for succession in less than half a year.

**Ideas for how this issue could be solved:**

Support the pursuit of legislation that requires board member appointment within 90 days of a vacancy or board member term expiration.

**Anticipated support or opposition from other governmental units?**

Unknown

**This issue is of importance (Check one):**

To the entire State:   X  

Only our Region:           

Only our District:

**PROPOSED 2018 MAWD RESOLUTION #3**  
**Require Timely Appointments to the BWSR Board**  
**Submitted by: Roseau River WD and Bois de Sioux WD**

**WHEREAS** the Governor has statutory authority to appoint members to the Board of Water and Soil Resources (BWSR);

**WHEREAS** no statute limits the length of time the position may be left vacant once vacated;

**WHEREAS** vacancies equate to public underrepresentation; and

**WHEREAS** when board member terms expire, under MN Statute 15.0575 Subd. 2 successors need not be appointed and qualified until July 1<sup>st</sup>, then permitting the expire board member to serve up to an additional six full months;

**THEREFORE, BE IT RESOLVED** that MAWD supports legislation that requires the Governor to make BWSR Board appointments within **90 days** of a vacancy or board member term expiration.

---

**Notes:**

4. If approved, this resolution would replace existing language from a resolution passed in 2014 that stated:

“MAWD supports legislation that requires the Governor to appoint BWSR representatives within **30 days** of any occurring vacancy.”

1. MN Statute 15.0575 Subd. 2 currently reads:

**“15.0575 ADMINISTRATIVE BOARDS AND AGENCIES.**

Subd. 2. **Membership terms.** An appointment to an administrative board or agency must be made in the manner provided in section 15.0597. The terms of the members shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately thereafter. If the number of terms which can be served by a member of a board or agency is limited by law, a partial term must be counted for this purpose if the time served by a member is greater than one-half of the duration of the regular term. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories have two or more members each, the appointing authority shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify but in no case later than July 1 in a year in which a term expires unless reappointed.”

2. Committee Recommendation: “Approve” since 90 days is a more realistic timeframe to complete the appointment process.

# BACKGROUND INFO on PROPOSED RESOLUTION #4

## Require Watershed District Permits for the DNR

**Proposing District:** Wild Rice Watershed District  
**Contact Name:** Kevin Ruud  
**Phone Number:** 218-784-5501  
**Email Address:** [kevin@wildricewatershed.org](mailto:kevin@wildricewatershed.org)

### Background that led to submission of this resolution:

1. Watershed districts are local, special-purpose units of government that work to solve and prevent water -related problems (MAWD Website).
2. While all other government units, such as states, counties and cities have political boundaries, because water knows no boundaries and goes where it wants to, it makes sense to manage natural resources on a watershed basis. This type of management allows for an overall, holistic approach to resource Conservation (MAWD Website).
3. Watershed Districts have overall plans that are intended to protect, enhance, manage, and maintain the natural resources of the district in the best interest of the citizens and other stakeholders.
4. Watershed Districts currently have rules and permit requirement that are not intended to delay or inhibit development. Rather permits are needed so that the managers are kept informed of planned projects, can advise and in some cases, provide assistance, and can ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the District.
5. The MNDNR owns, operates and maintains wildlife management area and other conservation-oriented property within the WRWD.
6. As part of the operation of this property, the MNDNR periodically does improvements (i.e. wetland restoration, channel modifications, etc.) on their land without going through the process of obtaining a permit from watershed districts, because they are currently not subject to 103D.345. Without requiring a permit, the watershed managers are not assured of being adequately kept informed of planned projects to ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the District.

### Ideas for how this issue could be solved:

MAWD could seek legislative authority to amend MN Statute 103D.345, Subd. 5 as follows:

"Subd. 5. **Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to the Departments of Transportation and Natural Resources."

### Anticipated support or opposition from other governmental units?

We would anticipate support from watersheds and opposition from the MNDNR

### This issue is of importance (Check one):

To the entire State:  \_\_\_\_\_

Only our Region: \_\_\_\_\_

Only our District: \_\_\_\_\_



**PROPOSED 2018 MAWD RESOLUTION #4**  
**Require Watershed District Permits for the DNR**  
**Submitted by: Wild Rice WD**

**WHEREAS** discussion was had that the Minnesota Department of Natural Resources has engaged in certain activity on property owned by the DNR which would require a permit for such activity as being within the scope of an existing rule of the WRWD, but the DNR asserts its position that it is exempt from obtaining any such permit; and

**WHEREAS** the WRWD has concerns that the non-permitted work being done by the DNR on its property impacts other property owners/residents within the WRWD resulting in such impacted property owners/residents having no recourse for water flowing, seeping, or otherwise being cast upon such other owners/residents; and

**WHEREAS** the WRWD desires that Minn. Stat.§ 103D.345, Subd. 5 which pertains to the applicability of watershed permit requirements to the state and provides that a rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation should be expanded to include the Minnesota Department of Natural Resources; and

**THEREFORE, BE IT RESOLVED** that MAWD supports an amendment to the Minn. Stat.§ 103D.315, Subd. 5, to include the MN Department of Natural Resources as a state agency required to get permits from watershed districts when applicable.”

---

**Notes:**

1. Minn. Stat.§ 103D.345, Subd. 5 currently reads:

**“103D.345 PERMITS.**

Subd. 5. **Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation.”

2. Preferred amendment language would be:

**“103D.345 PERMITS.**

Subd. 5. **Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to the Departments of Transportation and Natural Resources.”

3. Committee Recommendation: “Approve”

# BACKGROUND INFO on PROPOSED RESOLUTION #5

## Adjust WD Statutory Borrowing Limit

**Proposing District:** Heron Lake WD  
**Contact Name:** Jan Voit, District Administrator  
**Phone Number:** 507-793-2462  
**Email Address:** [jvoit@hlwdonline.org](mailto:jvoit@hlwdonline.org)

### Background that led to submission of this resolution:

- The Heron Lake Watershed District (HLWD), as drainage authority, is undertaking several substantial drainage system improvement projects.
- Minnesota Statutes §103E.635, subdivision 1, authorizes issuance of county drainage project bonds only after a contract for construction has been awarded. The extensive process leading to drainage project establishment, as well as design and other implementation acts in advance of construction contract award, must be financed in advance of funds from county project bonds or project assessments.
- Minnesota Statutes §103D.335, subdivision 17, limits watershed districts to \$2M in outstanding loans from counties and financial institutions. This is insufficient for a watershed district that has several substantial drainage projects in progress, as well as other watershed project financing needs. A proposed improvement project through the final hearing can cost in excess of \$500,000.
- County bonding practices can add to financing challenges. The county in which all of the HLWD's present improvement projects are located would prefer to wait to bond for a project until it is within one year of completion.
- Borrowing options should be preserved, as presently the HLWD is able to borrow from commercial banks at a better interest rate than its counties offer. The HLWD anticipates that costs for current improvement projects will exceed \$15 million, so minimizing borrowing costs will be important. Borrowing from local lenders also supports the local economy.
- The bank with which the HLWD has a relationship is willing and able to loan funds in excess of \$2 million.

### Ideas for how this issue could be solved:

- Amend Minnesota Statutes §103D.335, subdivision 17, to increase the amount of outstanding loans that a watershed district may hold.
- More narrowly, add a term to the drainage code (Minnesota Statutes chapter 103E) authorizing drainage authorities to hold loans for drainage project financing that do not count against the outstanding loan cap of Minnesota Statutes §103D.335, subdivision 17.
- Amend Minnesota Statutes §103E.635, subdivision 1, to authorize counties to issue drainage project bonds before award of construction contract.
- Amend Minnesota Statutes §103E.635, subdivision 11, to remove any mandated interest rate for county loans to watershed districts and allow for competitive rates.

### Anticipated support or opposition from other governmental units?

Positive

### This issue is of importance (Check one):

To the entire State:  \_\_\_\_\_  
Only our Region: \_\_\_\_\_  
Only our District: \_\_\_\_\_

# PROPOSED 2018 MAWD RESOLUTION #5

## Adjust WD Statutory Borrowing Limit

Submitted by: Heron Lake WD

**WHEREAS** watershed districts serve as drainage authorities under the Minnesota drainage code, Minnesota Statutes Chapter 103E, and in that role fulfill statutory responsibilities to conduct extensive procedures to establish, design and construction major drainage projects, and

**WHEREAS** drainage projects are funded by multi-year assessment of benefited lands, but substantial costs are incurred in advance of the flow of funds from assessment, and

**WHEREAS** drainage project costs may be financed by county bonds, but the drainage code does not allow for county project bonds to be issued until the construction contract is awarded (Minnesota Statutes §103E.635, subdivision 1); and

**WHEREAS** a watershed district may finance project costs through loans but is constrained by statute (Minnesota Statutes §103D.335, subdivision 17) to holding no more than \$2 million in outstanding loans from counties and financial institutions, and

**WHEREAS** a watershed district may finance internally through a loan from another drainage account (Minnesota Statutes §103E.655, subdivision 2), but this source is insufficient for substantial project financing.

**WHEREAS** these limitations constrain watershed districts' capacity to fulfill their responsibilities as drainage authorities.

**THEREFORE, BE IT RESOLVED** that MAWD supports amending the watershed law (Chapter 103D) and/or the drainage code (Chapter 103E) to improve the capacity of watershed districts to finance drainage projects, by:

- Increasing watershed districts' limit on borrowing;
- Allowing counties to issue drainage project bonds earlier in the project development process; and
- Enhancing watershed district ability to obtain competitive borrowing rates from both counties and financial institutions.

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### Notes:

1. MN Statute §103D.335, subdivision 17 reads:

**“103D.335 DISTRICT AND MANAGERS' POWERS.**

§Subd. 17. **Borrowing funds.** The managers may borrow funds from an agency of the federal government, a state agency, a county where the watershed district is located in whole or in part, or a financial institution authorized under chapter 47 to do business in this state. A county board may lend the amount requested by a watershed district. A watershed district may not have more than a total of \$2,000,000 in loans from counties and financial institutions under this subdivision outstanding at any time.”

2. Committee recommendation: “Approve.”

# **BACKGROUND INFO on PROPOSED RESOLUTION #6**

## **Ensure Timely Updates to Wildlife Management Area (WMA) Plans**

**Proposing District:** Roseau River  
**Contact Name:** Tracy Halstensgard  
**Phone Number:** 218-463-0313  
**Email Address:** rrwd@mncable.net

**Background that led to submission of this resolution:**

It came to our attention that the planning process was underway for a WMA in the upper reaches of our District. It is the second of eight major WMA's in the state that will have their plans updated. We also learned that the planning writing process only involves DNR staff with, in our opinion, minimal opportunity for input from local counties and watershed districts where these WMA's are located.

**Ideas for how this issue could be solved:**

The DNR could include watershed districts in the process by allowing us to have more input as the plans are being updated. Most of the current plans view WMA land as independent from everything else around it. We understand the goal of the One Watershed One Plan to look at things from the watershed perspective. If that is the case, these WMA plans need to address water management issues in a way that is consistent with the watershed they are in. That can really only be accomplished if we are allowed to participate in the process.

**Anticipated support or opposition from other governmental units?**

Yes. Roseau County has expressed support, and we believe other counties that have authority over jurisdictional drainage systems near or on WMA's would also support more participation.

**This issue is of importance (Check one):**

- To the entire State:  \_\_\_\_\_
- Only our Region: \_\_\_\_\_
- Only our District: \_\_\_\_\_

**PROPOSED 2018 MAWD RESOLUTION #6**  
**Ensure Timely Updates to Wildlife Management Area (WMA) Plans**  
**Submitted by: Roseau River WD**

**WHEREAS** Minnesota's Wildlife Management Area (WMA) system started in 1951, when the State established its "Save the Wetlands" program to buy wetlands and other habitats from willing sellers to address the loss of wildlife habitat in the state and has evolved into the present-day system of WMAs; and

**WHEREAS** today there are over 1.3 million acres of high-quality habitat in about 1,500 WMAs located throughout the state, making it one of the largest WMA systems in the country; and

**WHEREAS** the Minnesota Department of Natural Resources is responsible for the management of these acres.

**WHEREAS** consistency of written operation and maintenance plans for individual WMAs vary considerably from no written plan to extremely dated plans.

**WHEREAS** the state of Minnesota has made watershed management plans a priority with the One Watershed One Plan (1W1P) initiative.

**WHEREAS** effective management, including interagency coordination of said management, of our natural resources is imperative to the health and wellbeing of the visitors and residents of the state.

**THEREFORE, BE IT RESOLVED** that MAWD supports that Wildlife Management Area (WMA) Operation and Maintenance Plans and/or Management Plans are either drafted or brought current in a timely fashion, with input from local governmental entities, to ensure their consideration in future One Watershed One Plan efforts.

-----  
**Notes:**

1. Committee Recommendation: "Approve."

# BACKGROUND INFO on PROPOSED RESOLUTION #7

## Remove Impediments to Common Carp Removal in Lakes

**Proposing District:** Prior Lake-Spring Lake Watershed District  
**Contact Name:** Diane Lynch  
**Phone Number:** 952-440-0067  
**Email Address:** [dlynch@plslwd.org](mailto:dlynch@plslwd.org)

### Background that led to submission of this resolution:

1. The Legislature has given sole authority to the Commissioner of Natural Resources to issue special permits for taking, possessing, transporting and disposing of wild animals, which includes carp research, capture and removal.
2. The Department of Natural Resources allows electrofishing of common carp as “research projects” under an educational special permit. Common carp are categorized as a “nuisance species.”
3. The Department of Natural Resources, by practice, does not allow carp removal under educational permits except where it is part of a clearly defined research project.
4. Carp removal is allowed under an “Inland Commercial Fish Removal Permit Class B.” Under Rule 6260.2400, inland commercial fishing areas are assigned. Commercial fishing in state waters is allowed by license, permit or contract under Rule 6260.0200. The Department of Natural Resources licenses and assigns commercial fishermen to the inland commercial fishing areas. The fisherman assigned to the inland commercial fishing areas may be unavailable, unmotivated, lacking proper equipment etc., so removal may not happen when needed by the District. In addition, the licensed fisherman must give permission for other individuals to remove the carp as part of a management program.
5. Electrofishing is part of a District’s carp management program. Other aspects of carp management include installing carp barriers, seining, carp tournaments and disposal.
6. It is in the best interest of a watershed district and the state of Minnesota to remove nuisance species when they are electrofished to aid a District’s carp management program and to demonstrate to the public that efforts are being made to reduce common carp populations on multiple levels. It is also in the best interest of a District and the state of Minnesota to contract with other commercial fisherman besides the one assigned to the inland commercial fishing area to ensure removal can be implemented.

### Ideas for how this issue could be solved:

Initiate legislation to require the Department of Natural Resources to routinely allow Class B permits to be issued in conjunction with “educational special permits” to watershed districts and the entities they hire to do the electrofishing for common carp. In addition, entities should be allowed to hire licensed commercial fishermen other than those assigned to a particular inland commercial fishing area for common carp removal only.

### Anticipated support or opposition from other governmental units?

We would expect watershed districts to support it. The Department of Natural Resources may welcome legislation since they will not have to go through a lengthy rulemaking process.

### This issue is of importance (Check one):

To the entire State:  \_\_\_\_\_  
Only our Region: \_\_\_\_\_  
Only our District: \_\_\_\_\_



**PROPOSED 2018 MAWD RESOLUTION #7**  
**Remove Impediments to Common Carp Removal in Lakes**  
**Submitted by: Prior Lake – Spring Lake WD**

**WHEREAS** the Department of Natural Resources (DNR) regulates the state's fisheries;

**WHEREAS** Common Carp are a nuisance species and destroy native vegetation habitat needed by native fish and wildlife;  
and

**WHEREAS** the activities of Common Carp cause turbidity, lack of water clarity and suspend pollutants in the water column;  
and

**WHEREAS** watershed districts use electrofishing as a way to estimate numbers of Common Carp as part of their aquatic invasive species management plans; and

**WHEREAS** the DNR does not allow carp removal permits with electrofishing except where removal is part of a clearly defined research project;

**WHEREAS** the DNR assigns commercial fishermen to inland commercial fishing areas as a sole source, the fisherman may be unavailable to assist the watershed districts and watershed districts are required to get their permission to capture and dispose of Common Carp;

**WHEREAS** it is in the best interest of the watershed districts and the state of Minnesota to remove Common Carp to enhance water quality;

**THEREFORE, BE IT RESOLVED** that MAWD supports legislation to require the DNR to allow Common Carp removal as part of an electrofishing program.

