

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

JULY 19, 2018

CALL TO ORDER

Chairman Todd Haas called the meeting to order at 8:30 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were: Mark Kuzma, Ramsey; Elizabeth Barnett, Anoka; and Todd Haas, Andover.

Voting members absent were: None.

Also present were: Deputy Treasurer Brenda Smith, Ramsey Civil Engineer IV Leonard Linton, Ramsey City Engineer Bruce Westby, Anoka Engineering Technician Ben Nelson, John Enstrom of Enstrom Organic Dirt, Jamie Schurbon of Anoka Conservation District, Dan Fabian of BWSR, and Tim Kelly of Coon Creek Watershed District.

APPROVE AGENDA

Haas requested to add an item to the agenda, G2, to discuss Permit #2018-02, Affinity at Ramsey. He also requested to move item K1 to follow New Business.

Motion was made by Kuzma, seconded by Barnett, to approve the July 19, 2018 agenda as amended. Vote: 3 ayes, 0 nays. Motion carried.

RESIDENT'S FORUM

None.

APPROVE MINUTES

June 21, 2018 Regular Meeting

Motion was made by Kuzma, seconded by Barnett, to approve the June 21, 2018 Regular Meeting minutes as presented. Vote: 3 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Smith presented the Treasurer's Report for the period ending June 30, 2018. Account balances for the period were: Checking, \$257,516.20; less permit account balance of (\$58,415.68); less 2018 4th Generation Plan Reserve (\$110,000); for a total balance of \$89,100.52.

Smith presented the proposed 2019 contributions for each member cities, which should be used in the city budget processes.

Motion was made by Kuzma, seconded by Barnett, to accept the Treasurer's Report for the period ending June 30, 2018. Vote: 3 ayes, 0 nays. Motion carried.

Payment of Bills

Smith presented the payment of bills for City of Anoka in the amount of \$1,200 (Feb-June Professional Services) and TimeSaver in the amount of \$722.75 (services rendered in June of 2018).

Motion was made by Kuzma, seconded by Barnett, to authorize payment as presented and indicated above. Vote: 3 ayes, 0 nays. Motion carried.

NEW BUSINESS

LRRWMO Permit #2018-07 ~ Lehn/Russell Property (Rum River Prop.) ~ Andover

Haas reviewed the July 16, 2018 memo from Barr Engineering in which Barr Engineering stated that a wetland delineation report was received along with a request for wetland boundary and type concurrence on the subject property. Barr Engineering distributed the report and submitted a Wetland Conservation Act Notice of Application to the other Technical Evaluation Panel members with a comment period ending on August 2, 2018. It was noted that Barr Engineering will conduct a site review a prepare a recommendation for the August 16th Board meeting.

Motion was made by Barnett, seconded by Kuzma, to table Permit #2018-07, Lehn/Russell Property (Rum River Prop.), Andover, as detailed in the Barr Engineering memorandum dated July 16, 2018. Vote: 3 ayes, 0 nays. Motion carried.

LRRWMO Permit #2018-02 ~ Affinity at Ramsey ~ Ramsey

Haas referenced the July 19, 2018 memo from Barr Engineering in which Barr Engineering recommended that the LRRWMO approve the revision to condition #6 of Permit #2018-02

Motion was made by Kuzma, seconded by Barnett, to approve the revision to condition #6 for Permit #2018-02, Affinity at Ramsey, Ramsey, as detailed in the Barr Engineering memorandum dated July 19, 2018. Vote: 3 ayes, 0 nays. Motion carried.

OLD BUSINESS

Update ~ Membership to the MN Assoc. of Watershed Districts (MAWD)

Tim Kelly, Coon Creek Watershed District, provided background information on MAWD and Metro MAWD. He stated that one benefit of belonging to the organization is that you receive a briefing on legislature specifically directed to water-based items. He stated that you also have the opportunity to obtain input from agencies and other administrators.

Kuzma asked and received confirmation that if the LRRWMO were to join, it would be a member and would not be a member of the Board. He asked how the information would then be shared if Board members are the only ones that attend meetings. He also asked if the meeting information would be posted on the website.

Kelly replied that the information is shared via email. He stated that inviting WMO's is a new initiative.

Kuzma asked if there would be an overlap to what BWSR does. Kelly replied that they are separate entities, but noted that MAWD is supported by BWSR, DNR, and PCA.

