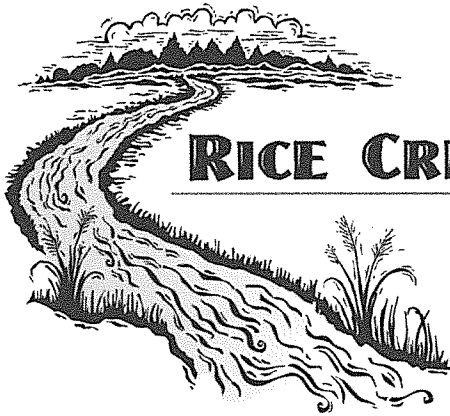


Approved



RICE CREEK WATERSHED DISTRICT

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REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, April 25, 2012

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

Minutes

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ROLL CALL

Present: President Patricia Preiner, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Secretary Harley Ogata, and Treasurer Steve Wagamon.

Absent: None.

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Inspector Elizabeth Hosch, Inspector David Bauer, Office Manager Theresa Stasica.

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

Visitors: John Johnson

CALL TO ORDER

President Preiner called the meeting to order, a quorum being present, at 9:30 a.m.

SETTING OF THE AGENDA

Administrator Belfiori added under items requiring Board action "Consideration of Curly Leaf Pondweed Grant and Project on Bald Eagle and Reshanau Lakes" and "Consideration for Dredging of Long Lake Sediment Basin".

Permit Coordinator/Wetland Specialist Tomczik added "Permit 12-020 Circle Pines Street and Utility Improvement Project".

Motion by Manager Ogata, seconded by Manager Haake, to adopt the agenda as amended. Motion carried 5-0.

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READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the April 9, 2012, Board of Managers Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 5-0.

Minutes of the April 11, 2012, Board of Managers Meeting and Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 5-0.

PERMIT APPLICATIONS REQUIRING BOARD ACTION

No.	Applicant	Location	Plan Type	Recommendation
10-062	Senior Properties of Mounds View, Inc.	Mounds View	Final Site Drainage	CAPROC 7 items
12-004	Minnesota Department of Transportation	Arden Hills	Street & Utility Construction	CAPROC 1 item

Permit Coordinator/Wetland Specialist Tomczik stated under item 6 - maintenance obligation, the applicants are required to enter into an agreement with the District to maintain their facilities. He noted MnDOT was hesitant to agree to this agreement in 2009 and at that time the Administrator utilized a MnDOT letter to fulfill the requirement and District staff continue to operate under that letter.

Manager Haake asked where the drainage was going to be contained. District Engineer Bowles showed maps where the drainage would be contained. He noted the BMP's being proposed on Pond A and Pond B was for the runoff and Pond C was being provided to meet the District rules. He noted the drainage went from Pond A, to Pond B, to Pond C where it went into a culvert and into the wetlands.

Manager Haake asked what kind of rainfalls these ponds were being designed for. District Engineer Bowles responded the ponds were designed for a 100-year storm. He stated the District Engineer had reviewed the run off and they met the District Rules.

No.	Applicant	Location	Plan Type	Recommendation
12-015	City of Mahtomedi	Mahtomedi	Final Site Drainage	Variance Request CAPROC 4 items

Permit Coordinator/Wetland Specialist Tomczik noted this item needed a separate motion for variance. He explained the City of Mahtomedi had three separate lift locations and one of the locations had a limited site, so it was not practical to place treatment in that location and that was the reason for the variance request.

District Engineer Bowles showed the location of the three lift stations. He noted East Beach Shore was the lift station that required a variance. He indicated the other lift stations met the treatment requirements. He stated there was minor amount of impervious being added. He indicated the drainage would go into White Bear Lake from all three lift stations.

Permit Coordinator/Wetland Specialist Tomczik stated the variance was specific to the East Beach lift station. He stated the disturbance was resulting in a requirement of 38 cubic feet of treatment, which was a small area.

74 District Engineer Bowles stated there was a concrete pad on the East Beach lift station. There would be a portion of the
 75 curb taken out for the utility connection. The flow from the pads went into the parking lot and then to White Bear Lake.
 76 He stated it would be impractical to treat this small of an area. He stated the applicant met the rules in the other
 77 locations and the applicant did not create the situation themselves as the lift station was an existing facility that was in
 78 need of maintenance for the utilities. He stated this project was driven by the need for maintenance at the lift station.. It
 79 was their recommendation to look at it as the other two lift stations were treating the volume control and aggregate and
 80 not require the volume control on this particular site.

