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REGULAR MEETING OF THE BOARD OF MANAGERS

Wednesday, October 8, 2003, 7:00pm

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

Agenda

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ROLL CALL

Present:

Absent:

Staff Present: District Administrator Steve Hobbs, Office Manager Theresa Stasica

Consultants: District Engineer Brett Emmons, EOR; District Attorney from Smith Parker

Visitors:

CALL TO ORDER

SETTING OF THE AGENDA

READING OF THE MINUTES AND THEIR APPROVAL

1. Minutes of September 24, 2003, Board of Managers Regular Meeting.

PERMIT APPLICATIONS REQUIRING BOARD ACTION

The following applications have been reviewed by the District Engineer and Staff and will be acted upon without discussion in accordance with the Engineer's Recommendation unless a Manager or the Applicant or another interested person requests opportunity for discussion:

No.	Applicant	#Plan Type	Description/Location	*Recommendation
03-073	Eagle Brook Church	FSD & PDS	N. of 77 th Street & West of 20 th Ave., Lino Lakes	CAPROC pro 10 items
03-126	U.S. Army, TCAAP	FSD	N. of Rice Creek & 1,000± feet east of Interstate 35W, Arden Hills	CAPROC pro 3 items

25 **CONSENT AGENDA**

26 *It was moved by _____ and seconded by _____ to Approve, Conditional Approval Pending Receipt*
27 *Of Changes, or Table the Permit Applications noted in the following Table of Contents in accordance*
28 *with the District Engineer’s Findings and Recommendations, as contained in the Engineer’s Report*
29 *dated October 3, 2003.*

30
31 #KEY: FSD=Final Site Drainage PDS=Pub./Priv. Drng. Sys.
32 *CAPROC = Conditional Approval Pending Receipt Of Changes pro = pending receipt of
33

34 **OPEN MIKE**

35 *Individuals may address the Board of Managers about any item not included on the regular agenda.*
36 *Speakers are requested to come to the podium, state their name and address for the record, and limit*
37 *their remarks to five minutes. Generally, the Board of Managers will not take official action on items*
38 *discussed at this time, but may refer the matter to staff for a future report or direct that the matter*
39 *be scheduled on an upcoming agenda.*
40

41 **ADDITIONAL ITEMS REQUIRING BOARD ACTION**

- 42 1. Approve Letter of Commendation to Administrator’s File as presented by Advisory Committee
- 43 2. Consider approval of Cost Share for RCWD Permit 03-121 Andrew Knight Rice Creek Bank
- 44 Stabilization Project, recommended by Advisory Committee
- 45 3. Consider approval of Cost Share for Otter Lake Shoreland Restoration, recommended by
- 46 Advisory Committee
- 47 4. Consider action on JD2 culvert claims by Jay Brothers, Inc.
- 48 5. Consider Check Register dated 10/8/03, in the amount of \$13,734.83, Prepared by HLB Tautges
- 49 Redpath.
- 50

51 **ITEMS FOR DISCUSSION AND INFORMATION**

- 52 1. EOR Update and Timeline
- 53

54 **ADJOURNMENT**

READING OF THE MINUTES AND THEIR APPROVAL

1. Minutes of September 24, 2003, Board of Managers
Regular Meeting.

DRAFT

For Consideration of Approval at the 10-8-03 Board Meeting.
Use these minutes only for reference until that time.

REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, September 24, 2003

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

Minutes

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ROLL CALL

Present: President Andrew Cardinal, 1st Vice-Pres. James Leroux, Secretary Roger Aiken, Treasurer Robin Doege

2nd Vice-Pres. Barbara Haake was absent at this time.

Staff Present: Administrator Steve Hobbs, Office Manager Theresa Stasica, Permit Coordinator Karl Hammers
Consultants: District Engineers Brett Emmons and Greg Graske of EOR; Attorney Louis Smith of Smith Parker
Visitors: Barbara Bor, Sylvia Marier, Eugene Marier, Greg Munson, Ron Marier, Sherry Broecker, Gerald Broecker, Sue Steinwall, Jean R., Bob R., Joe Preiner, Deloris Preiner, Loren Hentges, Paul Tralle, Mike Hyden, Vincent Niemczyk, John Waller, Doug Jost, Andrew & David Knight, Walter Eshenaur, Bob Day, Greg Stull, Jim Klemmer, Janell Miersch, Wayne LeBlanc, Scott Anderson, John Trost

CALL TO ORDER

President Cardinal called the meeting to order, a quorum being present, at 7:00 p.m.

SETTING OF THE AGENDA

President Cardinal asked for any additions.

Under Items for Discussion and Information-Manager Aiken would like to add the item: Partnerships and Relationships.

The Board adopted the Agenda by consensus.

READING OF THE MINUTES AND THEIR APPROVAL

Motion by Doege, seconded by Leroux, to approve the September 10, 2003, Board of Managers Meeting minutes.

District Attorney Louis Smith offered the following suggestions (underlined text):

Under Item: Public Hearing, Line 122, paragraph 16, insert the words "or Repair Report for" after (CWMP).

The sentence would read: "District Legal Counsel Holtman replied that he had limited comments because at this time the District has not prepared or approved a Comprehensive Wetland Management Plan (CWMP) or Repair Report for Anoka County Ditch 53-62 with cost associated."

Under *Items for Discussion and Information* Number 1. Ditch Report, , line 194, third paragraph, additions to the sentence as follows: "District Counsel Holtman answered that if the District wishes to determine an official profile they must have a public hearing and a formal determination must be noticed to all landowners in the system."

37 Number 4. Mr. Rehbein's Letter, line 239, third paragraph, addition to the first sentence "as to how long
38 the records would be open to public comment."

39 Mr. John Waller, Advisory Committee member, would like to add his comment under the public hearing that he
40 complimented and supported the District's use of activity-based accounting.

41
42 *Manager Cardinal as corrected. Motion carried 4-0.*

43
44 **Public Hearing For the Petition to Partially Abandon Anoka County Ditch 72**

45 Manager Cardinal opened the public meeting at 7:05 p.m.

46 Manager Haake joined the meeting.

47 Walter Eshenaur project engineer for Eagle Brook Church gave a brief PowerPoint presentation to the Board
48 showing the proposed realignment of Ditch 72 and lowering of Branch 1 tile line. At this time the Ditch tile runs
49 under the proposed church parking lot. After discussions with the RCWD, the Church chose to relocate and
50 daylight Ditch 72.

51 Manager Cardinal believed that using a pipe instead of an open ditch would be more appropriate. Manager
52 Cardinal stated that with an open ditch there are maintenance issues to deal with because of the accumulation
53 of sediment. He also believed that there are more tile lines not indicated on the maps that empty into Ditch 72
54 and he would want to make sure there is appropriate drainage.

55 Manager Haake questioned District Engineer Emmons regarding the lowering of the Branch 1 tile line and its
56 profile. And also wanted the pros and cons on underground pipe vs. a daylighted system.

57 District Engineer Emmons replied that there would only be a slight modification to the profile of Branch 1.
58 Regarding the issue of using a pipe or open ditch, an open ditch you would have better access for maintenance.

59 Manager Leroux questioned that the runoff from the parking lot and the water from the tile lines will both
60 combine in the ditch and run into the NURP pond. Manager Leroux stated that since the tile water is of higher
61 water quality than the parking lot runoff, is it a good idea to mix the two.

62 Project Engineer Eshenaur replied that the NURP pond is designed by RCWD standards for nutrient removal.

63 Manager Haake asked Administrator Hobbs if the overall plan is accepting an open or closed ditch system and
64 what are the main arguments for each.

65 Administrator Hobbs replied that there are more problems with an open ditch such as siltation and beaver
66 dams. The long-term issue for the District is to decide the maintenance issue.

67 Manager Doege questioned the history of the District realigning-abandoning and reestablished ditch systems.

68 Manager Cardinal recalled at least two times when the District has done this.

69 Manager Haake asked if the Church has been in contact with the neighbors regarding the drainage issues.

70 Manager Aiken believed the Board also needs to consider the long-term effects on Peltier Lake.

71 Mr. Paul Haik, speaking on behalf of Heron property owners association and landowners in the area, stepped up
72 to the podium. He believed the District was using the wrong statute in realigning the ditch and that the
73 phosphorus loading from the project should be researched further to protect the water quality of Peltier Lake.

- 74 Manager Haake requested District Counsel Smith to reply to the remark that the wrong statute is being used.
- 75 District Counsel Smith replied that the statute is correct and that the rights of the property owners are still
76 intact. The District is not abandoning the ditch, they are abandoning the parcel of land where the ditch was.
77 The realigned ditch will remain in the ditch system.
- 78 Mr. Paul Haik believed the statute being used is abandonment and does not preserve or protect property owners
79 drainage rights.
- 80 Administrator Hobbs is confident in District Counsel's choice of statute. Eagle Brooks permit complies with
81 RCWD rules and the Board needs to decide if they should partially abandon and re-route the ditch.
- 82 District Counsel Smith referred to a resolution that was passed out to the Board. In the resolution the
83 maintenance is described.
- 84 A copy of the resolution was given to Mr. Haik.
- 85 Mr. John Waller, Advisory Committee member, approached the podium. Mr. Waller supported the closed ditch
86 scenario as compared to the open ditch. In his past experience, he has seen that open ditches require additional
87 maintenance.
- 88 Mr. Ron Marier, property owner adjacent to Eagle Brook Church property, approached the podium. Mr. Marier
89 presented pictures to the Board and told the Board that he believes that instead of the engineer's calculations of
90 600 acres drainage area they figured at least 1495 acres. Mr. Marier asked the Board to look at the volumes of
91 water before they decide on abandonment of the ditch.
- 92 Mr. Wayne LeBlanc, President of the Peltier Lake Association, approached the podium. Mr. LeBlanc has done
93 lake sampling on Peltier Lake for the District over the years and also voiced concerns regarding the impact of the
94 project on lake water quality. Mr. LeBlanc also felt the septic system for the Church needed to be addressed.
- 95 Manager Doege asked, excluding the septic system, would the Church's landscaping add to the phosphorus level.
- 96 District Engineer Emmons replied that phosphorus usually comes from pet waste and green area. At this time
97 the land use is mostly agricultural, the proposed project includes a large parking lot so the phosphorus level will
98 not be as high.
- 99 Manager Haake suggested there be a more natural landscaping used without fertilizer.
- 100 Project Engineer Eschnaur replied that the proposed site will be seeded in natural prairie.
- 101 Manager Haake asked District Engineer Emmons what is being analyzed in the water quality samples taken from
102 Peltier Lake.
- 103 District Engineer Emmons replied that phosphorus, chlorophyll, and clarity are being sampled.
- 104 Mr. LeBlanc added that chloride, salt runoff has started to be sampled.
- 105 Mr. Greg Munson, Attorney for Eagle Brook Church, stepped up to the podium. Mr. Munson informed the
106 Board that the Church has complied with the legal phosphorus standards and the Rice Creek Watershed District
107 Rules and asked the Board to consider approving the project.
- 108 Manager Aiken asked if the effected parties have met to discuss their issues. Manager Aiken believed that a vote
109 should be delayed so there is more time for the public.