Kuzma stated he feels that MAWD issues are statewide whereas the LRRWMO is a local group. He stated that while the outcomes effect the LRRWMO, the group would not have any control.

Kelly stated this is just the first step. He equated MAWD to what the League of Minnesota Cities is for municipalities. He stated that while there is a state-wide MAWD, there is also a branch of MAWD that is focused on the Metro area. He stated that the association does not work for any of the State agencies, but the State agencies support the idea of the association.

Fabian stated that MAWD typically provides input to BWSR on certain issues.

Haas noted cities are now going through the process of updating the Comprehensive Plans. He stated that MAWD could provide input on the timing of updating the municipal Water Management Plans.

Linton stated it appears that MAWD would be a unified voice to protect the organizations from the State, using examples of unfunded mandates and impacts that may not be considered when passing legislation.

Kelly confirmed that many people at the State level were unaware of the timing of the local Water Management Plans.

Fabian stated that 8410 was not done in a vacuum and everyone was given the opportunity to be involved. He stated that the plan amendment process requires Water Management Plans to be updated within two years of the Comprehensive Plan being updated in an attempt to provide a more uniformed schedule. He stated that BWSR also has to work with Met Council. He stated

that previously the Water Management Plan was required to be up to date each time the WMO and Watershed District plans were updated, but the new 8410 requires the Water Management Plan to be updated two years before the Comprehensive Plan, which would equate to once every ten years.

Kelly explained that there are often changes to legislature and State statute and therefore the Water Management Plans need to be updated in order to match the new language and in order to be eligible for certain grant funding. He commented on the amount of time that is necessary to make an amendment to the Water Management Plans for the municipalities and the WMO's and Watershed Districts.

Fabian commented that the process to make a minor plan amendment for WMO's and Watershed Districts has been simplified.

Kuzma stated that this input has been helpful from his perspective as he previously was not in favor of joining another group.

Schurbon stated that he was contacted by MAWD weeks ago on the same topic. He noted that if WMO's join, they would be associate members and would not be voting members.

Haas stated the first year would have a cost of \$500, with the second year not to exceed \$1,500.

Barnett asked if there would be an option to discuss the membership prior to the first year of membership expiring in order to discuss the value added before continuing with the second year of membership.

Kelly confirmed that the LRRWMO would receive at least three notifications before the second year of membership begins. He stated that the due schedule was recently updated.

Barnett confirmed that the LRRWMO would have ample ability to discuss the value added before deciding whether to continue with the second year of membership.

Fabian noted that there are also trainings available to members, which is beneficial, above just the legislative voice. He stated that the new manager training often provides good information.

Kelly agreed that the trainings are beneficial as there are differences to governing a natural resources-based organization versus a municipality.

Barnett asked who from the LRRWMO would attend the meetings and be the point person for MAWD.

Kelly stated that the LRRWMO would want to appoint a member to attend the MAWD meetings and communicate that information to its Board.

Haas stated that he could be on the list with one of the other Board members listed as an alternate. He stated that he can provide the information to TimeSaver and the necessary information can be shared with the Board.

Kelly stated that there is value in having the WMO's involved.

Motion was made by Kuzma, seconded by Barnett, to approve joining MAWD for a period of one year, with a review to be done prior to the first year expiring to determine if membership should continue. Vote: 3 ayes, 0 nays. Motion carried.

Fourth Generation Plan RFP

a) BWSR Guidance on Updating Metro Water Management Plans

Haas displayed a map which identifies the deadlines in which the Water Management Plans must be updated for each WMO or Watershed District.

Fabian referenced the BWSR Metro Watershed Management Plan Update Guide which is available on the BWSR website and contains useful information. He stated that BWSR's focus on the process is that the WMO have an open proactive, upfront process to identify the issues and priorities and how those elements will be addressed. He stated that the plans should revolve around the priority issues. He stated that the plan is a living document that should not just sit on the shelf, noting that there is an easy process for minor amendments to the plan to ensure that the plan stays up to date. He stated that there is a benefit to keeping the State agencies involved as that will provide an opportunity for State agencies to provide input and identify issues upfront. He stated that if the State agencies have had the opportunity to provide input throughout the planning process, that makes it easier for him to make the recommendation of approval to the BWSR Board. He provided details on the stakeholder involvement process, which builds support for implementation of the plan. He provided examples of how issues can be identified including trend analysis and modeling. He stated that if the information in the plan includes the priority issues, measurable goals, and actions, that will assist the organization in possibly obtaining grant funds. He noted that he is a resource during this process as well as the State agency contacts.