**THEREFORE, BE IT FURTHER RESOLVED** that MAWD supports legislation to require the DNR to license and assign multiple commercial fishermen to commercial fishing areas to ensure that watershed districts will have the ability to remove the carp as part of their management programs.

-----  
**Notes:**

1. If approved, this resolution modifies a resolution originally passed in 2014 as follows:

“MAWD supports ~~actions~~ legislation to require the DNR to allow Common Carp removal as part of an electrofishing program.”

“MAWD supports ~~actions~~ legislation to require the DNR to license and assign multiple commercial fishermen to commercial fishing area to ensure that watershed districts will have the ability to remove the carp as part of their management programs.”

2. Committee Recommendation: “Approve,” but the committee notes that the original resolution did not preclude legislation and this version would not preclude non-legislative options from being pursued if deemed appropriate.

3. We will vote on each “THEREFORE, BE IT RESOLVED” statement separately.

# BACKGROUND INFO on PROPOSED RESOLUTION #8

## Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems

**Contact Name:** Phil Belfiori  
**Phone Number:** 763-398-307  
**Email Address:** [pbelfiori@ricecreek.org](mailto:pbelfiori@ricecreek.org)

### Background that led to submission of this resolution:

The State enacted a number of laws related to water resources after the establishment of the public drainage systems. However, there was a commitment that these laws would not restrict existing rights including those related to the existence of, and obligation to maintain public drainage systems.

The public waters inventory was never intended to restrict the right to maintain existing drainage systems. The legislature specifically exempted repairs from DNR permitting; gave the DNR a mechanism to ensure proposed work was repair; and directed the DNR to provide for the lawful function of public drainage systems that affected public waters. The DNR also adopted a rule exempting repairs from permitting and announced a policy in 1980 that stated repair of public drainage systems should be allowed without permits.

More recent DNR practices have departed from the 1980 policy. The agency has increasingly required permits, approvals, and conditions specifically contrary to current law and the 1980 policy. The DNR issued new guidance in February 2018 that has not addressed the public drainage authority concerns while creating more uncertainty, expense, and delays in the public waters regulatory program and for drainage system repairs.

HF2687 and SF2419 were introduced during the 2018 legislative session to restate the protections given to drainage system repairs. These bills were placed on hold in committee when the DNR indicated that its new guidance would address the concerns that drainage authorities had with its current practices (relating to permitting and permission requirements for work affecting public waters). Though these bills were never withdrawn by their authors, the start of a new biennium (2019-2020) requires that they be reintroduced for consideration in the new biennium.

The DNR policy and its implementation do not adequately address drainage authority concerns. Reintroduction and approval of new legislation modeled after HF2687 and SF2419 would restate in clear terms the DNR's role in drainage system repairs.

### Ideas for how this issue could be solved:

Current issues with the DNR could be resolved through protracted litigation (least desirable course of action) or by clear legislative directive. New legislation, modeled after HF2687 and SF2419, will provide this clear legislative directive. The legislation would reinforce existing law regarding the DNR's and the drainage authorities' requirements when maintaining the public drainage systems.

### Anticipated support or opposition from other governmental units?

All public drainage authorities (counties, watershed districts, and watershed management organizations) should support this legislation. Non-governmental environmental organizations in the state and the DNR may oppose this legislation.

### This issue is of importance (Check one):

To the entire State:  \_\_\_\_\_  
Only our Region: \_\_\_\_\_  
Only our District: \_\_\_\_\_

**PROPOSED 2018 MAWD RESOLUTION #8**  
**Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems**  
**Submitted by: Rice Creek WD**

**WHEREAS** courts have identified the rights of benefitted landowners to have public drainage systems maintained as a property right;

**WHEREAS** many watershed districts are 103E drainage authorities for all public drainage systems within their jurisdictional boundaries pursuant to statute chapter;

**WHEREAS** statute chapter 103E places an obligation on drainage authorities to maintain public drainage systems on behalf of benefitted landowners;

**WHEREAS** the State enacted laws related to water resources after the establishment of the public drainage systems with the commitment that these laws would not restrict existing rights to maintain public drainage systems;

**WHEREAS** DNR practices have departed from past policy and extended its authority by regulating, permitting and restricting drainage system repairs;

**WHEREAS** House File (HF) 2687 and Senate File (SF) 2419 were introduced during the 2017 legislative session to restate the protections given to drainage system repairs and were placed on hold in committee to await new DNR guidance that would address the concerns of the drainage authorities;

**WHEREAS** the DNR issued new guidance in February 2018 that did not address the public drainage authority concerns and has created more uncertainty, expense and delays in the public waters regulatory program and for drainage system repairs; and

**WHEREAS** Though HF2687 and SF2419 were never withdrawn by their authors, the start of a new biennium (2019-2020) requires that they be reintroduced for consideration in the new biennium.

**THEREFORE, BE IT RESOLVED** that MAWD supports legislation modeled after House File 2687 and Senate File 2419 of the ninetieth Legislature (2017-2018) reinforcing that the DNR cannot restrict existing rights to maintain and repair 103E public drainage systems.

---

**Notes:**

1. The following items are included for your review:
  - A fact sheet created by Rice Creek WD that highlights the issues
  - Letters of Support for the resolution from Sauk River and Lac qui Parle - Yellow Bank WDs
  - HF 2687 as introduced in the 90<sup>th</sup> legislature (Note: SF 2419 has the exact same language as HF 2687)
  
2. Committee Recommendation: "Approve."

This Document can be made available  
in alternative formats upon request

State of Minnesota  
**HOUSE OF REPRESENTATIVES**  
NINETIETH SESSION

**H. F. No. 2687**

05/18/2017 Authored by Fabian, Hamilton, Poppe, Green, Anderson, P., and others  
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

- 1.1 A bill for an act
- 1.2 relating to natural resources; clarifying public waters and public drainage system
- 1.3 laws; amending Minnesota Statutes 2016, sections 103E.701, subdivision 2;
- 1.4 103G.225; 103G.245, subdivision 2.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2016, section 103E.701, subdivision 2, is amended to read:
- 1.7 Subd. 2. **Repairs affecting public waters.** (a) Where as-built records, reestablished
- 1.8 records under section 103E.101, subdivision 4a, or prior concurrence of the commissioner
- 1.9 exists, the drainage authority may proceed with a drainage system repair as provided in this
- 1.10 section without further concurrence, review, or permission of the commissioner under
- 1.11 section 103E.011, subdivision 3.
- 1.12 (b) Where as-built records, reestablished records under section 103E.101, subdivision
- 1.13 4a, or prior concurrence of the commissioner does not exist, before a repair is ordered, the
- 1.14 drainage authority must notify the commissioner if the repair ~~may affect~~ will be conducted
- 1.15 in, through, or adjacent to public waters. Notice to the commissioner must include the
- 1.16 proposed repair design and configuration. Within 60 days of notice, the commissioner must
- 1.17 concur or not concur that the proposed repair is, in fact, repair as provided in this section.
- 1.18 Failure of the commissioner to concur or not concur with the repair design and configuration
- 1.19 within 60 days is deemed concurrence. If the commissioner ~~disagrees~~ does not concur with
- 1.20 the repair ~~depth~~ design and configuration, the engineer, a representative appointed by the
- 1.21 director, and a soil and water conservation district technician must jointly determine the
- 1.22 repair ~~depth~~ allowed under this section using soil borings, field surveys, and other available
- 1.23 data or appropriate methods existing records and evidence, including but not limited to
- 1.24 applicable aerial photographs, soil borings, test pits, culvert dimensions, invert elevations,

2.1 and bridge design records. Costs for determining the repair ~~depth~~ design and configuration  
 2.2 beyond the initial meeting must be shared equally by the drainage system and the  
 2.3 commissioner. The determined repair ~~depth~~ design and configuration must be recommended  
 2.4 to the drainage authority. The drainage authority may accept the joint recommendation and  
 2.5 proceed with the repair.

2.6 (c) The commissioner's concurrence with repair design and configuration or the drainage  
 2.7 authority acceptance of a repair design and configuration recommendation under this  
 2.8 subdivision constitutes permission of the commissioner under section 103E.011, subdivision  
 2.9 3.

2.10 Sec. 2. Minnesota Statutes 2016, section 103G.225, is amended to read:

2.11 **103G.225 STATE WETLANDS PUBLIC WATERS AND PUBLIC DRAINAGE**  
 2.12 **SYSTEMS.**

2.13 If the state ~~owns~~ has inventoried and designated public water courses, basins, or public  
 2.14 waters wetlands on or adjacent to existing public drainage systems, the state shall consider  
 2.15 the use of the public waters ~~wetlands~~ as part of the drainage system. If the commissioner's  
 2.16 desired management or protection of public waters ~~wetlands~~ interfere with or prevent the  
 2.17 authorized functioning of the public drainage system, the state shall provide for necessary  
 2.18 work to allow proper use and maintenance of the drainage system while still preserving the  
 2.19 public waters ~~wetlands~~.

2.20 Sec. 3. Minnesota Statutes 2016, section 103G.245, subdivision 2, is amended to read:

2.21 Subd. 2. **Exceptions.** A public-waters-work permit is not required for:

2.22 (1) work in altered natural watercourses that are part of drainage systems established  
 2.23 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
 2.24 103D or 103E;

2.25 (2) repair of a public drainage system lawfully established under chapters 103D and  
 2.26 103E and sponsored by the public drainage authority as provided in section 103E.701;

2.27 (3) a drainage project for a drainage system established under chapter 103E that does  
 2.28 not substantially affect public waters; or

2.29 ~~(3)~~ (4) culvert restoration or replacement of the same size and elevation, if the restoration  
 2.30 or replacement does not impact a designated trout stream.



524 4<sup>th</sup> Street South  
Sauk Centre MN 56378  
Phone: (320)-352-2231  
Fax: (320)-352-6455  
Web: [www.srwdmn.org](http://www.srwdmn.org)

October 1, 2018

Minnesota Association of Watershed Districts  
Attn: Resolutions Committee  
18681 Lake Drive East  
Chanhassen, MN 55317

Subject: Resolution Support

To Whom It May Concern,

On behalf of the Board of Managers for the Sauk River Watershed District (SRWD), I submit this letter of support for the Rice Creek Watershed District's resolution regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs.

As a MN Statute 103E Drainage Authority, the SRWD had vetted interest in HF2687 and SF2419 and believe that these bills need to be reintroduced in the new biennium to restate the protections given to drainage authorities for maintenance and repair of public drainage systems. The uncertainty that comes with performing maintenance and repair on public drainage systems creates delays and increases expense to the benefitted landowners. The level of uncertainty has increased within our district, due to our authority over drainage systems in 2 different regional DNR offices. The lack of consistency even between regional offices makes an unclear situation that much murkier.

The SRWD hopes that the Resolution Committee and the entire membership of MAWD sees the validity with Rice Creek Watershed District's resolution and moves forward with making this a priority within MAWD's legislative agenda for the 2019-2020 biennium.

Sincerely,

A handwritten signature in blue ink that reads "Scott Henderson".

Scott Henderson  
District Administrator

BOARD OF MANAGERS

Tyler Carlson, Dennis Ritter, Lee Bautch, Gary Barber, Duane Willenbring,  
Jim Bailey, Steve Schmitt, Emily Wolf, Larry Ladwig

STAFF

Scott Henderson, Melissa Roelike, Lynn Nelson, Adam Hjelm, Sarah Jo Boser, Jon Roeschlein, Kady Krivanek

"Water Quality Is Our Concern"





Lac qui Parle - Yellow  
Bank Watershed District  
[lqpybwatershed.org](http://lqpybwatershed.org)

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600 6<sup>th</sup> St #7  
Madison, MN 56256

October 2, 2018


Minnesota Association of Watershed Districts  
18681 Lake Drive East  
Chanhassen, MN 55317

SUBJECT: Letter of Support for the Rice Creek Watershed Districts proposed resolution regarding New Legislation in the 2019-2020 Biennium Modeled After H2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs.

The Lac qui Parle-Yellow Bank Watershed District Board of Managers are writing this letter in support of a MAWD resolution submitted by the Rice Creek Watershed District regarding New Legislation in the 2019-2020 Biennium modeled after H2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs.

The Board agrees that DNR policy and its implementation do not adequately address drainage authority concerns. They also agree that reintroduction and approval of new legislation modeled after HF2687 and SF2419 (2018) would provide clear legislative directive. This legislation would reinforce existing law regarding the DNR's and the drainage authorities' requirement when maintaining the public drainage systems.

Sincerely,



Darrel Ellefson, Chairman  
Lac qui Parle-Yellow Bank  
Watershed District

# MAWD Proposed Resolution Regarding DNR Regulatory Authority Over Public Drainage Maintenance and Repairs

## THE ISSUE

Many of the state's public drainage systems were established in the late-1800s to mid-1900s. They initially tied together large areas of flat, wet ground to allow for the development of agriculture. They now serve as some of the only stormwater conveyances and outlets for many communities.

The State enacted multiple laws related to water resources after the establishment of the public drainage systems. In developing these laws, the state committed to protecting existing rights including those related to public drainage system repair and maintenance obligations. The public waters inventory was never intended to restrict the right to maintain existing drainage systems.

The legislature specifically exempted repairs from DNR permitting; gave the DNR a mechanism to ensure proposed work was repair; and directed the DNR to provide for the lawful function of public drainage systems that affected public waters.

The DNR has increasingly required permits, approvals, and conditions specifically contrary to current law. The DNR policy and its implementation do not adequately address drainage authority concerns.

## BACKGROUND RELATED TO THE PROPOSED LEGISLATIVE CHANGE

Legislation is requested to restate the protections given to drainage system repairs and the DNR's role in those repairs. HF2687 and SF2419 were introduced during the 2018 legislative session to restate the protections given to drainage system repairs.

These bills were placed on hold in committee when the DNR indicated that its new guidance would address the concerns that drainage authorities had with its current practices of regulating public drainage system repairs. The guidance has not addressed drainage authority concerns and has increased the inconsistency and uncertainty around the DNR's interpretation and application of authority.

Reintroduction and approval of new legislation modeled after HF2687 and SF2419 would restate in clear terms the DNR's role in drainage system repairs.

## IMPLICATIONS OF THE PROPOSED LEGISLATIVE CHANGE

- Provide clear legislative directive
- Reinforce existing laws
- Reduce uncertainty and expense to the drainage authorities and affected landowners and communities



## DRAINAGE AUTHORITY EXAMPLE

The Rice Creek Watershed exists in a part of the state with severely limited water outlet capacity. Public drainage systems within the watershed were established and constructed to address this limitation. The public drainage systems are now critical infrastructure for effective stormwater management and are the only way stormwater can leave many residential and commercial areas. Restricting maintenance of these critical systems puts agriculture, development, and economic and safety interests of the public at risk.

The planned 2018 repairs of JD 2 Br. 1/2 were delayed a construction season when the DNR asserted regulatory jurisdiction but could not identify the mechanism for approval for a three month period. To date, DNR has requested RCWD provide additional technical data three times.

- ACD 53-62 was repaired in 2014 following \$100,000 in research costs to address DNR-imposed conditions. Four years later, the DNR informed the RCWD that permission was required to complete maintenance in the same location using the same methods and imposed additional conditions upon the work. The ability to complete maintenance in the future is uncertain due to these conditions.

