



Approved Mary 4, 2017

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Minutes of the **Board of Supervisors Regular Board Meeting** held February 2, 2017.

1. Meeting called to order by Chair Humphrey at 6:30 p.m. Closed meeting was cancelled.

Roll of Attendance

**Supervisors present:**

**Others present:**

Margaret Behrens	Michael Schumann, RCD Staff
Lena Buggs	Ann WhiteEagle, RCD Staff
Paul Gardner	Andrea Prichard, RCD Staff
Mara Humphrey	Brian Olsen, RCD Staff
Gwen Willems	Joe Lochner, RCD Staff
	Michelle Wohlers, NRCS-USDA

- A. Approval of Agenda: **Motion by Supervisor Willems and Supervisor Buggs seconded** to approve the final agenda, after Supervisor Buggs added Action Item M to discuss an advance delivery timeframe for board packet information prior to meetings and Supervisor Humphrey added Action Item N to discuss penning a letter representing the RCD Board’s views on DAPL. Motion carried unanimously.
- B. Announcements: Supervisor Humphrey reminded Board and Staff of the upcoming February 24<sup>th</sup> Workshop to work on the Annual and Comprehensive Plans. Supervisor Willems announced her interest in attending an Equity and Diversity Workshop with a \$40 fee. **Motion by Supervisor Gardner to approve payment of the registration fee for Supervisor Willems to attend the workshop and was seconded by Supervisor Buggs.** Motion carried unanimously.

Supervisor Buggs expressed interest in developing a policy on Equity and Diversity with the Board in the near future. Supervisors Humphrey and Gardner announced that will be absent for the next (March 2<sup>nd</sup>) board meeting, and Supervisor Buggs suggested they attend via Skype if available to do so.

2. Staff Reports: The staff provided a written update to the board on recent projects and activities. USDA – NRCS Local Work Group Meeting: Michelle Wohlers from the Natural Resources Conservation Service presented a summary of Title 6 and 7 of a Civil Rights training that the NRCS conducts with partners. She distributed informational packets to Board members, briefed them on the contents and

policies, and collected signatures from all Board Members to acknowledge receipt and compliance with The Civil Rights and Equal Opportunity responsibilities therein. Ms. Wohlers also announced that there is financial assistance to agricultural producers through their Conservation Stewardship Program and their Environmental Quality Incentives Program. She said that Urban Agricultural projects are also eligible, such as seasonal high tunnels. She reminded Staff and Board that the MN Agricultural Water Quality Certification Program has funding available for conservation project implementation in certified farms.

3. Approval of Standing Reports - Secretary's Report, Minutes of January 9, 2017

**Motion by Supervisor Buggs and seconded by Supervisor Gardner** to approve the minutes with corrections to the date and some committee assignments. Motion carried unanimously.

4. Action Items

A. Annual Plan Review: Ann WhiteEagle described the Annual Plan as an activity-based plan to work toward accomplishing the larger, more long-term strategies identified in the Comprehensive Plan. Supervisor Gardner suggested linking funding to activities in the Plan to visualize which activities are supported by temporary or conditional funding sources and which were more reliable, as well as a comparison of outcomes achieved versus the financial cost to achieve them. Supervisor Humphrey encouraged Board and Staff members to analyze both plans and to bring to the Feb 24<sup>th</sup> Workshop ideas about what to emphasize and prioritize, and how to make edits reflecting those priorities. Ms. WhiteEagle expressed that while our organization may have our own priorities and goals, we are partly financially dependent upon partners who provide us fee-for-service income, and we must also account for their anticipated priorities and activities. Supervisors Behrens and Gardner encouraged follow-up actions involving the analysis of Septic System data in Ramsey County. The Annual Plan will be further discussed at the February 24<sup>th</sup> workshop.

B. Memo of Agreement AIS Approval: Ann WhiteEagle provided Board members with a copy of the M.O.A. from Ramsey County Parks and Recreation. She stated \$40,000/ year would go to the new position, with additional in rollover funds. The new staff member will coordinate the AIS program and other tasks. AIS tasks include coordinating the inspection of watercraft at all 17 landings, meeting with stakeholders, and improving outreach and education with the public. **Resolution 17-02-01**. Motion by Supervisor Willems and seconded by Supervisor Buggs. Resolved, the Board approved that the Memo of Agreement with Ramsey County Parks and Recreation regarding the AIS position may be signed.