110 Gregory Stull and Sherry Broecker, representing Eagle Brook Church, approached the podium. They are
111 members of a church committee that are going door-to-door talking with residents and inviting them to an
112 informational session regarding the Church's construction plans.

113 Manager Leroux believed the issues for tonight are whether the drainage should be opened or piped. Manager
114 Leroux also felt there were still some water quality issues.

115 Manager Haake would like to table the resolution until there can be answers to the questions that were raised
116 tonight. She would like the resolution to state more clearly that the ditch will not be abandoned.

117 District Counsel Smith replied that the "old alignment" of the ditch will be abandoned and ditch rights will be
118 preserved.

119 ***Motion by Leroux, seconded by Haake, to close the public hearing. Motion carried 5-0.***

120

121 ***Break at 8:45 p.m.***

122

123 ***Returned at 8:55 p.m.***

124

125 **Permit Applications Requiring Board Action**

126 The following applications have been reviewed by the District Engineer and Staff and will be acted upon without discussion
127 in accordance with the Engineer's Recommendation unless a Manager or the Applicant or another interested person
128 requests opportunity for discussion:

No.	Applicant	#Plan Type	Description/Location	*Recommendation
03-073	Eagle Brook Church	FSD & PDS	N. of 77 th Street & West of 20 th Ave., Lino Lakes	CAPROC pro 10 items

132

133 ***Motion by Haake, seconded by Doege, to adopt the District Engineer's Findings and***
134 ***Recommendation as contained in the Engineer's Report dated 9/19/03 to CAPROC PA3-073 pro 10***
135 ***items.***

136 *Manager Aiken commended Eagle Brook Church for their good faith effort to inform the Board*
137 *regarding their project. He felt it is the Board's statutory mission to look at the water quality issues now and in*
138 *the future for Peltier Lake. In the future, he would like to see a comprehensive wetland plan or the purchase of*
139 *land by RCWD or other partners to set aside natural areas and protect Peltier Lake's water quality.*

140 *Manager Leroux replied that he still had concerns with the water quality, proposed runoff and the large*
141 *proposed septic system.*

142 *Manager Haake asked Administrator Hobbs where Peltier Lake fits into the District's Capital*
143 *Improvement Projects.*

144 *Administrator Hobbs replied that the District continues to dedicate funding for lake monitoring and*
145 *management. The District has provided grant funds over the past years for curly leaf removal. This year the*
146 *District is providing grant funds to aid in writing a lake management plan. Administrator Hobbs also mentioned*
147 *that the District's Hardwood Creek/JD2 Restoration Project will also have a positive effect on Peltier Lake.*

148 *Mr. Paul Haik stepped up to the podium. He asked that the Board delay for a 2 week period so the*
149 *neighborhood can review the redesigned facility, phosphorus levels can be examined and review project*
150 *variations and additional development of the site.*

151 *Mr. Munson stepped up to the podium and replied that the Church has addressed all requirements and*
152 *that the drainage plan has not changed.*

153 *Manager Leroux questioned District Engineer Emmons regarding additional facilities.*
 154 *District Engineer Emmons replied that he was not aware of any future phases.*
 155 *Manager Aiken asked that the Board table the permit and ditch realignment issue for two weeks so that*
 156 *questions raised tonight can be answered.*
 157 *Manager Cardinal called for the question.*
 158 ***Manager Cardinal asked for a vote on the motion. Motion failed 2-3, Manager Aiken, Manager***
 159 ***Leroux, Manager Cardinal***

No.	Applicant	#Plan Type	Description/Location	*Recommendation
161 03-116	Guidant Corporation	FSD	400± feet N of Cty Rd F & west of Fernwood Street, Arden Hills	CAPROC pro 6 items

165 *District Engineer Graske described the project to the Board. This project entails construction of an*
 166 *expansion to an existing commercial building and parking area.*
 167 ***Motion by Leroux, seconded by Haake, to adopt the District Engineer's Findings and***
 168 ***Recommendation as contained in the Engineer's Report dated 9/19/03 to CAPROC PA3-116 pro 6 items.***
 169 *Manager Aiken questioned when the NURP pond and infiltration basins will be constructed.*
 170 *District Engineer Graske replied that they should be installed before and during construction.*
 171 *Manager Aiken also had concerns regarding the large amounts of soils be excavated and moved at the*
 172 *site. He wanted to make sure the site is monitored during the construction.*
 173 ***Motion carried 5-0.***

No.	Applicant	#Plan Type	Description/Location	*Recommendation
175 03-081	Dellwood Hills Golf	FSD	1 mile N of Dellwood Rd & ¾ miles E of Portland Avenue, Dellwood	CAPROC pro 3 items

178 *Mr. Gary Bressler, representing Dellwood Hills Golf, stepped up to the podium. Mr. Bressler had a*
 179 *question regarding the CAPROC item for a letter from the City indicating maintenance of stormwater*
 180 *management features. Mr. Bressler asked that since Dellwood is not in a position to administer stormwater*
 181 *management issues, could Dellwood Hills Golf accept the responsibility for maintenance.*
 182 *District Engineer Graske replied that the Golf Course could take that responsibility and that Permit*
 183 *Coordinator Hammers can provide him with the documents he needs.*
 184 ***Motion to by Haake, seconded by Leroux, adopt the District Engineer's Findings and***
 185 ***Recommendation as contained in the Engineer's Report dated 9/19/03 to CAPROC PA3-081 pro 3 items.***
 186 ***Motion carried 5-0.***

No.	Applicant	#Plan Type	Description/Location	*Recommendation
188 03-121	Andrew Knight	SA	6899 Channel Road NE, Fridley	CAPROC pro 4 items

191 *District Engineer Graske informed the Board that the proposed project entails stabilization of a portion*
 192 *of Rice Creek streambank. The current erosion problem is being caused by an oxbow that has been cut off*
 193 *causing the stream to flow directly into the landowner's bank.*
 194 *Manager Haake questioned the August 4th letter and District cost-share funds as mention in the*
 195 *engineer's report.*
 196 *Mr. Andrew Knight, applicant, approached the podium. He informed the Board that he is working with*
 197 *EOR on an alternative plan. He provided diagrams outlining the project and procedure of using rip-rap and*
 198 *burlap soil wraps with native plantings to stabilize the bank.*

199 *Manager Aiken questioned if this would be regular creek maintenance be completed by the RCWD.*
 200 *Manager Haake replied that the RCWD in the past has worked with the City of Fridley and the*
 201 *landowner to provide 3-way funding.*
 202 *Mr. Knight replied that he has spoken to the city regarding funding. He would like to start work on the*
 203 *site this fall to prevent more erosion in the spring.*
 204 ***Motion by Haake, seconded by Doege, to adopt the District Engineer's Findings and***
 205 ***Recommendation as contained in the Engineer's Report dated 9/19/03 to CAPROC PA3-121 pro 4 items.***
 206 ***Motion carried 5-0.***
 207

No.	Applicant	#Plan Type	Description/Location	*Recommendation
208 01-029	Clear Lake Meadows, LLC	LD & WA	1/8 mile north of 210 th St. N. & W. of Forest Rd N, Forest Lake	CAPROC pro 2 items
213 03-085	National Builders, Inc.	S&UC	Pacific Avenue N of Highway 96, White Bear Lake	CAPROC pro 2 items
216 03-107	St. Mark Lutheran Church	FSD	S. of North Rd & ½ mile E of Lexington Avenue, Circle Pines	CAPROC pro 8 items
219 03-108	Steve Hagstrom	FSD	¼ mile N of Hickory Street & W of Park Avenue, White Bear Lake	CAPROC pro 5 items
222 03-109	City of Mahtomedi	PDS	1782 Briarwood Avenue, Mahtomedi	CAPROC pro 3 items
225 03-110	City of Mahtomedi	after-the fact PDS	Summit Avenue between Kale St &, Juniper Street, Mahtomedi	Approval
229 03-111	Keith Roberts	FSD	South of 120 th Street N & W of Honeye Avenue N, Grant	CAPROC pro 1 items
232 03-112	Town Center Realty, LLC	FSD	South of Mississippi St NE & west of Central Avenue, Fridley	CAPROC pro 6 items
235 03-113	Successful Bidder, City of Grant	S&UC	Irish Avenue N North of Ironwood Ave. N, Grant	CAPROC pro 3 items
238 03-115	New Brighton Body Shop	FSD	1.2± miles S of Interstate 694 & 1/5 mile E of Interstate 35W, New Brighton	CAPROC pro 6 items
241 03-118	David Happ	FSD & WA	1 mile N of Frenchman Rd at 15292 Everton Avenue N, Hugo	CAPROC pro 5 items
244 03-119	Dean Cameron	FSD & WA	South of Howard Lake Dr & 1 mile west of Interstate 35, Columbus Township	Approval

No.	Applicant	#Plan Type	Description/Location	*Recommendation
247 248 249 250	03-119 David Dostal	FSD & WA	½ mile south of 141 st Avenue NE & west of Interstate 35, Columbus Township	CAPROC pro 4 items
251 252 253	03-122 City of Hugo	CC	12541 Ingersoll Avenue North, Hugo	Approval

CONSENT AGENDA

It was moved by Leroux and seconded by Doege to Approve, Conditional Approval Pending Receipt Of Changes, or Table the Permit Applications noted in the following Table of Contents in accordance with the District Engineer’s Findings and Recommendations, as contained in the Engineer’s Report dated September 19, 2003. Motion carried 5-0.

- #KEY: APW=Approp. of Public Waters LD=Land Development S&UC=Street & Utilities Construction
 BC=Bridge Construction NPR=No Permit Required UC=Utility Construction
 CC=Culvert Construction PDS=Pub./Priv. Drng. Sys. UDC=Utility Ditch Crossing
 CSM=Comp.Stormwater Mgmt. RG=Rough Grading WA=Wetland Alteration
 FSD=Final Site Drainage SA=Shoreland Alteration WB=Wetland Banking
- *CAPROC = Conditional Approval Pending Receipt Of Changes pro = pending receipt of

OPEN MIKE *Individuals may address the Board of Managers about any item not included on the regular agenda. Speakers are requested to come to the podium, state their name and address for the record, and limit their remarks to three minutes. Generally the Board of Managers will not take official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.*

Mr. Joe Preiner approached the podium. He would like to clean his own ditches to the 890 elevation. When he applied for a Rice Creek Watershed District Permit District Staff told him that he needed to supply a wetland delineation and other documentation before the permit would be brought before the Board for consideration. Mr. Preiner believes that he is exempt from the permit process.

Mr. Paul Haik, representing Mr. Preiner, approached the podium. He presented the Board with an argument why Mr. Preiner is exempt from the permit process and does not require the information described by District Staff.

Administrator Hobbs replied that the District is not denying his application for a permit. At this time Mr. Preiner’s application is incomplete and when all the materials that were requested are supplied the permit will be submitted to the Board for their recommendation.

District Counsel Smith informed the Board that the permit is required as stated in the Rice Creek Watershed Districts Rule I.

Manager Cardinal replied that the Board will not issue a permit until all items requested by the Board are provided.

Mr. Vince Niemcyk, landowner on JD2 in Hugo, stepped up to the podium. Mr. Niemcyk asked the Administrator what progress has the trapper had in removing beavers.

