

Approved



RCWD

RICE CREEK WATERSHED DISTRICT

REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, August 14, 2013

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, Water Resource Specialist Kyle Axtell, Inspector Elizabeth Hosch, Office Manager Theresa Stasica.

Consultants: District Engineers Mark Deutschman and Chris Otterness, 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 added the following two items under Discussion: 3. Possible dates for public information meeting for RCD 2, 3, and 5 Historical Review Memo. 4. Update on St. Anthony street project permit

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

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the July 24, 2013, Board of Managers Regular Meeting. Motion by Manager Wagamon, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 5-0.

CONSENT AGENDA

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:

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PERMIT APPLICATIONS REQUIRING BOARD ACTION

No.	Applicant	Location	Plan Type	Recommendation
12-005	Xcel Energy	Arden Hills	Bridge/Culvert Crossing	APPROVAL

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Motion by Manager Wagamon, seconded by Manager Ogata, to approve Permit 12-005. Motion carried 5-0.

No.	Applicant	Location	Plan Type	Recommendation
13-060	City of Mahtomedi	Mahtomedi	Bridge/Culvert Crossing	CAPROC 4 items

Motion by Manager Ogata, seconded by Manager Wagamon to CAPROC Permit 13-060. Motion carried 5-0.

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

There were no comments made at Open Mike.

ITEMS REQUIRING BOARD ACTION

1. Water Quality BMP Cost-Share Applications

a. A13-04: Juffer Lakeshore Restoration & Buffer (Reshanau Lake)

Water Resource Specialist Axtell explained this cost-share application was for a lakeshore restoration in the City of Lino Lakes on the east side of Lake Reshanau. He noted Reshanau Lake was a tier three lake. He indicated the property in question had a 90-foot linear shoreline, with 30 feet actively eroding. He stated a combination of erosion control blanket, native plantings, minor re-grading and biolog installation was slated for different sections. He indicated the Anoka Conservation District was estimating the total project cost, including a ten percent contingency would be \$5,114.23. The application was requesting \$2,557.12 in cost-share from the District. He stated the Citizen Advisory Committee had received this application at their recent meeting and recommended the Managers approve the project and staff supported the project.

Motion by Manager Haake, seconded by Manager Ogata, to approve RCWD Water Quality BMP Cost-Share Contract A13-04 for Amy Juffer’s lakeshore restoration project, up to \$2,557.12, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

b. R13-06: Menanteau Raingarden (Ramsey Conservation Ditch 4, Little Lake Johanna)

Water Resource Specialist Axtell explained this cost-share application was for a raingarden in Roseville. He stated this project was aimed at volume control in Ramsey Ditch 4. He stated the raingarden would take roof runoff and runoff from adjacent areas. He stated the landowner had received two bids for the project with the low bid of \$5,727.95 from Outdoor Lab, which had been approved by the Ramsey Conservation District. He noted the proposal was considered by the Citizen Advisory Committee at its recent meeting and they recommended the Managers approve the project and staff supported the application.

Manager Haake asked what the elevation was when it went down. Water Resource Specialist Axtell responded this property did not have a curb cut, so bringing water off the street would not work for this raingarden. He noted there would be some runoff from a neighboring property to the north that would also run into the raingarden.

86 Manager Haake inquired as to how much they had left in this cost share. She stated while any raingarden was
87 good to have, this was taking it off of the applicant's impervious surface. Water Resource Specialist Axtell replied
88 the District had sufficient funding in the cost-share program for the rest of the year. He believed there was
89 approximately \$25,000 left for Ramsey County. He stated while this project was not a high priority, a curb-cut
90 was not feasible and they were not proposing to do it here.

91
92 Manager Haake stated this raingarden did not seem to be helping much. She asked if there was a way to give
93 funds less than the fifty percent. Water Resource Specialist Axtell stated the program was offered as a fifty
94 percent cost share.

95
96 President Preiner noted the program stated up to fifty percent so they could do less.