Voting in favor of the resolution: Behrens, Buggs, Gardner, Humphrey, Willems – Voting against: none – Abstaining: none

C. Update on Lilydale Stabilization Project: Joe Lochner informed the Board that St Paul Parks and Recreation contracted Barr Engineering to conduct feasibility studies to ensure that grant funding was adequate to construct the stabilization project just north of the Brickyard Trail of Lilydale Park. Barr's study, due in March, is expected to reveal next steps for how to best use funds to stabilize the area to prevent further pollution to Pickerel Lake, and ultimately the Mississippi River.

D. RC Groundwater Protection Plan: Ann WhiteEagle described the history of Ramsey County's Groundwater Protection Plan, which was approved in 1996, but later expired. The 2009 update completed by RCD staff was not approved by Ramsey County, but there is now support from partners to complete an updated Groundwater Protection Plan. Supervisor Gardner inquired how it

might differ from work completed by partner organizations and how the RCD, as an entity without regulatory authority, would be able to ensure that good work would come of such a plan. Ms. WhiteEagle replied that if approved, it would be useful for applying for grants, since many grant applications require a reference to valid Plans, and to subsequently get more projects in the ground. She reiterated the support shown by partner organizations, and that it will be a County GWPP. Supervisor Humphrey emphasized the need to maintain dialogue with the County and partner organizations in the development of this document, and to be sure to include partners' input along the way to get a higher probability of approval this time. Supervisor Gardner approved of this undertaking with the understanding that it would be a substantive guidance document showing a "blueprint" for cities, counties, and other partnering organizations to work toward improving the groundwater resource. He also expressed interest in 3-dimensional maps of groundwater contamination sources. **Resolution 17-02-02.** Motion by Supervisor Willems and seconded by Supervisor Gardner. Resolved, the RCD may request official delegation via resolution from the Ramsey County Board to proceed with the Groundwater Protection Plan update. Voting in favor of the resolution: Behrens, Buggs, Gardner, Humphrey, Willems – Voting against: none – Abstaining: none

- E. BWSR Authorized Representative Approval: Ann WhiteEagle explained that BWSR suggests annual approval of an authorized representative for grant reporting. Supervisor Buggs asked a clarifying question to distinguish the Board and Staff's role in approval of grants, to which Supervisor Humphrey explained that grant agreements are signed by the Board on the front end, and Ms. WhiteEagle, with this form, would have authority to sign off on administrative and financial reporting only within the agreements already signed and approved by the Board. Ms. WhiteEagle also explained that it is encouraged not to have a Board member as this authorized representative due to the short turnarounds needed for time-sensitive reporting. **Resolution 17-02-03.** Motion by Supervisor Gardner and seconded by Supervisor Behrens. Resolved, the Board approved that Ann WhiteEagle continue to be the BWSR authorized representative for RCD.

Voting in favor of the resolution: Behrens, Buggs, Gardner, Humphrey, Willems – Voting against: none – Abstaining: none

- F. Hiring Update: Ms. WhiteEagle informed the Board that with around 300 applicants, 10 finalists were selected for interviews with five interviewed 2/2/2017 and five scheduled for 2/3/2017. The expected start date for the new employee is March 1<sup>st</sup>, 2017. Supervisor Behrens expressed concern that the Personnel Committee, consisting of Board Members, did not have knowledge of the applicants. Supervisor Humphrey clarified that hiring staff was delegated to the District Manager. Ms. WhiteEagle stated that if a quorum of the Board were present in the interviews, the interview would then be open to the public. Supervisor Behrens suggested limiting it to 1-2 Board Members. Supervisor Willems shared that she enjoyed participating in past employee interviews. Supervisor Humphrey expressed that Ms. WhiteEagle and technical staff have good knowledge of the skills needed in an applicant, and she is confident of Ms. WhiteEagle's selection determination, knowing that ultimately Ms. WhiteEagle reports back to the Board. Supervisor Buggs agreed that staff would best determine what technical skills would be favorable in the candidates, but she feels that it is the Board's due diligence to meet applicants and observe interviews. Supervisor Gardner suggested that the score sheets of the top applicants be shared with the Board of Supervisors, and he inquired whether Personnel Policies were present in the By-Laws to provide guidance on this issue. Ms. WhiteEagle mentioned MCIT guidance which can be referenced. **Resolution 17-02-04.** Motion by Supervisor Buggs and seconded by Supervisor Behrens. Resolved, the Board will have 1 or 2 representatives present at final interviews for future full-time positions at the RCD (not

