



Approved

# RICE CREEK WATERSHED DISTRICT

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## REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, September 14, 2011

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

### Minutes

#### ROLL CALL

Present: President Patricia Preiner, 1<sup>st</sup> Vice-Pres. Barbara Haake, 2<sup>nd</sup> Vice-Pres. John Waller, Secretary Harley Ogata (arrived at 9:05 a.m.), and Treasurer Rick Mastell.

Absent: None.

Staff Present: Administrator Phil Belfiori, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica, Inspector David Bauer.

Consultants: District Engineers Mark Deutschman, Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners

Visitors: None.

#### CALL TO ORDER

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

#### SETTING OF THE AGENDA

District Administrator Belfiori suggested adding number 7 "Change in Meeting Time" and number 8 "Resolution regarding Permit 10-022 LPS Properties, Lee Stevens" under Board Action. Item 8 will replace item number 1 under discussion.

*Motion by Manager Haake, seconded by Manager Waller, to adopt the agenda as presented. Motion carried 5-0.*

#### READING OF THE MINUTES AND THEIR APPROVAL

**Minutes of the August 24, 2011, Board of Managers Meeting.**

President Preiner requested lines 30-32 be deleted, it is a repeat of the paragraph above.

Manager Haake requested the following changes:

Page 5, Line 74, change "typical" to "typically".

BOARD OF  
MANAGERS

Barbara A. Haake  
Ramsey County

Rick A. Mastell  
Anoka County

Harley M. Ogata  
Ramsey County

Patricia L. Preiner  
Anoka County

John J. Waller  
Washington County

32 Line 132 to read: "in" the culvert...

33 Page 6, Line 237: change "concerns" to "concerned" and add "County Road" before 52.

34 Page 10, Line 431: Change "chose" to "choice"

35 Page 10, Line 433: change "role" to "roll"

36

37 **Motion by Manager Haake, seconded by Manager Mastell, to approve the minutes as amended. Motion carried 5-0.**

38

39 President Preiner recessed the regular meeting.

40

41 **PUBLIC HEARING - WEST MOORE LAKE WATER QUALITY ENHANCEMENT PROJECT (FRIDLEY**  
42 **MIDDLE SCHOOL)**

43 President Preiner opened the public hearing.

44

45 President Preiner stated the purpose of the hearing was to hear comments and take testimony from parties having an  
46 interest in the proposed project to be constructed in partnership with, and on property owned by, the City of Fridley and  
47 Independent School District #14.

48

49 District Engineer Deutschman explained this was being funded in part by a Minnesota Pollution Control Agency (PCA)  
50 Clean Water Partnership Grant. He noted the larger basin was located on the west side of the road by West Moore Lake.  
51 He indicated the project consisted of three rain gardens that would be constructed to treat stormwater for water quality  
52 before it entered West Moore Lake. He indicated there would be an under drain system put in as a safety valve if the  
53 conditions would get too wet, which would convert it from a raingarden to a bio-filtration best management practice. He  
54 indicated an existing catch basin would be replaced and three trail crossings put in.

55

56 Water Resource Specialist Axtell noted the total cost was \$88,336.50. He stated the PCA grant was between \$80,000.00 to  
57 \$84,000.00. He indicated the anticipated total project cost was between \$110,000.00 to \$120,000.00.

58

59 There were no public comments made.

60

61 President Preiner closed the public hearing and reopened the regular meeting.

62

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

68 There were no comments made at Open Mike.

69

70 **ADDITIONAL ITEMS REQUIRING BOARD ACTION**

71 **1. Consider Establishment of West Moore Lake Water Quality Enhancement Project and Authorization for Bid**  
72 **Solicitation (Kyle Axtell)**

73 Water Resource Specialist Axtell stated the Resolution authorized the project and the solicitation of bids for the  
74 project.

75

76 **Motion by Manager Haake, seconded by Manager Mastell, to approve Resolution 2011-23, Ordering the**  
77 **project and directing staff and the District Engineer to solicit bids for construction of the West Moore Lake**  
78 **Water Quality Enhancement Project.**

79 **ROLL CALL:**

80 *Manager Haake – Aye*

81 *Manager Mastell – Aye*

82 *Manager Ogata – Aye*

83 *Manager Waller – Aye*

84 *President Preiner – Aye*

85 *Motion carried 5-0.*

86  
87 **2. Consider Board of Water and Soil Resources (BWSR) Clean Water Fund grant application for Oneka Ridge**  
88 **Golf Course Reuse Project (Phil Belfiori)**

89 Administrator Belfiori presented the BWSR Clean Water Fund grant application for Oneka Ridge Golf Course  
90 Reuse project. He stated it was anticipated this project would be a partnership between the City of Hugo and  
91 RCWD with the cost for the project being split between the City and the RCWD. He noted the preliminary cost  
92 estimates for the project ranged from \$400,000.00 to \$600,000.00. The cost to complete the technical feasibility  
93 study needed for the application materials would also be shared between the City and RCWD and were estimated  
94 to cost in the range of \$7,800 to \$10,000.

