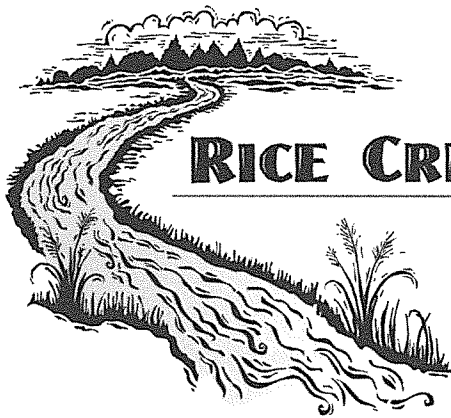


Approved



RICE CREEK WATERSHED DISTRICT

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REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, May 9, 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 David Bauer, Water Resource Specialist Kyle Axtell and Office Manager Theresa Stasica
- Consultants: District Engineer Mark Deutschman, Houston Engineering, Inc. (HEI); District Attorney Lois Smith from Smith Partners
- Visitors: None.

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 Kari Oquist Appointment to CAC".

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

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the April 25, 2012, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 5-0.

BOARD OF MANAGERS >

Barbara A. Haake
Ramsey County

Steven P. Wagamon
Anoka County

Harley M. Ogata
Ramsey County

Patricia L. Preiner
Anoka County

John J. Waller
Washington County

30 **Minutes of the April 25, 2012, Board of Managers Meeting Regular Meeting. Motion by Manager Haake, seconded by**
31 **Manager Wagamon, to approve the minutes as presented. Motion carried 5-0.**

32
33 **Minutes of the April 25, 2012, Board of Managers Joint Workshop Meeting with Hugo City Council. Motion by**
34 **Manager Wagamon, seconded by Manager Ogata, to approve the minutes as presented.**

35
36 Manager Waller requested the following changes:

37 Page 13, to add: under The Oneka Ridge Golf Course Project discussion, drainage issues that involve the landowners (1)
38 phosphorus and (2) the benefited landowners and their rights regarding the drainage issue.

39
40 **Managers Wagamon and Ogata accepted the changes as recommended. Motion carried 5-0.**

41
42 **OPEN MIKE – LIMIT 12 MINUTES.** Any RCWD resident may address the Board in his or her individual capacity, for up to
43 three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the
44 record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on
45 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
46 agenda.

47
48 There were no comments made at Open Mike.

49
50 **ITEMS REQUIRING BOARD ACTION**

51 **1. Consider Authorizing Bids for Long Lake Sediment Basin (Phil Belfiori)**

52 District Administrator Belfiori explained the Long Lake Sedimentation Basin Dredging Project is intended to
53 address accumulated sedimentation within the Long Lake Sedimentation Basin located directly upstream of the
54 ongoing Rice Creek/Long Lake Inlet Basic Water Management Project and located several hundred feet upstream
55 of where Rice Creek enters Long Lake within the City of New Brighton.

56
57 District Administrator Belfiori stated it is anticipated, according to estimates and from survey information taken
58 on March 19, 2012, this project will remove approximately 7,000 cubic yards of sediment. The project will be bid
59 with a hydraulic dredging method only. Houston Engineering total cost of project is estimated at \$168,000 with a
60 10% contingency, and with the assumption that the sediment is Level 1, meaning it contains little or no
61 contaminants. The bid recommendation is anticipated to be provided to the Board of Managers during their June
62 27, 2012 meeting.

63
64 District Administrator Belfiori recommended the Board consider a motion to acknowledge receipt of project
65 plans and specifications from District Engineers and authorize staff, with assistance from Houston Engineering, to
66 solicit bids for the construction of the Long Lake Sedimentation Basin Dredging Project.

67
68 **Motion by Manager Waller, seconded by Manager Wagamon, to acknowledge receipt of final plans and**
69 **specifications from Houston Engineering and authorize staff, with assistance from Houston Engineering, to**
70 **solicit bids for project construction of the Long Lake Sedimentation Basin Dredging Project.**

71
72 Member Haake stated when an estimated price is noted in memorandum and bids are requested, the number(s)
73 are public. She asked if this would skew the bidding process. District Engineer Deutschman replied there is a
74 chance that it could but he would be more worried in the absence of competition because this will drive the
75 construction project cost. He added that estimates from the engineer, in terms of cost, are needed on projects.