# **BACKGROUND INFO on PROPOSED RESOLUTION #9**

## **Recommend Administrators for Clean Water Council Appointments**

**Proposing District:** MN Association of Watershed Administrators  
**Contact Name:** Scott Henderson  
**Phone Number:** 320.352.2231  
**Email Address:** scott@srwdmn.org

**Background that led to submission of this resolution:**

The current watershed district representative to the Clean Water Council (CWC) is not currently employed by a watershed district or a member of a watershed district board. The CWC makes recommendations to the legislature and governor on how Clean Water Funds are spent throughout the state. Watershed districts have a vested interest in how those funds are apportioned and should have a strong voice to ensure funds are spent for implementation of water quality/quantity projects. Communication between the Minnesota Association of Watershed District (MAWD) membership and the representative has been virtually non-existent. To better align with the vision of MAWD and watershed districts, the Minnesota Association of Watershed Administrators (MAWA) supports a governor-appointed representative for watershed districts but believes the representative should be an individual with ties to MAWD and its membership. MAWA advocates for a representative that supports the vision of MAWD and watershed districts.

**Ideas for how this issue could be solved:**

This issue of communication and influencing watershed district perspectives on the CWC could be resolved by recommending a watershed district administrator for the position, from a watershed district in good standing with MAWD. Much like the soil and waters conservation district and city representatives on the CWC, having an individual that works within a watershed district could guide recommendations that further the vision of MAWD and watershed districts. MAWA understands that MAWD is currently within a change; however, the CWC has an important function that warrants a more proactive stance and what better time to affect change than when change is occurring.

**Anticipated support or opposition from other governmental units?**

MAWA believes that this would be supported by SWCDs, counties and cities with local water plans and other state agencies. MAWA does not see any outside opposition to this resolution.

**This issue is of importance (Check one):**

- To the entire State:  \_\_\_\_\_
- Only our Region: \_\_\_\_\_
- Only our District: \_\_\_\_\_

**PROPOSED 2018 MAWD RESOLUTION #9**  
**Recommend Administrators for Clean Water Council Appointments**  
**Submitted by: MN Association of Watershed Administrators (MAWA)**

**NOTE: This resolution needs approval by the MAWD Board of Directors before it can come before the membership for a vote. See notes below.**

**WHEREAS** the Clean Water Council is a 28-member council that advises the Legislature and the Governor on the administration and implementation of the Clean Water Fund;

**WHEREAS** the Clean Water Fund shall use priority funding as set by the Board of Water and Soil Resources for nonpoint restoration and protection;

**WHEREAS** the potential funding generated from Clean Water Fund appropriations could be utilized for projects at the local government level;

**WHEREAS** the current watershed district representative is not currently associated with a watershed district in any capacity; and

**WHEREAS** the appropriations are being utilized for things other than clean water implementation due to a lack of recommendations from the council in that manner.

**THEREFORE, BE IT RESOLVED** that MAWD asks any representative of the Clean Water Council to resign when they lose their direct association to a watershed district; and

**THEREFORE, BE IT FURTHER RESOLVED** that MAWD will recommend to the Governor's office that administrators in good standing with MAWD be appointed to the Clean Water Council.

---

**Notes:**

1. MAWA cannot submit resolutions on their own; but, the MAWD Board of Directors may review the resolution and move it forward for a vote by the membership. The MAWD Board will review the resolution and make a decision on how to proceed on November 29<sup>th</sup>. If approved, members will have an opportunity to vote on this resolution during the business meeting on November 30<sup>th</sup>.
2. Committee Recommendation: Committee recommends the MAWD Board move the resolution to a vote.
3. We will vote on each "THEREFORE, BE IT RESOLVED" statement separately.

# 2018 Proposed Changes to MAWD Bylaws

The Governance Committee reviewed both the Bylaws and the Manual of Policies and Procedures (MOPP) during the summer of 2018. In addition to cleaning up the language to make the documents consistent both internally and with each other, the committee recommends adding language to allow for Water Management Organizations (WMOs) to join MAWD with full voting rights. Dues would be set by the Board of Directors and will use the same formula as used for Watershed District Members starting in 2020. For 2019, WMOs will not see an increase in the dues they are charged to be associate members (\$500.)

The MAWD Board of Directors accepted the changes as proposed in the MOPP at the September 21<sup>st</sup> Board Meeting in Sauk Centre. The MAWD Board further recommends the changes proposed to the Bylaws as shown below.

## BYLAWS

### MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC.

St. Paul, Minnesota

#### ARTICLE I.

##### Offices and Corporate Seal

- 1.1 Official Name. The official name of the corporation is the Minnesota Association of Watershed Districts, Inc., hereinafter referred to as MAWD.
- 1.2 Purpose. The purpose of MAWD is to provide educational opportunities, access to information resources, interface with other agencies, facilitate tours, meetings, ~~and other educational opportunities~~ and lobby on behalf of ~~watershed districts members~~. Additionally, MAWD will facilitate the exchange of information to help ~~members Watershed District Managers and Watershed staff~~ better comply with governmental regulations and laws while offering an informed interface with the community or communities being served.
- 1.3 Organized. The corporation is organized as a 501(c)(4) organization. Notwithstanding any provision of the Articles of Incorporation or Bylaws which may be interpreted to the contrary, MAWD shall not authorize or undertake any actions which jeopardize its status as a 501(c)(4) organization.
- 1.4 Office. The registered office of the corporation shall be designated by the Board of Directors.
- 1.5 Corporate Seal. The corporation shall have no corporate seal.
- 1.6 Manual of Policy and Procedures. The Board of Directors has established a management document identified as Manual of Policy and Procedures (MOPP) to support the orderly and timely details of regular operation. It may be revised at any time by a majority vote of the Board of Directors.



**ARTICLE II.**  
**Membership**

- 2.1 ~~Regular Membership.~~ Each dues-paying watershed district (~~WD~~) or water management organization (WMO) duly established and in good standing pursuant to Minnesota Statutes, Chapter 103B or 103D, shall be entitled to ~~a regular~~ membership in this corporation.
- 2.2 Delegates. Alternates. When a ~~watershed district~~WD or WMO becomes a ~~regular~~ member of this corporation, it shall designate from among its managers-board members two delegates to represent it in this corporation. In addition, each ~~regular~~ member may designate alternate delegates to represent such member in the absence of any originally designated delegate. Thereafter, each ~~regular~~ member shall annually designate its delegates and alternate delegates so long as it remains a member in good standing of this corporation.
- 2.3 Termination of Membership. Any member that has failed to pay its dues ~~as provided in the Policy and Procedure Manual~~ is not in good standing and shall be stricken from the membership roll.
- 2.4 Resignation of Member. Any member may withdraw from this corporation effective immediately by notifying the secretary in writing. ~~45 days prior to the end of the fiscal year. Regardless of the date of termination, there shall be no refund of the annual dues paid by the member.~~
- 2.5 Associate Membership. The Board of Directors may from time to time extend associate membership to this corporation upon payment of dues as determined by the Board of Directors. An associate member shall not be entitled to submit resolutions, vote, or serve on the Board of Directors, but shall otherwise be afforded all the rights and privileges granted to ~~regular~~ members, their delegates and alternate delegates by law and by the Articles of Incorporation and Bylaws of this corporation.
- ~~2.6 Members or Memberships. Subject to the corporation's Articles of Incorporation and paragraph 2.5 herein, the terms "member" and "membership," or the plural of either, appearing in these Bylaws shall mean both regular members and associate members and memberships, unless a contrary meaning is clearly indicated.~~

**ARTICLE III.**  
**Meetings of Membership**

- 3.1 Annual Meeting. An annual meeting of this corporation shall be held to vote for the election of the Board of Directors and to transact such other business as shall properly come before them. Notice of the time and place of such annual meeting shall be mailed, either physically or electronically, by the secretary to all members at least thirty (30) days in advance thereof.
- 3.2 Special Meeting. Special meetings of the members of the corporation shall be called by the president upon request of a majority of directors of the Board of Directors or upon the written request of one-third of the ~~regular~~ members of the corporation in good standing. This request shall be in writing addressed to the president or the secretary of the corporation. Within thirty days of receipt of said request, the Board of Directors shall, mail (either physically or electronically) notice of said special meeting to all members. This notice shall state the objective of the meeting and the subjects to be



considered.

- 3.3 Quorum. A majority of the delegates (two per ~~regular~~ member) shall constitute a quorum for the transaction of business.
- 3.4 Voting. Any action taken by the ~~regular~~ members shall be by majority vote of the delegates present unless otherwise specifically provided by these Bylaws. Each member shall be entitled to one (1) vote for each delegate present.

#### **ARTICLE IV. Board of Directors**

- 4.1 General Powers. The business activities of the corporation shall be directed and managed by the Board of Directors. ~~(hereinafter referred to as the board)~~. The Board of Directors shall be authorized to pay officers and directors of the corporation per diem allowances and expenses as may from time to time be submitted to the Board of Directors, and such other expenses as may from time to time be necessary for the furtherance of the corporation's business, consistent with the rate and provisions of watershed ~~manager board member~~ per diem allowances and expense reimbursement provided in state law. The Board of Directors is authorized to hire and/or contract for services needed.
- 4.2 Directors to be Elected by Regions. For the purpose of election of the Board of Directors, ~~the State of Minnesota is divided~~ members are grouped into three regions; three Directors shall be elected from each region, with staggered three-year terms. Members from each region shall elect one director for a three-year term at the annual meeting of the Association. No ~~Watershed District~~ WD or WMO shall have more than one ~~Manager board member~~ elected to be a Director on the Board of Directors of the Corporation. Regional caucuses shall elect a Chairman and Recording Secretary from its delegates for the purpose of its election procedure and report the election results to the Convention at a designated time.
- 4.3 Regions. ~~At the annual meeting, the delegates~~ The Board of Directors may re-align the regions or the ~~watershed districts~~ members contained therein, it being the intent and purpose that each region contain the approximate same number of ~~watershed districts~~ members. Any ~~watershed district~~ WD or WMO in Minnesota not presently a member of this corporation, upon admission to membership, will be assigned to a region by the Board of Directors. Regional membership shall be listed in the Policy and Procedure Manual.
- 4.4 Number, Qualification and Term of Office. The number of directors constituting the board shall be nine. Each director elected at the annual meeting shall be elected for a three-year term. Directors shall be on the board of a watershed member in good standing of this corporation.
- 4.5 Vacancies. If there be a vacancy among the officers of the corporation or among the directors by reason of death, resignation, termination of membership, or removal as provided by law, the Articles of Incorporation, or these Bylaws, or otherwise or for non-excused absences for three consecutive meetings, such vacancy shall be filled by the Board of Directors until the next Annual Meeting of the Association.

4.6 Removal of Directors by Members. At a special meeting of the Board of Directors called solely for that reason, the notice of which meeting shall have been given in writing to members of this board at least thirty days prior thereto and not more than fifty days prior thereto, a majority of the members of this board may remove one or more directors from their term of office without cause.

4.7 Meetings. Actions. The Board of Directors shall hold the annual meeting of the Board of Directors immediately after the annual meeting of the members of this corporation, and at such annual meeting shall elect the officers as above provided for. Regular meetings of the Board of Directors shall be held at a time and place to be fixed by resolution or adopted by the majority of the Board of Directors.

The majority of the Board of Directors shall constitute a quorum. Directors may participate and vote in Board of Directors meetings by telephone or other electronic means approved by the Board in the MOPP.

Actions may be taken by a majority vote of those Directors present or participating by telephone or other electronic means approved by the Board in the MOPP. The secretary of the board shall give written or electronic notice to each director at least ten (10) days in advance of any regular or special directors' meeting. Special meetings may be called at the discretion of the President of the board or upon demand in writing to the secretary by three (3) directors of the Board of Directors.

4.8 Conflicts of Interest. Members of the Board of Directors shall act at all times in the best interests of the corporation. This means setting aside personal self-interest and performing their duties in transacting the affairs of the corporation in such a manner that promotes public confidence and trust in the integrity, objectivity and impartiality of the Board. No Director shall directly or indirectly receive any profit from his/her position as such, and Directors shall serve without remuneration other than as provided in Section 4.1 of these Bylaws for the payment for reasonable expenses incurred by them in the performance of their duties. The pecuniary interests of immediate family members or close personal or business associates of a Director are considered to also be the pecuniary interest of the Director.

4.9 Indemnification. All directors and officers of the corporation shall be indemnified against any and all claims that may be brought against them as a result of action taken by them on behalf of the corporation as provided for and subject to the requirements of Chapter 317A of Minnesota Statutes as amended.

## **ARTICLE V. Board Officers**

5.1 Officers and Duties. There shall be four officers of the board, consisting of a president, vice-president, secretary and treasurer. All officers shall be directors of the corporation. Their terms and duties are as follows:

5.2 President. The president shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The president shall have the following duties:

- Convene and preside over regularly scheduled board meetings.

- Have general powers and duties of supervision and management usually vested in the office of president.
- Appoint such committees as he/she shall deem necessary with the advice and consent of the Board of Directors.

5.3 Vice-President. The Vice-President shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The Vice-President shall have the following duties:

- Assume and perform the duties of the president in case of his/her absence or incapacity; and shall chair committees on special subjects as designated by the President.
- Have general powers and duties of supervision and management usually vested in the office of Vice-President.

5.4 Secretary. The Secretary shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The Secretary shall be responsible for preparing and keeping all records of board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each board member, and assuring that corporate records are maintained.

5.5 Treasurer. The Treasurer shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The treasurer shall chair the finance committee, maintain account of all funds deposited and disbursed, disburse corporate funds as designated by the Board of Directors, assist in the preparation of the budget, collect membership dues, and make financial information available to board members and the public.

## ARTICLE VI.

### Fiscal Year, Dues and ~~Audit~~ Annual Review of Financial Procedures

6.1 Fiscal Year. The fiscal year of the corporation shall end on September 30 each year.

6.2 Membership Dues. Dues will be determined annually by the Board of Directors as specified in the Policies and Procedures Manual.

6.3 Annual Dues. Annual dues shall be payable in ~~advance during the month of~~ January of each year. If a member's dues are not paid on or before April 30 of each year, such member's name shall be stricken from the membership roll. Reinstatement shall be upon such terms and conditions as prescribed by the Board of Directors.

The Board of Directors shall have the authority to suspend or defer dues of any newly organized ~~watershed district~~ WD or WMO that joins this association until such member ~~watershed district~~ WD or WMO is in actual receipt of its first authorized fund. The Board shall send out the annual dues statement with payment directed to the Authorized ~~District~~ Accounting firm. The Board of Directors

may consider deferring, suspending, or reducing dues on an individual case basis when an appeal is made by a ~~Watershed District member~~ because of hardship or funding problems.

- 6.4 ~~Annual~~ Audit Review of Financial Procedures. The Board of Directors of this corporation shall provide for an annual audit-review of financial procedures of all its resources and expenditures. A full report of such audit-review and financial status shall be furnished at each annual meeting of the members. This audit-review will be conducted by an auditing firm selected by the Board of Directors with experience in the field of government and water management. The audit-review results shall be furnished to all members ~~s-districts~~ within forty-five days after receipt thereof by the Treasurer.

#### **ARTICLE VII.**

##### **Employees**

- 7.1 Employees. At the discretion of and under the direction of the Board of Directors, MAWD may choose to hire and administer various employees. Their positions and job expectations shall be individually developed and included in the Policies and Procedures Manual.

