



**JULY**

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# RCWD BOARD OF MANAGERS REGULAR MEETING AGENDA

Wednesday, July 8, 2015, 9:00 a.m.

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

## Agenda

### CALL TO ORDER

### ROLL CALL

### SETTING OF THE AGENDA

### APPROVAL OF JUNE 23, 2015 REGULAR BOARD MEETING MINUTES

### CONSENT AGENDA

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

#### Table of Contents

#### Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
15-046	Anoka County Highway Dept.	Columbus	Final Site Drainage	CAPROC 2 items
15-067	Winnick Supply Inc.	Forest Lake	Bridge/Culvert Crossing, Final Site Drainage	CAPROC 6 items

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated July 1, 2015.*

### OPEN MIKE

*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.*

### ITEMS REQUIRING BOARD ACTION

1. Consider Anoka Conservation District-Golden Lake Iron-Enhanced Sand Filter Project, Urban Stormwater Remediation Program-grant amendment request. (Kyle Axtell)

2. Consider check register dated 7/8/2015, in the amount of \$35,123.32 prepared by Redpath and Company.

### **ITEMS FOR DISCUSSION AND INFORMATION**

1. Discussion of Anoka-Ramsey Judicial Ditch 1, Branch 4 Repair-Design Goals and Objectives.
2. District Engineer update and timeline.
3. Manager's update.

### **ADJOURNMENT**

**APPROVAL OF JUNE 23, 2015 REGULAR  
BOARD MEETING MINUTES**

# DRAFT

For Consideration of Approval at the July 8, 2015 Board Meeting.  
Use these minutes only for reference until that time.

## REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, June 23, 2015

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

### Minutes

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#### **CALL TO ORDER**

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

#### **ROLL CALL**

Present: President Patricia Preiner, 1<sup>st</sup> Vice-Pres. Barbara Haake, 2<sup>nd</sup> Vice-Pres. John Waller, Secretary Michael J. Bradley, and Treasurer Steve Wagamon.

Absent: None

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Office Manager Theresa Stasica, District Technician Samantha Kreibich, and Technical Specialist/Permit Reviewer Chris Buntjer.

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

Visitors: Terry Buchanan, Chuck Daher, Mike Kraft, Gail Mikolich.

#### **SETTING OF THE AGENDA**

District Administrator Belfiori asked to have Permit 15-043 removed from the consent agenda and moved to Action Item 1 due to the variance.

*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 June 8, 2015, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 5-0.*

*Minutes of the June 10, 2015, Board of Managers Meeting Regular Meeting. Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 5-0.*

#### **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:

39 **CONSENT AGENDA**

40	<b>No.</b>	<b>Applicant</b>	<b>Location</b>	<b>Plan Type</b>	<b>Recommendation</b>
41	14-058	Kayak Remodeling	Mounds View	Land Development	CAPROC 5 items
42		And Redevelopment, LLC			
43	15-033	Sambatek, Inc.	Blaine	Floodplain Alteration	CAPROC 9 items
44				Final Site Drainage,	
45				Public/Private Drainage	
46				System Wetland Alteration	
47	15-042	Infinite Campus	Blaine	Final Site Drainage	CAPROC 10 items
48	15-052	Metropolitan Council	Shoreview/Mounds	Bridge/Culvert Crossing	CAPROC 3 items
49			View/New Brighton	Final Site Drainage	
50			Fridley/Blaine		
51	15-061	MnDOT	Forest Lake	Final Site Drainage,	CAPROC3 Items
52				Street & Utility Plan	

53  
 54 Manager Haake asked what was being done on the culvert designs because they have been discussing culverts and she  
 55 wondered if in other areas the cities are paying for the culverts. Technical Specialist/Permit Reviewer Buntjer indicated  
 56 regarding Permit 15-052, the Met Council is repairing a bunch of their sanitary sewer interceptors so they are realigning the  
 57 pipes and will be a lot of grading work done as portions are dug up.

58  
 59 Manager Haake asked if any of that project affected any of the Board’s projects. Technical Specialist/Permit Reviewer  
 60 Buntjer did not believe so. Manager Waller thought that repairing the interceptors, junctions was an important factor so  
 61 they did not have any spillage into the system. He supported any of the Metropolitan Council’s clean up maintenance  
 62 actions.

63  
 64 ***Motion by Manager Haake, seconded by Manager Bradley, to approve the consent agenda permits 14-058, 15-033, 15-***  
 65 ***042, 15-052, and 15-061 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s***  
 66 ***Findings and Recommendation, dated June 17 & 18, 2015. Motion carried 5-0.***

67  
 68 **ANNUAL PUBLIC INFORMATION MEETING ON THE DISTRICT’S STORM WATER POLLUTION**  
 69 **PREVENTION PROGRAM (SWPPP)**

70 President Preiner recessed the regular Board meeting and called to order the public information meeting on the Rice Creek  
 71 Watershed District’s Storm Water Pollution Prevention Program.

72  
 73 President Preiner stated the purpose of the meeting is to provide information to, and receive input from, the public  
 74 regarding the District’s Storm Water Pollution Prevention Program.

75  
 76 President Preiner asked District Technician Kreibich to provide a brief presentation for the audience.

77  
 78 District Technician Kreibich gave a presentation reviewing the annual report contents and the District’s SWPPP to the  
 79 Board.

80  
 81 Manager Waller asked if the pink areas on the map were the sewered areas and were those areas the only areas being  
 82 discussed in the plan. District Technician Kreibich indicated that was correct. Manager Waller stated dissolved oxygen and  
 83 bio-matters were determined to be natural as he recalled, because in that particular case in Hardwood Creek, ground water

84 outlets from the Marine and with the large organic soils in the area that depletes the oxygen in that area and he wondered  
85 why they need to create or maintain a program to try to rectify something that is natural in the world. He wondered how  
86 they could amend this if it is found to be natural.

87  
88 District Administrator Belfiori indicated currently they are required to report on them and currently the biota has been  
89 addressed by the District. The District is required to show appropriate progress and that we have made more than great  
90 progress with the Hardwood Creek restoration project. The restoration is meant to address all three of those bio  
91 impairments in Hardwood Creek. He noted they would have to contact the MPCA about this because they are the ones  
92 responsible for setting these impairments.

93  
94 Manager Waller realized the District has done its best, however sometimes if they discover something that is in the natural  
95 world and is not caused by interference from human activity then that should be recognized by the regulatory authorities.  
96 He wondered if the cost they expend on this and the improvements they make are really necessary in that area.

97  
98 President Preiner stated the purpose of this meeting is to receive comments and questions from interested parties  
99 regarding the Storm Water Pollution Prevention Program.

100  
101 No one wished to address the Board.