97
98 Manager Haake stated she would be voting against this project because she did not see as much of an impact
99 overall.

100
101 Manager Ogata asked if at the end of the year if they still had money in the fund would Manager Haake approve
102 this project. Manager Haake stated she would have carried the funds over for a project that had more value or
103 was by a lake, or a large culvert where the water went directly into a lake.

104
105 Manager Waller stated retrofitting an area that drained to a lake had to begin someplace and while this did not
106 have a curb-cut maybe this was something that staff could start to work with the Cities on. He stated this was
107 really a retrofit program and he did not have any problem supporting the project. He noted there were sufficient
108 funds in the account and he believed there would be more and more types of these projects.

109
110 Manager Ogata asked Water Resource Specialist Axtell's opinion on what staff thought about the project. Water
111 Resource Specialist Axtell responded staff supported the project and it fit within the guidelines of the program.
112 He noted this project was similar to another project they approved last month. He believed this project would
113 improve water quality and local flooding issues by trying to remove some of the volume.

114
115 Manager Haake stated it was like all government agencies where they had the money, so let's spend it. She noted
116 the project location distance between the lakes seemed to be great between the two. She stated she supported
117 anything that would be of a greater value for holding water back, but not this project.

118
119 ***Motion by Manager Ogata, seconded by Manager Waller, to approve RCWD Water Quality BMP Cost-Share***
120 ***Contract A13-04 for Diana and Dario Menanteau's raingarden project, up to \$2,863.93, not to exceed 50% of***
121 ***eligible project expenses, in accordance with established program guidelines.***

122
123 **ROLL CALL:**
124 ***Manager Waller - Aye***
125 ***Manager Haake- Nay***
126 ***Manager Ogata - Aye***
127 ***Manager Wagamon - Aye***
128 ***President Preiner - Nay***

129
130 ***Motion carried 3-2.***
131

132 President Preiner agreed with Manager Haake that the District should take a closer look at what they were getting
133 for their money. She stated even though they had the funds, it was not a reason to move forward.
134

- 135 **2. Consider Check Register dated 8/14/13, in the amount of \$117,929.08, prepared by HLB Tautges Redpath.**

136
137 *Motion by Manager Wagamon, seconded by Manager Ogata, to approve check register dated 8/14/13, in the*
138 *amount of \$117,929.08, prepared by HLB Tautges Redpath. Motion carried 5-0.*
139

140 **ITEMS FOR DISCUSSION AND INFORMATION**

- 141 **1. Discussion on Draft Anoka County Ditch 72 Historical Review**

142 District Administrator Belfiori stated he has asked the District Engineer to talk about another historical review.
143

144 District Engineer Otterness presented the Anoka County Ditch 72 historical review.
145

146 Manager Haake asked a question about Figure 3, noting the purple section was a section that had been
147 abandoned which was part of the Eaglebrook Church construction.
148

149 Manager Haake asked which was ditch (72) and where were all of the branches. She asked if all branches and
150 laterals going out were ditch 72 at the beginning of the 1900's. District Engineer Otterness responded that was
151 correct.
152

153 Manager Haake asked if the District was responsible for all of the laterals, storm sewer system, for this system as
154 indicated on the map. District Engineer Otterness responded that was correct and it was quite an extensive
155 system.
156

157 Manager Waller asked if the laterals had been damaged like ACD 55 by deep tillage. District Engineer Otterness
158 responded he believed there were some areas damaged by that manner, but he was not sure where. He stated it
159 was not the same as ACD 55 as that was very shallow in one particular location and that was why it was being
160 destroyed by the tillage.
161

162 Manager Ogata asked if this was all tile. District Engineer Otterness responded there was a short length of about
163 500 feet at the outlet that was open channel and another 1,000 feet of storm sewer with the remainder tile.
164

165 Manager Waller asked if this change was due to Eaglebrook Church. District Engineer Otterness responded that
166 was correct.
167