Kuzma asked for input on the Upper Rum River WMO.

Fabian stated that there is a potential that the One Watershed One Plan could be adopted as the WMO's plan but he has heard that the LRRWMO would like to have their own specific plan. He stated one option would be to delay action on the LRRWMO plan until the One Watershed One Plan is completed. He explained that when the URRWMO submitted their final plan approval, there were some fairly negative comments from the agencies including BWSR because that organization did not have proactive efforts for identifying issues. He stated that controlling costs is a big focus for that organization, but there has to be something accomplished. Otherwise, the money that is spent is wasted.

Fabian stated there are issues in the URRWMO that need to be addressed that are not being addressed. He stated that there have been a few meetings with that organization discussing the elements that need to be addressed in order for their plan to be approved. He stated that the organization does not have a staff person or consultant and therefore administrative duties fall to the Chair of the URRWMO and that is not working for the organization. He stated the URRWMO does have some new Board members that do seem interested in continuing the process and getting their plan approved but noted that the ball is in their court and the organization needs to come through with a real plan.

Schurbon stated that he has been watching the URRWMO and maybe they will come around. He stated the LRRWMO is on the edge of starting an expensive planning process and asked about the likelihood that the LRRWMO spends the money on the planning process and the URRWMO is dissolved, which would mean that the LRRWMO wasted money on the planning process.

Fabian stated he is not sure of the likelihood, noting however that it is always a possibility. He stated that any of the updates to the LRRWMO plan would still be priority issues, whether those would still be high priorities if the organization becomes larger.

Schurbon stated he would be concerned with planning fatigue.

Fabian stated the LRRWMO would have the option of delaying the plan, but the problem is that there is not much included in the plan for specific projects. He stated that a minor plan amendment could be made to include capital improvements which would make those projects eligible for grants in the time being.

Haas stated he got the impression that the URRWMO is trying to move forward and therefore he believes that the LRRWMO should move forward in their planning process.

Fabian stated that the One Watershed One Plan could be a reason to delay the planning process.

Kuzma asked if the URRWMO becomes part of the LRRWMO, would the organization then have the authority to levy that portion of the area for the additional planning costs.

Haas stated that the funds for the LRRWMO come from the municipalities at this time through the JPA. It was noted that if the organization combined with the URRWMO, those cities would become a part of the JPA and those cities could be assessed for the cost.

Fabian noted that the LRRWMO could start the initial request and start collecting data, and then pause, depending on the One Watershed One Plan.

Enstrom asked the penalty the URRWMO would receive if they do not come on board with a plan.

Fabian stated that eventually they would be found non-implementing and the County would then be given the choice as to what would happen with the organization.

Enstrom stated that there are major differences between the areas in the LRRWMO and URRWMO and would believe that the organizations would want to remain separate.

Kelly explained that Coon Creek combined with another organization in the past and explained that subwatershed plans were identified for each of the areas in order to address the specific needs and priorities within the subwatershed areas. He noted that even in urbanized areas, there can be very different needs and desires.

b) RFP Process

Haas stated that if the Board has input, that can be given now before Schurbon goes out for the RFP.

Schurbon stated that the RFP included in the packet is based on a model used by another organization. He identified some elements of the RFP that would be different including challenges for public participation. He referenced issues of timing related to the uncertainty of the URRWMO and One Watershed One Plan. He stated that the rules and standards have recently been updated and therefore perhaps that is not a focus in this plan. He stated one goal that he would see is a melding of the LRRWMO and municipality goals. He stated that perhaps this RFP process would be sent to consultants to allow thought and then ask for input, similar to a pre-bid process, and then revise the RFP to address the additional input.

Haas stated he spoke with Westby the previous day and the consensus was that while each municipality must participate and provide input, the work must be done by a consultant as city staff does not have the time to spearhead the process.

Westby stated that overall the RFP seems that it will work well. He stated that he was confused on the work plan and what that truly is in the RFP. He stated the term seems to be used in multiple locations of the RFP and seems to mean different things in the different areas.

Schurbon confirmed he would clarify that term.

Westby stated he was also confused by the early termination clause.

Schurbon stated that could be changed to state the consultant may not terminate the process without the approval of the Board.