102  
103 President Preiner closed the public information meeting and reconvened the regular Board meeting.

104  
105 **OPEN MIKE – LIMIT 12 MINUTES.** *Any RCWD resident may address the Board in his or her individual capacity, for up to*  
106 *three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and*  
107 *address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will*  
108 *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*  
109 *matter be scheduled on an upcoming agenda.*

110 There were no comments made at Open Mike.

111

112 **ADDITIONAL ITEMS REQUIRING BOARD ACTION**

113 **1. Permit 15-043, Northeast Bank in New Brighton, Final Site Drainage, CAPROC 3 Items Variance Request.**

114 Permit Coordinator/Wetland Specialist Tomczik and Technical Specialist/Permit Reviewer Buntjer made a  
115 presentation to the Board.

116  
117 Permit Coordinator/Wetland Specialist Tomczik stated the district had received a signed variance application. He  
118 stated the District Engineer evaluated the variance request by applying the “Practical difficulties” test set forth in  
119 the municipal variance statute and incorporated by prior-adopted policy into the District’s variance standard. This  
120 standard is applied through the Board of Managers’ consideration and weighing of the following criteria:

121  
122 Permit Coordinator/Wetland Specialist Tomczik stated per practical difficulties criterion (a), the applicant has not  
123 fully met the Water Quality requirements of District Rule C.6(c).

124  
125 Technical Specialist/Permit Reviewer Buntjer stated District rules require for projects other than Public Linear  
126 projects, no more than 15% of the new or reconstructed impervious surface may be left untreated. The  
127 proposed project will result in 54% of the reconstructed impervious area being treated by a mechanical swirl  
128 separator (Eco-STORM). District considers this treatment device to be effective for pre-treatment of  
129 stormwater, but not an effective standalone treatment BMP to remove Total Phosphorus (TP). The proposed  
130 treatment may result in a slightly greater mass of TP reaching the existing downstream pond and Pike Lake

131 than if on-site BMPs were constructed in compliance with District Water Quality requirements. However, the  
132 proposed treatment will reduce mass of TP below that of existing runoff conditions.  
133

134 Permit Coordinator/Wetland Specialist Tomczik stated per practical difficulties criterion (b), The effect the  
135 variance would have on government services.  
136

137 Technical Specialist/Permit Reviewer Buntjer stated per criteria (b), issuance of a variance for the project  
138 is not expected to have any negative effect on government services.

- 139 a. Whether the variance will effect a substantial change in the character of the watershed resources  
140 or will be a substantial detriment to neighboring properties  
141

142 Permit Coordinator/Wetland Specialist Tomczik stated per practical difficulties criterion (c), which sets the criteria  
143 for consideration of whether the variance will effect a substantial change in the character of resources within the  
144 watershed.  
145

146 Technical Specialist/Permit Reviewer Buntjer stated, the District Engineer used three criteria to assess  
147 substantial change: 1) water quality, defined the quantity of pollutants such as phosphorus and suspended  
148 sediment leaving the site and the potential for degrading water quality downstream; 2) the presence of and  
149 potential impact to special and impaired waterbodies as defined by various laws including the Minnesota  
150 Pollution Control Agency stormwater program, whether a water body is impaired and related designations  
151 including Wild and Scenic or Outstanding Natural Resource Value designations; and 3) flooding, the potential  
152 for flood damages or other adverse hydrologic impacts.  
153

154 In assessing whether a substantial change in the character of the watershed resources may occur, we  
155 considered, not exclusively but as a measure of impact, the presence of and potential impact to the following:

- 156 • a 303(d) listed water body (which is an impaired water);  
157 • a high quality or non-degraded wetland;  
158 • a federally listed threatened or endangered species or state threatened, endangered or species of special  
159 concern and their critical habitat;  
160 • a Scientific and Natural Area as defined by the Minnesota Department of Natural Resources;  
161 • resources protected from nondegradation as identified within MN Rule 7050.0180 Nondegradation for  
162 Outstanding Resource Value Waters; and  
163 • Other generally sensitive resources.  
164

165 Pike Lake, which receives project drainage, is not listed on the Section 303(d) impaired water list. The  
166 construction of the project is not expected to cause an adverse impact to the water quality of Pike Lake. The  
167 project is not increasing impervious area and will reduce the existing peak flows. The applicant is proposing a  
168 bio-filtration basin and mechanical swirl separator to provide water quality benefit and remove sediment  
169 prior to discharge off-site.  
170

171 The project does not meet treatment criteria onsite, however the existing pond to the east will provide some  
172 additional treatment benefit prior to flow reaching Pike Lake. The applicant is not claiming the use of the  
173 existing stormwater pond for treatment because the owner of the adjacent parcel would not grant permission  
174 to use the water quality capacity of the pond. It appears that there may be adequate capacity to treat the  
175 project. The proposed project will increase the drainage area to the existing pond by approximately 13,000±  
176 SF, but due to the use of onsite BMPs, there will not be a substantial peak rate increase to the pond.  
177

178 Permit Coordinator/Wetland Specialist Tomczik stated the second part of criteria (c) which sets the criteria for  
 179 consideration and whether the variance will effect a substantial change in the character of resources within the  
 180 watershed, may address Manager Bradley’s question to him before the meeting. The District Engineer used three  
 181 criteria to assess substantial change:

- 182
- 183 • Whether granting the variance causes or contributes to a change in the 100-year floodplain elevation
- 184 immediately downstream of the project site;
- 185 • The potential occurrence of flood damages to adjacent properties;
- 186 • The anticipated increase in hardship downstream (e.g., caused by peak flow and flood duration); and
- 187 • Other similar related criteria.
- 188

189 Technical Specialist/Permit Reviewer Buntjer stated since the applicant is not increasing the impervious area  
 190 or peak off-site flow, in aggregate, the proposed variance will have minimal effect of flood elevations.

191

192 Pike Lake (Tier 4) is the Resource of Concern (ROC) affected by this variance. Tier 4 lakes are typically unable  
 193 to provide recreation opportunities because the lack of a public access. Also, Tier 4 lakes are typically part of  
 194 the RCWD trunk drainage system, which gives them unusually large drainage areas. The goal of the RCWD  
 195 Surface Water Management Plan for Tier 4 lakes is to maintain the quality of the lakes. Granting of this  
 196 variance will improve the water quality of the ROC, which is beyond the Surface Water Management Plan  
 197 water quality goal and will not affect the beneficial use of the resource.

198

199 Permit Coordinator/Wetland Specialist Tomczik stated per criteria (d) an assessment of whether the practical  
 200 difficulty can be alleviated by a feasible method other than a variance (economic conservations plan a role in the  
 201 analysis under this factor) is necessary.