294 Mr. John Waller, representing Margaret Waller, stepped up to the podium. He also asked what is the trapper's
295 progress on the beaver removal because she is experiencing flooding her property.
296

297 Administrator Hobbs reported that staff has contacted the trapper and he is working on the problem.
298

299 Manager Cardinal closed open mike.
300

301 **ADDITIONAL ITEMS REQUIRING BOARD ACTION**

302 **1. Consider approval of LCMR Contract for Rehabilitation of JD2/Hardwood Creek.**
303 **Motion by Leroux, seconded by Haake, to approve the attached resolution for the LCMR contract**
304 **for rehabilitation of JD2/Hardwood Creek. Motion carried 5-0.**
305

306 **2. Requesting approval from the Board to solicit quotes for the Clearwater Creek Bank Stabilization**
307 **Project.**
308 *Motion by Leroux, seconded by Doege, to approve the Engineer's recommendation to solicit*
309 *quotes and, if necessary, after quotes are evaluated, advertise for public bids for the Clearwater*
310 *Creek Bank Stabilization Project. Motion carried 5-0.*
311

312 **3. Consider Check Register dated 9/24/03, in the amount of \$161,124.34, Prepared by HLB Tautges**
313 **Redpath.**
314 *Motion by Doege, seconded by Haake, to approve the check register dated 9/24/03, in the*
315 *amount of \$161,124.34, prepared by HLB Tautges Redpath. Motion carried 5-0.*
316

317 **ITEMS FOR DISCUSSION AND INFORMATION**

318 **1. Staff Report**
319 Administrator Hobbs answered questions from the Board.
320

321 **2. Advisory Committee Agenda for 10/1/03, Board Liaison Manager Leroux.**
322 Manager Haake asked that the Administrator's commendation letter written by Mr. John Waller be
323 added to the agenda.
324

325 **3. October Calendar.**
326 Administrator Hobbs had an addition to the calendar. Anoka Park and Recreation has invited the Board
327 to their Dedication Ceremony for St Paul Water Authority Land on October 7.
328
329

330 Manager Haake asked to make corrections to the minutes since she arrived after the agenda item.
331 On Line 60 of the minutes the addition of "[891.46]" after "it" at the end of the sentence. And on line 62, add the
332 word "Board" between the words "the" and "voted." So the sentence reads, "Manager Haake would like the
333 minutes to reflect that she left the meeting for 5 minutes and returned after the Board voted on the first permit
334 reviewed, and there was a 4-0 vote on permit 02-097."
335
336

336 **4. Partnership/Relationship.**
337 Motion by Aiken, seconded by Haake, to reconsider and reverse the Board's vote on May 28, 2003 to
338 petition itself to repair Anoka County Ditch 53/62.

339
340 Managers Haake and Aiken withdrew their motion.

341
342 Manager Cardinal requested District Engineer Emmons, when reviewing the Eagle Brook Church permit,
343 to make sure the pipe or open ditch is sized sufficiently for the drainage because many tiles are tapped
344 into the ditch that are not documented.

345
346 Manager Aiken replied that in the future this area will have increased development and the ditch will
347 eventually be used for stormwater.

348
349 **ADJOURNMENT**

350 *Motion by Leroux, seconded by Doege, to adjourn the meeting at 10:44 p.m. Motion carried 5-0.*

PERMIT APPLICATIONS REQUIRING BOARD ACTION

Engineer's Report

RICE CREEK WATERSHED DISTRICT

CONSENT AGENDA

October 8, 2003

It was moved by _____ and seconded by _____ to approve, conditionally approve pending receipt of changes, or deny the Permit Applications noted in the following table of contents in accordance with the District Engineer's Findings and Recommendations, as contained in the Engineer's Report dated October 3, 2003.

TABLE OF CONTENTS

<u>Permit Application No.</u>	<u>Applicant</u>	<u>Page</u>	<u>Recommendation</u>
03-073	Eagle Brook Church	1	CAPROC
03-126	U.S. Army, TCAAP	9	CAPROC

* To be presented

Applicant: Scott Anderson
Eagle Brook Church
5212 130th Street North
White Bear Lake, MN 55110
Ph: 651-429-9927
Fx: 651-429-7663
scott.anderson@eaglebrookchurch.com

Consultant: Walter Eshe naur
SRF Consulting Group
One Carlson Parkway N
Suite 140
Minneapolis, MN 55407
Ph: 763-475-0010
Fx: 763-475-2429
weshenaur@srfconsulting.com

Purpose: Final Site Drainage Plan for the Eagle Brook Church and a Public Ditch System Plan for a partial abandonment and realignment of Anoka County Ditch 72, 54,000± SF, 91± acres.

Location: North of 77th Street and west of 20th Avenue, Lino Lakes.

T-R-S: 31-22-11 d

Recommendation: **Conditional approval pending receipt of changes** and outstanding items related to:

Stormwater Management

1. Completion of Anoka County Ditch 72 Partial Abandonment and Reestablishment Proceedings.
2. Verification of the datum conversion provided for the 1922 plan profile.
3. Proposed construction sequencing plan ensuring that ditch capacity is maintained during all phases of construction.
4. Incorporation of additional Grading Plan Notes specific to the infiltration features including; use of topsoil/sand mix for top dressing instead of topsoil, revegetation specifications (deep rooted native vegetation), and other measures necessary to protect these features from siltation during construction (i.e., silt fence and use of infiltration basins as temporary sediment basins during construction and excavation to final grade (final 3 feet) after stabilization of upstream areas, etc.).

Floodplain

5. Specification of the low floor elevation on the grading plan to be a least two-feet above the 100-year flood elevation of the onsite ponds and 1-foot above the emergency overflow elevations for the onsite ponds.

Administrative

6. Draft legal document with satisfactory form and description granting ponding and flowage easements over all onsite ponds, wetlands and 100-year floodplain (below 887.0).
7. Letter from the City indicating which stormwater management features will be maintained by the City and a Draft Declaration for Maintenance of Stormwater Management Facilities acceptable to District engineer and attorney for proposed onsite stormwater management features that will not be maintained by the City.
8. Copy of receipt from County Recorder and signed/notarized legal document(s). Note that legal document(s) are to be submitted by Applicant to County for recording only after approval by District.
9. Finalized plan set signed by a professional engineer.
10. Cash surety in the amount of \$20,000.

Stipulation: 1. The final grade of the realigned Anoka County Ditch 72 open ditch section may require minor revisions per surveyed field location (horizontal and vertical) of the existing tile-line at the point of diversion from existing to proposed alignment.

- Exhibits:
1. Permit Application dated June 5, 2003, received June 5, 2003.
 2. Project Narrative prepared by SRF Consulting Group, Inc., undated, received June 5, 2003.
 3. Eagle Brook Church Campus Plan Set (31 Sheets), dated November 7, 2003, received June 5, 2003.
 4. MPCA NPDES permit application, received June 5, 2003.

5. Environmental Assessment Worksheet prepared by SRF Consulting Group, Inc., dated October 28, 2002, received October 28, 2002.
6. Certificate of Survey prepared by SRF Consulting Group, Inc., June 3, 2003, received June 5, 2003.
7. Hydrologic Calculations prepared by SRF Consulting Group, Inc., dated June 4, 2003, received June 5, 2003.
8. Response to Draft Engineers Report prepared by SRF Consulting Group, Inc., dated June 16, 2003, received June 17, 2003.
9. 1922 Anoka County Ditch 72 Plans, received June 17, 2003.
10. Pipe Capacity Calculations prepared by SRF Consulting Group, Inc., dated June 16, 2003, received June 17, 2003.
11. Petition for Partial Abandonment and Reestablishment of County Ditch 72, prepared by SRF Consulting Group, Inc., dated August 11, 2003, received August 13, 2003.
12. Copy of 1922 Anoka County Ditch 72 Plan and Profile.
13. Copy of Anoka County Ditch 72 Statement of Auditor Showing Assessments Made on Lands dated March 29, 1923.
14. Engineer's Memo regarding partial ditch abandonment prepared by EOR Inc., dated September 19, 2003.
15. P8 model and supporting documentation prepared by SRF Consulting Group, Inc., dated September 30, 2003, received October 1, 2003.
16. Tile Line Capacity Calculations prepared by SRF Consulting Group, Inc., dated September 30, 2003, received October 1, 2003.

Findings:

1. This project entails construction of a 54,000± SF church to be known as Eagle Brook Church on 91± acres. The project also entails a partial abandonment and reestablishment of the mainline of Anoka County Ditch 72 and reconstruction of Branch 1 within the project's parcel boundary.
2. The proposed stormwater management plan includes two NURP ponds and 14 bioretention/infiltration features. These features meet District water quality treatment, rate control, and infiltration requirements. The submitted hydrologic calculations and grading

plan demonstrate that there will be no increase in runoff rates from the site onto adjacent properties.

3. The main line of Anoka County Ditch 72 (ACD 72) and Branch 1 of Anoka County Ditch 72 pass through the site. The ditch consists mainly of tile lines which daylight onsite and then flow via open ditch to Peltier Lake. The proposed plan is to remove the most downstream 1,400± linear feet of the main line tile line onsite and abandon the existing alignment.

Conveyance for this abandoned section of tile line was previously proposed to be reestablished via an open ditch along the south property boundary and discharge to the existing open ditch section.

At the September 24th Board Meeting it was proposed that the reestablished ditch section should be a piped system instead of a ditched system. The Applicant has since submitted plans and hydrologic calculations for a piped system along the same realignment. This system is proposed as a 14-inch pipe that ties into the main branch (existing 10-inch at the tie-in location), and at the location of Branch 1 the pipe system is proposed to be upsized to an 18-inch pipe to handle both the flows from the main branch tile line and Branch 1 (also a 10-inch pipe).

The Applicant has indicated the willingness to construct the reestablished ditch section as either a piped or ditched system. The Applicant will convey a perpetual easement over the realigned section of the ditch to the District and the ditch will be maintained by the District.

Based on the submitted hydrologic calculations the proposed reestablished ditch section OR piped system will not reduce the capacity of the ditch system. Design of the proposed realigned section is based on a datum conversion (100-feet = 904-feet), per survey of the invert of the exiting tile outlet. Minor plan revisions may be required if this datum conversion is not exact at the diversion point and if the existing tile line is at a lower elevation than expected.

All lateral connections to the proposed realigned/reconstructed sections of Anoka County Ditch 72 will be maintained.

4. A wetland delineation report has been received and accepted during earlier planning efforts for this site. There are no proposed wetland impacts associated with this project.

5. The RCWD regulatory flood elevation for this site is 887.0. There is no proposed floodplain fill.

The submitted plans do not specify a low floor elevation for the church. A revised grading plan specifying the low floor elevation to be at least 2-feet above the 100-year flood elevations for the onsite ponds and 1-foot above the emergency overflow elevations for the onsite ponds is required.

6. An acceptable erosion control plan has been submitted.
7. On August 27th, the RCWD Board tabled this permit application until the September 24th Public Hearing regarding the realignment of the Anoka County Ditch 72. See Engineer's Memo dated September 19, 2003 regarding partial abandonment of ACD-72.