76

77 Manager Haake asked if numbers need to be publicized. District Engineer Deutschman replied he believes there is
78 nothing in the law that states they have to be disclosed.
79

80 District Attorney Smith stated the District is required to go through a process in which the engineer's estimate is
81 fixed and the Board needs to consider it in order to proceed with the project. In terms of advertising or
82 publicizing, it is not a requirement.
83

84 District Engineer Deutschman stated that the numbers are not in the actual advertisement. He added he wants
85 to ensure Board understanding that the bid documents reflect hydraulic dredging only with an assumption that
86 there is no de-watering on any park property. The June 27, 2012 date assumes all items will be worked out with
87 Ramsey County Parks on the agreement side as well.
88

89 **Motion carried 5-0.**
90

91 **2. Consider Urban Stormwater Remediation Cost-Share Program (Kyle Axtell)**

92 Water Resource Specialist Axtell presented the three proposals for the 2012 Urban Stormwater Remediation
93 Cost-Share Program. He noted three applications were received by the deadline of March 14, 2012. Total in the
94 program was \$184,592 available for implementation for grants and the total requested funds from these three
95 applications was \$125, 856.
96

97 Manager Haake asked, regarding the City of Fridley application, if the application comes back to the Board if the
98 infiltration ultimately done is other than what they're suggesting or there is a different cost, noting the cost-share
99 is 50%. Water Resource Specialist Axtell replied the only modification that would be required in the event it is
100 converted is the addition of drainage tile with an outlet below the basin. Realistically, the cost to do that would
101 not be significant and it might be something they are asked to do anyway.
102

103 Manager Haake asked if there are concerns will it again come before the Board. Water Resource Specialist Axtell
104 replied if there is a significant cost increase and they want additional cost-share, it will need to come back to the
105 Board.
106

107 Water Resource Specialist Axtell presented the recommendation of staff and Citizens Advisory Committee that
108 the Board pass a resolution selecting the following projects for preliminary approval and ordering the required
109 public hearing to be held on May 23, 2012: City of Roseville – 2012 PMP and Flood Mitigation Projects at \$48,756;
110 City of Fridley – Moore Lake Infiltration Facilities at \$12,100; and, City of Centerville, et al. – Sodium Chloride
111 management Program at \$65,000.
112

113 Manager Ogata asked if a year or two ago the Board considered a chloride reduction project on a stormwater
114 remediation program. Water Resource Specialist Axtell replied yes, they have had two other applications for
115 consideration. The first, the City of Columbus, received some funding through this program to construct a salt
116 storage shed at their public works facility. The second, which was not funded, was White Bear Township,
117 requesting to install monitoring equipment on their trucks; however, the program itself wasn't going to reduce
118 the amount of salt on the road, it was more to monitor what they're putting down so it was kind of an implicit
119 reduction.
120

121 Manger Ogata asked about a previous discussion regarding chloride not necessarily being a recognized pollutant
122 in terms of TMDL processes, which may have been one of the reasons why the White Bear Township program was
123 not funded. On the other hand, there was previous discussion with the City of Columbus that the Board did
124 recognize chloride at that time and it is listed in the RFPs as an eligible pollutant.

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Manager Ogata asked if the reason chloride is not a priority issue is because it does not have the same status as phosphorus, for example. Water Resource Specialist Axtell replied they currently do not have impaired listings for chloride in the Watershed District but on MPCA's 2014 draft 303(d) impaired waters list there will be chloride impairments.

Manager Ogata clarified that at this time chloride would be recognized as a reduction within the framework. Water Resource Specialist Axtell replied it is not a priority but chloride is an emerging issue throughout the metropolitan area.

Motion by Manager Haake, seconded by Manager Wagamon, to approve Resolution 2012-11, Resolution for Selection of 2012 Urban Stormwater Remediation Cost-Share Projects.

ROLL CALL:

- Manager Haake – Aye**
- Manager Ogata – Aye**
- Manager Wagamon – Aye**
- Manager Waller – Aye**
- President Preiner - Aye**

Motion carried 5-0.