95  
96 *Motion by Manager Ogata, seconded by Manager Haake, to authorize the Administrator to take the steps*  
97 *necessary to submit the BWSR Clean Water Fund Grant Application for the Oneka Ridge Golf Course Storm*  
98 *water Re-use Project and approves up to \$5,000 for the development of the technical feasibility study/grant*  
99 *application materials and up to \$75,000 for the RCWD's local cash match contribution to the project if the*  
100 *grant is awarded by BWSR. Staff also recommends that the Board authorize the Administrator or Board*  
101 *President enter into an inter-governmental agreement with the City of Hugo to outline the RCWD and the City*  
102 *role and responsibility related to the shared grant application and possible partnership project.*

103  
104 District Attorney Smith stated usually an intergovernmental agreement came back for Board approval. He  
105 recommended the last sentence read: Staff also recommends that the Board authorize the Administrator to bring  
106 the inter-governmental agreement back to the Board for approval.

107  
108 District Administrator Belfiori noted the grant application was due on September 20, 2011.

109  
110 Manager Waller asked if the Agreement had to be done before the application. District Administrator Belfiori  
111 responded the application needed to be signed by both the District and the City. It would be best if the President  
112 could sign the application and proceed forward from there.

113  
114 District Attorney Smith stated it was up to the Board as to how they wanted to proceed, but normally the Board  
115 would authorize the preparation for the grant application and if the grant was awarded, then an agreement would  
116 be prepared.

117  
118 Manager Mastell noted in December if the grant was awarded, this could be brought back.

119  
120 By consensus the Managers agreed to the suggestion.

121  
122 *Motion carried 5-0.*

123  
124

## 125 3. Consider Water Quality BMP Cost-Share Applications (Kyle Axtell)

## 126 a) R11-10 Linda Johnson - Raingarden

127 President Preiner stated in order to save time, Water Resource Specialist Axtell will not explain each application  
128 unless the Managers have any specific question regarding an application.  
129

130 Manager Haake asked how much money was remaining for cost-share applications. Water Resource Specialist  
131 Axtell responded there were considerable funds left in the budget. However, the funding set aside for Ramsey  
132 County was used up and any future projects for Ramsey County would need to be put into next year.  
133

134 *Motion by Manager Haake, seconded by Manager Mastell, to approve RCWD Water Quality BMP Cost-Share*  
135 *Contract R11-10 for Linda Johnson's Raingarden project, up to \$1,286.50, not to exceed 50% of eligible project*  
136 *expenses, in accordance with established program guidelines. Motion carried 5-0.*  
137

138 b) R11-11 Timber Hills Beach Association – Raingarden, Native Lakeshore Buffer, "NetPave" System  
139 *Motion by Manager Mastell, seconded by Manager Ogata, to approve RCWD Water Quality BMP Cost-Share*  
140 *Contract R11-11 for the Timber Hills Beach Association project, up to \$8,996.85, not to exceed 50% of eligible*  
141 *project expenses, in accordance with established program guidelines. Motion carried 5-0.*  
142

## 143 c) R11-12 Shawn &amp; Stephanie Young - Raingarden

144 *Motion by Manager Haake, seconded by Manager Mastell, to approve RCWD Water Quality BMP Cost-Share*  
145 *Contract R11-12 for Shawn & Stephanie Young's raingarden project, up to \$1,742.50, not to exceed 50% of*  
146 *eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.*  
147

## 148 4. Consider Resolution for Connexus applications to the City of Columbus

149 District Administrator Belfiori recommended the Resolution be approved and noted this Resolution was  
150 consistent with the previous purchase agreement made earlier in the year with Connexus.  
151

152 *Motion by Manager Mastell, seconded by Manager Waller, to approve Resolution 2011-24, Authorizing*  
153 *Connexus Energy to Make Zoning Applications to the City of Columbus Related to the Purchase of a Portion of*  
154 *the Former Houle Parcel.*  
155

156 ROLL CALL:

157 *Manager Haake – Aye*

158 *Manager Mastell – Aye*

159 *Manager Ogata – Aye*

160 *Manager Waller – Aye*

161 *President Preiner - Aye*  
162

163 *Motion carried 5-0.*  
164

165 6. Consider Check Register dated 09/14/2011, in the amount of \$51,726.71, prepared by HLB Tautges  
166 Redpath.