Due to public concerns regarding water quality and drainage in the ACD 72 system this permit was not acted upon at the September 24, 2003 board meeting. See the Engineer's Memo dated October 3, 2003 which outlines the review of additional information submitted by the Applicant to address these concerns.

Board Action:

MEMORANDUM



To: Board of Managers
Rice Creek Watershed District

From: Carl Almer

Subject: Anoka County Ditch 72 Partial Abandonment

Date: September 19, 2003

In conjunction with the construction of Eagle Brook Church (Rice Creek Watershed District Permit 03-073) a partial abandonment and reestablishment of the mainline of Anoka County Ditch 72 and reconstruction of Branch 1 within the project's parcel boundary is proposed.

Anoka County Ditch 72 consists entirely of tile lines except for the most downstream 1,000± section of the mainline which is an open ditch. The mainline and Branch 1 daylight on the Eagle Brook Church property and then discharge via the open ditch section to Peltier Lake.

The proposed realignment plan includes removal the most downstream 1,400± linear feet of the mainline and abandonment the existing alignment. Drainage for this abandoned section of the mainline is to be reestablished via an open ditch through the southern portion of the Eagle Brook Church property. The reestablished ditch section is proposed to discharge to a NURP pond designed for water quality purposes for the Eagle Brook Church. This pond will in turn discharge to the existing open ditch section (in its existing alignment). The hydraulic/hydrologic calculations submitted by SRF Consulting, Inc. demonstrate that the proposed reestablished ditch section will not reduce the capacity of the Anoka County Ditch 72 system.

The proposed plan also includes reconstruction in its existing alignment of the most downstream 450± linear feet of Branch 1. The capacity of Branch 1 will be maintained using the same size pipe (10-inch) as existing conditions at a slightly steeper grade.

All connections of laterals that extend offsite will be maintained and will continue to benefit from the proposed realigned/reconstructed sections of Anoka County Ditch 72. The Eagle Brook Church parcel will continue to drain to and benefit from the Anoka County Ditch 72 system. The applicant has agreed to convey to the District a perpetual easement over the realigned section of the ditch that will allow for future maintenance and the ditch will be maintained by the District.

In summary, the Eagle Brook Church property should not be removed from the Anoka County Ditch 72 system because it will continue to drain to and benefit from the system. However, the section of the system proposed to be removed may be abandoned on the basis of a finding that, with the construction of the new section according to the submitted plans and the conveyance of a flowage and maintenance easement to the District for the new section, the existing section no longer will serve a substantial purpose for any property in the system and will not provide any substantial public benefit.

MEMORANDUM



To: Steve Hobbs

From: Brett H. Emmons, P.E.
Carl Almer

Subject: Eagle Brook Church – Permit 03-073, Ditch 72
Items Raised at Last Board Meeting

Date: October 3, 2003

The purpose of this memorandum is to inform the board that we have reviewed additional information submitted by the applicant regarding the concerns raised at the last Board meeting. We feel that the information provided satisfies the concerns raised and would recommend conditional approval of the permit and support the realignment of Anoka County Ditch 72.

Water Quality – Phosphorus Loadings

EOR has reviewed the P8 model for Eagle Brook Church and concurs with the results that the propose project should not increase phosphorus loadings into the lake. This model was developed by SRF per the Boards request and was received at EOR for review on Wednesday Oct 1, 2003. Review of the model included checking and verifying the modeling assumptions and input parameters. The modeling using long term averages to demonstrate the reductions in loadings from existing conditions for the project as proposed and for a Phase II expansion as discussed in the EAW (7,400 sq. ft. building expansion and 350 stall parking lot expansion). The proposed tile realignment will no longer be routed through the onsite NURP pond. We would also note that the analysis of developed conditions appears conservative since the use of native landscaping may result in somewhat lower developed condition loads.

- Proposed Project (Phase I) and BMPs: 19% Reduction in P loads
- Project with Phase II expansion: 16% Reduction in P loads

Pipe vs. Open Channel for New Alignment

At the last Board meeting, the issue of maintenance of open channel ditches was raised as a concern for the realignment. Given that the remainder of the upstream system is a tile system and in response to the Board's concerns the applicant has submitted a revised design with a 14" transitioning to an 18" pipe @ 0.28%. The 18-inch pipe would pick up the Branch 1 tile and would replace the existing Branch 1 10" tile line. The proposed 18" line was compared at different surcharged conditions compared to the existing 14" and 10" lines. Surface overflow routes in this area will also need to be preserved. Review of the design indicates that the proposed 18" does have sufficient capacity to replace the existing tile lines and we would recommend approval of this alternate design.

Revised Watershed Boundaries

Review of the watershed delineation for the tile line system was investigated further. Upon review of aerial photos and discussions with a local farmer in the area, an additional 40-60 acres was identified for inclusion in the drainage system. Based on the available information, we would concur with this revised watershed boundary.

Future Expansion

The EAW for the project identifies one potential modest expansion that would include an additional 7,500 square foot building expansion attached to the northwest portion of the building and an additional 350 parking stalls along the southern edge of the parking lot. The applicant has stated that the proposed BMPs will be used only for the project as proposed to the District and that any future expansions, outside of what is propose in the EAW, would necessitate additional BMPs to address water quality needs.

c: District Office

Memo from: Walter Eshenaur, Project Engineer for Eagle Brook Church**Eagle Brook Church Water Quality Modeling Assumptions and Results**

At the request of Rice Creek Watershed District, a water quality model of the proposed Eagle Brook Church site was developed to determine total phosphorus loading from the existing conditions, Phase I and Phase II development on the site on Lake Peltier. The P-8 Model software was utilized to analyze the efficiency and potential phosphorus removal rates of infiltration basins, swales, and ponding areas proposed in the project. The modeling includes the following assumptions.

Input Data for all models

1. NURP 50 particle distribution
2. Actual temp data files utilized for all model scenarios. Air temperature and data recorded at MSP airport between January 1949 and December 1997.
3. Rainfall scenarios modeled include:
 - a. Actual 49-year rainfall data from MSP Airport, recorded between January 1949 and December 1998
 - b. One-year storm event (Minnesota Zone 1)
 - c. Ten-year storm event (Minnesota Zone 1)

Existing Model

1. The model includes all areas within the property lines as well as a minor drainage area at the north side of the property that drains into the proposed church property under existing conditions. Model separates the area outside of the construction limits. The area outside of the construction limits is for informational purposes only, and was not included in the summary results.
2. Assumed B Soils based on NRCS soils mapping.
3. The existing land use is primarily row crops, with the exception of the farmsteads and the tree farm.
4. The wetland/swale device does not contribute to infiltration for the site as the soils are likely saturated as a result of the current lake levels.
5. Low infiltration rates (0.1 in/hr) are assumed for the depression area.
6. Swales and ponds are assumed to have no infiltration.

Phase I Model

1. Parking lot and building construction per the DD plan set have been modeled.
2. Associated infiltration areas and ponding devices included in the DD design are included in the model.
3. All row crop areas are converted to native prairie meadows.
4. Swales and ponds are assumed to have no infiltration.
5. Infiltration within the infiltration basin devices is assumed to be low (0.1 in/hr), to match Existing condition infiltration assumptions.
6. Flow routing – in general: infiltration basins to swales to ponds to Lake Peltier

Phase II Model

1. Additional parking lot area (350 cars), building expansion area (3,750 square feet), and associated infiltration basins are incorporated into the model. The proposed impervious areas are assumed to replace (reduce) restored meadow areas within the project area.
2. Infiltration within the infiltration basin devices is assumed to be low (0.1 in/hr), to match Existing condition and Phase I infiltration assumptions.
3. All water from the proposed infiltration devices is routed to the lower pond.
4. The proposed elevation of the infiltration devices is assumed to be 810 ft, two feet above the NWL of the Lower Pond.

Results are shown in the following table. The project generally shows a reduction in overall phosphorus loading, resulting from the inclusion of both ponding and infiltration measures. The additional parking and building areas in Phase II show a slight increase over that in Phase I as the land converted to parking was no longer considered row crops but rather prairie. Phase II continues to show a decrease in loading compared to the existing condition.

**Table 1 – Phosphorus Loading
Eaglebrook Church**

Scenario	Total Phosphorus		
	Load Inflow (lbs)	Load Outflow (lbs)	% Removal
48 year Actual Data (1949 - 1997)			
Existing Condition ¹	711	581	18%
<i>Average Annual</i>	<i>14.8</i>	<i>12.1</i>	
Phase I Proposed Condition ¹	2,022	472	77%
<i>Average Annual</i>	<i>42.1</i>	<i>9.8</i>	
Phase II Proposed Condition ¹	2,226	488	78%
<i>Average Annual</i>	<i>46.4</i>	<i>10.2</i>	
1-yr / 24hr Storm Event			
Existing Condition ¹	0.2	0.1	22%
Phase I Proposed Condition ¹	1.8	0.3	86%
Phase II Proposed Condition ¹	2.0	0.3	84%
10-yr / 24 hr Storm Event			
Existing Condition ¹	2.2	1.6	26%
Phase I Proposed Condition ¹	2.7	0.8	73%
Phase II Proposed Condition ¹	3.1	0.9	70%
Loading Increase / Decrease (Between Existing and Phase I) Based on 48 Year Data⁵	1,311	-109	-19%
Loading Increase / Decrease (Between Existing and Phase II) Based on 48 Year Data⁵	1,515	-93	-16%

Notes:

1. Only Areas within grading limits were modeled
2. Summary percentages and loading values do not include changes in phosphorus loading from areas outside of grading limits
3. Infiltration rate of 0.1 in/hr utilized for infiltration areas in existing and proposed conditions.
4. Models located at H:\Civil\047\4443\DRAINAGE\MODELING\P8



EAGLE BROOK CHURCH

Hwy 61 & Buffalo St.
White Bear Lake, MN

Mailing Address: 5212 130th St. N.
White Bear Lake, MN 55110
Phone: (651) 429-9227
Fax: (651) 429-7663
www.eaglebrookchurch.com

October 1, 2003

Chairman and District Managers
Rice Creek Watershed District
4325 Pheasant Ridge Drive, Suite 611
Blaine, MN 55449-4541

RE: Eagle Brook Church (Project No. 03-073)

Dear Chairman Cardinal and Managers of Rice Creek Watershed District:

This letter follows up on the discussion regarding the Eagle Brook Church project that took place during your meeting of Wednesday, September 24, 2003.

Eagle Brook's application for a permit has been pending before the district since June and we appreciate the attention and assistance we have received from your professional staff, engineers, and managers. We are gratified to hear that our application for a permit meets or exceeds the district's requirements, as both your engineer and administrator have indicated.

A few district managers have asked about the status of our discussions with the neighborhood regarding the church's plans:

- Prior to the meeting we had with you on September 24th, members of our congregation had gone door-to-door to solicit input from neighbors. We contacted neighbors on September 4 along 77th Street, on September 16 along 20th Avenue North and again on September 24 along 20th Avenue North and Peltier Lake Drive.
- Since the meeting on September 24, we have scheduled a meeting with neighbors who are nearest to the property for 7 p.m., Monday, October 6, 2003.
- We have scheduled this larger public group meeting for 7 p.m. on Monday, November 3, 2003, at the Lino Lakes City Hall Community Room. At that meeting, the public will be able to see our plans and discuss them with our engineers, architects, and members of our congregation. This public meeting is open to all and we hope that you can attend.