Water Resource Specialist Axtell reiterated that the resolution calls for a public hearing, which will be held on May 23, 2012 at 9:30 a.m. at the regular Board meeting

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

a. A12-01: White Lake Shore Restoration (West Moore Lake)

Water Resource Specialist Axtell presented the project, located at 5901 West Moore Lake Drive in Fridley, to restore 55 feet of lakeshore on West Moore Lake, a Tier II waterbody. Moore Lake is not listed as impaired but East Moore Lake is listed and the RCWD has been pursuing significant efforts to prevent the 303(d) listing of West Moore Lake. It was noted the existing shoreline is highly eroded and restoration will include aquatic emergent plantings, upland buffer plantings, and biologists to protect the restoration until it is fully established.

Water Resource Specialist Axtell presented the recommendation of staff and the Citizen Advisory Committee (CAC) to approve Water Quality BMP Cost-Share funds for Patrick and Shyrl White's lakeshore restoration project.

Motion by Manager Waller, seconded by Manager Haake, to approve RCWD Water Quality BMP Cost-Share Contract A12-01 for Patrick and Shyrl White's lakeshore restoration project, up to \$3,760.00, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

b. A12-03: Armas Lakeshore Restoration (Reshanau Lake)

Water Resource Specialist Axtell presented the project, located at 6773 East Shadow Lake Drive in Lino Lakes, to restore 80 feet of lakeshore on Reshanau Lake, a Tier II waterbody that is listed on MPCA's 303(d) impaired water list. The existing shoreline consists largely of a failed timber retaining wall and is highly eroded. The restoration will include removal of the failed wall and installation of a biologist and upland buffer plantings to filter runoff and

172 stabilize the shoreline. The landowners are actively trying to sell the property. In talking with legal counsel, the
173 Board has the ability to require a recorded maintenance declaration for this project, for a term of five years,
174 because this property is likely to change hands in the near future, recording the declaration would pass that
175 maintenance requirement on to the new property owner.

176
177 President Preiner expressed concern with giving dollars to someone who is selling because they don't have a
178 vested interest and it is unknown if the future owners would choose the same. Due to being in transition, the
179 property buyer should come in and apply.

180
181 Manager Haake noted the maintenance declaration and suggested the real estate agent should tell potential
182 buyers this is something they will need to do because some may have no interest. She added that maybe the
183 seller is doing this to increase property value. Water Resource Specialist Axtell replied he would imagine project
184 completion would improve salability but from a resource perspective there is an opportunity to install a
185 restoration project and in this case the maintenance requirements will be stronger than on a typical approval.

186
187 President Preiner stated it would be nice if the new owner(s) were excited about the restoration and maintain it
188 versus somebody who would not.

189
190 Manager Haake stated the CAC approved the request with the same concerns brought up by the Board. She
191 suggested that after new ownership, inspectors visit and talk with them. Water Resource Specialist Axtell replied
192 there are annual project inspections to ensure they are adequately maintained and it would apply to this case,
193 plus the legal maintenance requirement would be in place.

194
195 ***Motion by Manager Haake, seconded by Manager Wagamon, to approve RCWD Water Quality BMP Cost-Share Contract A12-30 for Nancy Armas's lakeshore restoration project, up to \$4,415.00, not to exceed 50% of eligible project expenses, in accordance with established program guidelines and contingent upon the recordation of an approved maintenance declaration.***

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200 President Preiner requested a roll call vote.

201
202 **ROLL CALL:**

203 ***Manager Haake – Aye***

204 ***Manager Ogata – Nay***

205 ***Manager Wagamon – Aye***

206 ***Manager Waller – Aye***

207 ***President Preiner - Nay***

208
209 ***Motion carried 3-2.***

210
211 **c. R12-02: Favre Raingarden (Priebe Lake)**

212 Water Resource Specialist Axtell presented the project, located at 3632 Rolling View Drive in White Bear Lake, to
213 install a backyard raingarden to intercept runoff from a one-half acre drainage area (5,100 square feet of
214 impervious surface) including the rear of four properties and half of each house. Runoff from this area currently
215 flows to City storm sewer with a direct discharge to Priebe Lake, a small DNR public water just south of White
216 Bear Lake. Priebe Lake has not officially been assigned a management tier by the RCWD due to lack of available
217 information; however, water quality monitoring began through the CAMP program in 2010, which resulted in
218 Priebe Lake being included on the MPCA's draft 2014 303(d) list of impaired waters.