81
 82 Manager Ogata asked if basically the feasibility issue was economic only. District Engineer Bowles responded it was largely
 83 economic.
 84

85 Manager Ogata asked District Attorney Smith if that posed an issue if economics was the main issue. District Attorney
 86 Smith responded an economic hardship alone was not a reason for the variance, but he believed in this situation the
 87 hardship was not only the cost but the circumstances of the site and it was also appropriate to consider fulfilling the
 88 intended purposes of the rule by aggregating the overall volume requirements in the total project. He noted while there
 89 was a large economic situation in this matter, it was not the only issue.
 90

91 Manager Haake asked if there was still some treatment that was happening. District Engineer Bowles responded there was
 92 some minor treatment.
 93

94 Manager Haake stated this was an issue previously and now the City was doing another street project and this bothered
 95 her that the City had not taken care of this.
 96

97 **Motion by Manager Waller, seconded by Manager Wagamon, to approve the variance request for Permit No. 12-015,**
 98 **City of Mahtomedi East Beach Shore Site. Motion carried 5-0.**
 99

No.	Applicant	Location	Plan Type	Recommendation
100 12-016	City of St. Anthony	St. Anthony	Street & Utility Construction	CAPROC 3 items
104 12-017	McDonald's USA, LLC	Circle Pines	After-the-Fact Final Site Drainage	CAPROC 6 items
107 12-018	City of Roseville	Roseville	Final Site Drainage	CAPROC 4 items
109 12-019	City of Arden Hills	Arden Hills	Final Site Drainage	MOU CAPROC 5 items

112 Permit Coordinator/Wetland Specialist Tomczik noted the City had sufficient room to provide treatment in the park and
 113 the memo of understanding solidifies an understanding that the District allows excess treatment in the park that could be
 114 used to address rule requirements of the future indicated street projects. He indicated this would require a separate
 115 motion.
 116

117 **Motion by Manager Ogata, seconded by Manager Wagamon, to approve the Memorandum of Understanding for**
 118 **Permit Number 12-019, City of Arden Hills, Final Site Drainage.**
 119

120 Manager Haake asked if the City was going to maintain this. District Engineer Bowles responded yes, there was a
 121 maintenance agreement signed.
 122

123 **Motion carried 5-0.**
 124

No.	Applicant	Location	Plan Type	Recommendation
125 12-020	Circle Pines	Circle Pines	Street & Utility Project	CAPROC 5 items

128
 129 Permit Coordinator/Wetland Specialist Tomczik stated this project was in a wellhead protection area and the City was the
 130 wellhead authority. He stated the rule required consideration of the MN Dept. of Health guidance, which Houston
 131 Engineering asked the applicant to walk through to demonstrate they had made consideration of those items.
 132

133 District Attorney Smith stated he wanted to make a comment regarding precedence setting. He noted the Watershed
 134 District's policy of promoting infiltration as a stormwater management practice and a public policy is in place to protect
 135 the public drinking water. He stated the District wanted to be sensitive to the drinking water policy, but also that this was
 136 a case by case, and site by site consideration as to how much infiltration can be achieved. He stated this would be a case
 137 by case evaluation based on the unique facts and this was not a blanket policy decision.
 138

139 Manager Waller asked what a wellhead protection area was. District Engineer Deutschman responded the Department of
 140 Health identified two areas, wellhead protection area and emergency response zone. The wellhead protection area was
 141 defined a ten year travel time to the well and the emergency response zone was a one year period of travel time to the
 142 well.
 143

144 Manager Waller stated the issue was the soil types as those would make a difference in the travel time. District Engineer
 145 Deutschman responded that was correct and that was a factor that was considered. He noted each situation was different.
 146

147 Manager Haake asked on page 4 was this not a concern. District Engineer Deutschman responded they had looked at the
 148 depth of the wells. He stated the City noted this was less of a concern to them then the presence of unsealed wells. He
 149 noted while municipal wells were one thing they were more concerned about the unsealed and uncapped private wells in
 150 the area. He stated the well depths were in the range of 200 to 300 feet.
 151

152 Manager Waller asked if they were going to seal the wells. District Engineer Deutschman responded they had not.
 153

154 Manager Waller stated the problem was that there were private wells that were unregistered and there was no program in
 155 Anoka County to cap the wells. He stated he understood the issue, but granting a variance might be part of this solution
 156 but the ultimate solution would be capping the wells. District Engineer Deutschman noted they were not requesting a
 157 variance in this permit.
 158