including the 2/3/2017 interviews). Voting in favor of the resolution: Behrens, Buggs, Gardner, Willems – Voting against: Humphrey – Abstaining: none

- G. Budget Policy Authority Approval: Ann WhiteEagle requested an update to the fiscal policy in regards to expenditures, as the past policy expired on December 31, 2016. Supervisor Humphrey explained that this approval would continue to give Ann WhiteEagle the authority to make payments for expenses within the budget approved by the Board. Supervisor Gardner encouraged providing a list of claims in the expenditure items as a transparency measure. **Resolution 17-02-05.** Motion by Supervisor Gardner and seconded by Supervisor Willems. Resolved, the Board adopted the budget policy to give Ann WhiteEagle authority to make payments for expenses accounted for in the approved budget.  
Voting in favor of the resolution: Behrens, Buggs, Gardner, Humphrey, Willems – Voting against: none – Abstaining: none
- H. Buffer Law Implementation Update: Andrea Prichard briefed the Board on the January 10<sup>th</sup> meeting with BWSR, RCD, Ramsey County, and several partner watershed management organization representatives. She informed the Board that there is an extended deadline for watershed districts to determine whether they want enforcement authority, but that they were leaning towards defaulting to BWSR enforcement. Ms. Prichard completed BuffCAT compliance tracking online for the 4000+ applicable land parcels in Ramsey County, which are currently deemed in compliance based on aerial imagery of land use. She is compiling an Inventory of protected waters in the county *not* under Buffer Law Protection, and she is also preparing a map and list of “Other Watercourses” that need additional protection to present for board approval in the spring. This work is in direct coordination with partner WMOs and WDs.
- I. RCD Workshop Agenda Review: Supervisor Humphrey stated that this topic had already been discussed in the announcements. Ms. WhiteEagle mentioned that By-Law Review could be added to the agenda for the workshop, in addition to the review of the Annual Plan and Comprehensive Plan.
- J. RCD By-Laws: Supervisor Gardner distributed a draft of his revisions of the RCD by-laws to the Board members. He suggested that others consider his edits and review the document for any needed updates, since some by-laws were outdated or conflicting with current policy. The supervisor handbook is from 2009, with by-laws in 2013 by former Supervisor Wasley. Supervisor Gardner discussed some of the by-laws regarding staggering of election dates of Supervisors, geographic District requirements of Supervisors, and the process for resignation or removal from office. He suggested posting all future Board meeting dates online, as well as posting board packet information online so that it is available to the public. Supervisor Buggs expressed a desire for the meeting information and documents to be posted at least a week prior to the meetings, preferably 7-10 business days beforehand. Supervisor Humphrey indicated that one week is standard review time, Supervisor Behrens remembered a 14-day advance notice policy for a relevant practice, and Supervisor Gardner offered to look up standard notice to report back to the Board. Supervisor Gardner continued that any cancelled meetings should be decided and announced at the previous board meeting. He wished to identify the most important topics and to establish consistency and clarity in issues such as internal and external meetings as well as per diem rates for meeting types. Supervisor Buggs indicated that the Workshop timeframe may need to be extended from 2 hours to 3 hours due to the addition of the By-Law discussion to the agenda which already includes review of two other documents. Supervisor Gardner considered consulting the attorney to ensure

that the appropriate Civil Rights Law language is included. Board members were encouraged to bring comments for integration into the document, using a laptop at the workshop. Supervisor Humphrey requested that 4 items be sent electronically to the Board to prepare for the workshop: Approved Budget, Annual Plan, Comprehensive Plan, and By-Laws.