#### **ARTICLE VIII.**

##### **Resolutions and Petitions**

- 8.1 Resolutions: The Chair of the MAWD Resolutions/Policy Committee will send a request for resolutions, along with a form for submission, to the membership at least 3 months prior to the annual MAWD membership meeting. Resolutions and their justification must be submitted to the MAWD Resolutions/Policy Committee in the required format at least 2 months prior to the annual MAWD membership meeting for committee review and recommendation. The committee will present these resolutions and their recommendations to the ~~MAWD~~ Board of Directors and the MAWD membership at least 1 month prior to the start of the annual MAWD membership meeting. The ~~MAWD~~ Board of Directors may make additional recommendations on each proposed resolution through its board meeting process. This same procedure will be used when policy issues are to be considered at any special MAWD membership meeting.
- 8.2 Petitions: Any member or group of members may submit to the Board of Directors at any time a petition requesting action, support for, rejection of, or additional information on any issue of potential importance to the members. Such petitions require signed resolutions from that at least 15 members ~~watershed-districts submit the petition~~ before a Special meeting of the membership will be convened.

#### **ARTICLE IX.**

##### **Chapters**

- 9.1 Chapters. Members ~~Districts~~ may form chapters to further the purposes stated in Article II of the Articles of Incorporation, to carry out policies of the Board of Directors, and to suggest policies for consideration by the Board of Directors. ~~The chapters shall report on their activities at the Annual Meeting of the Association.~~

**ARTICLE X.  
Rules of Order**

10.1 Rules. When consistent with its Articles of Incorporation and these Bylaws, Robert's Rules of Order shall govern the proceedings of this corporation. For consistency in operation, a copy of Robert's Rules of Order shall be available for consultation if requested at every scheduled meeting of the Board of Directors and Membership meetings.

**ARTICLE XI.  
Amendments**

11.1 Amendments. These Bylaws may be amended by a majority vote of the ~~regular~~ members of this corporation only as provided below.

11.2 Annual Meeting. At the annual meeting of the ~~regular~~ members of this corporation, the Bylaws may be amended by the majority of the ~~regular~~ members present if there is a quorum at said annual meeting and due notice has been given to the membership of the changes 30 days in advance of the meeting.

11.3 Special Meeting. These Bylaws may be amended by the ~~regular~~ members at a special meeting called for that reason but only by a majority vote of the entire ~~regular~~ membership of the corporation, and only if there has been thirty days' written notice to all ~~regular~~ members of such special meeting. Such special meeting may be called upon the request of one-third of the ~~regular~~ members of this corporation by notice in writing to the secretary or president, which notice shall ask for said special meeting and shall state the proposed Bylaws changes, and upon receipt of such request, the secretary or president must send written notice of the meeting to the members of this corporation within thirty days of receipt of such request, which shall be not less than thirty days nor more than fifty days of the date of the written notice.

## **ITEMS REQUIRING BOARD ACTION**

5. Consider Resolution Requesting Boundary Change between the Rice Creek Watershed District and the Brown's Creek Watershed District. (Phil Belfiori)



**MEMORANDUM**  
**Rice Creek Watershed District**

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**Date:** November 8, 2018  
**To:** RCWD Board of Managers  
**From:** Phil Belfiori, District Administrator  
**Subject:** Boundary Change between RCWD and Brown's Creek Watershed District (BCWD)

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**BACKGROUND**

It has been noted that there are boundary errors between RCWD and BCWD in the cities of Hugo and Grant. Based on the improved hydrologic boundary developed from the LIDAR data collection in 2009, it was initially discovered that 80 parcels that drain to RCWD were actually within the boundary of BCWD. Likewise, it was initially discovered that 29 parcels that drain to BCWD are within the RCWD boundary. The exchange of parcels will help both RCWD and BCWD better manage their water resources.

Attached for the RCWD Board's review and consideration is Resolution 2018-34 which directs the submittal to BWSR for a change in the common boundary between the RCWD and BCWD. Exhibit A shows an updated list of the 78 parcels to be transferred to RCWD. Exhibit B shows an updated list of the 28 parcels to be transferred to BCWD. Exhibit C contains a map of the parcels to be exchanged and Exhibits D, E, and F contain letters of concurrence from the BCWD and the Cities of Hugo and Grant.

**RECOMMENDATION**

Staff recommends that the petition be submitted to BWSR.

Proposed action: Manager \_\_\_\_\_ moves to offer resolution 2018-34 and its adoption, seconded by Manager \_\_\_\_\_.

Attachments: Resolution 2018-34, Exhibits A, B, C, D, E and F.

**RESOLUTION NO. 2018-34**

**RICE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**RESOLUTION REQUESTING CHANGE OF BOUNDARY WITH  
BROWN'S CREEK WATERSHED DISTRICT**

Manager \_\_\_\_\_ offered the following resolution and moved its adoption, seconded by  
Manager \_\_\_\_\_ :

**WHEREAS** as a result of the recent generation of more precise topographic data, the hydrologic boundary of the Rice Creek watershed can be more precisely ascertained; and

**WHEREAS** these improved data and the ongoing subdivision and development of land allow for more accurate differentiation of properties lying within the hydrologic boundary of the watershed and, therefore, more accurate inclusion of properties within the Rice Creek Watershed District's legal boundary; and

**WHEREAS** the purpose of Minnesota Statutes Chapters 103B and 103D is to facilitate water resource management on a watershed basis, and that legal boundaries of watershed management organizations should conform as closely as is practicable to hydrologic boundaries; and

**WHEREAS** certain land parcels presently within the boundaries of the Brown's Creek Watershed District have been identified as falling within the hydrologic boundary of the Rice Creek watershed; and

**WHEREAS** these parcels are shown on Exhibit A and are proposed on that exhibit to be included within a revised legal boundary of the Rice Creek Watershed District; and

**WHEREAS** certain land parcels presently within the boundaries of the Rice Creek Watershed District have been identified as falling within the hydrologic boundary of the Brown's Creek watershed; and

**WHEREAS** these parcels are shown on Exhibit B and are proposed on that exhibit to be included within a revised legal boundary of the Brown's Creek Watershed District (and excluded from a revised legal boundary of the Rice Creek Watershed District); and

**WHEREAS** the parcels to be exchanged are represented on a map, attached herein as Exhibit C; and

**WHEREAS** the parcels affected by this boundary change are contiguous to the Rice Creek Watershed District, are entirely within the corporate limits of the Cities of Hugo and Grant, Minnesota, and adjustment of the District's legal boundary will advance the purposes of Minnesota Statutes Chapters 103B and 103D; and

**WHEREAS** Pursuant to Minnesota Statutes § 103B.215, subdivision 2(c), the Rice Creek Watershed District obtained letters of concurrence from both the Brown's Creek Watershed District and the Cities of Hugo and Grant, attached herein as Exhibits D, E and F, and that all three entities support the proposed boundary change; and

**WHEREAS** Rice Creek Watershed District and BCWD have agreed that Rice Creek Watershed District will continue to administer permits that have been issued by it for work on properties subject to this resolution at the time of its adoption, and will notify BWCD on completion of all work and satisfaction by the permittee of obligations under the permit, at which point regulatory jurisdiction will no longer be administered by the Rice Creek Watershed District over properties transferred to BCWD.

**THEREFORE BE IT RESOLVED** the Board of Managers of the Rice Creek Watershed District directs its staff to submit a petition to the Minnesota Board of Water and Soil Resources, Pursuant to Minnesota Statutes §103B.215, to amend the District’s legal boundary in accordance with Exhibits A, B and C.

The question was on the adoption of the Resolution and there were \_\_\_ yeas and \_\_\_ nays as follows:

	Yea	Nay	Absent
WALLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PREINER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution \_\_\_\_\_.

\_\_\_\_\_  
Michael Bradley, Secretary

Dated November 14, 2018

\* \* \* \* \*

I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 14th day of November, 2018.

\_\_\_\_\_  
Michael Bradley, Secretary



November 14, 2018

John Jaschke, Director  
Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, MN 55155

Mr Jaschke:

The Rice Creek Watershed District (RCWD) has recently become aware of errors in its boundary with the Brown's Creek Watershed District (BCWD). To correct these errors, the RCWD is petitioning BWSR to modify the legal boundaries between the RCWD and the BCWD. Included with this letter is all information related to this petition required under Minnesota Statute 103B.215. These documents include:

- a) RCWD Resolution 2018-34 Requesting Change of Boundary with the Brown's Creek Watershed District'
- b) a Petition for Boundary Change between the Rice Creek Watershed District and the Brown's Creek Watershed District;
- C) a technical memorandum from the RCWD District Engineer (Houston Engineering Inc.) including a map-book that greatly details the proposed boundary change; and
- d) letters of concurrence approving the boundary modification from the Hugo city council, Grant city council, and the BCWD.

Per Minnesota Statute 103B.215 Subd. 3, "Upon the filing of a sufficient petition, the board shall give notice of the filing of the petition by publication once each week for two successive weeks in a legal newspaper in each county affected and by mail to the county auditor of each county affected and to the chief official of each statutory or home rule charter city and township affected."

To meet statutory requirements, we recommend that the filing of the petition be noticed to

White Bear Press  
4779 Bloom Avenue  
White Bear Lake, MN 55110  
Phone: 651-407-1200  
Email: [news@presspubs.com](mailto:news@presspubs.com)

Jennifer Wagenius  
Washington County Director of Property Records and Taxpayer Services  
14949 62nd Street N.  
Stillwater, MN 55082  
Ph: 651-430-6175

Kim Points  
City Administrator  
City of Grant, MN  
P.O. Box 577, Willernie, MN 55090  
651-426-3383  
[clerk@cityofgrant.us](mailto:clerk@cityofgrant.us)

Bryan Bear  
City Administrator  
City of Hugo  
14669 Fitzgerald Ave. N., Hugo MN 55038  
651-762-6320  
[bbear@ci.hugo.mn.us](mailto:bbear@ci.hugo.mn.us)

If you have any queries regarding this petition please contact the RCWD administrator, Phil Belfiori at (763) 398-3071 or [pbelfiori@ricecreek.org](mailto:pbelfiori@ricecreek.org)

Sincerely

Phil Belfiori  
Administrator

**PETITION FOR  
BOUNDARY CHANGE BETWEEN THE  
RICE CREEK WATERSHED DISTRICT AND THE BROWN’S CREEK  
WATERSHED DISTRICT**

\*\*\*\*\*

In the matter of the Petition for Boundary Change Between  
The Rice Creek Watershed District (RCWD) and the  
Brown’s Creek Watershed District (BCWD)  
Pursuant to Minnesota Statutes §103B.215

TO: The Board of Water and Soil Resources  
520 Lafayette Road North  
Saint Paul, MN 55155

The Rice Creek Watershed District (“Petitioners,”), a Minnesota Special Purpose Unit of Government with powers set forth at Minnesota Statutes § 103B and § 103D, pursuant to the RCWD Board of Managers Resolution 2018-34, hereby petition the Board of Water and Soil Resources (Board) for an order approving the adjustment of the common jurisdictional boundary between The Rice Creek Watershed District and the Brown’s Creek Watershed District, pursuant to Minnesota Statutes §103B.215, for the following reasons:

1. The RCWD is an existing watershed district contained entirely within the Twin Cities Metropolitan Area;
2. The areas proposed to be moved to the RCWD are contiguous with it, are within its hydrologic boundary, and are all within the Cities of Grant, MN and Hugo, MN. The areas to be moved to RCWD are described on the parcel list attached hereto as Exhibit A. The areas proposed to be moved to the BCWD are contiguous with it, are within its hydrologic boundary, and are all within the Cities of Grant, MN and Hugo, MN. The areas to be moved to BCWD are described on the parcel list attached hereto as Exhibit B. A map of the proposed changes is attached hereto as Exhibit C;
3. The petitioned adjustments would be of the public benefit and welfare, cause the common jurisdictional boundary to more closely conform to the hydrological boundary between the two entities, would facilitate the watershed-based water resource planning and management, and for these and other reasons would be consistent with the purposes and requirements of Minnesota Statutes §§103B.205 to 103B.255;



4. Pursuant to Minnesota Statutes § 103B.215, subdivision 2(c), the City of Grant, City of Hugo, and the Brown's Creek Watershed District concur in this petition, as evidenced by a letter from each, appended hereto as Exhibits D, E, and F respectively;

5. Pursuant to Minnesota Statutes § 103B.225, Petitioners represent that no property in the affected areas is responsible for any outstanding indebtedness, levies or assessments, and that the boundary change will not affect any benefits or damages for previously constructed improvements.

6. A copy of the RCWD Board of Managers Resolution 2018-34 is included hereto as Exhibit G.

WHEREFORE, in accordance with Minnesota Statutes §103B.215 and the rules and procedures of the Board, Petitioners respectfully petition the Board to make the boundary change requested herein.

**RICE CREEK WATERSHED DISTRICT**

\_\_\_\_\_  
**Patricia Preiner, President**

**Date:** \_\_\_\_\_

**EXHIBIT A**

The following 78 parcels would be transferred from BCWD to in RCWD:

163-2403121220001	163-2203021230004
163-0303021340001	163-2303121240005
163-0303021320002	163-2403121310002
163-0303021340004	163-1603021420004
163-0303021420001	163-2303121140001
163-0303021320003	163-1003021220001
163-0903021110004	163-0303021310004
163-0303021310001	163-0903021130002
163-0303021330002	163-0903021140001
163-2203021320006	163-1603021430004
163-3603121330003	163-0303021330007
163-0303021330008	163-2403121210001
163-1603021430006	163-2303121340003
163-2303121240002	163-0303021340002
163-0903021130001	163-0903021130004
163-0903021420002	163-1603021430005
163-1003021220006	163-3603121330004
163-2203021320010	163-2303121330004
163-0303021430002	163-2303121340004
163-2203021310012	163-0903021130003
163-2403121120001	163-2303121330003
163-0903021110001	163-2303121330001
163-1603021430003	163-0903021110005
163-0303021320004	163-2303121330002
163-0303021330009	163-1003021220002
163-1003021210002	163-2203021310011
163-2303121240003	163-2303121340001
163-1003021120005	163-2303121240004
163-1003021220005	163-2203021230003
163-1003021220004	163-0903021110003
163-0303021240003	163-2203021320011
163-0303021340003	163-0903021140003
163-0903021120001	163-2303121320001
163-1003021220003	163-0303021310002
163-1003021120004	163-2303121310001
163-0403021430002	163-0903021420001
163-0303021430001	163-1003021120006
163-2203021310013	163-2203021310016
163-2203021320002	163-2303121420005

**EXHIBIT B**

The following 28 parcels would be transferred from RCWD to BCWD:

163-3503121410003
163-0303021120006
163-2603121210007
163-0303021110006
163-2603121210006
163-0303021110007
163-2603121210008
163-3503121410004
163-2603121240006
163-3503121410001
163-2603121420001
163-0303021210004
163-2603121240011
163-0303021120004
163-3503121410005
163-0303021120005
163-2603121310002
163-2603121210009
163-0303021110005
163-2603121210004
163-2103021110002
163-3503121140001
163-0303021110004
163-0303021110003
163-3503121410002
163-2603121210005
163-0303021110008
163-0303021240009