202

203 Technical Specialist/Permit Reviewer Buntjer stated the inability to treat on-site was created by the  
 204 occurrence of three conditions:

- 205 a. First condition is the presence of contaminated soils.
- 206 b. Second condition is the minimal amount of grade available to tie into nearby storm sewer.
- 207 c. Third condition is the inability to treat impervious area in lieu on neighboring parcels or within the
- 208 same ROC.
- 209

210 The physical conditions of the project include a fully developed area surrounding the site providing limiting  
 211 grades for drainage, adjacent shallow storm sewer main lines that do not provide enough grade for  
 212 underground filtration BMPs, neighboring properties unwilling to allow treatment in lieu or use of the existing  
 213 pond on the adjacent parcel, and contaminated soils. The applicant has explored the following treatment  
 214 options:

- 215 • Pervious pavement was deemed technically infeasible based on the likelihood of freeze thaw damage
- 216 resulting from water trapped in the voids by required lining of the filtration media due to the
- 217 presence of contaminated soils.
- 218 • Due to shallow grades, the use of in-line filtration is technically infeasible due to the lack of hydraulic
- 219 head required to meet design criteria for such BMPs.
- 220 • Underground filtration off-site on adjacent parcels is technically infeasible due to restrictive grades
- 221 and soils not conducive to infiltration.
- 222 • Expansion of the south bio-filtration basin onto the parcel located to the south is technically feasible
- 223 and could potentially provide additional treatment capacity in lieu sufficient to treat an equivalent
- 224 impervious area to that which is untreated on site. However, the expansion of the south bio-filtration

225 onto the neighboring parcel has been deemed infeasible by the applicant based upon the adjacent  
226 owner being opposed to treatment in lieu upon their property, as they are considering use of  
227 available treatment areas for their own future redevelopment.

- 228 • Different lot configurations were considered to create a filtration basin, on the north end of the lot,  
229 however the lot is not large enough to accommodate the required parking stalls, lane widths, and a  
230 BMP. The building and sidewalk layout had to be moved as far north as possible to accommodate the  
231 bio-filtration basin on the south side as it is currently shown on the submittal. To create a BMP on  
232 the north side would require the relocation of existing light poles, and narrow the drive through lanes  
233 on the bank site, creating a one-way access to the adjacent parcel. This is not considered favorable to  
234 the bank or the adjacent parcel.
- 235 • Use of the adjacent stormwater pond was deemed infeasible because the owner of the pond would  
236 not grant permission as required by Rule C.5 (a).

237  
238 The District Engineer finds that the applicant has explored all practicable BMPs and treatment options in  
239 search of a technically feasible option.

240  
241 Permit Coordinator/Wetland Specialist Tomczik stated per criteria (e) consideration of how the practical difficulty  
242 occurred, including whether the landowner created the need for the variance requires consideration.

243  
244 Technical Specialist/Permit Reviewer Buntjer stated the landowner did not cause any conditions of the  
245 discussed above that are preventing treatment from occurring on-site. However, the District Engineer is  
246 unsure that the current landowner could have worked to avoid the variance. This is based on the adjacent  
247 parcel owner, Engelsma Lp, appears to be related to the property owner, Lloyed Engelsma 1984 Trust, although  
248 based on Ramsey County property records, it does not appear that these properties were acquired at the  
249 same time. Both properties are collectively managed by Krause Anderson. The adjacent parcel could allow  
250 treatment in lieu upon their property, but is protecting these options for their own future redevelopment.  
251 Additionally, the drainage ultimately flows to a storm water pond on the adjacent parcel. The pond was not  
252 explicitly designed to treat the parcel, but it appears that there may be adequate capacity to treat the project  
253 to NURP standards. Permission would be required from the property owner per Rule C.5 (a). The applicant  
254 indicated in the variance application form that, "the owner of the adjacent lot was not in favor of giving up  
255 any treatment credits to the applicant." The pond does appear to meet the other criteria of Rule C.5 (a),  
256 including having a declaration of maintenance. The variance was created by the presence of contaminated  
257 soils, minimal grade available to tie into nearby storm sewer, and the inability to meet District stormwater  
258 requirements by treating impervious in lieu off-site. The applicant could not develop the site for use as a bank,  
259 which would eliminate the need for the variance, however this is not considered a prudent option.

260  
261 Permit Coordinator/Wetland Specialist Tomczik stated per criteria (f), some determination of whether in light of  
262 all of the above factors, allowing the variance will serve the interests of justice is necessary.

263  
264 Technical Specialist/Permit Reviewer Buntjer stated this criterion lies largely in the Board's domain as it  
265 involves judgments of a non-technical nature. Our criterion for assessing this portion of the practical  
266 difficulties standard is the ability or inability of other permit applicants with similar site conditions to comply  
267 with the Rule C.6 (e), minimum treatment requirements. Other applicants have had the ability to feasibly  
268 meet this requirement onsite because the site constraints presented here were not evident and/or adjacent  
269 property owners were not opposed to treatment in lieu upon their land.

270

271 Manager Bradley asked what effort has been made to advise the neighboring property of this proceeding today.  
272 Permit Coordinator/Wetland Specialist Tomczik stated there is no public notice required. The applicant of this  
273 property, through their consultants was probably involved in the conversation up to this point otherwise, they  
274 would not be aware of their reluctance.

275  
276 Manager Bradley asked if there was anyone in the audience representing the neighboring property. There was no  
277 one representing the property.

278  
279 Manager Bradley stated based on the evidence in front of them, he did not have a problem granting a variance but  
280 his problem is the evidence before them indicates that there is an increase in the 2-year, 10-year, 100-year flowage  
281 to the pond and also the fact that the project will increase the drainage area to the existing pond by  
282 approximately thirteen thousand square feet so there is some impact on that neighboring property. He would like  
283 to propose they table this item until their next meeting and they give notice to the adjacent property.

284  
285 Mr. Charles Daher, A.P.A, stated the trust has been aware of their design the entire time this has been worked on.  
286 Manager Bradley stated he was not asking the property owner waive their position, he was just wondering  
287 whether or not they have an objection to the Board granting the variance.

288  
289 Manager Wagamon asked District Attorney Smith what the law was for requirement for notification. District  
290 Attorney Smith stated their rules do not require a specific notice to that adjacent landowner. If a permit applicant  
291 was going to rely on using a downstream facility for treatment then they are required to produce evidence that  
292 they have a written agreement, ownership interest in doing that. In this case, that is not being produced and the  
293 reason the variance is being requested.