You cited three specific areas at our last meeting for which you have requested answers. First, the question of phosphorus load into Lake Peltier. Our engineers have forwarded to the district engineers water quality calculations which show that the conversion from crop land to church land will reduce the amount of total phosphorus by at least 11% and will reduce total suspended solids that would otherwise reach the lake by a corresponding amount.

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Rice Creek Watershed District
October 1, 2003
Page Two

Second, you had questions concerning what future development is planned. The issue of phasing was previously addressed in the EAW. Within the footprint of the building we have the capability to add 700 additional seats within the worship space. We will then need to build additional area to accommodate associated education space (approx. 7,500 sq ft). This expansion may include adding up to 350 parking spaces. This is the extent to which future development is planned, and should we decide to do this, we recognize our responsibility to come back to you for the appropriate review and permits.

Third, several managers stated that they thought the relocated ditch should be a "closed" ditch. We asked our engineers to review this issue. Please be advised that the church is willing to construct either an open or closed ditch system.

Again, thank you for your careful consideration of our project. We hope that we have adequately addressed the district's concerns and look forward to receiving a CAPROC at your next meeting on October 8, 2003.

Sincerely,



Sherry Broecker



Greg Stull

Lino Lakes Liaison Team
Eagle Brook Church
5212 130th Street North
White Bear Lake, MN 55110
(651) 429-9227



EAGLE BROOK CHURCH

Hwy 61 & Buffalo St.
White Bear Lake, MN

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Fax: (651) 429-7663
www.eaglebrookchurch.com

October 1, 2003

TO: The Neighbors surrounding the Proposed Eagle Brook Church Site

RE: Eagle Brook Church Informational Meeting

Dear Neighbor,

We have scheduled a small meeting with the neighbors in the immediate area for 7:00 PM on Monday, October 6, 2003, at the residence of Bruce and Jody Krinkie. The address is 6881 Blackduck Drive, which is located on the south end of Reshauna Lake. Blackduck Drive can be accessed from Birch Street.

The purpose of the meeting is to review the issues specifically related to the Watershed District permit. We would also like to take this opportunity 1) to review the questions that were collected from the neighbors as we went door-to-door in the neighborhood and 2) to provide a PRELIMINARY sketch of the property which illustrates the building, parking, driveway and landscaping.

A second, larger community meeting has been scheduled for 7:00PM on Monday, November 3, 2003, at the Lino Lakes City Hall Community Room. At that meeting the public will be able to see our plans and discuss them with our engineers, architects, and members of the congregation.

We look forward to meeting with you on Monday evening. If you have any questions, please don't hesitate to call us at one of the phone numbers provided below.

Sincerely,

Sherry Broecker
(651) 486-0816

Greg Stull
(612) 388-9300

Lino Lakes Liaison Team
Eagle Brook Church
5212 130th Street North
White Bear Lake, MN 55110
(651) 429-9227

"Empowered by God to Reach Others for Christ"

Rice Creek Watershed District Permit Application Number

03-126

Applicant: David Fuller
U.S. Army, TCAAP
4700 Highway 10
Suite A
Arden Hills, MN 55112
Ph: 651-633-2301 ext. 1651
Fx: 651-633-2308

Consultant: Rodney G. Cole
Wenck Associates, Inc.
1800 Pioneer Creek Center
Maple Plain, MN 55359
Ph: 763-479-4227
Fx: 763-479-4270
rcole@wenck.com

Purpose: Final Site Drainage Plan for excavation / removal of asbestos-containing materials approximately 500± feet from Rice Creek.

Location: North of Rice Creek and 1,000± feet east of Interstate 35W, Arden Hills.

T-R-S: 30-23-9 cbd

Recommendation: **Conditional approval pending receipt of changes** and outstanding items related to:

Wetlands

1. Field verification by District staff of no wetland impacts.

Erosion & Sediment Control

2. Site Plan specifying location of haul road, excavation areas, stockpile areas, proposed silt fence, revegetation specifications, and implementation schedule.

Administrative

3. Cash surety in an amount to be determined.

Exhibits:

1. Permit Application dated September 26, 2003, received September 26, 2003.
2. Project Narrative prepared by Wenck Associates, Inc., undated, received September 26, 2003.
3. Site Location Maps prepared by Wenck Associates, Inc., dated September 2003, received September 26, 2003.

Findings:

1. The proposed project entails excavation and removal off-site of an estimated 150 tons of asbestos-containing materials from an area

along the Rice Creek corridor located within the U.S. Army (TCAAP) property. Area of disturbance is indicated to be approximately 25,000 SF. A more detailed site plan is required specifying location of haul road, excavation and stockpile areas.

2. NWI maps indicate the presence of Type 3 wetlands near the excavation site. Field verification by District staff of no wetland impacts is required.
3. The project narrative submitted indicates silt fence will be placed near the toe of the bank down gradient of the excavation area. A site plan is required specifying location(s) of the proposed silt fence and specifying revegetation measures and implementation schedule.

Board Action:

ADDITIONAL ITEMS REQUIRING BOARD ACTION

1. Approve Letter of Commendation to Administrator's File as presented by Advisory Committee

October 8, 2003

Mr. Steve Hobbs, Administrator
Rice Creek Watershed District
4325 Pheasant Ridge Drive NE, Suite 611
Blaine, MN 55449

Subject: Letter of Commendation

Dear Steve:

The Rice Creek Watershed District Board of Managers commends you for your meritorious service to the District in development of the comprehensive wetland management plan concept into the process of the Rice Creek Watershed District Water Resources Management Plan. This letter shall be entered into your employee record.

Sincerely,

Andrew Cardinal, President

James Leroux, 1st Vice President

Robin Doege, Treasurer

Barbara Haake, 2nd Vice President

Roger Aiken, Secretary

ADDITIONAL ITEMS REQUIRING BOARD ACTION

2. Consider approval of Cost Share for RCWD Permit 03-121 Andrew Knight Rice Creek Bank Stabilization Project, recommended by Advisory Committee

03-121

2003 Rice Creeks Watershed District Grants Program Application

Incomplete applications will be returned to the applicant.

APPLICANT INFORMATION

Organization (to be named as Grantee): Andrew Knight
 Street: 6899 Channel Rd.
 City, State, Zip: Fridley, MN 55432
 E-mail or Home Page: andy@knightronix.com

Project Contacts:

Project Officer: Andrew Knight Financial Officer: Andrew Knight
 Tele: 763-571-1009 Tele: 763-571-1009 ; 651-636-1008 day
 Fax: 651-636-0211 Fax: 651-636-0211
 E-mail: andy@knightronix.com E-mail: andy@knightronix.com

Tax Status: _____ Tax ID#: _____ Fiscal Year: 1 to 1
 (e.g., local government, 501(c)(3) etc.) (month/day) (month/day)

PROJECT INFORMATION

Project Name: RICE CREEK BANK STABILIZATION 6899 CHANNEL RD

Location(s) of Project: City: FRIDLEY
 State: MN
 County: ANOKA
 Watershed: RICE CREEK
 Congressional District(s): 5

Dates: Project Start Date: 10-1-03 Project End Date: 11-31-03
 Application Submission Date: ~~7-31-03~~ 9-8-03

Project Type (check only those that directly apply):

- Innovative Best Management Practice
- Shoreland/Streambank Restoration
- Lake Restoration

GRANT REQUEST

Grant Funds requested: \$ 12,950
 Total Contributions from Partners: \$ 12,950 (cash)
 Total: \$ 25,900 (in-kind)

Project Partner Contributions:

Please list the names of all organizations contributing funds, goods or services to this project and value of the contribution:

Organization name; designate as (F)federal or (N)on-Federal	Dollar value of contribution	Indicate nature of contribution (e.g. cash or specific goods and services)	Indicate whether contribution is (A)ppplied for, (P)ledged or (I)n hand
City of Fridley N	\$6475	CASH	A
Andrew Knight	\$6475	CASH	I
RiceCreekWatershed	\$12,950	Cash	A

PROJECT BUDGET

A) Budget Guidelines

The proposed budget must be in compliance with Office of Management and Budget circulars (www.whitehouse.gov/omb/circulars/index.html). Budget requests must conform to the following line items that specifically describe project costs, not program items or acronyms. Program categories such as "Education," "Restoration" or "Workshops" are too vague and do not indicate what is being paid for. These categories must be broken down into specific line items such as "Salaries," "Supplies," or "Equipment."

<u>Line Item</u>	<u>Additional Information the Applicant Must Provide</u>
Salaries & Benefits*	List individual positions and the percentage of each individual's annual salary to be covered. Benefits must be a separate line item. Rice Creek Watershed District Grant Funds cannot cover the salaries of federal or state employees.
Travel	Travel must be project related - give a brief explanation.
Equipment	Describe each item.
Supplies/Materials	Provide examples of types of supplies/materials for which funding is requested. Supplies should include expendable items only.
Contractual Services	Provide a description of each service being contracted with a justification for the requested level of funding.
Printing/Promotion	Provide description of printing or promotional materials.
Other	List other <u>direct</u> project expenses (e.g., postage, long distance phone charges). Please note that Rice Creek Watershed District Grant Funds CANNOT be used for general administrative overhead or indirect costs of any kind.

* Given the competitive nature of this grant program, organizations should not rely on this program for continued staff salary support.

B) Budget Form

Use U.S. dollars (rounded to the nearest hundred) for all amounts listed below.

NOTE: List only financial line items under the column "budget Category." Contributed goods and services should be included under Partner Contributions based on the estimated dollar value of the contribution.

budget Category	Funds Requested from Small Watershed Grant	Anticipated Partner Contributions	Total	Justification
e.g. Supplies	e.g. \$1,000	e.g. \$400	e.g. \$1,400	e. g. herbicide for treating invasive plants
Material-Fieldstone	\$7875	\$7875	\$15,750	Boulders for erosion control
Material-Fabric	\$400	\$400	\$800	Geotextile fabric for erosion control
Contract-Service	\$4675	\$4675	\$9350	Labor and equipment, operators

If this space is not adequate, please use the same format on a separate sheet of paper

SIGNATURE OF APPLICANT
 (An original signature page must be received with this application)

I certify that the above information is true and accurate

Andrew W Knight, EA
 Signature of Executive Director or Project Officer

7-30-03
 Date

ANDREW KNIGHT, Project Coordinator
 Name, Title

ADDITIONAL ITEMS REQUIRING BOARD ACTION

3. Consider approval of Cost Share for Otter Lake Shoreland Restoration, recommended by Advisory Committee

2003 Rice Creeks Watershed District Grants Program Application

Incomplete applications will be returned to the applicant.