168 Manager Waller asked on the recommended alignment how this would solve the volume problem. District
169 Engineer Otterness replied the abandonment would not solve any issues from a capacity or a constructability
170 standpoint but rather to help with management for the District to not have to manage a lot of these small tiles
171 that were only for one landowner and did not provide a public benefit.
172

173 Manager Waller stated they must have served a public benefit as it was a public system. He stated when he was
174 told there was a problem with the system having too much water and the system was being blown out which
175 caused the damage; however he was not hearing how the problem was going to be solved but rather how they
176 were going to shift the responsibility for the payment to individuals instead of the public. District Engineer
177 Deutschman noted this was a spider web of tile systems that were interconnected and they were trying to reduce
178 the burden for the District of maintaining the spider network with the legal right to drain into the tile. What they

179 were not showing on the current slide was the individual parcels overlaid on this system. He stated they were
180 recommending portions of the sytembeing abandoned. He stated the way how derived at this was that they
181 looked at the individual parcels and their ownership and verified that each owner would still be connected to the
182 public system. He stated they were still recommending the abandoned tile to remain in place, but they were also
183 recommending that the maintenance for those tiles be done by the individual and not the District. He stated this
184 would not fix the overload of the system and this would be the next step after they create a public record as to
185 what the system is. At that point, they would be looking at how to repair the system.
186

187 Manager Waller stated if he was an individual property owner and he had a property right of drainage and
188 maintenance by the public system, he would not support the shift of this burden to the individual. He stated
189 several things happened, such as individuals did not have the knowledge of a wetland or drainage system as well
190 as when they accept this burden then they had all of the technicalities that went along with it and would never
191 catch up. He noted they had this problem all of the time where small property owners came in and said they had
192 a problem and then they got involved with the Clean Water Act and the Wetland Conservation Act and those
193 owners find themselves with a problem they cannot solve because they did not have the technical knowledge. In
194 addition, if he was a City and the system was going to be stormwater drainage system that controlled volume
195 would be shifted to the private property owner, he would be wary of that as it would impact potential
196 development.
197

198 Manager Haake stated when they have a trunk system, laterals, and branches, a lot of times Cities were using
199 those as the stormwater conveyance systems and those conveyance systems were paid for by the City itself. She
200 stated the laterals would need to be a compromise with the landowners. She stated as they went through this,
201 would this be another combination of financing that had to deal with a wetland water management area where
202 they did not do the whole thing ad velorem.
203

204 Manager Waller stated on the RCWD Water Management Plan, there were a limited number of systems that were
205 handled by ad velorem cost and he did not think this was one of those. He believed this was not the main stream,
206 Ramsey County 2, Hardwood creek, or Clearwater Creek, which were the trunk systems with ad velorem on them.
207 So he believed they would be creating a taxing district for all of the others, except the ones mentioned.
208

209 District Administrator Belfiori noted the process was to provide the Managers a first glimpse at the historical
210 review memo and the next step would be a public information meeting for the landowners and at that point,
211 they would gather comments, the comments would be responded to, it would go to a workshop, then a public
212 hearing, and finally a board meeting with findings. He noted there would be ample opportunities to modify this
213 and this was an introductory step with the ability to bring these issues back.
214

215 Manager Haake stated they were also talking about abandoning some of the spider webs.
216

217 Manager Waller stated that he agreed with the administrator that it was too early to be talking about
218 abandonment.
219

220 Manager Ogata stated if they assumed that all of the abandoned ones still maintained connections and then they
221 factored in future development would they build capacity for that on the parts they would repair. District
222 Engineer Otterness stated that would be something they would need to look at once a repair process began.
223 However, he noted if the capacity was increased that would be an improvement.
224

225 Manager Ogata asked if they did not improve, but just maintained and all of the private parts were still there,
226 would they have enough capacity or would there be blow outs. District Engineer Otterness responded it was his

227 opinion now that there would be issues likely as it was right now without making a change to what the geometry
228 of the system was. He noted the system was constructed to too small right now.
229