294  
295 Mr. Mike Kraft, Mike Kraft Architects, 1442 98<sup>th</sup> Lane NW, Coon Rapids, stated to be clear, the owner of the parcel  
296 being developed is related to the owner of the adjacent parcel who has been intimate with this process  
297 throughout the course of this. Although some of the solutions that they suggested were not conducive to their  
298 future ability to develop their own parcels, they were certainly open to the things that would require them to  
299 develop this parcel in so much as it did not hurt them from the ability to further develop their parcel. They have  
300 been cooperative and knowledge of this request.

301  
302 Manager Waller asked if the adjacent property going to come back and stated that what impact there is, is an  
303 impact on their credit situation, which would be the basis of their objection. Manager Bradley was content they  
304 were not affecting the adjacent property owner's credit ability but he was not content that they were not affecting  
305 their property substantially without a statement by them that they concurred to that result. Based on the  
306 information before them he accepted their engineering report in full and based on representation by agents from  
307 both parties that there is actual knowledge of this proceeding and request, he will suggest they discuss this at a  
308 workshop in terms of future requests for variances where the neighboring property is affected.

309  
310 Permit Coordinator/Wetland Specialist Tomczik stated on page 47 of the packet, top block of text, final sentence  
311 should be stricken and replaced with "Peak discharge requirements are met in aggregate. The increase to the east  
312 is not expected to cause an adverse impact to the downstream existing pond on the adjacent property. The no  
313 adverse assessment is based on the relatively small increase on the peak rate and the conservative nature of the  
314 model."

315  
316 Manager Wagamon agreed with Manager Bradley that they should discuss this in case it may damage the  
317 neighboring property and in that case the neighboring property should be notified but in this case he did not have  
318 any problem in the way it is being handled and he thought they should move this ahead.

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Permit Coordinator/Wetland Specialist Tomczik noted there is currently water going to the pond and some change to the subject property. There is a slight increase in that volume of water that goes there and from what he understands, not the rate in which it goes there. The District Engineer has defined their criteria to look at adversity and what happens when this water goes into the pond on the neighboring property. This occurs all of the time in District review of permit applications. The water leaves someone's site as it would be impossible to retain it all on the property and no permits would ever be approved. The engineer has reviewed that and has determined with the changes he has seen and within the ability of the model to measure them, they do not see it as adverse. District Engineer Otterness agreed and stated were the applicant to have the ability or feasibility to put in some sort of a filtration before it goes onto the other subject property it would still result in the same requirement for the downstream property in the future when they develop. Their inability to have a BMP before it goes downstream is not going to affect the downstream properties ability to do crediting in the future.

Mr. Kraft noted the owner of this parcel is the same owner of the adjacent parcel. They are trying to develop in a way that it does not take future value from what they own collectively.

Permit Coordinator/Wetland Specialist noted the variance application requires a permit fee and the applicant has paid that and any action that is taken should be conditional on paying the remainder of any outstanding balances.

***Motion by Manager Bradley, seconded by Manager Wagamon, to approve the requested variance and that the applicant will pay the outstanding fee. Motion carried 4-0-1 (Manager Haake abstain).***

Manager Haake noted she abstained due to her knowing the applicants.

***Motion by Manager Bradley, seconded by Manager Wagamon, to approve the CAPROC for 15-043 for Northeast Bank in New Brighton and that the applicant will pay any outstanding fees before approval. Motion carried 4-0-1 (Manager Haake abstain).***

- 2. **Consider Check Register dated June 23, 2015, in the amount of \$224,670.07, prepared by Redpath and Company.**

***Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated 06/23/15, in the amount of \$224,670.07, prepared by Redpath and Company. Motion carried 5-0.***

**ITEMS FOR DISCUSSION AND INFORMATION**

- 1. **Discuss noticing the July 14, 2015 public information meeting for Anoka-Washington Judicial Ditch 3 Historical Review and Correction of Drainage Records.**

District Administrator Belfiori stated in the packet is a memo for the Board's discussion. Consistent with the Boards' discussion at the June 10, 2015 meeting, staff has started the process of publically noticing the information meeting including sending meeting notice letters regarding the meeting time, location and purpose to those affected parties. This is an information meeting and the requirements of the law and the code contain no formal requirements for noticing of this informational meeting.

District Administrator Belfiori indicated due to the size and population of the AWJD 3 drainage area, staff has estimated that there will be approximately 4,300 meeting notice letters printed and mailed out if the Board wishes to send meeting letters to each parcel in the drainage area. Based on this estimate, staff identified three options. The first option is to mail the meeting notice letter mailing to all approximately 4,300 parcels in the drainage area of AWJD # 3 plus notice in Citizen Newspaper, Quad Press Newspaper and St. Paul Pioneer Press Newspaper and

366 post the notice at the three City Hall Buildings. The second option is to mail the meeting notice letters to  
 367 those parcels that physically touch the public drainage ditch only, approximately 200 letters, plus notice in Citizen  
 368 Newspaper, Quad Press Newspaper and St. Paul Pioneer Press Newspaper and post the notice at the three City  
 369 Hall Buildings. Option three is to put a notice in Citizen Newspaper, Quad Press Newspaper and St. Paul Pioneer  
 370 Press Newspaper and post the notice at the three City Hall buildings with no meeting notice letters sent out. He  
 371 requests that the Board discuss and provide consensus on one of the letter distributions. He noted staff  
 372 recommends option two and is looking for consensus of the Board.  
 373

374 Manager Waller asked how they handled this in the past. District Administrator Belfiori indicated that there was  
 375 discretion in the past but recently they noticed all landowners. The notifications were much smaller than 4,300.  
 376 Manager Waller asked what the difference was in sending postcards versus a letter. The Board did not think there  
 377 was that much of a difference in pricing. Manager Haake suggested staff write up the letter and give it to the  
 378 affected cities to put in with their monthly billing to the landowners.  
 379

380 ***Motion by Manager Haake, seconded by Manager Wagamon, to move this item to Board Action and follow***  
 381 ***option 2 and approach the City’s to inquire if the letter can be included in their utility billing.***  
 382

- 383 **ROLL CALL:**  
 384 ***Manager Haake – Aye***  
 385 ***Manager Bradley – Aye***  
 386 ***Manager Wagamon – Aye***  
 387 ***Manager Waller – Nay***  
 388 ***President Preiner – Aye***  
 389

390 ***Motion carried 4-1 (Manager Waller).***  
 391

- 392 **2. Staff Report**  
 393 District Administrator Belfiori reminded the Board of the scheduling of the July meetings.  
 394  
 395 **3. July Calendar**  
 396 There were no comments.  
 397  
 398 **4. Manager’s Update**  
 399 There were no comments.  
 400

401 **ADJOURNMENT**

402 ***Motion by Manager Haake, seconded by Manager Bradley, to adjourn the meeting at 10:02 a.m. Motion carried 5-0.***  
 403