Haas stated he would also like specification that the LRRWMO be provided with Microsoft Word documents that should be owned by the LRRWMO.

Westby referenced language regarding the one rule and statute that must be met and asked if that should be made vaguer to state all rules and applicable statutes must be met.

Kelly commented that would depend city to city. He stated that Coon Creek has attempted to include as much of the Storm Water Pollution Prevention Plans (SWPPP) and asset management. He stated that is a trend in the MS4 Permit that is coming. He stated you could include language that would attempt compliance with the SWPPP.

Haas referenced the partner duties and stated it should be made clear that the consultant would be in charge of running everything, including setting up meetings. He referenced disbursement of funds and stated that the LRRWMO requires 15 business days for payments.

Kelly asked if the identification of issues is included in the RFP. He stated that targeted goals will put the organization in a better position to obtain goals and explain what the organization is doing. He explained that Coon Creek did not use the consultant for that element but noted that the organization has a full-time staff. He stated the organization wants someone that understands the issues of the WMO to be included in that goal identification.

Linton stated that perhaps the LRRWMO needs to put some effort into narrowing the focus of the first phase. He stated that while the LRRWMO does not have dedicated staff, perhaps the member city staff can get together to identify high priority goals.

Schurbon stated the process requires cities to get together to have that discussion but noted that perhaps before there is a consultant involved, the cities should get together to ensure there is a clear understanding.

Linton agreed that homework should be done first to confine the variable cost component.

Schurbon stated that could be part of the pre-bid meeting.

Haas and Linton stated that meeting should occur prior to bringing consultants into the discussion.

Linton stated that each consultant will want to collect their own data from city staff in order to prepare their full proposal and will not want to ask the questions all together in one room and he does not have the time to meet each consultant separately.

Fabian noted the information from the meeting with city staff could be included with the RFP for the consultants to see. He stated that he is unsure that the WMO has a staff person to spearhead that action.

Schurbon stated that if the RFP goes out, he would be interest in submitting a proposal and therefore he is hesitant to participate too much in the scope if he is going to bid.

Haas stated that Schurbon would just be meeting with the cities to gather information.

Schurbon stated he will make the revisions to the RFP as discussed and then perhaps amend the LRRWMO contract with the ACD to include the meetings with the cities to identify goals. He

stated he is anticipated that the planning process will start in January and therefore this will seem to remain on schedule.

Haas thanked Fabian and Kelly for attending the meeting. He stated that the next agenda should include consideration of a resolution indicating that the Board is going to start the planning process.

CONSIDER COMMUNICATIONS

East Bethel Comp Plan Update

It was the consensus of the Board that there are no comments from the LRRWMO.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT

Nelson presented the Year 2018 Second Quarter Report for the City of Anoka.

Motion was made by Kuzma, seconded by Barnett, to approve the Year 2018 Second Quarter Report for the City of Anoka, as presented. Vote: 3 ayes, 0 nays. Motion carried.

Linton presented the Year 2018 Second Quarter Report for the City of Ramsey.

Motion was made by Kuzma, seconded by Barnett, to approve the Year 2018 Second Quarter Report for the City of Ramsey, as presented. Vote: 3 ayes, 0 nays. Motion carried.

Haas presented the Year 2018 Second Quarter Report for the City of Andover.

Motion was made by Barnett, seconded by Kuzma, to approve the Year 2018 Second Quarter Report for the City of Andover, as presented, and to authorize release of unused escrow for Permit #2017-30. Vote: 3 ayes, 0 nays. Motion carried.

ACD QUARTERLY REPORT

Second Quarter 2018

Schurbon stated that his report was included in the meeting packet. He stated that there is assortment of monitoring being completed that is on track. He provided a summary of the other activities including city newsletter articles and cost-share grants. He referenced the Met Council grant that was received two years ago. He stated that two rain gardens were installed in Anoka thus far and a third site has been selected north of the fairgrounds and provided details on that project.

OUTSTANDING ITEMS/TASK CHECKLIST

Haas reviewed the outstanding items and task checklist.

OTHER BUSINESS ~ None

ADJOURNMENT

A motion was made by Kuzma, seconded by Barnett, to adjourn the meeting. Vote: 3 ayes, 0 nays. Motion carried.

Time of adjournment: 10:22 a.m.

Respectfully submitted,

Amanda Staple
Administrative Secretary