**EXHIBIT C**

Map of proposed Boundary Changes

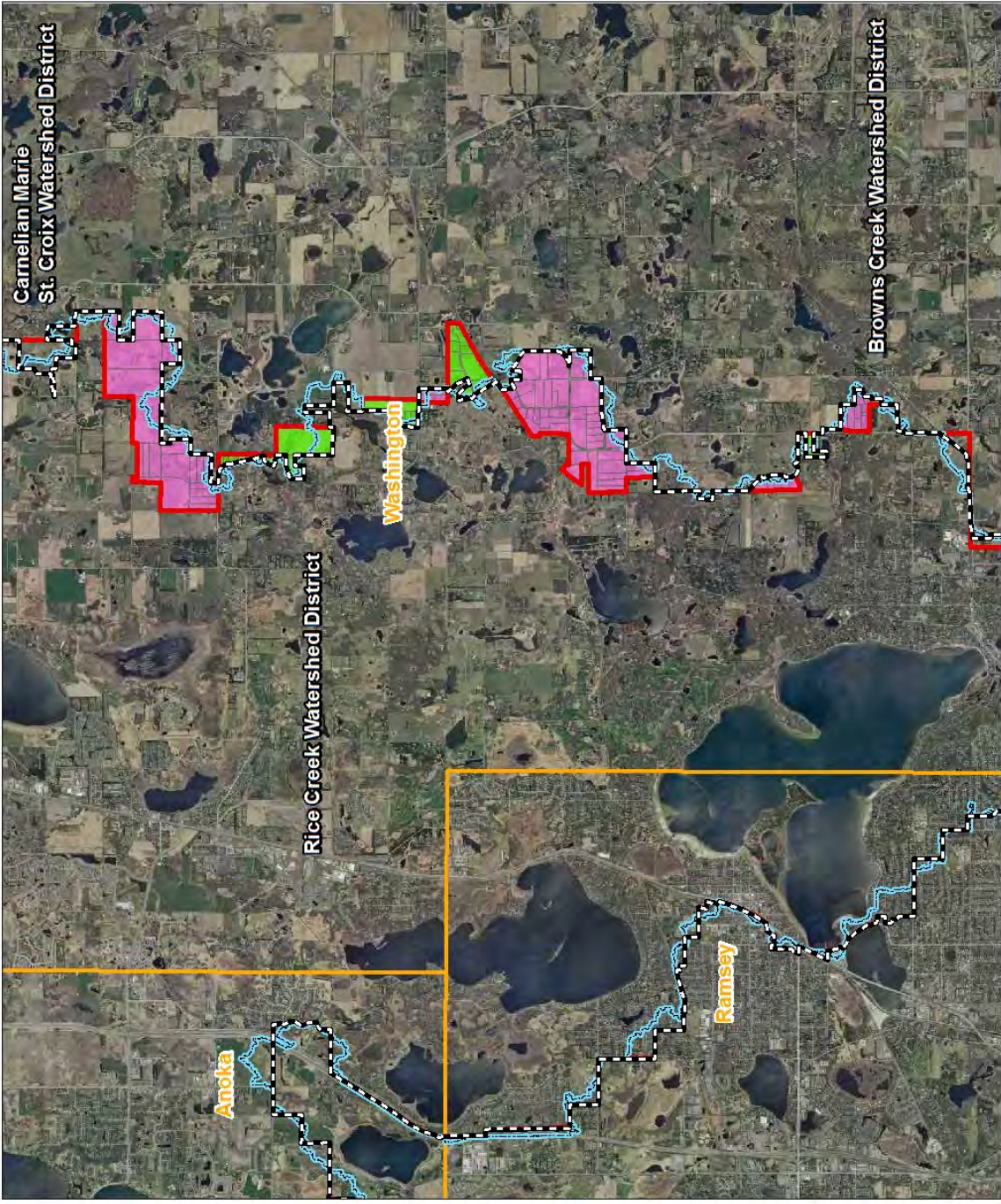


# RCWD/BCWD Proposed Boundary Modification

- Proposed Boundary Modification
- RCWD Current Hydrologic Boundary
- RCWD Current Legal Boundary
- New Watershed District**
  - RCWD to BCWD
  - BCWD to RCWD
- County Boundary



Legal Boundary Review - Location Map Page 1 of 11			
Scale:	Drawn by:	Checked by:	Date:
AS SHOWN	BCD	SSS/SSS	10/22/2018
Project No.:		Sheet:	
1555-555		1	
		Maple Grove	
		P: 763.483.1572 F: 763.483.5772	

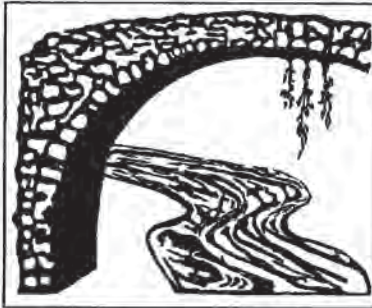


**EXHIBIT D**

**EXHIBIT E**

**EXHIBIT F**





**BROWN'S  
CREEK  
WATERSHED  
DISTRICT**

455 HAYWARD AVE N  
OAKDALE, MN  
55128

651.330.8220 X26 | PHONE |  
651.330.7747 | FAX |  
WWW.BCWD.ORG

October 10, 2018

Phil Belfiori  
Rice Creek Watershed District  
4325 Pheasant Ridge Dr NE, Suite 611  
Blaine, MN 55449

**RECEIVED**  
**OCT 15 2018**  
Rice Creek  
Watershed District

Re: Petition for Boundary Change, Rice Creek Watershed District: Letter of Concurrence

Dear Mr. Belfiori,

The Brown's Creek Watershed District has reviewed and considered the proposal to change the common boundary between the Rice Creek Watershed District and Brown's Creek Watershed District. Pursuant to Resolution #18-09, the Brown's Creek Watershed District authorized concurrence with the proposed petition to change the common boundary between the Rice Creek Watershed District and Brown's Creek Watershed District.

Your point of contact regarding this concurrence is Karen Kill, BCWD Administrator, 455 Hayward Ave N, Oakdale, MN 55128.

Sincerely,

Craig Leiser, BCWD President

**Managers:**

Craig Leiser, President • Sharon Schwarze, Vice-President • Anne Maule Miller, Secretary • Gerald Johnson, Treasurer • Klayton Eckles

## RESOLUTION 18-09

### Brown's Creek Watershed District

#### Concurring the boundary change and authorizing letter of concurrence in boundary change

**WHEREAS**, Rice Creek Watershed District ("RCWD") has analyzed and identified certain discrepancies in the common boundary between the Brown's Creek Watershed District and the RCWD. The discrepancies arise because of differences between the boundaries as established by State order and the hydrologic boundaries as determined by modern mapping information;

**WHEREAS**, RCWD has developed a revised boundary for inclusion in a petition to the Board of Water and Soil Resources for boundary change;

**WHEREAS**, RCWD has presented the revised boundary for consideration by Brown's Creek Watershed District;

**WHEREAS**, the RCWD Engineer has prepared a revised watershed district boundary map and affected parcel listing (Exhibit 1) which have been considered by the Brown's Creek Watershed District;

**WHEREAS**, Minnesota Statutes section 103B.215 requires a petition for boundary change to be accompanied by a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred;

**WHEREAS**, RCWD has requested concurrence from Brown's Creek Watershed District in the proposed boundary change and in the filing of a petition for boundary change with the Board of Water and Soil Resources that reflects the boundary changes described in Exhibit 1;

**WHEREAS**, Brown's Creek Watershed District and RCWD have agreed that Brown's Creek Watershed District will continue to administer permits that have been issued by it for work on properties subject to this resolution at the time of its adoption, and will notify RCWD on completion of all work and satisfaction by the permittee of obligations under the permit, at which point regulatory jurisdiction will no longer be administered by Brown's Creek Watershed District over properties transferred to RCWD.

**NOW THEREFORE BE IT RESOLVED THAT** the Brown's Creek Watershed District Board of Managers concurs with the proposed boundary changes found in Exhibit 1 and



authorizes the president to execute the attached concurrence letter for inclusion with the RCWD petition to the Board of Water and Soil Resources for boundary change.

The question was on the adoption of the resolution and there were 5 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
ECKLES	X			
JOHNSON	X			
LEISER	X			
MAULE MILLER	X			
SCHWARZE	X			

Upon vote, the chair declared the resolution adopted.

Anne Maule Miller  
Anne Maule Miller, Secretary

October 10, 2018

\* \* \* \* \*

I, Anne Maule Miller, secretary of the Brown's Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the BCWD and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 10 day of October, 2018.

Anne Maule Miller  
Anne Maule Miller, Secretary

# Technical Memorandum

---

**To:** Phil Belfiori  
Rice Creek Watershed District

**Cc:** Catherine Nester, RCWD

**From:** Chris Otterness P.E. & Timothy Erickson P.E.  
Houston Engineering, Inc.

**Subject:** Hydrologic and Legal Boundary Revisions based on comments from BCWD.

**Date:** April 9, 2018

**Project #:** R155555-0250

## INTRODUCTION

The purpose of this technical memorandum is to summarize changes to the Rice Creek Watershed District's (RCWD) proposed hydrologic and legal boundaries based on comments from Brown's Creek Watershed District (BCWD) detailed in a February 25<sup>th</sup>, 2016 memorandum drafted by Emmons and Olivier Resources, Inc (EOR) in response to RCWD's proposed boundary revisions detailed in an October 2<sup>nd</sup>, 2015 memorandum titled *Boundary Review in Washington County* prepared by Houston Engineering, Inc (HEI).

## HYDROLOGIC BOUNDARY REVIEW AND REVISIONS

In BCWD response memorandum, BCWD found discrepancies in the hydrologic boundaries determined by BCWD's consultant and HEI's 2015 hydrologic boundary review. These discrepancies were identified in the response memorandum. HEI reviewed the identified areas to determine if the adjustments suggested by BCWD are warranted and correct. The review consisted of using the RCWD LiDAR data, and the State of Minnesota's LiDAR dataset for Washington County, including the 1-meter digital elevation model (DEM), the 1-meter hillshade dataset, and the derived 2-foot contours dataset.

After close inspection of the hydrologic boundary comparisons, it was determined that all of the discrepancy areas identified by BCWD were determined to be likely to be accurate. The reasons for the discrepancies in the HEI 2015 memorandum include:

1. Generally flat topography at these locations
2. Hydrologic boundaries near or beyond the extent of the RCWD's LiDAR data; and
3. BCWD staff knowledge regarding specific flowpath near the hydrologic boundary.

The RCWD hydrologic boundary was adjusted to coincide with the BCWD hydrologic boundary, remove overlapping areas or gaps between the boundaries, and achieve agreement between the hydrologic boundaries. The attached mapbook identifies the areas impacted by the revised hydrologic boundary.



## LEGAL BOUNDARY REVISIONS

Once the agreement between districts is reached on the hydrologic boundaries, the parcel assignment in the affected areas can be revised. Any parcels along the hydrologic boundaries with >50% area within a district was assigned to the respective district. The attached mapbook identifies the parcels that are changing districts, per the revised hydrologic boundary. Once the parcels have been assigned to the appropriate district, the proposed legal district boundary was revised to aid discussions between districts and in petitioning of BWSR for alteration of the legal boundary.

Lists of the affected parcels along the boundary between the RCWD and BCWD are given in the below tables: **Table 1** provides a list of parcels recommended to be reassigned from the RCWD to the BCWD and **Table 2** provides a list of parcels to be reassigned from the BCWD to the RCWD. Each table includes a map identification number corresponding to the parcel in the Mapbook, the parcel number, and mapbook page(s) containing the parcel. A total of 29 parcels are recommended to be reassigned from RCWD to the BCWD, and 81 parcels from the BCWD to the RCWD.

**Table 1. Parcels changing from the RCWD to the BRWD.**

Map ID	Parcel PIN	Old District	New District	Mapbook Page Number(s)
1	03.030.21.11.0003	RCWD	BCWD	6
2	03.030.21.11.0004	RCWD	BCWD	6
3	03.030.21.11.0005	RCWD	BCWD	6
4	03.030.21.11.0006	RCWD	BCWD	6
5	03.030.21.11.0007	RCWD	BCWD	6
6	03.030.21.11.0008	RCWD	BCWD	6
7	03.030.21.12.0004	RCWD	BCWD	6
8	03.030.21.12.0005	RCWD	BCWD	6
9	03.030.21.12.0006	RCWD	BCWD	6
10	03.030.21.21.0004	RCWD	BCWD	6
12	03.030.21.24.0009	RCWD	BCWD	6
60	21.030.21.11.0002	RCWD	BCWD	3
92	26.031.21.13.0002	RCWD	BCWD	9
93	26.031.21.21.0004	RCWD	BCWD	9
94	26.031.21.21.0005	RCWD	BCWD	9
95	26.031.21.21.0006	RCWD	BCWD	9
96	26.031.21.21.0007	RCWD	BCWD	9
97	26.031.21.21.0008	RCWD	BCWD	9
98	26.031.21.21.0009	RCWD	BCWD	9
99	26.031.21.24.0006	RCWD	BCWD	9



Map ID	Parcel PIN	Old District	New District	Mapbook Page Number(s)
100	26.031.21.24.0011	RCWD	BCWD	9
101	26.031.21.31.0002	RCWD	BCWD	9
102	26.031.21.42.0001	RCWD	BCWD	8,9
103	35.031.21.14.0001	RCWD	BCWD	8
104	35.031.21.41.0001	RCWD	BCWD	6,8
105	35.031.21.41.0002	RCWD	BCWD	8
106	35.031.21.41.0003	RCWD	BCWD	8
107	35.031.21.41.0004	RCWD	BCWD	6,8
108	35.031.21.41.0005	RCWD	BCWD	6,8

**Table 2. Parcels changing from the BCWD to the RCWD.**

Map ID	Parcel PIN	Old District	New District	Mapbook Page Number(s)
11	03.030.21.24.0003	BCWD	RCWD	5,6
13	03.030.21.31.0001	BCWD	RCWD	5,6,7
14	03.030.21.31.0002	BCWD	RCWD	5,6,7
15	03.030.21.31.0004	BCWD	RCWD	5,6
16	03.030.21.32.0002	BCWD	RCWD	5,6
17	03.030.21.32.0003	BCWD	RCWD	5,6
18	03.030.21.32.0004	BCWD	RCWD	5
19	03.030.21.33.0002	BCWD	RCWD	5
20	03.030.21.33.0007	BCWD	RCWD	5
21	03.030.21.33.0008	BCWD	RCWD	5
22	03.030.21.33.0009	BCWD	RCWD	5
23	03.030.21.34.0001	BCWD	RCWD	5,7
24	03.030.21.34.0002	BCWD	RCWD	5,7
25	03.030.21.34.0003	BCWD	RCWD	5,7
26	03.030.21.34.0004	BCWD	RCWD	5,7
27	03.030.21.42.0001	BCWD	RCWD	6,7
28	03.030.21.43.0001	BCWD	RCWD	7
29	03.030.21.43.0002	BCWD	RCWD	7
30	03.030.21.43.0004	BCWD	RCWD	7
31	04.030.21.43.0002	BCWD	RCWD	5
32	09.030.21.11.0001	BCWD	RCWD	5
33	09.030.21.11.0003	BCWD	RCWD	5
34	09.030.21.11.0004	BCWD	RCWD	5
35	09.030.21.11.0005	BCWD	RCWD	5
36	09.030.21.12.0001	BCWD	RCWD	5



Map ID	Parcel PIN	Old District	New District	Mapbook Page Number(s)
37	09.030.21.13.0001	BCWD	RCWD	4,5
38	09.030.21.13.0002	BCWD	RCWD	4,5
39	09.030.21.13.0003	BCWD	RCWD	4,5
40	09.030.21.13.0004	BCWD	RCWD	4,5
41	09.030.21.14.0001	BCWD	RCWD	4,5
42	09.030.21.14.0003	BCWD	RCWD	4,5
43	09.030.21.42.0001	BCWD	RCWD	4
44	09.030.21.42.0002	BCWD	RCWD	4
45	10.030.21.12.0004	BCWD	RCWD	7
46	10.030.21.12.0005	BCWD	RCWD	7
47	10.030.21.12.0006	BCWD	RCWD	7
48	10.030.21.21.0002	BCWD	RCWD	5,7
49	10.030.21.22.0001	BCWD	RCWD	5
50	10.030.21.22.0002	BCWD	RCWD	5
51	10.030.21.22.0003	BCWD	RCWD	5
52	10.030.21.22.0004	BCWD	RCWD	5
53	10.030.21.22.0005	BCWD	RCWD	5
54	10.030.21.22.0006	BCWD	RCWD	5
55	16.030.21.42.0004	BCWD	RCWD	3
56	16.030.21.43.0003	BCWD	RCWD	3
57	16.030.21.43.0004	BCWD	RCWD	3
58	16.030.21.43.0005	BCWD	RCWD	3
59	16.030.21.43.0006	BCWD	RCWD	3
61	22.030.21.23.0003	BCWD	RCWD	2,3
62	22.030.21.23.0004	BCWD	RCWD	2,3
63	22.030.21.31.0002	BCWD	RCWD	2
64	22.030.21.31.0006	BCWD	RCWD	2
65	22.030.21.31.0011	BCWD	RCWD	2
66	22.030.21.31.0012	BCWD	RCWD	2
67	22.030.21.31.0013	BCWD	RCWD	2
68	22.030.21.32.0002	BCWD	RCWD	2
69	22.030.21.32.0002	BCWD	RCWD	2
70	22.030.21.32.0006	BCWD	RCWD	2
71	22.030.21.32.0010	BCWD	RCWD	2
72	22.030.21.32.0011	BCWD	RCWD	2
73	23.031.21.14.0001	BCWD	RCWD	10,11
74	23.031.21.24.0002	BCWD	RCWD	10
75	23.031.21.24.0003	BCWD	RCWD	10

Map ID	Parcel PIN	Old District	New District	Mapbook Page Number(s)
76	23.031.21.24.0004	BCWD	RCWD	10
77	23.031.21.24.0005	BCWD	RCWD	10
78	23.031.21.31.0001	BCWD	RCWD	9,10
79	23.031.21.32.0001	BCWD	RCWD	9,10
80	23.031.21.33.0001	BCWD	RCWD	9,10
81	23.031.21.33.0002	BCWD	RCWD	9,10
82	23.031.21.33.0003	BCWD	RCWD	9,10
83	23.031.21.33.0004	BCWD	RCWD	9,10
84	23.031.21.34.0001	BCWD	RCWD	9
85	23.031.21.34.0003	BCWD	RCWD	9,10
86	23.031.21.34.0004	BCWD	RCWD	9
87	23.031.21.42.0004	BCWD	RCWD	9,10
88	24.031.21.12.0001	RCWD <sup>1</sup>	RCWD	11
89	24.031.21.21.0001	BCWD	RCWD	11
90	24.031.21.22.0001	BCWD	RCWD	11
91	24.031.21.31.0002	BCWD	RCWD	11
109	36.031.21.33.0003	BCWD	RCWD	6
110	36.031.21.33.0004	BCWD	RCWD	6

<sup>1</sup>Listed in Washington County Parcel dataset as assigned to RCWD but outside of previous legal boundary.