# CONSENT AGENDA

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

## Table of Contents

### Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
15-046	Anoka County Highway Dept.	Columbus	Final Site Drainage	CAPROC 2 items
15-067	Winnick Supply Inc.	Forest Lake	Bridge/Culvert Crossing, Final Site Drainage	CAPROC 6 items

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated July 1, 2015.*

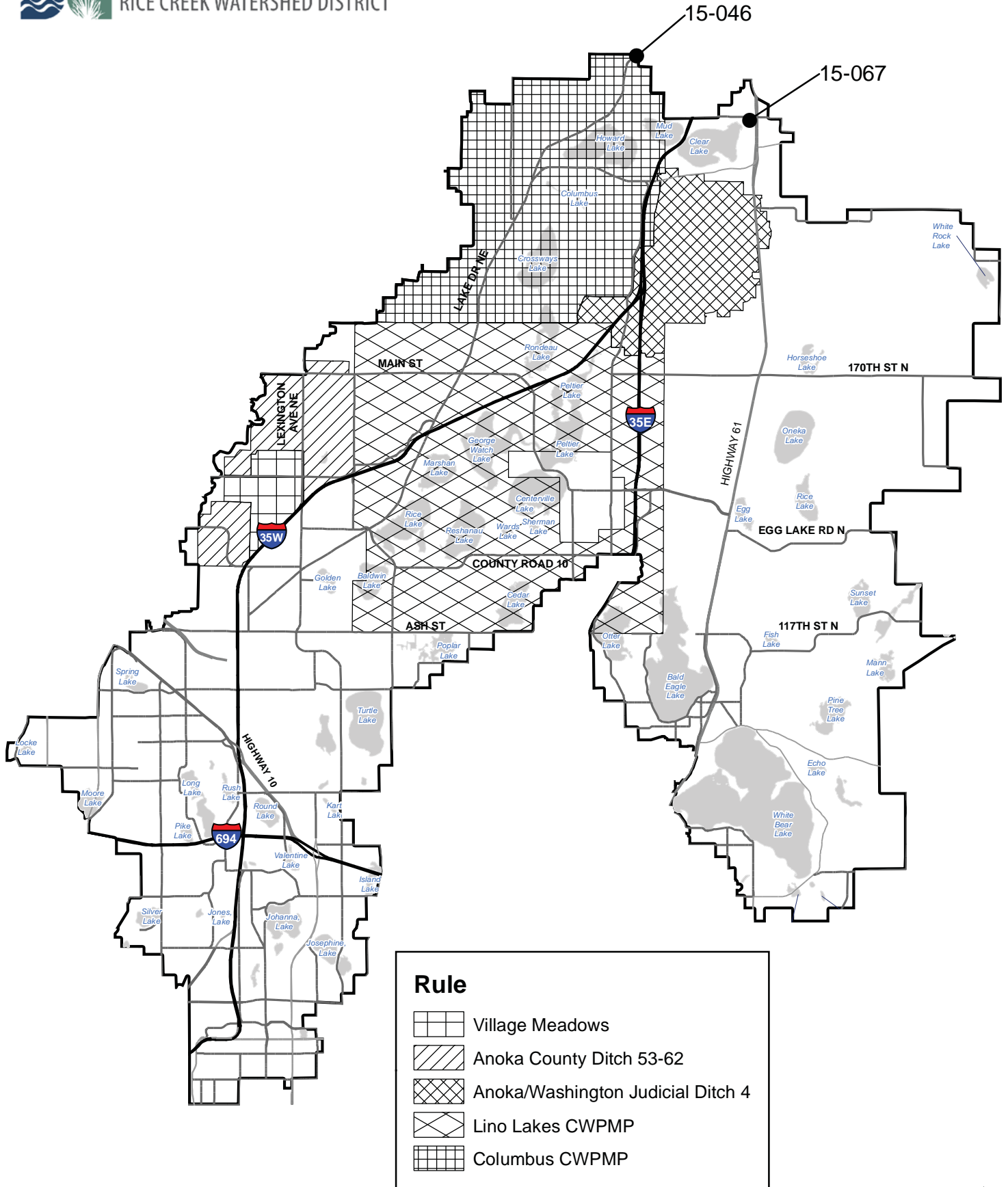
**RICE CREEK WATERSHED DISTRICT  
CONSENT AGENDA**

**July 8, 2015**

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ to Approve, Conditionally Approve Pending Receipt Of Changes, or Deny, the Permit Application noted in the following Table of Contents, in accordance with the District Engineer’s Findings and Recommendations, as contained in the Engineer’s Findings and Recommendations, as contained in the Engineer’s Reports dated July 1, 2015.






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<b>Permit Application Number</b>	<b>Applicant</b>	<b>Page</b>	<b>Recommendation</b>
	Permit Location Map	15	
15-046	Anoka County Highway Dept.	16	CAPROC
15-067	Winnick Supply Inc.	22	CAPROC



15-046

15-067

Rule	
	Village Meadows
	Anoka County Ditch 53-62
	Anoka/Washington Judicial Ditch 4
	Lino Lakes CWPMP
	Columbus CWPMP



WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers

Permit Application Number: 15-046  
Permit Applicant Name: SP 002-618-030 (Roundabout CSAH 18/CR 62)

Applicant:

Andrew Witter  
Anoka County Highway Department  
1440 Bunker Lake Blvd NW  
Andover, MN 55304  
Ph: 763-862-4249  
Fx: 763-862-4201  
Andrew.witter@co.anoka.mn.us

Consultant:

Tim Arvidson  
Stonebrooke Engineering, Inc.  
12279 Nicollet Avenue  
Burnsville, MN 55337  
Ph: 952-540-4841  
Fx:  
tarvidson@stonebrookeengineering.com

Nick Dobda  
Anoka County Highway Department  
1440 Bunker Lake Blvd NW  
Andover, MN 55304  
Ph: 763-862-4261  
Fx: 763-862-4201  
Nicholas.dobda@co.anoka.mn.us

Project Name: SP 002-618-030 (Roundabout CSAH 18/CR 62)

Purpose: FSD – Final Site Drainage

Site Size: 2,610 ± linear feet of roadway / 6.19 ± acres of disturbed area; existing and proposed impervious area is 2.42 ± acres and 3.49 ± acres, respectively

Location: CSAH 18 (Broadway Ave) & CR 62 (Kettle River Boulevard) Intersection, Columbus

T-R-S: S 1/2, Section 1, T32N, R22W

District Rule: C, D, F – Columbus CWPMP

Recommendations: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items.