159 District Attorney Smith stated there were some Watershed Districts that had taken up the well abandonment process
 160 concern by actually formally in their rules when they review permits adding a condition that any wells that are uncapped
 161 go through the process. He stated this District did not have that rule in place and there was also a jurisdiction issue as to
 162 who handled the process. It was appropriate for the District to express their concern, but the District Engineer noted in
 163 the sequencing analysis how infiltration was not considered feasible here and volume requirements were being met in
 164 another way.
 165

166 District Engineer Deutschman stated when the permit came in the City indicated that because the BMPs would be in a
 167 drinking water supply area managed by the City they were sequencing out of the volume control requirement. He stated

168 he had looked at the Department of Health guidance and determined more rigorous technical analysis was needed before
169 they met the sequencing requirement. He stated the District Engineer had looked over the additional information
170 submitted and believed it was a credible argument. He believed this was an issue that would be faced in the future and he
171 recommended this be brought back to the Board for further discussion at a later date.

172
173 Manager Waller stated he heard that the rules were adequate at the moment regarding the uncapped wells and the
174 reason they wanted to change the sequence was due to the risk of the uncapped wells and he believed they needed to
175 make an adjustment in the near future to adjust the end cap well situation or do something about it as changing the
176 sequencing did not solve the problem.

177
178 District Administrator Belfiori stated the emergency response zone and the wellhead protection zone was delineated not
179 including the uncapped well issue. He stated this was a separate issue. The model was not done with the uncapped wells,
180 so there was still a speed to get to the well that assumes that was not an immediate injection from an uncapped well.

181
182 Manager Haake asked if the District would be held harmless as it disturbed her that something could come back in the
183 future. She asked what the District's responsibility was.

184
185 Permit Coordinator/Wetland Specialist Tomczik responded the District permit was permissive so other issues such as the
186 uncapped wells are upon the applicant to take care of. That being said, the permit here was for the street project and the
187 stormwater that ran off of it and the applicant used the Department of Health document in consideration of the matter
188 and they have gotten to the point in the rule sequencing to say they would treat the water at the proposed location. He
189 stated in the future, for whatever reason, he suspected people could point the finger and say the District had some
190 liability, but in the issue before the Board now, he did not believe they would have an issue to stand on.

191
192 Manager Haake asked if this should be tabled. District Engineer Deutschman noted the City was doing bio-infiltration as a
193 BMP so they were still treating the stormwater runoff. He noted there were timelines the City needed to meet and
194 delaying this could have a negative impact.

No.	Applicant	Location	Plan Type	Recommendation
12-024	DOB Construction Co., Inc.	Arden Hills	Final Site Drainage	CAPROC 6 items

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200 Permit Coordinator/Wetland Specialist Tomczik noted on page 54 under Findings No. 1, the second sentence talked about
201 the District's practice to acknowledge existing impervious surface. He indicated they had cases where an applicant came
202 in where the lot previously had a development on it, but the building and impervious surface had been removed and now
203 there was vacant land. He indicated a strict reading of the rule would say this was new development and had to meet the
204 higher new development standards. However, it was the staff and District Engineer's belief that to the degree the
205 applicant could show a development previously existed, staff was accepting of that and applying the redevelopment
206 standard.

207
208 **Motion by Manager Ogata, seconded by Manager Waller, to CAPROC permits 10-062, 12-004, 12-015, 12-016, 12-017,**
209 **12-018, 12-019, 12-024 and 12-020 as outlined in the above Table of Contents in accordance with RCWD staff and**
210 **District Engineer's Findings and Recommendations, dated March 28, 2012 and April 17 & 18, 2012. Motion carried 5-**
211 **0.**

212
213 **OPEN MIKE – LIMIT 12 MINUTES.** Any RCWD resident may address the Board in his or her individual capacity, for up to
214 three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the

215 record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on
216 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
217 agenda.

218
219 There were no comments made at Open Mike.

220

221 **ADDITIONAL ITEMS REQUIRING BOARD ACTION**

222 **1. Consider authorizing the Notice of Public Hearing for Anoka County Ditch 10-22-32 Repair Report (Phil Belfiori)**

223 Administrator Belfiori explained on April 16, the District held a public information meeting regarding this repair
224 report. At that meeting there were presentations regarding the repair. Many of the questions brought forth
225 related to both the project specifics and the funding approaches and the proposed framework for the funding.
226 Some of the comments came from the Robinson family relating to reimbursement or credit for prior work. He
227 indicated they were at the point to set a date and give a notice of the hearing on the Repair Report and WMD
228 charge/cost allocation.