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Manager Ogata asked staff to define CAMP. Water Resource Specialist Axtell responded it is the Citizen Assisted Monitoring Program.

Water Resource Specialist Axtell presented the recommendation of staff and the CAC to approve Water Quality BMP Cost-Share funds for Tim and Shannon Favre's raingarden project.

Manager Haake stated the CAC questioned the clean-up process. Priebe Lake is most likely currently a stormwater pond originally. She referenced the Water Quality BMP Cost-Share Program Project Screening Form with a total score of 32, noting the minimum eligibility is 30. She added when the commissioners went through the points it was questioned whether Erosion and Sediment Control is really a six and also if it is really doing that much under Wildlife Habitat Improvement. Another question that arose was signage; is it placed in the backyard or elsewhere. The conclusion was that some of the score numbers have been represented on the high side to get it to a 32 total score.

Water Resource Specialist Axtell responded District Technicians use the screening form, it is simply a screening tool that used to be a ranking form but is now used to determine what is considered bad projects so they don't progress. He added although this project falls on the low end of the spectrum per the screening form, on its own merits it is a good project and worth bringing to the Board for consideration.

Manager Waller asked where the outlet for Priebe Lake is located and how it flows. Water Resource Specialist Axtell replied the outlet is at the northeast corner of the lake, by Century Avenue; it exits the lake and enters the storm sewer which then drains directly into White Bear Lake.

Manager Waller stated when they built Lake Drive in White Bear Lake, it included a newer type catch basins to make sure the quality of water that went through the stormwater system to White Bear Lake was of a higher grade than it was with the old system. Manager Waller asked if any of this was updated. Water Resource Specialist Axtell replied he has no knowledge of that.

Manager Haake stated they are looking at a lower spot, 1014, and the neighbors are at 1012. She asked if the drainage is all going to that area.

Manager Waller stated White Bear Lake is one of the top scores for lakes. Priebe Lake is in bad shape, emptying into White Bear Lake, compounding the problem so they are interested in doing preventive action upstream.

Motion by Manager Waller, seconded by Manager Wagamon, to approve RCWD Water Quality BMP Cost-Share Contract R12-02 for Tim and Shannon Favre's raingarden project, up to \$1,145.46, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

4. Consider Authorizing Initiation of Quiet Title Action (Phil Belfiori)

Manager Haake stated she has been handed the gavel for this consideration by the President's request. President Preiner replied she will be abstaining from this agenda item due to family relations.

Administrator Belfiori stated in addition to resolution 2012-12, distributed before the meeting was a memorandum dated May 7, 2012 from Drainage Attorney Kolb. On April 12, 2012, the Houle family filed a Notice of Adverse Claim and Deed of Trust with the Anoka County Recorder's Office. The Houle family claim clouds the District's title to property preventing planning of the potential two acre lot sale to Connexus.

266 Drainage Attorney Kolb is advising the Board to provide authorization for the District to bring a quiet title action
 267 as well as a title to slander action, summarized in the memorandum and identified in the order Resolution 2012-
 268 12. In addition, the resolution identifies a demand the District bring that the Houles vacate the Notice of Adverse
 269 Claim and Deed Trust upon 10 days notice prior to filing the action to quiet title.

270
 271 **Motion by Manager Waller, seconded by Manager Ogata, to approve Resolution 2012-12, Resolution**
 272 **Authorizing Initiation of Quiet Title Action Related to the Former Houle Property**

- 273 a. **The Board authorizes the initiation of an action to quiet title in the former Houle parcel to include a**
 274 **claim of slander to title should the Notice of Adverse Claim and Deed of Trust prove baseless**
- 275 b. **The Board directs its attorney to transmit a demand to Houles to vacate the Notice of Adverse Claim and**
 276 **Deed of Trust upon 10 days' notice prior to filing the action to quiet title**