**RESOLUTION NO. 2018 - 34**

**CITY OF HUGO  
WASHINGTON COUNTY, MN**

**APPROVAL OF LETTER OF CONCURRENCE FOR WATERSHED DISTRICT  
BOUNDARY CHANGE/ADJUSTMENT**

**WHEREAS**, Rice Creek Watershed District (“RCWD”) has analyzed and identified certain discrepancies in the common boundary between the Brown’s Creek Watershed District and the RCWD. The discrepancies arise because of differences between the boundaries as established by State order and the hydrologic boundaries as determined by modern mapping information; and

**WHEREAS**, RCWD has developed a revised boundary for inclusion in a petition to the Board of Water and Soil Resources for boundary change; and

**WHEREAS**, RCWD has presented the revised boundary for consideration by the City of Hugo;

**WHEREAS**, the RCWD Engineer has prepared a revised watershed district boundary map (Exhibit A) and affected parcel listing (Exhibit B) which have been considered by the City of Hugo; and

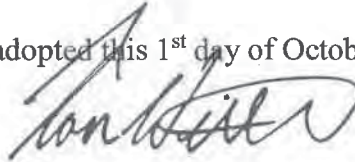
**WHEREAS**, Minnesota Statute 103B.215, requires a petition for boundary change to be accompanied by a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred; and

**WHEREAS**, RCWD has requested concurrence from the City of Hugo in the proposed boundary change and in the filing of a petition for boundary change with the Board of Water and Soil Resources that reflects the boundary changes described in Exhibit A and B.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF HUGO**

The City of Hugo in accordance with Minnesota Statute 103B.215, concurs with the proposed boundary changes found in Exhibit A and B, and authorizes its City Administrator to execute the attached concurrence letter for inclusion with the RCWD petition to the Board of Water and Soil Resources for boundary change.

Whereupon said resolution was declared passed and adopted this 1<sup>st</sup> day of October, 2018.



Tom Weidt, Mayor

ATTEST:



Michele Lindau, City Clerk



November 6, 2018

Rice Creek Watershed District  
ATTN: Phil Belfiori  
4325 Pheasant Ridge Dr NE, Suite 611  
Blaine, MN 55449

Re: Petition for Boundary Change, Rice Creek Watershed District: Letter of Concurrence

Dear Mr. Belfiori,

The City of Hugo has reviewed and considered the proposal to change the common boundary between the Rice Creek Watershed District and Brown's Creek Watershed District. Pursuant to Resolution #34, the City of Hugo authorized concurrence with the proposed petition to change the common boundary between the Rice Creek Watershed District and Brown's Creek Watershed District.

I will be your point of contact regarding this concurrence. I can be reached at 651-762-6320.

Sincerely,

Bryan J. Bear  
City Administrator

Encl. 1

*CITY of GRANT*

P.O. BOX 577  
WILLERNIE, MN 55090  
(651) 426-3383

October 2, 2018

Rice Creek Watershed District  
ATTN: Phil Belfiori  
4325 Pheasant Ridge Dr NE, Suite 611  
Blaine, MN 55449

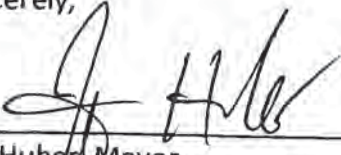
Re: Petition for Boundary Change, Rice Creek Watershed District: Letter of Concurrence

Dear Mr. Belfiori,

The City of Grant has reviewed and considered the proposal to change the common boundary between the Rice Creek Watershed District and Brown's Creek Watershed District. Pursuant to Resolution No. 2018-21, the City of Grant authorized concurrence with the proposed petition to change the common boundary between the Rice Creek Watershed District and Brown's Creek Watershed District.

Your point of contact regarding this concurrence is City Clerk of City of Grant at 651-426-3383, PO Box 577, Willernie, MN 55090.

Sincerely,



Jeff Huber, Mayor

RECEIVED  
OCT 22 2018  
Rice Creek  
Watershed District



**RESOLUTION 2018-21**

**CITY OF GRANT**

**APPROVAL OF LETTER OF CONCURRENCE FOR WATERSHED DISTRICT BOUNDARY CHANGE/ADJUSTMENT**

**WHEREAS**, Rice Creek Watershed District ("RCWD") has analyzed and identified certain discrepancies in the common boundary between the Brown's Creek Watershed District and the RCWD. The discrepancies arise because of differences between the boundaries as established by State order and the hydrologic boundaries as determined by modern mapping information;

**WHEREAS**, RCWD has developed a revised boundary for inclusion in a petition to the Board of Water and Soil Resources for boundary change;

**WHEREAS**, RCWD has presented the revised boundary for consideration by the City of Grant;

**WHEREAS**, the RCWD Engineer has prepared a revised watershed district boundary map and affected parcel listing Exhibits 1-7 which have been considered by the City of Grant;

**WHEREAS**, Minnesota Statute 103B.215, requires a petition for boundary change to be accompanied by a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred;

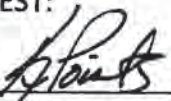
**WHEREAS**, RCWD has requested concurrence from the City of Grant in the proposed boundary change and in the filing of a petition for boundary change with the Board of Water and Soil Resources that reflects the boundary changes described in Exhibits 1-7.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF GRANT THAT:**

The City of Grant, in accordance with Minnesota Statute 103B.215, concurs with the proposed boundary changes found in Exhibits 1-7, and authorizes its Mayor to execute the attached concurrence letter for inclusion with the RCWD petition to the Board of Water and Soil Resources for boundary change.

Adopted October 2, 2018.

ATTEST:

  
\_\_\_\_\_  
Kim Points, City Clerk

  
\_\_\_\_\_  
Jeff Huber, Mayor



## **ITEMS REQUIRING BOARD ACTION**

6. Consider Resolution related to the initiating Repair proceedings for Anoka-Washington Judicial Ditch 3 Repair Report. (Phil Belfiori)

## MEMORANDUM

### Rice Creek Watershed District

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**Date:** November 8, 2018  
**To:** RCWD Board of Managers  
**From:** Phil Belfiori  
**Subject:** Consideration of Findings and Order Initiating Repair Proceedings for AWJD 3

---

As discussed at the November 13, 2018 Board workshop, attached for Board consideration is Resolution 2018-35 related to Findings and Order Initiating Repair Proceedings for AWJD 3. In summary, this resolution orders the following:

- Receives the draft engineer's Repair Report for AWJD 3 for filing;
- Authorizes the process in which the District will seek concurrence from the Cities of Centerville, Hugo and Lino Lakes to exercise alternative powers for the management and repair of AWJD 3 pursuant to the RCWD trunk conveyance system policy which identifies that the repair costs will be paid from general taxes throughout the RCWD – rather than benefitted lands assessment as traditionally required under statutes chapter 103E. It should be noted that the letter to the City of Hugo will also include a request for concurrence to exercise alternative powers for both the AWJD 3 repair and the WJD 2 Branch 1 and 2 repair;
- Directs administrator and staff to begin coordination with the required local, state and federal regulatory entities to ensure timely identification of regulatory issues and regulatory approvals for the proposed drainage;
- Directs staff to set a date, time and location for an informational meeting on the repair of AWJD3. The proposed dates for the informational meeting are either Monday December 10 or Tuesday December 11 at Hugo City Hall at 6:30pm. The Notice for informational meeting would be sent to all owners of property traversed by AWJD 3, and by publication to all other interested parties.

Staff recommends that the Board approved resolution 2018-35.

Attachment:

- Resolution 2018-35
- Proposed Letter to be sent to the Cities of Hugo, Centerville and Lino Lakes requesting concurrence for use of alternative authority and the attached Resolution for City Council Consideration.

**RESOLUTON NO. 2018-35**

**RICE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**FINDINGS AND ORDER INITIATING REPAIR PROCEEDINGS FOR  
ANOKA-WASHINGTON JUDICIAL DITCH 3**

Manager \_\_\_\_\_ offered the following Resolution and moved its adoption, seconded by Manager \_\_\_\_\_:

**FINDINGS**

1. The Rice Creek Watershed District (RCWD) Board of Managers (Board) is the Drainage Authority for Anoka-Washington Judicial Ditch 3 (AWJD 3). The Board has designated AWJD 3 (also known as Clearwater Creek) as part of the RCWD trunk conveyance system.
2. On May 13, 2015, by resolution 2015-18, the Board initiated proceedings under Minnesota Statutes Section 103E.101, subd. 4a, to reestablish and correct the drainage system record for AWJD 3 to reflect the functional alignment, dimension, grade and right-of-way of the system.
3. On September 23, 2015, by resolution 2015-32, the Board adopted corrected records for the drainage system.
4. In July of 2018, the RCWD staff, assisted by its engineers, performed as survey and inspection of AWJD 3. Based upon the inspection and survey, the Board determines that AWJD 3 is in systematic disrepair. Much of the system has accumulated sediment in excess of 1-foot. Additionally, there is thick vegetation, brush, and trees lining large portions of the open channel as well as portions of the open channel that are heavily vegetated, causing a reduction in hydraulic capacity. There are deadfalls within the channel in many of the treed areas and several culverts are above the established grade of the drainage system.
5. Based on the engineering analysis and other inspection of the drainage system, the Board determines that the drainage system is in need of major repair in order to make the drainage system efficient and to restore the drainage system as nearly as practicable to the same hydraulic capacity as originally constructed and subsequently improved.
6. The Board is seeking concurrence from the Cities of Centerville, Hugo and Lino Lakes, pursuant to statutes section 103D.621, subd. 4, to exercise alternative powers found in statutes chapters 103B and 103D to repair and manage the drainage system.
7. The engineer has provided a draft Repair Report, dated November 7, 2018, which includes a recommended scope of repair and option that is consistent with the Board's current drainage system repair policy and with the Board's Watershed Management Plan and associated rules and resource management plans.

Therefore, the RCWD Board of Managers makes the following:

**ORDER**

- A. The Board of Managers receives the draft engineer’s Repair Report for AWJD 3 for filing.
- B. The Board of Managers directs its administrator to send correspondence to the cities of Centerville, Hugo and Lino Lakes to seek their concurrence to exercise alternative powers found in statutes chapters 103B and 103D to repair and manage the drainage system. Upon the concurrence of the Cities of Centerville, Hugo and Lino Lakes, the Board shall conduct further proceedings for the repair of AWJD 3 utilizing the additional authorities provided in Minnesota Statutes Section 103D.621, subd. 4.
- C. The Board of Managers further directs its administrator and staff to begin coordination with the required local, state and federal regulatory entities to ensure timely identification of regulatory issues and regulatory approvals for the proposed drainage system repair.
- D. The Board of Managers further directs its administrator and staff to set a date, time and location for an informational meeting on the repair of AWJD 3. Following the informational meeting, the Board shall set a date for a hearing on the repair. Notice for said informational meeting shall be given by mail to all owners of property traversed by AWJD 3, and by publication to all other interested parties.
- E. The Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for preparation of the repair in a manner consistent and compliant with existing law. The Board reserves to itself, however, all subsequent actions required by law to proceed upon Board approval.

The question was on the adoption of the Findings and Order and there were \_\_ yeas and \_\_ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
WALLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PREINER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Findings and Order \_\_\_\_\_.

\_\_\_\_\_  
Michael Bradley, Secretary

Dated: November 14 2018

\* \* \* \* \*

I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Findings and Order with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 14th day of November, 2018.

---

Michael Bradley, Secretary



November 14, 2018

City of Centerville  
c/o Mark Statz, Administrator  
1880 Main Street  
Centerville, MN 55038

City of Hugo  
c/o Bryan Bear,  
Administrator  
14669 Fitzgerald Ave. N.  
Hugo, MN 55038

City of Lino Lakes  
c/o Jeff Karlson,  
Administrator  
600 Town Center Parkway  
Lino Lakes, MN 55014

Re: Municipal Concurrence under Statutes Section 103D.621 for Repair of Anoka-Washington Judicial Ditch 3

Dear Mayors and Council,

The Rice Creek Watershed District (RCWD) is the Drainage Authority for Anoka-Washington Judicial Ditch (AWJD 3) which traverses portions of your Cities. The RCWD Board is considering a repair of AWJD 3 to be completed in 2019-20. As part of its management of public drainage systems, the RCWD Board utilizes authorities given in statutes chapters 103E, 103B and 103D. AWJD 3, in particular, is designated for management as a part of the RCWD's trunk conveyance system. As part of the trunk system, costs on AWJD 3 are paid from general taxes throughout the RCWD – rather than benefitted lands assessment as traditionally required under statutes chapter 103E.

The authority of the RCWD to manage AWJD 3 as part of the trunk system requires municipal concurrent under statutes section 103D.621, subd. 4. The RCWD Board requests your concurrence in order to facilitate prompt repair of AWJD 3. Please consider the attached resolution. If you have questions, please direct them to our administrator, Phil Belfiori, at (763) 398-3071.