229

230
231 President Preiner asked if they went forward with the public hearing and the decision was to not go forward right
232 away, how long they would have to wait for another public hearing. District Attorney Smith responded there was
233 not a specific statute for this so the main consideration they want to consider is any new information that would
234 cause them to change the schedule. He stated they could also make a decision that they were not going to do the
235 project also.

236

237 Manager Waller stated was it possible to open a public hearing 10 years down the line. District Attorney Smith
238 responded that was possible, but not practical.

239

240 ***Motion by Manager Ogata, seconded by Manager Waller, to allow staff to set a time and location for a final***
241 ***hearing on the ACD 10-22-32 Repair Report and WMD preliminary Charge Analysis and give notice by***
242 ***publication and to all residence in the drainage systems in accordance with the District's noticing***
243 ***requirements for District projects and the process described above be set for May 17, 2012 6:30 p.m. at the***
244 ***Lino Lakes Council Chambers. Motion carried 5-0.***

245

246 **2. Consider Century Farms Acceptance of the Stormwater Feature in its Present "Acceptable" Condition (Nick Tomczik)**

247 Permit Coordinator/Wetland Specialist Tomczik stated the permit was issued on December 3, 2009 following a
248 Board Compliance Order. He noted the grading of the basin was done in May 2009, which reduced the surface
249 area of standing water, but the work was not totally successful in achieving the complete functionality of
250 infiltration for the basin E2. He stated staff continued to explore the situation and communicate with the parties.
251 He indicated the District met with adjacent landowners and interested parties and developed a three way project
252 split. He noted in February, 2012, Mr. Uhde submitted a letter to the District withdrawing from any further
253 involvement. In response to Mr. Uhde's letter, the District sent a letter to the parties, Mr. Uhde, Mr. Mann, Lino
254 Air Park, identifying Mr. Uhde's involvement continues as the permit holder but recognizing that progress had
255 stalled on the issue. Further, the letter identified that the RCWD Board would consider the acceptance of the E2
256 infiltration basin as it currently exists at its April 25, 2012 meeting. No response has been received by the District
257 and Mr. Uhde did appear at the April 9, 2012 workshop which included an update on this issue.

258

259

260 Mr. John Johnson, M&P Engineering (Mr. Uhde's engineer), stated this had languished long enough and they
261 wanted to bring it to a close. He believed what was originally constructed was adequate and they wanted to get
262 this approved.
263

264 Manager Haake asked if they meant they would be off the table and they were finished. Permit
265 Coordinator/Wetland Specialist Tomczik responded this addressed one of the issues in the Compliance Order.
266 He stated staff and the Engineer were satisfied they had addressed this issue. He noted there could be a future
267 phase of this permit that they were proposing to put off to a future date.
268

269 ***Motion by Manager Waller, seconded by Manager Ogata, to approve Resolution 2012-10, Resolution to***
270 ***Accept "No Further Action" Alternative for Century Farms North, Permit 02-129***
271

272 **ROLL CALL:**

273 ***Manager Haake – Aye***

274 ***Manager Ogata – Aye***

275 ***Manager Wagamon - Aye***

276 ***Manager Waller – Aye***

277 ***President Preiner - Aye***
278

279 ***Motion carried 5-0.***
280

281 **3. Consider HEI Task Order for Houle/Hair Mitigation Bank Vegetative Management (Phil Belfiori)**

282 Administrator Belfiori explained this was discussed at the Board workshop on April 9, 2012. He noted the services
283 to be provided are completion of the wetland mitigation bank monitoring tasks identified for Years 1-2 of the
284 Wetland Mitigation banking Plan, with the exception of hydrologic monitoring. Hydrologic monitoring will be
285 completed under a separate task order. The annual monitoring report will include vegetation monitoring data
286 compiled by CCES, as well as hydrologic monitoring data compiled by HEI. He stated that this task order also
287 included meetings, field visits, and correspondence with RCWD, subcontractors, and Technical Evaluation Panel.
288 Lastly he stated that under the proposed task order, CCES would provide management and oversight of all work
289 performed by subcontractors whom are implementing the wetland restoration tasks within the Houle-Hair
290 Wetland Bank plan.
291