- K. Approval of January 2017 Supervisor Expense Claims: **Resolution 17-02-06.** Motion by Supervisor Buggs and seconded by Supervisor Behrens. Resolved, the Board approved the expense reports as submitted by Supervisors Behrens \$260.31, Gardner \$137.31, Humphrey \$87.84, Buggs \$175.00, and Willems \$188.91.  
Voting in favor of the resolution: Behrens, Buggs, Gardner, Humphrey, Willems – Voting against: none – Abstaining: none
- L. FY17 BWSR Grants Work Plan Approval: Ann WhiteEagle explained that the next step to receive funds awarded by Clean Water Fund grant applications is to submit Work Plans to BWSR for each grant awarded. These work plans will be written based on what was stated in the grant applications, with the clarification that Well-Sealing Funds will first be distributed to those on the waitlist, followed by those in areas of vulnerable groundwater such as Drinking Water Supply Management Areas (and contaminated areas such as Superfund sites, Ms. Prichard added). Applicants *not* living in areas with vulnerable groundwater resources will be placed on a waiting list to get second priority after a year of targeting and approving landowners with abandoned wells in the most vulnerable areas. **Resolution 17-02-07.** Motion by Supervisor Behrens and seconded by Supervisor Willems. Resolved, the Board approved the submittal of RCD’s work plans for FY17 BWSR grants as described in the applications.  
Voting in favor of the resolution: Behrens, Buggs, Gardner, Humphrey, Willems – Voting against: none – Abstaining: none
- M. Board Packet Delivery Timeframe: Supervisor Buggs requested a timeframe of 7 to 10 business days to review packets before the board meeting. Supervisor Gardner asked if they wanted to check by-laws first or make a motion at the present meeting, and Supervisor Buggs requested a motion be made at that time. Supervisor Willems was curious about the standard advance provision of documents of other SWCDs, and Supervisor Gardner suggested 7 days. Supervisor Behrens suggested that if an item is not added to the agenda in time, it can be postponed until the next meeting. Supervisor Humphrey indicated that the expense claims should also be public and that there would be a two-month delay in payment because they most likely wouldn’t be ready for the board packets with the new timeframe. **Resolution 17-02-08.** Motion by Supervisor Buggs and seconded by Supervisor Gardner. Resolved, RCD staff will send meeting minutes, agenda, and board packets to board members electronically 7 business days before the board meeting.  
Voting in favor of the resolution: Behrens, Buggs, Gardner, Humphrey, Willems – Voting against: none – Abstaining: none
- N. DAPL letter: Supervisor Humphrey notified the Board that the Army Corps of Engineers had asked for comment on the Dakota Access Pipeline, and she wanted to see if the board would unanimously support a letter in response to recent actions regarding the water resources implications of advancing with the pipeline. Supervisor Gardner asked if SWCDs in affected areas, and Supervisor Humphrey responded that there were, and that this letter would be in solidarity with them. The board was supportive, and Supervisor Humphrey will draft a letter for the rest of the Board members to review before submitting it. It is due by February 20<sup>th</sup>.

5. Standing Committee Reports – The Board reported on the committee meetings they attended.
  - A. Metro Conservation Districts – no meeting
  - B. Rice Creek Advisory Committee – Supervisor Gardner
  - C. Ramsey-Washington Metro Watershed District Citizen Advisory Committee and Board – Supervisor Gardner
  - D. Capitol Region Watershed District Citizen Advisory Committee and Board Meeting – Supervisor Buggs and Supervisor Willems
  - E. Ramsey County League of Local Governments – Supervisor Behrens
  - F. VLAWMO Tech and Advisory Committee – Supervisor Behrens
  - G. White Bear Lake CD Lake Level Committee – no meeting
  - H. Metro MAWD – Supervisor Willems
  - I. Other Meetings
    - i. RiverEast Planning Committee, District 6 Land Use Task Force – Supervisor Buggs
    - ii. St Paul Regional Water Services Board – Supervisor Humphrey
    - iii. Metropolitan Council – no meeting
    - iv. NOHOA and NEST – Supervisor Behrens
6. Next Regular Board Meeting – Thursday, March 2, 2017, at 6:30pm.
7. Adjournment: **Motion by Supervisor Buggs, Supervisor Behrens seconded** to adjourn at 9:20 pm.

These minutes are respectfully submitted by Andrea Prichard.