For the Board of Managers,

Sincerely,

Patricia Preiner  
Board President



**RESOLUTION \_\_\_\_\_**

**<LOCAL GOVERNMENT GOVERNING BODY>**

**APPROVAL TO CONDUCT DRAINAGE PROCEEDINGS FOR ANOKA-WASHINGTON JUDICIAL DITCH 3 UNDER THE WATERSHED LAW**

**WHEREAS**, Rice Creek Watershed District (“RCWD”) is the drainage authority for Anoka-Washington Judicial Ditch 3. (the “Drainage System”);

**WHEREAS**, RCWD is proceeding on a petition to repair the Drainage System;

**WHEREAS**, the RCWD Engineer is preparing a repair report recommending a repair option that balances the drainage function of the Drainage System with ecological concerns in the watershed;

**WHEREAS**, Minnesota Statute 103D.621, subd. 4, grants RCWD the authority to undertake proceedings related to the Drainage System in accordance with the Watershed Law (Minnesota Statutes Chapter 103D) rather than the Drainage Code (Minnesota Statutes Chapter 103E), subject to concurrence by city councils and town boards where the Drainage System is located;

**WHEREAS**, RCWD has requested concurrence from the Cities of Centerville, Hugo and Lino Lakes to conduct the necessary proceedings related to the Drainage System under the Watershed Law, rather than the Drainage Code;

**WHEREAS**, the purpose of conducting proceedings under the Watershed Law is to provide consistent management of all drainage systems under RCWD management, comprehensive wetland management, and appropriate administration of resource management plans; and

**WHEREAS**, conducting the proceedings under the Watershed Law will facilitate flexibility in financing the recommended repair option.

**NOW THEREFORE BE IT RESOLVED BY THE <Local governing body> THAT:**

The <local government>, in accordance with Minnesota Statute 103D.621, subd. 4., consents to the Rice Creek Watershed District’s request to conduct proceedings for Anoka-Washington Judicial Ditch 3 under Minnesota Statutes Chapter 103D.

Adopted \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk/Administrator

## **ITEMS REQUIRING BOARD ACTION**

7. Consider RCWD Letter requested by Minnesota Commercial Railway. (Phil Belfiori)

Motion by Manager \_\_\_\_\_, to approve the RCWD letter requested by Minnesota Commercial Railway related to their application for Minnesota Rail Service Improvement (MRSI) grant funds.



November 14, 2018

Peter Dahlberg  
Rail Planning and Program Development  
Minnesota Department of Transportation  
395 John Ireland Boulevard  
St. Paul MN 55155-1800

Trudy Halla  
Debt Management Division  
Minnesota Management & Budget  
658 Cedar Street  
St. Paul MN 55155

Re: Minnesota Rail Service Improvement Program  
Minnesota Commercial Railway Grant Application

Dear Mr. Dahlberg and Ms. Halla:

This letter is written at the request of the Minnesota Commercial Railway, which is applying for Minnesota Rail Service Improvement (MRSI) grant funds to assist in funding a replacement bridge crossing over Rice Creek in the City of New Brighton. An appropriation for this purpose is set forth at 2018 Minnesota Laws, chapter 214, Article 1, section 16, subdivision 20.

The Rice Creek Watershed District ("District") is a special purpose unit of government that, among other powers, exercises authority over development activity for the purpose of protecting and managing water resources within our legal boundaries. The District has adopted and implements rules regarding permits for such activities.

In accordance with the cited legislation, on August 22, 2018, the District Board of Managers approved Permit No. 17-096 for the construction of the replacement crossing. In doing so, the Board found that the crossing conforms to District rules and criteria with respect to impact on flows in Rice Creek and otherwise is in accordance with the District rules.

Under the legislation, grant funding is contingent on the grantee's removing all structures related to the existing bridge from the Rice Creek streambed, unless that is prohibited by a permitting authority. Please be advised that the District permit does not prohibit Minnesota Commercial Railway from removing any such structures, including any pilings, footings or water control structures, from the streambed. The approved design incorporated into the District permit does provide for removal of all such structures.

Minnesota Commercial Railway has fulfilled all conditions of permit issuance set forth in the approval, and the permit has been issued for the submitted and approved replacement crossing design.

If you have any further questions on this matter, please feel free to contact the District Administrator, Phil Belfiori, at 763-398-3071.

Yours truly,

Patricia Preiner  
President, Board of Managers

## **ITEMS REQUIRING BOARD ACTION**

9. Consider Stakeholder Participation Plan for Watershed Management Plan. (Phil Belfiori)

## MEMORANDUM

### Rice Creek Watershed District

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**Date:** November 8, 2018  
**To:** RCWD Board of Managers  
**From:** Phil Belfiori  
**Subject:** Consideration of Board of Managers and Advisory Committee Participation Plan

---

As a follow-up to the consensus discussion at the October 8, 2018 workshop, attached for Board consideration is the Board of Managers and Advisory Committee Participation Plan for the Watershed Management Plan development process. This item is also scheduled to be discussed at the Tuesday November 13, 2018 Board workshop and therefore the attached Participation Plan may be modified after that discussion and distributed at the Board meeting.

Staff recommends that the Board approved the Board of Managers and Advisory Committee Participation Plan for the Watershed Management Plan development process

#### **Proposed Motion**

Motion by Manager \_\_\_\_\_, to approve the Board of Managers and Advisory Committee Participation Plan for the Watershed Management Plan development process with any non-material changes.

#### Attachment:

- The Board of Managers and Advisory Committee Participation Plan for the Watershed Management Plan process.



## **Watershed Management Plan Update**

### **Board of Managers and Advisory Committee Participation Plan**

## **1 BACKGROUND**

The Rice Creek Watershed District (i.e. "District") is completing an update of their 2010 Watershed Management Plan. The "Plan Update" is required pursuant to Minnesota (MN) Rules Chapter 8410 and Minnesota Statutes (MS) 103B and 103D.

The Plan Update will address District-wide resources and issues, including surface water management, MS 103E public drainage systems, other drainage systems, flooding, and District facilities. Further, it will address and provide guidance on regulatory issues, communications and outreach, collaborations with other entities, and funding. As rules for the District were recently amended, this effort will focus on prioritizing issues within the District, establishing measurable goals, and developing a strategic plan for projects and activities aimed at addressing District priority issues.

This document describes the participation process for the Board of Managers and District Advisory Committee(s) for developing the Plan Update.

## **2 AUDIENCE AND ROLES**

### **2.1 Board of Managers**

The primary role of the Board of Managers is to collectively provide the vision for, develop, and adopt a coordinated watershed management plan which guides District activities for the next 10 years. The Board of Managers is composed of five appointed managers; two from Ramsey County, two from Anoka County, and one from Washington County.

The Board of Managers is expected to meet the Monday prior to the fourth Wednesday of each month (or as alternatively scheduled) to discuss draft and final components of the Plan Update at a workshop. For each workshop, components of, or full plan sections will be provided to the Board at least one week in advance of the meeting for review. Comments and suggested revisions to distributed Plan Update draft content will be reviewed in person during the scheduled workshop. If a Board Member is unable to attend this workshop, communication about meeting materials must be sent directly to the District Administrator and District Project Manager at least 2 business days in advance of the workshop for direct distribution to the Board of Managers, without any



District staff engagement or interpretation on those comments. Managers must refrain from distributing comments directly to the other Board members.

Board workshops will serve to solicit revisions to and/or achieve consensus upon components or full sections of the Plan Update. Revisions will be made to plan content following unified feedback from the Board.

## **2.2 Advisory Committees**

The purpose of advisory committee(s) is to make recommendations on the issues identified in the Plan Update (MN Rules Chapter 8410.0045, Subpart 2). The Citizen Advisory Committee and Technical Advisory Committee are the two primary advisory committees that will serve the District Plan Update process.

- The Citizen Advisory Committee (CAC) are District constituents with an understanding of watershed planning who share a concern for the District's resources and approach to management. The CAC is made up of local interest groups, citizens of the watershed, and representatives from county Soil and Water Conservation Districts. The CAC is expected to meet the first Wednesday of each month to discuss draft components and full draft sections of the Plan Update.
- The Technical Advisory Committee (TAC) are those parties which may be operationally affected by the contents of the Plan Update or its implementation, or those parties which have authority and responsibility to review and approve the updated Plan. The TAC is comprised of City, County, Regional and State Agency staff. The TAC is expected to meet 3 times during the plan development (dates to be determined).

Meeting materials (draft plan components or sections) will be distributed to the CAC and / or TAC no later than one week before the scheduled meeting(s) to ensure enough time for review and revisions. Comments and suggested revisions about plan content will be accepted by the District Project Manager at each CAC and/or TAC meeting. The District and HEI will then tabulate comments received, to be provided to the Board in their consideration of the plan section. Comments received before or after the scheduled meeting will not be included in the tabulation.

## **3 INTENT FOR INVOLVEMENT**

The principal intent of involving the Advisory Committees during the project is to build acceptance of the Plan Update document. Acceptance of the Plan Update is critical because the District is focused on actively utilizing their Plan to implement projects and programs within their plan area. Successful implementation will depend highly on the degree to which the parties (TAC and CAC) believe their concerns, issues or expectations are addressed within the Plan.

The District intends for the Plan Update participation process to be active, genuine and credible. To that end, the Advisory Committees will be involved early in the Plan Update

process and will remain engaged through the completion of the draft Plan. Input provided is intended to help ensure the comprehensiveness of the updated Plan and help validate the implementation priorities of the District.

The District intends for participants to provide:

- Communication of priority issues, measurable goals, and expectations for action items (projects and activities) for the updated Plan to address.
- Timely review and feedback of document drafts.
- One set of comments / feedback of document drafts, reflecting a unified voice of the entity / agency the participant represents.
- Coordination with respect to developing Capital Improvement Plans and indications for potential collaboration on implementation projects.

## **4 OPERATION**

The operation of the participant groups—how the Board of Managers and Advisory Committees will function and affect the Plan Update process—will be based on the overall intent of building acceptance of the updated Plan through a credible yet timely process. Where appropriate, the District will strive to achieve consensus on District objectives, approaches, programs and projects. However, because of the diversity of issues and range of resources, full agreement between or within all committees and groups is not realistic or expected.

## **ITEMS REQUIRING BOARD ACTION**

10. Consider November 28, 2018 Check Register – Resolution Authorizing Treasurer Approval. (Phil Belfiori)

**RESOLUTION 2018-36**

**RICE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS  
AUTHORIZATION FOR PAYMENT OF NOVEMBER 2018 CHECK REGISTER**

Manager \_\_\_\_\_ offered the following resolution and moved its adoption, seconded by  
Manager \_\_\_\_\_:

WHEREAS the Rice Creek Watershed District would normally authorize payment of its check register at the second meeting of each month, and

WHEREAS the District will not be having a regular meeting on Wednesday, November 28, 2018, and

WHEREAS the District will have financial obligations to meet at that time for payment of payroll and benefits, payroll taxes, office operating expenses, manager per-deim, professional services and surety returns.

WHEREAS, in addition the District may also have financial obligations to meet at that time for pay requests for District Projects.

THEREFORE BE IT RESOLVED that the Board of Managers authorize the District Treasurer to review and approve payment of the November 28, 2018 check register in an amount not to exceed \$375,000 for operating expenses, and \$150,000 surety returns.

The question was on the adoption of the Resolution and there were \_\_ yeas and \_\_ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
WALLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PREINER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution \_\_\_\_\_.

Dated: November 14, 2018

\_\_\_\_\_  
Michael J. Bradley, Secretary

\* \* \* \* \*

I, Michael J. Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 14th day of November, 2018.

\_\_\_\_\_  
Michael J. Bradley, Secretary

## **ITEMS REQUIRING BOARD ACTION**

11. Consider League of Minnesota Cities Liability Coverage Waiver Form. (Phil Belfiori)

**MEMORANDUM**  
**Rice Creek Watershed District**

**To:** Board of Managers

**Date:** 11/8/2018

**From:** Phil Belfiori

**Subject:** LMC Liability Coverage-Waiver Form

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**Background information**

As in previous years, the Board is requested to consider the attached information related to the League of Minnesota Cities Liability Coverage Waiver form. In 2015, 2016 and 2017 the Board voted to ***waive the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.*** See below for past minutes.

12-13-2017 Consider League of Minnesota Cities Liability Coverage Waiver Form

District Administrator Belfiori referred to the memo on page 245 of the agenda packet. He reported in 2015 and 2016 the Board voted to waive the monetary limits of municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Motion by Manager Bradley, seconded by Manager Waller, to waive the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT. Motion carried 4-0.

10/26/16 Consider League of Minnesota Cities Liability Coverage Waiver Form.

Administrator Belfiori reviewed the memorandum regarding the League of Minnesota Cities Liability Coverage Waiver Form with the Board. He noted the liability coverage went up 5.8% which was expected. He stated staff would recommend continuing with this unless there are some extenuating circumstances staff was not aware of.

Manager Haake asked for further explanation as to why they would either waive or not waive the monetary limits. District Attorney Smith reviewed the tort liability limits with the Board.

Manager Haake asked what their limits would be if they waive this. District Administrator Belfiori referred to the bullet point in the packet where a single claimant could potentially claim up to 2 million for a single occurrence, etc.

Manager Haake asked if the League insurance would cover them up to \$500,000 and then the other insurance would cover them up to the \$2 million or would the League insurance not cover them at all and they would rely on the other insurance in full. District Attorney Smith indicated it is all about the Leagues insurance and the Board will be insured up to \$2 million either way. He stated the Statutory limits of \$500,000 per claim and \$1.5 million for a single occurrence is what



**MEMORANDUM**  
**Rice Creek Watershed District**

the current coverage is and the first option would be to affirm that this is the cap on their liability for those statutory limits. He believed the insurance policy would provide coverage above the statutory limit but if they elect the second option, to waive the liability limits up to their coverage, the League recognizes that is a tad more exposure and will charge the additional premium.

Motion by Manager Bradley, seconded by Manager Wagamon, that the District WAIVES the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT. Motion carried 5-0.

11/10/15 Consider League of Minnesota Cities liability coverage waiver form.

District Administrator Belfiori stated Mark Lenz from Bearence Management came to the Workshop meeting and answered the Board's questions and at the end of that discussion, consensus was reached to place this on the agenda for a formal consideration.

Motion by Manager Bradley, seconded by Manager Waller, to waive the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Manager Haake stated when it was discussed there were four different options and they went with the second one which was to raise it to two million and where does it show which one they will be raising it to. Manager Bradley stated it is shown in the second bullet point on the waiver form.

Motion carried 4-0.