292 He noted HEI had estimated the total cost of services at \$76,000.00. If approved, the total cost of all HEI services
293 would be consistent with the Estimated vegetative restoration costs for "option 2" as defined in the March 30,
294 2012 memo from Jason H. of CCES as discussed at the April 9, 2012 Board workshop.
295

296 ***Motion by Manager Ogata, seconded by Manager Wagamon, to approve the Houston Engineering request for***
297 ***service with a total cost of \$76,000.00 as defined in the attached HEI memo dated April 19, 2012 and***
298 ***authorize the Board President to execute the document. Motion carried 5-0.***
299

300 **4. Consider 2011 Audit and Annual Report (Phil Belfiori)**

301 Administrator Belfiori presented the 2011 Audit and Annual Report for acceptance by the Board.
302

303 ***Motion by Manager Wagamon, seconded by Manager Ogata, to accept, approve, and authorize filing of the***
304 ***Rice Creek Watershed District 2011 Audit.***
305

306 Manager Waller stated he noticed the Board of Director's expenses had previously been itemized individually by
307 committees and per diems. He asked this be considered again in the future.
308

309 Manager Haake stated the annual report was very nicely done and thanked Dawn Pape and Theresa Stasica for
310 their work on this. She asked she did not see where they had been putting in funds for PRAP report. District
311 Administrator Belfiori stated the District had not done that yet, but they were looking into it.
312

313 ***Motion carried 5-0.***
314

- 315 **5. Consider Check Register dated 4/25/2012, in the amount of \$213,775.38, prepared by HLB Tautges**
316 **Redpath.**
317

318 ***Motion by Manager Wagamon, seconded by Manager Ogata, to approve check register dated 4/25/2012, in***
319 ***the amount of \$213,775.38, prepared by HLB Tautges Redpath. Motion carried 5-0.***
320

- 321 **6. Consideration of Curly Leaf Pondweed Grant and Project on Bald Eagle and Reshanau Lakes**

322 District Administrator Belfiori explained as in previous years they were presenting to the Board for approval two
323 grants both for Curly Leaf Pondweed treatment for Bald Eagle and Reshanau Lakes.
324

325 ***Motion by Manager Haake, seconded by Manager Waller, to approve the District's involvement in the 2012***
326 ***Curly Leaf Pondweed treatment for both Bald Eagle Lake and Reshanau Lake and authorize the administrator***
327 ***to execute the necessary contracts. Motion carried 5-0.***
328

329 ***Motion for Manager Haake, seconded by Waller, to approve entering into the professional services for***
330 ***treatment for Bald Eagle Lake and Reshanau Lake not to exceed \$45,000.00 and to sign the necessary***
331 ***contracts. Motion carried 5-0.***
332

- 333 **7. Consideration for Dredging of Long Lake Sediment Basin**

334 District Administrator Belfiori explained this was a follow up to a workshop discussion. He stated staff was
335 recommending the Board move forward with the following items as identified in the workshop discussion: The
336 contractor for the Long Lake Inlet project be required to finish the inlet project as previously defined and staff is
337 to move forward with a change order to extend the contract date; direct staff to work with the Ramsey County
338 parks staff to extend the access agreement date and other necessary language to allow for the sediment basin
339 work and to move forward with a formal expedited bid process for the excavation of sediment form the Long
340 Lake Sediment basin.
341

342 District Engineer Deutschman added that the board desires hydraulic dredging only.
343

344 ***Motion by Manager Haake, seconded by Manager Wagamon to approve the contractor in the inlet be***
345 ***required to finish the inlet project as previously defined; staff is to move forward with a change order to***
346 ***extend the contract date; direct staff to work with the Ramsey County parks staff to extend the agreement***
347 ***date and other necessary language to allow for the sediment basin work; to move forward with a formal***
348 ***expedited bid process for the excavation of sediment form the Long Lake Sediment basin; and for hydraulic***
349 ***dredging only. Motion carried 5-0.***

350

351

ITEMS FOR DISCUSSION AND INFORMATION

352

1. Staff Reports

353

District Administrator Belfiori updated the Board on the Jordell Culvert plans and specifications.

354

355

District Administrator Belfiori updated the Board on moving forward with quotes on the minor maintenance work within the former Houle wetland bank area.

356

357

358

2. May Calendar

359

There were no comments.

360

361

3. Manager's Update

362

There were Manager's updates.

363

364

ADJOURNMENT

365

Motion by Manager Haake, seconded by Manager Waller, to adjourn the meeting at 10:39 a.m. Motion carried 5-0.

366