APPLICANT INFORMATION

Organization (to be named as Grantee): Rice Creek Watershed District _____

Street: 4325 Pheasant Ridge Drive, Suite 611 _____

City, State, Zip: Blaine, MN 55449-4541 _____

E-mail or Home Page: ricecreekwd.com _____

Project Contacts:

Project Officer: Chuck Johnson _____ Financial Officer: Chuck Johnson _____

Tele: 763-398-3075 _____ Tele: 763-398-3075 _____

Fax: _____ Fax: _____

E-mail: cjohnson@ricecreekwd.com _____ E-mail: cjohnson@ricecreekwd.com _____

Tax Status: _____ Tax JD#: _____ Fiscal Year: ____/____ to ____/____
(e.g., local government, 501(c)(3) etc.) (month/day) (month/day)

PROJECT INFORMATION

Project Name: Otter Lake Shoreland Restoration

Location(s) of Project: City: White Bear Township _____

State: Minnesota _____

County: Ramsey _____

Watershed: Rice Creek _____

Congressional District(s): _____

Dates: Project Start Date: 1/1/2004 _____ Project End Date: 1/1/2006

Application Submission Date: 9/25/2003 _____

Project Type (check only those that directly apply):

Innovative Best Management Practice

Shoreland/Streambank Restoration

Lake Restoration

GRANT REQUEST

Grant Funds requested:	\$ 5,000 _____
Total Contributions from Partners:	\$ 15,000 _____ (cash)
Total:	\$ 20,000 _____ (in-kind)

Project Partner Contributions:

Please list the names of all organizations contributing funds, goods or services to this project and value of the contribution:

<i>Organization name; designate as (F)ederal or (N)on-Federal</i>	<i>Dollar value of contribution</i>	<i>Indicate nature of contribution (e.g, cash or specific goods and services</i>	<i>Indicate whether contribution is (A)pplied for, (P)ledged or (I)n hand</i>
<i>Minnesota Department of Natural Resources</i>	<i>\$15,000</i>	<i>Shoreland Habitat Program</i>	<i>A</i>

PROJECT BUDGET

A) Budget Guidelines

The proposed budget must be in compliance with Office of Management and Budget circulars (www.whitehouse.gov/omb/circulars/index.html). Budget requests must conform to the following line items that specifically describe project costs, not program items or acronyms. Program categories such as "Education," "Restoration" or "Workshops" are too vague and do not indicate what is being paid for. These categories must be broken down into specific line items such as "Salaries," "Supplies," or "Equipment."

<u>Line Item</u>	<u>Additional Information the Applicant Must Provide</u>
Salaries & Benefits*	List individual positions and the percentage of each individual's annual salary to be covered. Benefits must be a separate line item. Rice Creek Watershed District Grant Funds cannot cover the salaries of federal or state employees.
Travel	Travel must be project related - give a brief explanation.
Equipment	Describe each item.
Supplies/Materials	Provide examples of types of supplies/materials for which funding is requested. Supplies should include expendable items only.
Contractual Services	Provide a description of each service being contracted with a justification for the requested level of funding.
Printing/Promotion	Provide description of printing or promotional materials.
Other	List other <u>direct</u> project expenses (e.g., postage, long distance phone charges). Please note that Rice Creek Watershed District Grant Funds CANNOT be used for general administrative overhead or indirect costs of any kind.

* Given the competitive nature of this grant program, organizations should not rely on this program for continued staff salary support.

B) Budget Form

Use U.S. dollars (rounded to the nearest hundred) for all amounts listed below.

NOTE: List only financial line items under the column "budget Category." Contributed goods and services should be included under Partner Contributions based on the estimated dollar value of the contribution.

Budget Category	Funds from Small Watershed Grant	Anticipated Partner Contributions	Total	Justification
<i>e.g. Supplies</i>	<i>e.g. \$1,000</i>	<i>e.g. \$400</i>	<i>e.g. \$1,400</i>	<i>e. g. herbicide for treating invasive plants</i>
Contractual Services - Planting Plan, Project Management	\$400	\$1,200	\$1,600	Contractor to finalize planting plan. Coordination with land owners.
Supplies - Herbicides	\$800	\$2,400	\$3,200	Herbicides for treating invasive plants. Two applications by a contractor
Contractual Services - Grading and vegetation removal	\$400	\$1,200	\$1,600	Contractor to remove material
Supplies - Erosion Control	\$800	\$2,400	\$3,200	Erosion control blankets and bio-logs
Supplies - Plants	\$1,600	\$4,800	\$6,400	Aquatic and upland plants
Contractual Services - Planting, weeding, watering	\$1,000	\$3,000	\$4,000	Assist RCWD staff with planting and maintenance activities
		Total	\$20,000	

If this space is not adequate, please use the same format on a separate sheet of paper.

SIGNATURE OF APPLICANT

(An original signature page must be received with this application)

I certify that the above information is true and accurate

Signature of Executive Director or Project Officer

Date

Name, Title

ADDITIONAL ITEMS REQUIRING BOARD ACTION

4. Consider action on JD2 culvert claims by Jay Brothers, Inc.

MEMORANDUM



To: Board of Managers
Rice Creek Watershed District

From: Jodi Polzin, PE
Brett Emmons, PE

Subject: JD2 Culvert Construction Project
Claims Submitted by JBI.

Date: October 3, 2003

Over the past several months, Jay Brothers, Inc. (JBI) and EOR have engaged in numerous communications concerning JBI claims for additional compensation and EOR requests for documentation of claims made. JBI has now completed submission of claims, with documentation, for compensation adjustment for construction of the JD2 culverts at Harrow Ave, 170th St, 165th St and 157th St. Pursuant to Section 1517 of the General Conditions, EOR has reviewed each claim and has made recommendations on which claims should be paid, which should be adjusted and which should be denied.

The exception to the above paragraph is that JBI has not yet submitted documentation of payment in accordance with prevailing wage requirements. Accordingly, these recommendations do not include increased compensation for the payment of prevailing wages. EOR will present a recommendation as to compensation for payment of prevailing wages once JBI has submitted documentation of compliance with prevailing wage requirements.

The cooperative agreement requires that each road authority approve any changes to the contract that exceed 5% of the initial contract amount. The sum of the recommended changes for each culvert does exceed this 5% threshold. Therefore, the changes that are recommended for acceptance by EOR have been forwarded to each road authority for their approval. Staff from Hugo and Forest Lake have reviewed and given preliminary acceptance. However, they intend to submit these recommendations to their City Councils for final acceptance. Washington County staff is still reviewing the recommendations.

The following summarizes each claim submitted by JBI and EOR's recommendation of whether to accept or deny:

Harrow Ave Claim Requests

Harrow-2	RipRap	
	Requested:	\$ 6,570.00
	Accepted:	\$ 6,570.00

This value represents the amount of additional riprap installed at Harrow Ave as directed by EOR as the project engineer. Based on trucking tickets submitted by JBI, we have computed that an additional 73 cubic yards of riprap were installed. To-date, the RCWD has paid JBI for an extra 19 cubic yards. Final reimbursement to JBI will be the difference between 73 and 19 cubic yards.

Harrow-3 Geotextile Credit
Requested: (-\$ 500.00)
Accepted: (-\$ 500.00)

This credit, detailed to JBI in a letter from EOR dated May 9, 2003, is in lieu of submitting the proper documentation certifying that the geotextile installed at Harrow Ave met the requirements of the technical specifications.

170th St Claim Requests

170-2 Wearing Course and Non-wearing Course Bituminous
Requested: \$ 4,739.65
Accepted: \$ 4,739.65

This value corresponds to the bituminous trucking tickets submitted by Commercial Asphalt. The increase represents the wider trench needed to flatten the excavation trench side slopes in reaction to the unstable conditions of the granular material encountered.

170-3 Additional Traffic Control
Requested: \$ 3,779.80
Accepted: \$ 0.00

EOR has reviewed the documentation attached to this claim and have concluded that this claim is an estimate from Safety Signs rather than actual costs. Claims number 170-5 and 170-6 contain the actual costs in the form of invoices from Safety Signs. It appears that Claim 170-3 is a duplication of claim 170-5 and 170-6 and therefore cannot be approved.

170-4 Backfill for Emergency Vehicles
Requested \$ 963.00
Accepted \$ 963.00

This claim reimburses JBI for refilling the partially excavated trench at 170th St to allow for emergency vehicle access during the period of March 15 through March 20, 2003 while the sunken culvert at 165th was being investigated for evidence of additional sinking and ability to accommodate traffic.

170-5 Additional Traffic Control
Requested: \$ 496.00
Accepted: \$ 0.00

This claim requests reimbursement for 170th St related traffic control devices used from May 1 through May 31, 2003. However, 170th St was reopened to traffic on April 22, 2003. Additional traffic control for 170th St was not necessary during May and is not allowable for reimbursement.

170-6 Additional Traffic Control
 Requested: \$ 1,484.32
 Accepted: \$ 1,190.80

This claim is accepted with two adjustments: this claim is for daily traffic control charges for the period between April 2 and April 30, 2003. Since this roadway was reopened to traffic on April 22, then there has been an adjustment to 21 days of traffic control rather than the 28 days requested. The second adjustment was to reduce the amount of allowable profit and overhead to the maximum of 15% allowed under this contract per General Conditions, Mn/DOT 1904.2. Also in accordance with these General Conditions, the cost to adjust the Payment and Performance Bonds are included in the 15% increase for administrative and overhead costs.

170-7 Project Shut Down for Surveyors
 Requested: \$ 4,105.64
 Accepted: \$ 0.00

This claim does not contain any documentation which would explain the value of the claim, including no reference to the specific date that JBI was shut down for surveying. Our records note that EOR surveyors were at 170th St on April 1, 2003. Section 01400-6 of the Contract Documents clearly states that establishing line and grade for the culverts is the responsibility of the contractor. EOR became concerned that the 170th St culvert was off alignment and sent these surveyors out to the site to check. According to our records JBI was never shut down. JBI was verbally given the option to either cooperate with our surveyors or proceed with installation of the culvert sections and adjust if errors were found. JBI chose to work with the surveyors. This does not constitute a shut-down.

170-8 Silt Fence
 Requested: \$ 1,350.00
 Accepted: \$ 1,350.00

At the request of Washington County and at the direction of the RCWD, JBI installed 300 feet of silt fence below the 170th St work area.

170-9 Additional Traffic Control
 Requested: \$ 824.55
 Accepted: \$ 0.00

This claim is based on an initial estimate submitted to JBI in EOR's letter dated May 9, 2003. This initial estimate was based on earlier estimates provided by JBI from Safety Signs. Since that time the actual cost has been submitted in the invoice attached to Claim 170-5 and 170-6. Therefore, claim 170-9 is a duplication of 170-5 and 170-6 and cannot be approved.

165th St Claim Requests

165-2 Temporary Traffic Control Signage
Requested: \$ 276.04
Accepted: \$ 264.55

This claim is for rental of the traffic control signage for the period between April 1 and April 30, 2003. The adjustment reduced the amount of allowable profit and overhead to the maximum of 15% allowed under this contract.

165-3 Temporary Traffic Control Signage
Requested: \$ 285.25
Accepted: \$ 273.37

Two adjustments were made to this claim for traffic control signage between May 1 and May 31, 2003. The first adjustment reduced the period to May 1 through May 9, 2003. On May 9, JBI was allowed to return to 165th St to complete the repairs of the culvert. After that date, JBI was in control of the timing of completing the project, including the decision to continue traffic control rather than return to the site to repair the culverts and complete the work. All costs for temporary traffic control after May 9, 2003 are the responsibility of JBI. The second adjustment reduced the amount of allowable profit and overhead to the maximum of 15% allowed under this contract.