277
 278 **ROLL CALL:**

- 279 **Manager Haake – Aye**
- 280 **Manager Ogata – Aye**
- 281 **Manager Wagamon – Aye**
- 282 **Manager Waller – Aye**
- 283 **President Preiner - Abstain**

284
 285 **Motion carried 4-0-1 (President Preiner abstained.)**

- 286
- 287 **5. Consider Check Register dated 5/9/2012, in the amount of \$23,557.87, prepared by HLB Tautges Redpath.**
 288 **Motion by Manager Wagamon, seconded by Manager Ogata, to approve check register dated 5/9/2012, in the**
 289 **amount of \$23,557.87, prepared by HLB Tautges Redpath. Motion carried 5-0.**

- 290
- 291 **6. Consider of Kari Oquist Appointment to Citizen Advisory Committee (CAC).**
 292 District Administrator Belfiori stated this is a follow-up to an interview the Board conducted on May 7, 2012 of an
 293 applicant from Ramsey County, Kari Oquist, a resident of Mounds View. District Administrator Belfiori presented
 294 the recommendation of staff to appoint Kari Oquist to CAC.

295
 296 **Motion by Manager Haake, seconded by Manager Ogata, to appoint Kari Oquist to CAC.**

297
 298 Manager Waller pointed out that Kari Oquists' background comprises the University of Minnesota Agricultural
 299 School and a dairy farm and being a past member of the Board of Directors of the MN Institute of Sustainable
 300 Agriculture so she would be helpful on the Committee.

301
 302 Manager Haake asked the term. President Preiner replied appointments are for three years.

303
 304 **Motion carried 5-0.**

305
 306 **ITEMS FOR DISCUSSION AND INFORMATION**

- 307 **1. Engineer's Report and Timeline.**
 308 District Engineer Deutschman stated the Jodrell Street cover replacement is out for quotes and is moving forward.

309

310 District Engineer Deutschman provided an update of the Long Lake inlet dredging, which was discussed at the
311 Monday workshop, noting a change order was issued for some additional quantity of 100 yards of material and
312 the completion date extended to better align with the Long Lake Sediment Basin Project.
313

314 District Engineer Deutschman stated regarding the ACD 15/JD 4 Repair Report, they are currently seeking quotes
315 for herbicide treatments. A pre-bid meeting with contractors was held on Monday, and the channel will be
316 opened a bit starting today. Construction documents will be seen next month with a request for bid
317 authorization for the rest of the project.
318

319 District Engineer Deutschman stated hydrology monitoring is in place again for this year, per the requirement for
320 a banking application, and they hopefully are in final discussions with the core of engineers on said application. A
321 conference call has been set for May 15, 2012.
322

323 Manager Haake noted that money has been given to do LIDAR (Light Detection And Ranging) throughout the
324 state of Minnesota, and RCWD has done theirs to the tune of almost one million dollars. She asked about
325 compatibility.
326

327 District Engineer Deutschman replied the LIDAR collected for the District was at a cost of less than \$70,000 but
328 the whole program-District wide Modeling was closer to the million dollar mark. He understands the state has
329 decided to recollect over the top of what has already been done based on technical reasons. For example,
330 meshing the data together. The DNR is moving developing a website whereby data can be downloaded. The Rice
331 Creek data is currently available to anyone who wants it.
332

333 Manager Waller stated there are advantages to having several different mappings because it gives comparisons
334 over time as to what elevations are, for example lake levels. District Engineer Deutschman replied due to rapidly
335 changing technology the quality of data collection has changed and is now more accurate.
336

337 **2. Manager's Update**

338 District Administrator Belfiori reminded the Board of the Anoka County Ditch 10-22-32 Repair Report public
339 hearing on May 17, 2012 at 6:30 p.m., at the Lino Lakes City Hall Chambers.
340

341 Manager Haake stated she recently attended the Mounds View City Council Meeting Workshop at which
342 Mn/DOT staff spoke about the reconstruction of 694 and widening of the Lexington Bridge, which likely will
343 impact several cities. A useful website was provided www.511mndot.org.
344

345 **ADJOURNMENT**

346 ***Motion by Manager Ogata, seconded by Manager Wagamon, to adjourn the meeting at 10:19 a.m. Motion carried 5-***
347 ***0.***