230 District Engineer Deutschman stated the private lands had the right to put their water in the tile, but it was a
231 matter of them having to maintain the private tile connection to the main tile. He noted this system was on the
232 same path as ACD 55 so there would be problems with an overburdened tile system which did not work properly
233 under the existing condition and it would not work in the future as the area developed.
234

235 Manager Waller asked what had changed to cause the system to be overburdened. District Engineer Otterness
236 believed the system was probably overburdened probably from the beginning. The level of agriculture that had
237 been going on modern times end up putting a larger burden on the system as well as the expanding development
238 that had occurred in the system. He believed the system was originally designed much too small.
239

240 Manager Waller stated the original design was not designed properly from the beginning and more modern
241 agricultural practices had increased the burden on the system that was under designed. He asked how much of
242 the system attributed to the different changes of the agricultural techniques and to the housing development has
243 changed the under designed system. District Engineer Otterness stated in his opinion the system was under
244 designed from the beginning and the modern agricultural practices did attribute to some of the change. He
245 stated with respect to how much of a different the agriculture and housing development changed the system, he
246 was not sure and it would be very difficult to figure that out. He stated he did know designs using the more
247 modern tile drainage manuals result in larger tile diameters than using the historic design information.
248

249 Manager Waller stated it was important to know this as they were determining a finite system and this would
250 determine how the land use in the future would be used because the volume and infiltration of the water that
251 were in excess of the capacity of the system had to remain in the area. He stated Peltier Lake downstream was
252 probably the worst lake in the District and this lake was a high priority and this system drained directly into it.
253

254 Manager Ogata asked if they were looking at the potential for two prongs where they would be looking at future
255 improvements as well as the repair. District Engineer Otterness stated they would like to look at alternatives to
256 alleviate the problems.
257

258 Manager Ogata asked why they would not consider doing both at the same time. District Engineer Otterness
259 responded that would seem logical.
260

261 District Engineer Deutschman stated they had been following the process the District had set out. He indicated it
262 was very important to get into the public record what the system actually was before they tried to maintain and
263 repair it. This was just the first step in the system. He stated if this area was to develop this system was not
264 sufficient. He stated at a workshop, the Managers might want to discuss what they needed to do with this system
265 to make it sufficient.
266

267 District Administrator Belfiori stated staff had requested a couple of different times to sit down and discuss ACD
268 55 with the City of Lino Lakes Council. He noted there was the potential for a future water quality protection
269 grant opportunity with Eagle Brook Church as well before ACD 72 discharged into Peltier Lake.
270

271 President Preiner asked if the staff was spending a lot of time and effort maintaining these shallow drain tile
272 systems. District Administrator Belfiori stated that these systems would characterized as a significant amount of
273 workload for staff, particularly on ACD 55.
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2. Possible dates for public information meeting for RCD 2, 3, and 5 Historical Review Memo

District Administrator Belfiori stated this was a follow up on their workshop meeting for a public information meeting for the RCD 2, 4 and 5 historical review memo. He stated they were looking at the week of September 23 for this meeting. He stated they were hoping to have the meeting at the New Brighton City Hall. The Managers chose September 24 and 26 as options.

3. Update on St. Anthony street project permit

District Administrator Belfiori stated the Managers were emailed a couple of weeks ago about this permit and since that email went out staff had received the additional information based on the CAPROC's and the permit would be able to be issued now.

President Preiner stated it seemed like the Cities were lagging on getting their information to the District. District Administrator Belfiori stated this was an issue related to the reuse system on their central park facility and it was an issue of the pumping records in order to determine if they had enough credits. He noted this was a unique situation.

Inspector Hosch stated this year she had seen an increase in road projects by the Cities without a permit. She believed there was some procedural disconnect on the Cities part which allowed for items to languish.

President Preiner asked if there was anything the Managers could do with the policy. She noted it appeared there was a lot of chasing of these permits. Inspector Hosch responded there was a lot of chasing down information and staff did their best to be on top of the outstanding CAPROC items. She stated staff has also been fielding complaints by citizens which brought their attention to projects being started without permits.