Administrative

1. Submit the permit application with an original signature of the successful bidder to the District.
2. Send one final, signed full sized plan set to the District, and e-mail a pdf copy to both the District and the District Engineer. Include a list of changes that have been made since approval by the RCWD Board.
3. The applicant must memorialize the responsibility for maintenance of stormwater facilities in a document executed by the property owner in a form acceptable to the District and recorded on the deed. Alternatively, a public permittee may meet the perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. A draft document should be submitted to the District for consideration prior to execution. (The agreement

process requires submittal of the final original signed agreement to the District. If the applicant needs an original of the signed agreement, then two endorsed final agreements should be submitted.)

4. The applicant must submit the accurately completed the wetland withdraw form from wetland bank #116 for District signature.
5. The applicant must submit the completed wetland withdrawal form from wetland bank #116 with any appropriate fees to BWSR for processing.
6. The applicant must submit proof that BWSR debited wetland bank #116 account for the District to issue a permit.

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. Provide verification to the District that the applicant has submitted the complete wetland impact application document with TEP signatures to BWSR for use of the Road Bank.
2. An as-built survey of all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) is to be submitted to the District for verification of compliance with the approved plans.

Exhibits:

1. Plan set containing 142 sheets dated 4-20-2015 and received 4-28-2015.
2. Permit application, dated 4-15-2015 and received 4-16-2015.
3. Project Checklist, dated 2-20-2015 and received 4-15-2015, containing narrative, geotechnical report, and XP SWMM results for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions.
4. Wetland application, dated 4-8-2015 and received 4-15-2015.
5. Stonebrooke submittal letter, dated 4-8-2015 and received 4-15-2015.
6. WCA notice of application, dated and received 4-21-2015.
7. Existing and proposed drainage areas and attributes, dated 4-27-2015 and received 4-27-2015.
8. Review files 14-118R and 14-132R.
9. Proof of payment for NPDES permit, dated and received 5-1-2015.
10. Email addressing incomplete items, dated and received 5-1-2015.
11. Copy of plans identifying rip rap at outlet, dated and received 5-1-2015.
12. Updated XP SWMM model, dated and received 5-1-2015.
13. City of Columbus Notice of Decision, dated 4-30-2015 and received 5-1-2015.
14. Anoka Conservation District email, dated and received 5-4-2015.
15. BWSR Comment on Road Bank Info, dated and received 5-18-2015.
16. Wetland Application WD dated and received 6-23-2015.

17. Wetland Application WD revised dated 6-23-2015 and received 7-1-2015.

Findings:

1. Description – The project will construct a single lane roundabout at the intersection of Kettle River Boulevard (CSAH/CR 62) and Broadway Avenue (CSAH 18) and a bituminous walk in Columbus to improve safety. The project is located partially within the District legal boundary and wholly within the District hydrologic boundary. The District, City of Columbus, and Anoka County executed an MOU. The MOU establishes the District as exercising jurisdiction over the entire project: permit review, permitting and subsequent oversight of construction and maintenance. Wetland delineations were submitted for consideration by the independent jurisdictions. However, once delineation is approved, for all other WCA applications related to the project, the District will serve as the LGU regardless of the location of the wetland impact. For impacts within the Sunrise WMO boundaries, the District will not apply any terms of Rule F (wetlands) that impose obligations on the County more extensive than WCA. The project will disturb 6.19± acres, 2.42± acres of which are impervious, and will result in 3.49± acres of post-developed impervious area. Stormwater from the site will drain via either grassed ditches or storm sewer to the proposed BMP, which lies within the District legal boundary. The BMP discharges to a wetland near the southeast corner of the intersection which drains through a private ditch and then through Anoka County Ditch 3 into Howard Lake. Howard Lake is the resource of concern.
2. Stormwater – The applicant is proposing the BMP as described below for the project:

Proposed BMP Description	Location	NURP Volume required:	Volume provided
Wet Pond	SE corner of intersection	0.29 acre-feet	0.31 acre-feet

Soils on site are primarily silty sands (HSG B) soils. Monitoring well data demonstrates that the SHWT (902.77) is higher than the storm sewer inverts. Thus, infiltration is not considered feasible and a wet pond is acceptable to meet the water quality requirement. Per Rule C.6(c)(1), the Water Quality requirement is 0.75-inches over the new/reconstructed area (3.16± acres) for a total requirement of 0.2± acre-feet. The applicant is proposing a wet pond to be constructed on the parcel purchased by the county in the southeast quarter of the intersection to provide the required treatment. Approximately 83% of the project drains to the proposed wet pond. Areas not discharging to the wet pond drain to vegetated road side ditches prior to draining to wetlands. Therefore, TSS is removed to the maximum extent practicable. The applicant has met all the Water Quality requirements of Rule C.6 and the design criteria of Rule C.9(d).

Drainage Area	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Leaving Site	8	1.1	12.1	4.0	26.2	5.7

The project is not located within the Flood Management Zone. The submitted information indicates that the project does not increase peak runoff rates in compliance with District Rule C.7.

3. Wetlands – There are wetlands on site. The project is located in the Columbus CWPMP; however as this is a public linear project not part of a greater project, it is not subject to the CWPMP provisions of Rule F Section 6.

A wetland delineation for RCWD jurisdictional area was reviewed and approved under RCWD file 14-132R. A wetland delineation was submitted for the sunrise WMO area of the project and accepted by the City of Columbus on 4-30-2015.

The project is proposing 0.17 acres of wetland impacts requesting use of the BWSR Local Road Replacement Program. The materials have been noticed to the TEP and noticed parties to coordinate eligibility for the proposed use of the road bank. A general comment period closed 5-12-2015. There was discussion between parties regarding eligibility for BWSR Road Bank and whom defines the standard/documentation requirements. BWSR requires the applicant to submit the eligibility rationale and requires TEP concurrence in the eligibility determination.

The applicant provided additional information on 4-15-2015 and the information was shared with the TEP. The project was found to be partially eligible for road bank use. The project impacts 0.16 acres of wetland eligible for BWSR Road Bank replacement. The District will circulate for TEP signature the final application and return the complete document to the applicant. It is the obligation of the applicant to submit the complete document to BWSR for use of the Road Bank and provide documentation of submitting the document to the District.

The remaining wetland impact of 0.01 acres is proposed to be mitigated from Anoka County's own wetland bank #116. The required replacement ratio is 2:1; requiring 0.02 acres of wetland credit to be withdrawn. The applicant must submit the accurately completed withdraw form for District signature. The applicant must submit the completed form with any appropriate fees to BWSR for processing. The applicant must submit proof that BWSR debited the wetland bank account for the District to issue a permit.