165-4 Removal of Bridge Abutments
Requested: \$ 1,156.00
Accepted: \$ 1,156.00

165-5 Concrete End-cap on Southern End Section
Requested: \$ 7,380.00
Accepted: \$ 0.00

The reason for denial of this claim was explained to JBI in letters from EOR dated March 6, 2003 and May 9, 2003.

165-6 Guardrails
Requested: \$ 8,202.56
Accepted: \$ 8,202.56

Payment for these guardrails will occur once the guardrails are installed and accepted.

165-7 Set up of Traffic Signage
Requested: \$ 433.20
Accepted: \$ 0.00

The supporting documentation for this claim refers to set up of signage ordered on April 2, 2003. However, our files show that the temporary speed limit and bump signage for 165th St were ordered by JBI on March 4, 2003. Therefore this claim is not related to the 165th St portion of the project and cannot be approved.

165-8 Detour signage
Requested: \$ 2,161.36
Accepted: \$ 0.00

The invoice attached to this claim explains that the costs are based on traffic detour signage for April and May, 2003. The invoice does not state where the devices were installed or for which road detour. Since there were no detours for 165th St during this period, then the claim cannot be accepted.

165-9 Temporary Traffic Signage
Requested: \$ 276.04
Accepted: \$ 264.55

Bump signage for June 2003. The adjustment reduced the amount of allowable profit and overhead to the maximum of 15% allowed under this contract.

165-10 Temporary Traffic Signage
Requested: \$ 281.25
Accepted: \$ 273.37

Bump signage for July 2003. The adjustment reduced the amount of allowable profit and overhead to the maximum of 15% allowed under this contract.

165-11 Speed Limit Across Culvert
Requested: \$ 516.44
Accepted: \$ 0.00

This claim is based on an initial estimate submitted to JBI in EOR's letter dated May 9, 2003. This estimate was based on earlier estimates provided by JBI from Safety Signs. Since that time the actual cost has been submitted with actual invoices attached to Claims 165-2, 165-3, 165-9, and 165-10. Therefore, claim 165-11 is a duplication of previous claims and cannot be approved.

165-12 Additional Pavement Removal
Requested: \$ 2,135.25
Accepted: -\$ 504.75

JB I encountered thicker pavement immediately over the culvert than estimated in the construction plans. In previous discussions EOR has noted that the thicker pavement may or may not continue through the entire length of pavement to be removed. In EOR's May 9, 2003 letter, we proposed an adjustment that assumes an average amount of thicker pavement over the entire length of removal at double the original estimate. Therefore, this claim, based on the computations in the April 9 letter, will double the reimbursement for pavement removed. The thicker pavement removal will also result in a decrease in the volume of Common Excavation contained in the Engineer's Estimate. Common Excavation represents the non-paved materials to be removed to establish the sub-grade of the new roadway. This reduction in Common Excavation, corresponding to the identical increase in pavement removal volumes, represents 440 cubic yards, or a total of -\$ 2,640.00. Therefore this claim is approved and adjusted for the decrease in Common Excavation.

165-14 Geotextile Credit
Requested: (-\$ 500.00)
Accepted: (-\$ 500.00)

This credit, detailed to JBI in a letter from EOR dated May 9, 2003, is in lieu of submitting the proper documentation certifying that the geotextile installed at 165th St. met the requirements of the technical specifications.

165-15 Additional Traffic Control
Requested: \$ 691.90
Accepted: \$ 0.00

The supporting documentation for this claim refers to a May 9, 2003 letter proposing this amount as reimbursement for future traffic control while the 165th St. culvert is being repaired. JBI has not yet agreed to complete the culvert repairs; therefore this claim cannot be approved at this time.

157th St Claim Requests

157-3 Remobilization of Crane
Requested: \$ 2,425.00
Accepted: \$ 0.00

At the April 16, 2003 meeting between JBI, RCWD and EOR, it was discussed JBI must submit a breakdown of the costs and additional documentation to support the value of the equipment and labor. There is no documentation attached to this claim, therefore the claim cannot be accepted.

157-5 Removal of Bridge Abutments
Requested: \$ 1,156.00
Accepted: \$ 1,156.00

157-6 Guardrails
Requested: \$ 16,405.13
Accepted: \$ 16,405.13

Payment for these guardrails will occur once the guardrails are installed and accepted.

157-7 Delay Claim While Extra Culvert Sections Were Being Moved
Requested: \$ 5,047.56
Accepted: \$ 0.00

There was no supporting documentation attached to this claim, including no indication of the specific date that JBI crews were shut down. Therefore the claim cannot be accepted.

- 157-9 Wearing course and non-wearing course bituminous pavement
 Requested: \$ 8,900.80
 Accepted: \$ 8,900.80
- 157-10 Labor Credit for Uninstalled Box Culvert Pieces
 Requested: (-\$ 3,600.00)
 Accepted: (-\$ 3,600.00)
 Credit offered by JBI of \$100 per foot for uninstalled box culvert pieces.
- 157-11 Sawcut Bituminous Pavement
 Requested: \$ 72.00
 Accepted: \$ 72.00
 Reimbursement for 24 feet of bituminous pavement sawcut for clean edge
 between new bituminous on 157th St and older bituminous at Harrow Ave.
- 157-12 Repair of Ingersoll Ave
 Requested: (-\$ 312.00)
 Accepted: (-\$ 312.00)
 Reimbursement to the City of Hugo for repair of damage at Ingersoll Ave. caused
 by JBI equipment on April 19, 2003.

General Claims

- General #1 Stand By Time
 Requested: \$ 86,237.60
 Accepted: \$ 0.00
- This claim refers to the costs incurred by JBI during the period of March 15 through March 20, 2003 while the sunken culvert at 165th was being investigated for evidence of additional sinking and ability to accommodate traffic. There are numerous problems with this claim, and therefore reimbursement for this claim is denied. The following summarizes why the claim cannot be approved:
- » The dates on this claim declare that the project was shut down from March 14 to March 31. The actual dates were March 15 through March 19, when JBI received a letter allowing return to 170th St. This discrepancy was pointed out to JBI in a letter dated April 9, 2003 and at a meeting held on April 16, 2003. This claim does not contain corrected dates.
 - » A letter from EOR dated April 9, 2003 pointed out that the list of equipment was longer than the equipment typically used by JBI at the other culvert sites. The letter requested that the claim be corrected. This claim was not appropriately corrected.

- » At a meeting between JBI, the RCWD and EOR on April 16 there was further discussion that JBI must document the actual costs incurred, including, but not limited to receipts for rental equipment, and proof that that equipment was not moved to a non-JD2 JBI project site during the down-time. None of the requested documentation was received.
- » The documentation that was attached to the claim was general in nature, with no explanation of how the rental rates contained in the attachment apply to this specific claim.
- » The Measurement and Payment section of the JD2 Contract Documents requires that the contractor submit all requests related to payment according to the specific culvert affected. This General claim should have been assigned to one of the culverts.
- » To the extent that JBI bears responsibility for the failure of the 165th Street culvert, it may not make a claim for additional costs caused by that failure.

JBI has known of these concerns since April 9, 2003, and has more than adequate time to prepare proper paperwork and documents. Therefore the claim is denied.

General #2 Dewatering Pumps
 Requested: \$ 77,584.00
 Accepted: \$ 0.00

This claim is denied for the same reasons outlined for General Claim #1 plus the following:

- » There is no proof or documentation that these specific pumps were being rented by JBI during the period of March 15 through March 19.
- » Our records note that 2 pumps were operating at 157th St when the project was shut down. These two pumps were moved to 170th St on March 24. By March 26, 5 pumps were operating at 170th St. The 6th pump was delivered to 170th St on March 27. There is no evidence that the extra four pumps were on stand-by, or in use on another project during the shut down period of March 15 through March 19.
- » Section 02315 of the Contract Documents sets dewatering as incidental to the cost of the excavation and backfill.
- » The project schedule created by JBI at the beginning of the project set the construction period of the 170th St culvert as February 8 through February 28. Jay Brothers was fully in control of the project schedule from the beginning of the project. Decisions and actions by JBI earlier in the project lead to the actual construction of 170th St during the peak flows caused by spring snowmelt. The need for additional pumps was related to scheduling issues and not to project shut-down issues.

RECOMMENDATION

It is recommended that the District accept the above engineer's determination of allowable claims submitted by Jay Brothers, Inc for completion of the JD2 Culvert Replacement Project. In summary, the total recommended increase in compensation for each site is as follows:

Harrow Ave	\$ 6,070.00
170 th St	\$ 8,216.45
165 th St	\$ 10,434.40
157 th St.	<u>\$ 22,621.93</u>
Total	\$ 47,342.78

It is further recommended that EOR be directed to send a letter to JBI that details these determinations. At the October 8, 2003 meeting of the Board of Managers, a recommendation from legal counsel will be offered as to whether payment of this additional compensation should be authorized at this time, or whether payment should be held pending resolution of other amounts owing from JBI to the District.

cc: Washington County; c/o Gary Wisbar
City of Hugo; c/o Dave Mitchell, City Engineer
City of Forest Lake; c/o Phil Gravel, City Engineer
Jay Brothers, Inc.

ADDITIONAL ITEMS REQUIRING BOARD ACTION

5. Consider Check Register dated 10/8/03, in the amount of \$13,734.83, Prepared by HLB Tautges Redpath.

Rice Creek Watershed District
Check Register
September 25, 2003 - October 8, 2003
To Be Approved at October 8, 2003 Board Meeting

Check #	Date	Payee	Description	Amount
12352	10/08/03	Braun Intertec Corp.	Contracted Services	\$408.25
12353	10/08/03	PBCC	Equipment Lease	156.56
Dir.Dep.	10/15/03	Lee N. Daleiden	10/15 Payroll	1,199.16
Dir.Dep.	10/15/03	Karl J. Hammers	10/15 Payroll	1,131.95
Dir.Dep.	10/15/03	Steven C. Hobbs	10/15 Payroll	2,351.80
Dir.Dep.	10/15/03	Charles G. Johnson	10/15 Payroll	1,534.56
Dir.Dep.	10/15/03	Edmund P. Phillips	10/15 Payroll	991.53
Dir.Dep.	10/15/03	Theresa M. Stasica	10/15 Payroll	1,171.30
EFT	10/15/03	EFT Payment	10/15 Federal Withholding	2,975.38
EFT	10/15/03	EFT Payment	10/15 State Withholding	527.21
EFT	10/15/03	EFT Payment	10/15 PERA	1,287.13
Total				<u><u>\$13,734.83</u></u>

Rice Creek Watershed District
Check Register
September 25, 2003 - October 8, 2003
To Be Approved at October 8, 2003, Board Meeting