167 *Motion by Manager Mastell, seconded by Manager Waller, to approve check register dated 09/14/2011, in the*  
168 *amount of \$51,726.71, prepared by HLB Tautges Redpath. Motion carried 5-0.*  
169  
170

171 5. **Consider Intergovernmental Agreement between RCWD & City of Forest Lake to Undertake TH61 Corridor**  
172 **Aesthetics and Water Quality Improvement Plan Study (Phil Belfiori)**  
173 Administrator Belfiori explained the agreement. He noted the total amount the RCWD would be responsible for  
174 was \$8,167.00 and was consistent with the approved work for the diagnostic study for Clear Lake Watershed.  
175  
176 *Motion by Manager Waller, seconded by Manager Mastell, to approve Intergovernmental Agreement between*  
177 *RCWD and the City of Forest Lake. Motion carried 5-0.*

178  
179 7. **Change in Meeting Time**  
180 *Motion by Manager Waller, seconded by Manager Mastell, to approve moving the regular board meetings to*  
181 *9:30 a.m. starting September 28, 2011. Motion carried 5-0.*  
182

183 8. **Permit 10-022 LPS Properties, Lee Stevens – Resolution (Louis Smith)**  
184 District Attorney Smith stated the Resolution before the Managers would direct solicitation of quotations for the  
185 Restoration of 2331 Leibel Street in White Bear Township. He stated the process would involve getting  
186 quotations for the work to be done and once the quotes are obtained the Board can order the work to proceed  
187 and the assessments to be placed, which would be a subsequent action. He stated under the Court Order the  
188 time to finish the work had passed, but if Mr. Stevens wanted to complete the work that would be an advantage  
189 and such request would be directed to the Board for consideration.  
190

191 Manager Ogata asked if there would be any advantage in assessing the expenses first and doing the rest later.  
192 District Attorney Smith responded if the Board wanted the work to proceed this year it would not make a  
193 difference as long as everything was submitted to the County by November 30.  
194

195 Manager Haake asked if there was any concern about the property going into foreclosure and all assessments  
196 being "wiped clean". She asked for clarification. District Attorney Smith responded in the event that this  
197 property went through the process of tax forfeiture and in that process no one acquired the property the  
198 assessments would be wiped clean as the property would go to the state. However, if someone acquired the  
199 property, that person would take the property with the liens attached to the property. He noted this was a long  
200 process with many steps and there would be an opportunity for a private purchase of the property.  
201

202 District Engineer Deutschman expressed concern about the timing of the completion of the project. He did not  
203 believe an end of November deadline was feasible. He noted there was still work to be done on this. He stated he  
204 would like to have some leeway in the timeframe. He questioned if it could get done by the end of November.  
205

206 District Attorney Smith noted the end of November was when the District needed to provide assessment to the  
207 County and if the costs were known by that time, those costs could be assessed. He indicated if there were delays  
208 in the process, however, the Board would have the choice to just assess the known cost and wait for the  
209 restoration process to be completed. He stated they should see how the process proceeded.  
210  
211

212 **Motion by Manager Ogata, seconded by Manager Mastell, to approve Resolution 2011-25, Directing**  
213 **Solicitation of Quotations for the Restoration of 2331 Leibel Street, White Bear Township.**

214  
215 **ROLL CALL:**  
216 **Manager Haake – Aye**  
217 **Manager Mastell – Aye**  
218 **Manager Ogata – Aye**  
219 **Manager Waller – Aye**  
220 **President Preiner - Aye**  
221 **Motion carried 5-0.**

222  
223 **ITEMS FOR DISCUSSION AND INFORMATION**

224 **1. District Engineer’s Update and Timeline**  
225 There were no comments.

226  
227 **2. Manager’s Update**  
228 There were no comments.

229  
230 District Attorney Smith passed out the Summary of the Drainage Law Analysis Report for the Manager’s review.  
231

232 **ADJOURNMENT**  
233 **Motion by Manager Mastell, seconded by Manager Waller, to adjourn the meeting at 9:35 a.m. Motion carried 5-0.**  
234