4. Floodplain – The site is not in a regulatory floodplain.
5. Erosion Control – Proposed erosion control methods include silt fence, sediment control logs, erosion control blanket, and inlet protection. An NPDES permit has been applied for for the project. Chris Osterhus of the Anoka County Highway Department at 1440 Bunker Lake Boulevard NW in Andover, MN 55304 is responsible for the maintenance of all erosion and sediment control measures.
6. Documenting Easements and Maintenance Obligations – Applicant must execute an agreement with the RCWD for the maintenance of the stormwater facilities to ensure proper functioning.
7. Previous Permit Information – Pre-application is contained in review files 14-118R and 14-132R.

I assisted in the preparation of this report under the supervision of the District Engineer.

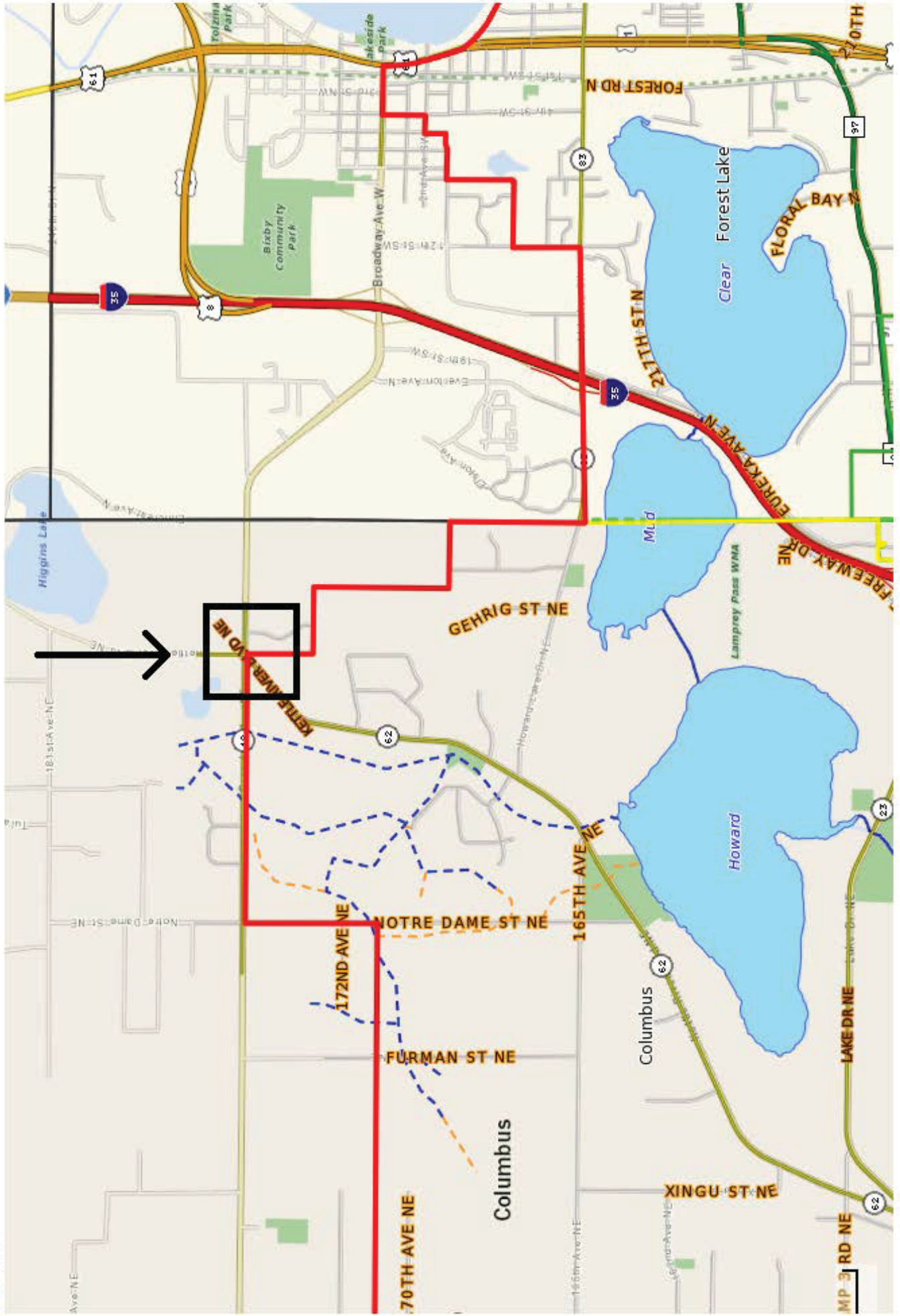
Garrett Monson 7-1-2015

Garrett Monson, EIT

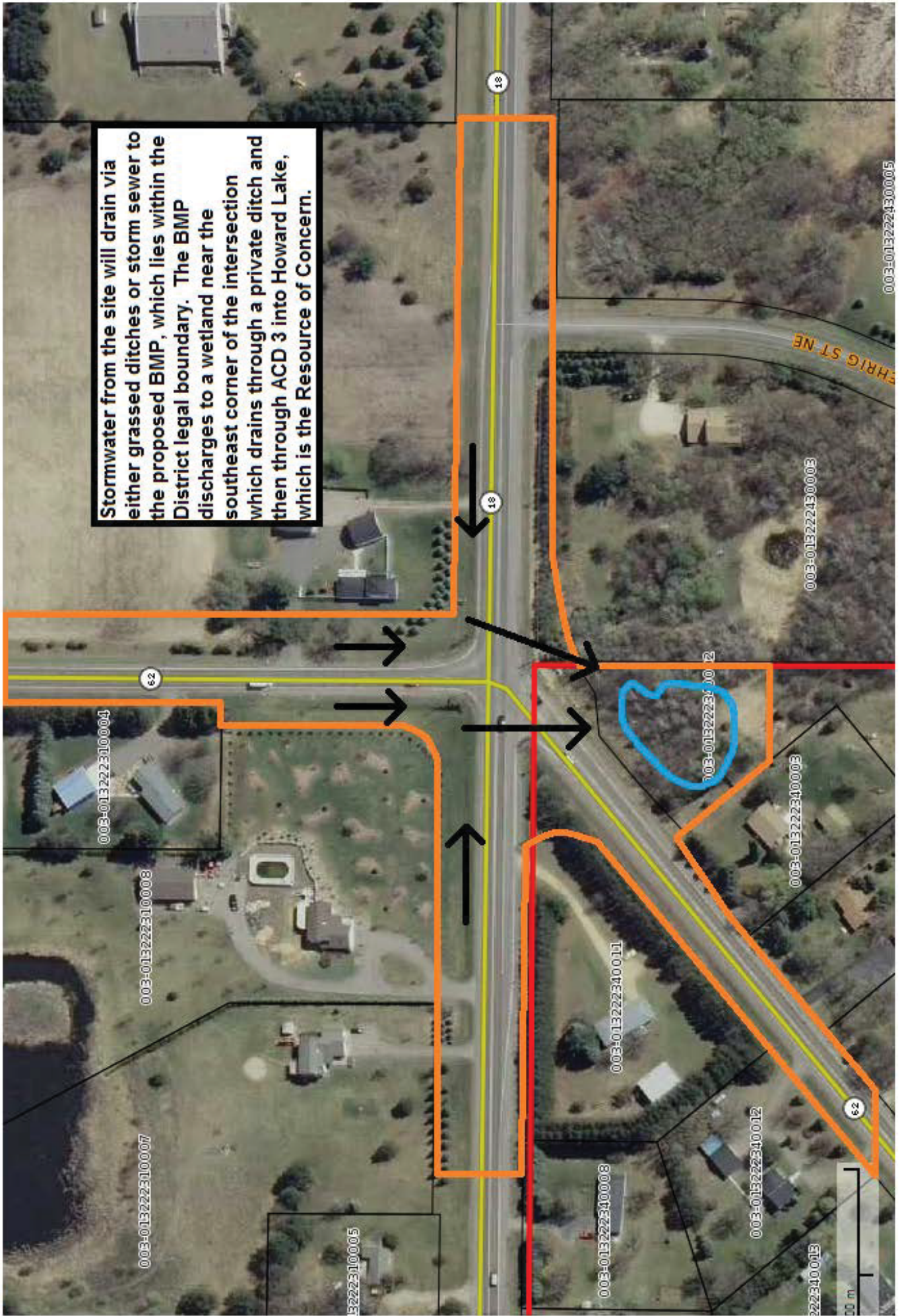
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