Check #	Date	Vendor	Amount	YTD Vendor	G/L Code	G/L Account Description	YTD G/L Amount	2003 Budget	Remaining Balance	% Budget Expended
Payroll, Benefits & Expense Reimbursements:										
Dir.Dep.	10/15/03	10/15 Payroll	2,940.26	---	4100	Salaries	81,853.31			
EFT	10/15/03	PERA	467.19	21,644.15	4120	Benefits	19,874.65			
EFT	10/15/03	MN Department of Revenue	527.21	---	2230	Payroll Tax Liability				
EFT	10/15/03	Wells Fargo Bank	2,975.38	---	2210	Payroll Tax Liability				
Total Payroll, Benefits & Expense Reimbursements:			<u>\$6,910.04</u>				<u>\$101,727.96</u>			
Administrative & Office Expense:										
12353	10/08/03	PBCC	156.56	398.18	4636	Equipment Lease	1,030.23			
Total Administrative & Office Expense:			<u>\$156.56</u>				<u>\$1,030.23</u>			
Project Expenses:										
Environmental Education										
Dir. Dep.	10/15/03	10/15 Payroll	117.13	---	4100	Wages	3,211.22			
EFT	10/15/03	PERA	19.05	---	4140	Benefits	765.78			
Environmental Education Total:							<u>3,977.00</u>			
Information Management										
Dir. Dep.	10/15/03	10/15 Payroll	694.07	---	4100	Wages	17,504.88			
EFT	10/15/03	PERA	103.25	---	4140	Benefits	5,236.42			
Information Management Admin. Total:							<u>22,741.30</u>			
Information Management Project Total:							<u>22,741.30</u>			
Restoration Projects										
Dir.Dep.	10/15/03	10/15 Payroll	700.20	---	4100	Wages	18,210.36			
EFT	10/15/03	PERA	101.88	---	4110	Benefits	4,106.40			
Restoration Admin. Total:							<u>22,316.76</u>			
Restoration Projects Total:							<u>22,316.76</u>			
Regulatory										
Dir.Dep.	10/15/03	10/15 Payroll	1,131.95	---	4100	Wages	31,753.48			
EFT	10/15/03	PERA	177.94	---	4140	Benefits	7,947.20			
Regulatory Admin. Total:							<u>39,700.68</u>			
Regulatory Project Total:							<u>39,700.68</u>			

Rice Creek Watershed District
Check Register
September 25, 2003 - October 8, 2003
To Be Approved at October 8, 2003, Board Meeting

Check #	Date	Vendor	Amount	YTD Vendor	G/L Code	G/L Account Description	YTD G/L Amount	2003 Budget	Remaining Balance	% Budget Expended
Ditch & Creek Maintenance										
Dir.Dep.	10/15/03	10/15 Payroll	1,524.19	---	4100	Wages	42,707.05			
EFT	10/15/03	PERA	239.50	---	4140	Benefits	9,478.83			
							Ditch & Creek Admin. Total:	52,185.88		
Judicial Ditches:										
12352	10/08/03	Braun Intertec Corporation	408.25	8,127.25	4500-1	Engineering-157th St. Culvert	2,919.75			
							157th St. Culvert Project Total:	<u>2,919.75</u>		
							Ditch & Creek Maintenance Total:	<u>55,105.63</u>		
Lake & Stream Management										
Dir.Dep.	10/15/03	10/15 Payroll	1,272.50	---	4100	Wages	31,601.41			
EFT	10/15/03	PERA	178.32	---	4140	Benefits	7,406.48			
							Lake & Stream Management Admin.:	<u>39,007.89</u>		
							Lake & Stream Management Projects Total:	<u>39,007.89</u>		
Total Project Expense:			<u>\$6,668.23</u>				<u>\$143,841.37</u>			
Total Checks Issued 09/25/03 - 10/08/03:			<u>\$13,734.83</u>				<u>\$246,599.56</u>			

ITEMS FOR DISCUSSION AND INFORMATION

1. EOR Update and Timeline

MEMORANDUM



To: Board of Managers
Rice Creek Watershed District

From: EOR Staff

Subject: Project Status & Timeline Update

Date: October 1, 2003

The purpose of this memorandum is to brief the Board on the ongoing District projects and programs. The table below itemizes recent and future actions for each project and highlights specific efforts for the programs. The attached figure provides updated, general project timelines.

Project	Recent Action(s)	Next Action(s)
Clearwater Creek Bank Stabilization Project	<ul style="list-style-type: none"> • Finalized Plans & Specs. • Solicited construction quotes. 	<ul style="list-style-type: none"> • Access and DNR Permit coordination. • Present recommendation for Board consideration of construction contract award.
Anoka County Ditch 53-62 Comprehensive Wetland Management Plan & Engineer's Repair Report	<ul style="list-style-type: none"> • Revised CWMP maps for the 890 profile. • Attended Board Workshop. • Revisions to CWMP and Engineer's Repair Report. 	<ul style="list-style-type: none"> • Finalize 890 elevation CWMP and Engineer's Repair Report Addendum.
Hardwood Creek Rehabilitation Plan (& JD2 Engineer's Repair Report)	<ul style="list-style-type: none"> • Attended public meeting in Hugo. • Prepared Preliminary Draft Rehabilitation Plan / Engineer's Repair Report. 	<ul style="list-style-type: none"> • Review options with the Board, local parties and agencies.
Natural Resources Inventory	<ul style="list-style-type: none"> • Photo interpretation 85% complete. • Field assessment and verification 75% complete. • Developed GIS database. 	<ul style="list-style-type: none"> • Complete photo interpretation and field assessment. • Finalize numerical scoring system for the database. • Data input of the inventory.
Rice Creek Meander Restoration	<ul style="list-style-type: none"> • Topographic mapping. • Development of restoration options based on detailed survey. 	<ul style="list-style-type: none"> • Continued Draft Plan development. • Work with Administrator to develop potential partnerships.
GIS Floodplain Mapping	<ul style="list-style-type: none"> • Added calibration study flood elevations to GIS Layer. • Internal review of GIS data. 	<ul style="list-style-type: none"> • Add to database relevant flood elevations from local plans.

Project	Recent Action(s)	Next Action(s)
Washington County Floodplain Assessment & Mapping	<ul style="list-style-type: none"> • Delineation of subwatersheds. • Development of hydrologic XP-SWMM model parameters. • Field inspection to verify drainage routes. 	<ul style="list-style-type: none"> • Development of XP-SWMM model. • Run model simulations to establish flood elevations.
Ramsey County Ditch 11 Drainage Assessment	<ul style="list-style-type: none"> • Review of a potential lift station to alleviate flooding problems. • Field work to determine groundwater influence. 	<ul style="list-style-type: none"> • Continued review of potential for lift station. • Determine preliminary feasibility and cost estimate.
Hardwood Creek TMDL	<ul style="list-style-type: none"> • Sent out invitations for the first TAC meeting. 	<ul style="list-style-type: none"> • Hold first TAC Meeting. • Conduct Rosgen Level III Assessment of HWC. • Conduct In-stream habitat and Riparian Vegetation Survey.
Highway 61 Water Quality Improvement Wetland Project	<ul style="list-style-type: none"> • Final inspection and public hearing by White Bear Township. • Fish screen installed. • Drafting of O&M plan. 	<ul style="list-style-type: none"> • Project closeout and processing of Final Pay Request from Bolander & Sons.
Wash. Co. JD2 Culverts Construction Project	<ul style="list-style-type: none"> • Met with Hugo on October 2nd regarding project completion issues. • Change Orders sent to Hugo, Forest Lake and Washington County. • Requested quotes from other contractors for final repairs. 	<ul style="list-style-type: none"> • Board action regarding Change Orders and project completion.
Rules Revisions	<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Provide assistance as requested by Administrator.

cc: District Office

Attachments: Project Timeline
Program/Project Budget Summary

Rice Creek Watershed District - Project Timelines October 1, 2003

	Jul	Aug	Sep	Oct	Nov	Dec	Jan-04	Feb	Mar	Apr	May	Jun
Clearwater Creek Bank Stabilization Project	Plans & Specs		Permits / Bidding		Construction							
AnCoD 53-62 CWMP & Engineer's Repair Report	Mediation / Hearings				Implementation							
Hardwood Creek Rehabilitation / JD2 Engineer's Repair Report	Restoration Plan Development & Design			Finalize Repair Report								
Natural Resources Inventory	Field Work		Complete Mapping		Finalize Database							
Rice Creek Meander Restoration	Surveying	Draft Design			Permitting	Plans / Specs						
GIS Floodplain Mapping	Floodplain ID & Mapping		Finalize Database									
Washington Co. Floodplain Assessment & Mapping			Model Development		Analysis & Report							
Ramsey County Ditch 11 Drainage Assessment	Profile Research & Survey Work			Feasibility Analysis								
Hardwood Creek TMDL	Grant Contract Execution			1st TAC	Field Work, Wate Quality Anlysis, Modeling							
Hwy 61 Water Quality Improvement Wetland Project	Revegetation		Close-out									
Wash. Co. JD2 Culverts Construction Project	Revegetation		Repairs & Close-out									
Rule Revisions							Reinitiate Staff Discussions					

- Work completed
- Engineering work in progress
- Proposed schedule for engineering work
- Estimated contractor/outside agency schedule

Rice Creek Watershed District
Budget Summary for Engineering Expenses*

Project / Program	Billed	Budget	Balance	% Budget
2003 Permit Program	84,829.82	100,000	15,170.18	85
2003 Administration	23,251.84	30,000	6,748.16	78
2003 General Engineering	12,965.92	25,000	12,034.08	52
2003 Local Plan Review	15,625.89	30,000	14,374.11	52
2003 SBBS Program	2,005.82	5,000	2,994.18	40
2003 Muni Retrofit/BMP Program	4,042.70	5,000	957.30	81
2003 Ditch Inspection & Maintenance	4,072.80	10,000	5,927.20	41
PROGRAM SUBTOTAL	146,794.79	205,000.00	58,205.21	72
Highway 61 Water Quality Improvement Wetland	34,618.42	34,900	281.58	99
Clearwater Creek Bank Stabilization	15,498.04	17,500	2,001.96	89
JD 2 - 157th Street Construction	33,748.76	15,800	-17,948.76	214
JD 2 - 165th Street Construction	24,944.77	20,400	-4,544.77	122
JD 2 - 170th Street Construction	27,868.47	21,500	-6,368.47	130
JD 2 - Harrow Ave. Construction	25,100.23	20,100	-5,000.23	125
ACD 53-62 CWMP & Engineer's Repair Report	46,560.70	45,800	-760.70	102
Rule Revisions	14,231.28	12,000	-2,231.28	119
Hardwood Creek Rehabilitation (JD2 Engineer's Repair Report)	121,176.76	135,300	14,123.24	90
Natural Resources Inventory	40,705.26	50,000	9,294.74	81
Rice Creek Meander Restoration	13,162.38	60,000	60,000.00	22
GIS Floodplain Mapping	5,169.16	8,000	2,830.84	65
Wash. Co. Floodplain Assessment & Mapping	9,699.70	40,000	30,300.30	24
Ramsey CD-11 Drainage Assessment	5,308.60	5,309	0.00	100
Hardwood Creek TMDL	0.00	185,000	185,000.00	0
PROJECT SUBTOTAL	417,792.53	671,608.60	266,978.45	60
OVERALL TOTAL	564,587.32	876,608.60	325,183.66	63

* Summary of expenses for work through August 31, 2003