Proposed Motion:

Manager \_\_\_\_\_ moves that the District **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

or

Manager \_\_\_\_\_ moves that the District **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Attached:

LMC Liability Coverage-Waiver Form



**LIABILITY COVERAGE – WAIVER FORM**

**Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to [pstech@lmc.org](mailto:pstech@lmc.org).**

*The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.*

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name: \_\_\_\_\_

*Check one:*

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.
- The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: \_\_\_\_\_

Signature: \_\_\_\_\_ Position: \_\_\_\_\_

## **ITEMS REQUIRING BOARD ACTION**

12. Consider 2019 Board Calendar. (Phil Belfiori)

**RICE CREEK WATERSHED DISTRICT – 2019 BOARD OF MANAGERS CALENDAR-Proposed**

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
<p>1/1: <b>New Year's Holiday- Office Closed</b></p> <p>7: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>9: <b>Regular Bd. Mtg.</b> (9:00 am Shoreview CC)</p> <p>9: <b>CAC Mtg</b> (5:30 RCWD) Liaison: Mgr Bradley</p> <p>14: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>21: <b>MLK Day-Office Closed</b></p> <p>23: <b>Regular Bd. Mtg.</b> (9:00 am Shoreview CC)</p> <p>23: <b>CAC Mtg</b> (5:30 RCWD) Liaison: Mgr</p>	<p>6: <b>CAC Mtg</b> (5:30 pm RCWD) Liaison: Mgr Wagamon</p> <p>11: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>13: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p> <p>18: <b>President's Day- Office Closed</b></p> <p>19: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>27: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p>	<p>6: <b>CAC Mtg</b> (5:30 pm RCWD) Liaison: Mgr Preiner</p> <p>TBD :MAWD Legislative Session 5-7 p.m. Embassy Suites, 175 10<sup>th</sup> St E</p> <p>TBD :MAWD Legislative Break. (Embassy Suites) &amp; Day at the Capitol 7am-9am</p> <p>11: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>13: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p> <p>18: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>27: <b>Regular Bd. Mtg.</b> (9:00 am Shoreview CC)</p>	<p>3: <b>CAC Mtg</b> (5:30 pm RCWD) Liaison: Mgr Waller</p> <p>8: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>10: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p> <p>15: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>24: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p>	<p>1: <b>CAC Mtg</b> (5:30 pm RCWD) Liaison: Mgr Haake</p> <p>6: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>8: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p> <p>13: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>22: <b>Regular Bd. Mtg.</b> (9:00 am Shoreview CC)</p> <p>27: <b>Mem'l Day Holiday- Office Closed</b></p>	<p>5: <b>CAC Mtg</b> (5:30 pm RCWD) Liaison: Mgr Bradley</p> <p>10: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>12: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p> <p>17: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>TBD: <b>MAWD Summer Tour-</b></p> <p>26: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p>
JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
<p>3: <b>NO CAC Mtg</b></p> <p>4 <b>Independence Day- Office Closed</b></p> <p>8: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>10: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p> <p>15: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>24: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p>	<p>7: <b>CAC Mtg</b> (5:30 pm RCWD) Liaison: Mgr Wagamon</p> <p>12: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>14: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p> <p>19: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>28: <b>Regular Bd.Mtg. &amp; Proposed Budget Hrg &amp; announce Dec. budget public meeting</b> (9:00 am Shoreview CC)</p>	<p>2: <b>Labor Day Holiday- Office Closed</b></p> <p>4: <b>CAC Mtg</b> (5:30 pm RCWD) Liaison: Mgr Preiner</p> <p>9: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>11: <b>Regular Bd.Mtg</b> (9:00 am Shoreview CC)</p> <p>15: <b>Preliminary Tax Levy Due</b></p> <p>16: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>25: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p>	<p>2: <b>CAC Mtg</b> (5:30 pm RCWD) Liaison: Mgr Waller</p> <p>7: <b>Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>9: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p> <p>14: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>23: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p>	<p>6: <b>CAC Mtg</b> (5:30 pm RCWD) Liaison: Mgr Haake</p> <p>11: <b>Veteran's Day-Office Closed</b></p> <p>12: <b>Tuesday-Board Workshop</b> (1 pm-3 pm RCWD offices)</p> <p>13: <b>Regular Bd.Mtg.</b> (9:00 am Shoreview CC)</p> <p>18: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>27: <b>NO Regular Bd.Mtg</b></p> <p>28 &amp; 29 <b>Thanksgiving Holiday- Office Closed</b></p> <p>30: <b>Special Assessments Due</b></p>	<p>12/5-7 <b>MAWD Annual Mtg</b></p> <p>4 <b>NO CAC Mtg</b></p> <p>9: <b>Board Workshop</b> (1 pm-3 RCWD offices)</p> <p>11: <b>Regular Bd.Mtg. &amp; budget public meeting</b> (9:00 am Shoreview CC)</p> <p>15: <b>Final Tax Levy Due</b></p> <p>16: <b>Per Diem &amp; Mileage Claim Forms Due</b></p> <p>24 &amp; 25: <b>Christmas Holiday- Office Closed</b></p> <p>25: <b>NO Regular Bd.Mtg.</b></p> <p>1/1: <b>New Year's Holiday- Office Closed</b></p>

Board Workshops held at RCWD offices, Board Meetings held at Shoreview Council Chamber, AC=Advisory Committee, CAC meetings held at RCWD offices

## **ITEMS REQUIRING BOARD ACTION**

14. Consider Check Register dated November 14, 2018, in the amount of \$279,053.79 prepared by Redpath and Company.

**Rice Creek Watershed District**  
**Check Register**  
**October 25, 2018 - November 14, 2018**  
**To Be Approved at the November 14, 2018 Board Meeting**

<b>Check #</b>	<b>Date</b>	<b>Payee</b>	<b>Description</b>	<b>Amount</b>	
22588	10/24/18	City of St. Anthony	Construction Expense	\$86,622.39	<b>Issued 10/24/18</b>
22589	10/24/18	North Pine Aggregate, Inc.	Construction Expense	5,337.10	<b>Issued 10/24/18</b>
22590	10/24/18	Peterson Companies, Inc.	Construction Expense	100,642.62	<b>Issued 10/24/18</b>
22591	10/24/18	Veit & Company, Inc.	Construction Expense	21,459.56	<b>Issued 10/24/18</b>
22592	11/14/18	Carlson McCain, Inc.	Permit Fee Refund	970.00	
22593	11/14/18	Comcast	Telecommunications	139.85	
22594	11/14/18	Minnesota Pollution Control Agency	Contracted Services	22,624.07	
22595	11/14/18	Sun Life Financial	Employee Benefits	1,746.42	
22956	11/14/18	U.S. Bank Equipment Finance	Equipment Lease	249.98	
Dir.Dep.	11/15/18	November 15th Direct Deposits	November 15th Direct Deposits	21,507.78	
EFT	11/05/18	Xcel Energy	Telecommunications	71.29	
Wire	11/06/18	Picom Consultancy	Equipment	300.00	
Wire	11/06/18	Picom Consultancy	Equipment	150.00	
EFT	11/15/18	Internal Revenue Service	11/15 Federal Withholding	7,622.73	
EFT	11/15/18	Minnesota Revenue	11/15 State Withholding	1,277.45	
EFT	11/15/18	Empowerment Retirement	11/15 Deferred Compensation	3,412.00	
EFT	11/15/18	PERA	11/15 PERA	4,920.55	
<b>Total</b>				<b>\$279,053.79</b>	



## **ITEMS FOR DISCUSSION AND INFORMATION**

2. District Engineer Update and Timeline.



## District Engineer - Monthly Project Report October 2018 Rice Creek Watershed District



Date Prepared:  
Prepared by:

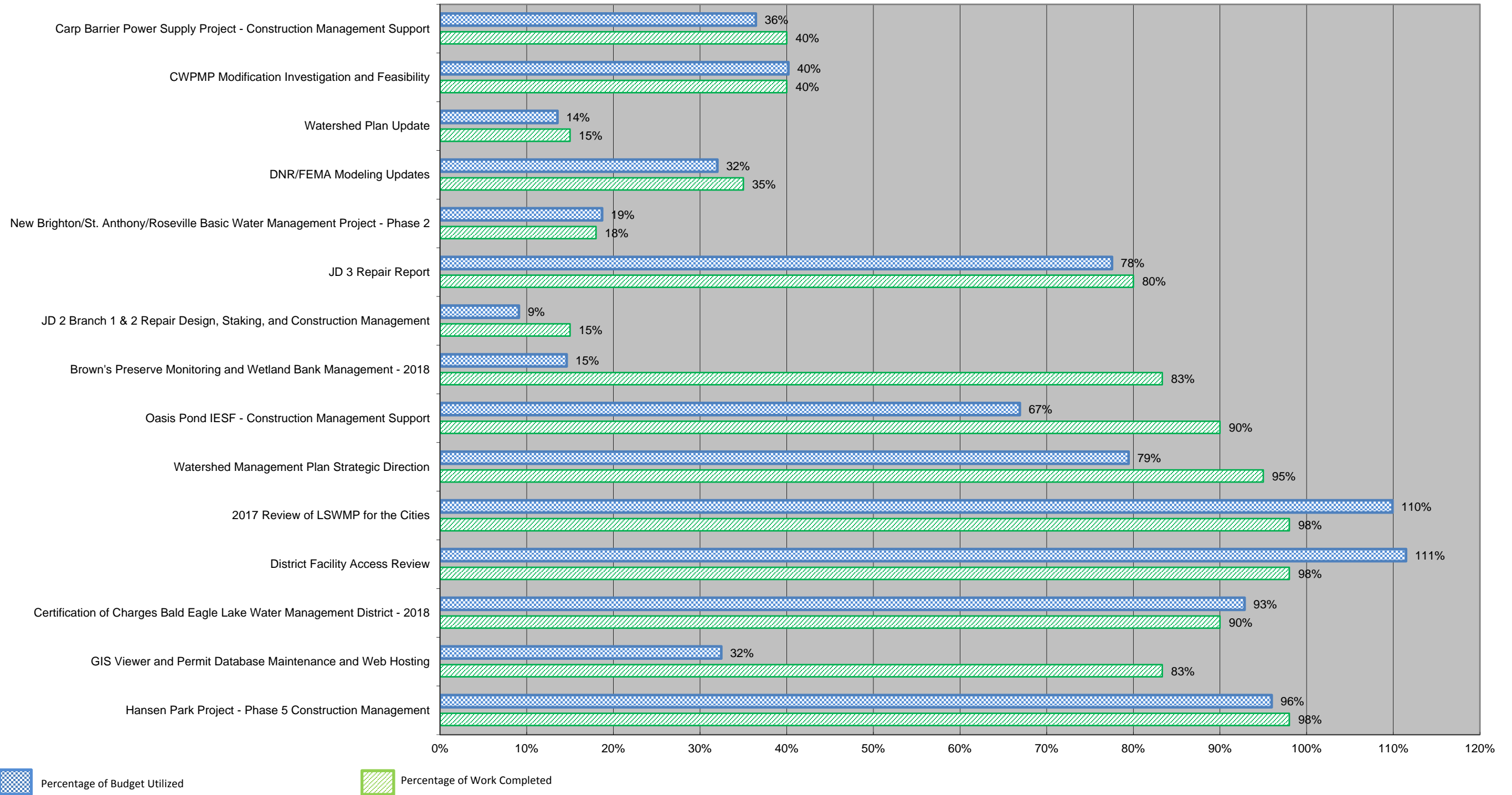
7-Nov-18  
G. Monson & C. Otterness

Project Name	Estimated Budget	Cost to Date	Remaining Budget	Project Complete / Transfer Funds?	Estimated Progress Based on Work Completed	Percentage of Budget Utilized	Within Budget? (Y/N)	District Billed for Change in Services? (Y/N)	Initial Target Completion Date	Revised Target Completion Date	Items of Interest / Concern
Hansen Park Project - Phase 5 Construction Management	\$253,300	\$243,088	\$10,212	N	98%	96%	Y	N/A	30-Nov-18	N/A	The Contractor will complete remaining punch list items in the Spring..
GIS Viewer and Permit Database Maintenance and Web Hosting	\$21,500	\$6,978	\$14,522	N	83%	32%	Y	N/A	31-Dec-18	N/A	We continue to update GIS layers as they are available.
Certification of Charges Bald Eagle Lake Water Management District - 2018	\$3,700	\$3,435	\$265	N	90%	93%	Y	N/A	31-Dec-18	N/A	A memorandum for certifying the charges has been completed.
District Facility Access Review	\$15,550	\$17,334	(\$1,784)	N	98%	111%	N	N	28-Feb-18	N/A	District staff has reviewed the memorandum. Final edits are being completed.
2017 Review of LSWMP for the Cities	\$16,000	\$17,585	(\$1,585)	N	98%	110%	N	Y	31-Dec-18	N/A	We are providing assistance to RCWD staff with review of portions of City Local Stormwater Managing Plans on an as-requested basis.
Watershed Management Plan Strategic Direction	\$72,500	\$57,606	\$14,894	N	95%	79%	Y	N/A	31-Jul-18	N/A	The seventh and final Board Workshop on strategic direction was completed in August. Final project tasks include generation of text based on strategic direction consensus to be incorporated into the Watershed Plan.
Oasis Pond IESF - Construction Management Support	\$45,340	\$30,334	\$15,006	N	90%	67%	Y	N/A	30-Sep-18	N/A	Project is nearly complete. Only a few punch-list items are remaining
Brown's Preserve Monitoring and Wetland Bank Management - 2018	\$23,725	\$3,466	\$20,259	N	83%	15%	Y	N/A	31-Mar-19	N/A	Critical Connections Ecologic Services has begun 2018 on-site monitoring.
JD 2 Branch 1 & 2 Repair Design, Staking, and Construction Management	\$43,700	\$3,977	\$39,723	N	15%	9%	Y	N/A	31-Dec-18	N/A	Project specifications have been completed. A letter of permission from the DNR has been issued. District staff will begin to obtain quotes for project components.
JD 3 Repair Report	\$60,290	\$46,749	\$13,541	N	80%	78%	Y	N/A	31-Jan-19	N/A	Draft plan and profiles and a draft repair report have been prepared. A presentation on the Repair Report will be given at the Board Workshop and Public Information Meetings and a meeting with the City of Hugo are being coordinated.
New Brighton/St. Anthony/Roseville Basic Water Management Project - Phase 2	\$127,000	\$23,751	\$103,249	N	18%	19%	Y	N/A	1-May-19	N/A	HEI is refining existing hydraulic models.
DNR/FEMA Modeling Updates	\$222,460	\$71,201	\$151,259	N	35%	32%	Y	N/A	1-Apr-20	N/A	HEI has completed site survey to support the models. HEI continues to add FEMA-required model detail.
Watershed Plan Update	\$180,700	\$24,483	\$156,217	N	15%	14%	Y	N/A	31-May-20	N/A	Drafts of Sections 1 and 2 have been completed and are being reviewed by the CAC. HEI is continuing to develop Section 3 (issues and policies).
CWPMP Modification Investigation and Feasibility	\$8,900	\$3,577	\$5,323	N	40%	40%	Y	N/A	1-Nov-18	N/A	HEI has begun describing the effect of potential modifications to the CWPMP rule.
Carp Barrier Power Supply Project - Construction Management Support	\$12,055	\$4,393	\$7,662	N	40%	36%	Y	N/A	31-Dec-18	N/A	HEI is coordinating with an electrical contractor to provide a service to the carp barrier.

Values in red are either potential budget concerns or changes in schedule.

The "overage" for those projects shown as "over budget" is not billed to the District. The cost to date column reflects HEI's actual internal cost. Projects are considered within budget if ± 10%.

**District Engineer  
Monthly Progress Report (Actual & Estimated Progress)  
Through October 2018**



## **ITEMS FOR DISCUSSION AND INFORMATION**

3. November-December Calendar.

NOVEMBER						
S	M	T	W	T	F	S
	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER						
S	M	T	W	T	F	S
	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

To: RCWD Board of Managers  
 From: Theresa  
 Date: November 8, 2018  
 Subject: Significant Dates during Month of November/December

**Monday, November 12** Veteran's Day, Office closed.

**Tuesday, November 13, 1 p.m.** Board Workshop  
 RCWD District Conference Room

**Wednesday, November 14, 9:00 a.m.** Regular Board of Managers Meeting  
 at Shoreview City Hall Council Chambers.

**Thursday, November 15, 5pm – 8pm.** District's Public Open House for the Watershed  
 Management Plan, Large Community Program Room at the  
 Ramsey County Library – Shoreview, 4560 Victoria St N.,  
 Shoreview, MN.

**Thursday-Friday, November 22 & 23** Thanksgiving Holiday, Office closed.

**Monday, November 26, 1 p.m.** Watershed Management Plan Development Workshop,  
 RCWD District Conference Room

**Wednesday, November 28, 9:00 a.m.** NO Regular Board of Managers Meeting.

**Thursday-Saturday, November 29-December 1, MAWD Annual Meeting,** Arrowwood Resort,  
 Alexandria MN

**Wednesday, December 5, 5:30 p.m.** Advisory Committee Meeting,

**Monday, December 10, 1 p.m.** Board Workshop  
 RCWD District Conference Room

**Monday Dec. 10 or Tuesday Dec. 11 6:30pm** Proposed Informational meeting for AWJD 3  
 Repair Report. Hugo City Hall Council Chambers

**Wednesday, December 12, 9:00 a.m.** Regular Board of Managers Meeting  
 at Shoreview City Hall Council Chambers

**Thursday Dec. 20** Proposed Watershed Management Plan Development  
 Workshop, RCWD District Conference Room

**Monday & Tuesday, December 24 & 25** Christmas Holiday-Office Closed

**Wednesday, December 26th** NO Regular Board of Managers Meeting

**Deadline for submission of per diem claims is December 17, 2018**