Permit Coordinator/Wetland Specialist Tomczik summarized the permitting process for the Managers.

President Preiner stated it would be nice to figure out a process where there would be less work for staff and maybe they could discuss this in the winter at a workshop.

Manager Waller stated he wanted to make sure any processes were equitable for all of the District customers. He stated it seemed to him that staff was using the enforcement procedures for both private citizens and public entities.

4. Discussion on new FEMA (Federal Emergency Management Agency) FIRMS (Flood Insurance Rate Maps) for Anoka County

District Administrator Belfiori stated the areas in red that were titled Previous Detailed Areas that were left as detailed means those were the areas that FEMA as chosen to leave as they had them previously and not incorporate the new Rice Creek modeling maps because they were previously studied in an intensive way. Administrator Belfiori asked the Board how much workload would they like the District Engineer to do to facilitate between the cities and FEMA in ask FEMA to take another look at the areas in red. The City of Centerville was concerned because the map did not incorporate the district modeling information. The city has asked the District Engineer to talk to FEMA. He stated he had told the City of Centerville that previous board direction to staff was that the City would be responsible for this type of follow-up with FEMA. He asked the Managers what they would like to do.

322 District Engineer Deutschman stated FEMA had been updating the flood insurance map for all of Anoka County.
323 He pointed out the different areas on the map. He noted the District had not mapped the floodplains in all areas
324 of the District but rather focused on the public drainage system (including Hardwood and Clearwater Creeks) and
325 Rice Creek. He indicated the District did not determine floodway when they did the modeling. He indicated it
326 appeared that FEMA did not use the information from the District where floodways were previously determined.
327 He noted when a permit came in, The District uses the "best available data" which would include FEMA's data,
328 but typically they would rely on the RCWD information. In terms of assisting the City, it would be up to the
329 Managers to decide. He stated the first step would be to call FEMA to find out what information they used with
330 the next step being what would the Managers want done about it. At that point the Managers would need to
331 make some decisions. He noted the budget had set aside \$5,000 for city assistance.
332

333 Manager Haake stated she did not object to the first step, but FEMA and the cities were the two who are
334 supposed to be doing the work together and it would be up to the City of Centerville to handle working with
335 FEMA after the call.
336

337 President Preiner stated it was important to have this coordinated so when a city did a project they did not have
338 to jump through a lot of processes back and forth. She stated she did not want the cities to be caught between
339 agencies and she wanted as much coordination between the agencies as possible.
340

341 District Engineer Deutschman stated the Manager could decide from a policy perspective to use the FEMA
342 information or the Rice Creek information depending on the situation and staff could bring this to a workshop to
343 discuss further.
344

345 Manager Waller asked if the elevations by FEMA were higher or lower by four feet than the RCWD and which did
346 the City of Centerville prefer. District Engineer Deutschman responded the RCWD were lower and that was what
347 the city wanted to use. He stated if the District wanted to work with the Cities in understanding what their flood
348 plains were and the usage, he believed the District staff needed to sit down with the cities to look at the impact of
349 the rules.
350

351 District Engineer Deutschman stated the ideal situation would be that there was no difference between the two.
352

353 Manager Haake recommended they start with the District Engineer contacting FEMA and finding out how FEMA
354 came to their conclusion and after that it should be up to the city and FEMA. She stated they could also discuss
355 this at a workshop in the future.
356

357 President Preiner stated she would like to see this broader and not just the City of Centerville also.
358
359

360 District Administrator Belfiori stated he would have this on a workshop for further discussion once the District
361 Engineer had found out the information.
362

363 **5. District Engineer's Update and Timeline**

364 There were no comments on the District Engineer's update and timeline.
365

366 **6. Manager's Update**

367 There were no Manager's updates.
368

369 **ADJOURNMENT**

370 ***Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:18 a.m. Motion carried 5-***

371 **0.**

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