K. MacDonald 7-1-15

Katherine MacDonald  
MN Reg. No 44590



— = Project Location





WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers.

Permit Application Number:

15-067

Permit Project Name:

Winnick Supply Culvert Extension

Applicant:

Ben Winnick  
Winnick Supply Inc.  
92 SW 11th Ave  
Forest Lake, MN 55025  
Ph: 651-454-3920  
Fx: 651-464-3911  
ben@winnicksupply.com

Consultant:

Kevin Dunaway  
Dunaway Construction  
17149 Notre Dame St  
Columbus, MN 55025  
Ph: 651-464-1985  
dunawaykev@aol.com

Project Name: Winnick Supply Culvert Extension

Purpose: B/CC – Bridge / Culvert Crossing, FSD – Final Site Drainage; Extend existing culvert 16 feet to west edge of property

Site Size: 2 parcels totaling 6.89± acres, with approximately 200± ft<sup>2</sup> of disturbed area and no new or reconstructed impervious surface area.

Location: 92 SW 11th Ave, Forest Lake

T-R-S: NE ¼ Section 17 T32N, R21W

District Rule: D, G, I

Recommendations: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items.

Administrative

1. The applicant must memorialize the responsibility for maintenance of the culvert to the design capacity in a document executed by the property owner in a form acceptable to the District and recorded on the deed. A draft document should be submitted to the District for consideration prior to execution. (The agreement process requires submittal of the final original signed agreement to the District. If the applicant needs an original of the signed agreement, then two endorsed final agreements should be submitted.)
2. The applicant must submit a copy of the receipt from County Recorder and a copy of the signed/notarized legal document(s).

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. An as-built survey of culvert inverts is to be submitted to the District for verification of compliance with the approved plans before return of the surety.

Exhibits:

1. Site plan (1 page), undated, and received 6-18-2015.
2. Email with project narrative, dated 6-9-2015 and received 6-9-2015.
3. Permit application, dated 6-18-2015 and received 6-18-2015.
4. Project narrative letter, undated and received 6-18-2015.
5. Escrow agreement and surety check, dated 6-18-2015 and received 6-18-2015.
6. Email from applicant with additional project narrative, dated 6-25-2015 and received 6-25-2015.
7. Email from applicant with additional project narrative, dated 6-26-2015 and received 6-26-2015.

Findings:

1. Description – The project proposes to add a 16 foot length of 48-inch CMP culvert to an existing 48-foot long 48-inch CMP culvert on a private drainage ditch (Winnick Ditch) that drains to Clear Lake, which is the Resource of Concern. The project is located in Forest Lake, approximately 350± feet southwest of the intersection of Forest Road N and 11<sup>th</sup> Ave SW, and will cause a land disturbance of 200± ft<sup>2</sup> and will not construct or reconstruct any impervious surface area. The applicant has submitted a permit application fee of \$600, which corresponds to the fee for a Rule D Land Disturbance of < 2.5 acres and a Rule G culvert crossing. The applicant has also submitted a surety of \$1,000 (\$1,000 for < 1± acres of land disturbance) along with an original executed escrow agreement acceptable to the District.
2. Stormwater – The project will disturb less than 10,000 ft<sup>2</sup> of impervious surface, thus Rule C does not apply.
3. Wetlands – There are no wetlands located within the project area, and no wetland impacts are proposed.
4. Floodplain – No regulatory floodplain is present on the site, and the project does not propose any floodplain impacts.
5. Erosion Control – Proposed erosion control methods include silt fence and rip-rap. All disturbed areas will be mulched and seeded. An NPDES permit is not required for the project. The project complies with RCWD Rule D requirements.

Erosion Control Contact:

Kyle Dunaway  
Dunaway Construction  
17149 Notre Dame St.  
Columbus, MN 55025  
651-464-1985

6. Bridges and Culvert Crossings/Drainage Systems – The project proposes a 16-foot extension to an existing 48-foot long 48-inch CMP culvert on a private ditch (Winnick Ditch) that drains through the property and ultimately to Clear Lake. Approximately 600 acres ultimately drain through this culvert; therefore, it is considered a major watercourse and Rule G requirements apply to this project. The District Engineer has verified that maintaining the existing invert elevations is acceptable for this location, and has determined that the culvert extension will preserve the hydraulic capacity of the ditch and that there will be no adverse impacts due to the culvert extension. The existing culvert elevations are 893.25 for both the upstream and downstream using the NAVD 88 datum, and the applicant is proposing to maintain these invert elevations. There is no existing navigational capacity, and the proposed culvert is not expected to adversely affect water quality. Class 3 rip-rap will be installed on the side slopes along the outlet for energy dissipation and scour prevention, but not in the ditch channel due to the submerged conditions of the culvert under typical conditions. The maintenance declaration listed under the Administrative Recommendations needs to be submitted; otherwise, the project complies with RCWD Rule G requirements. By demonstrating compliance with Rule G, the applicant has also complied with Rule I.
7. Documenting Easements and Maintenance Obligations – The applicant must record a maintenance declaration for Rule G.
8. Previous Permit Information – None.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

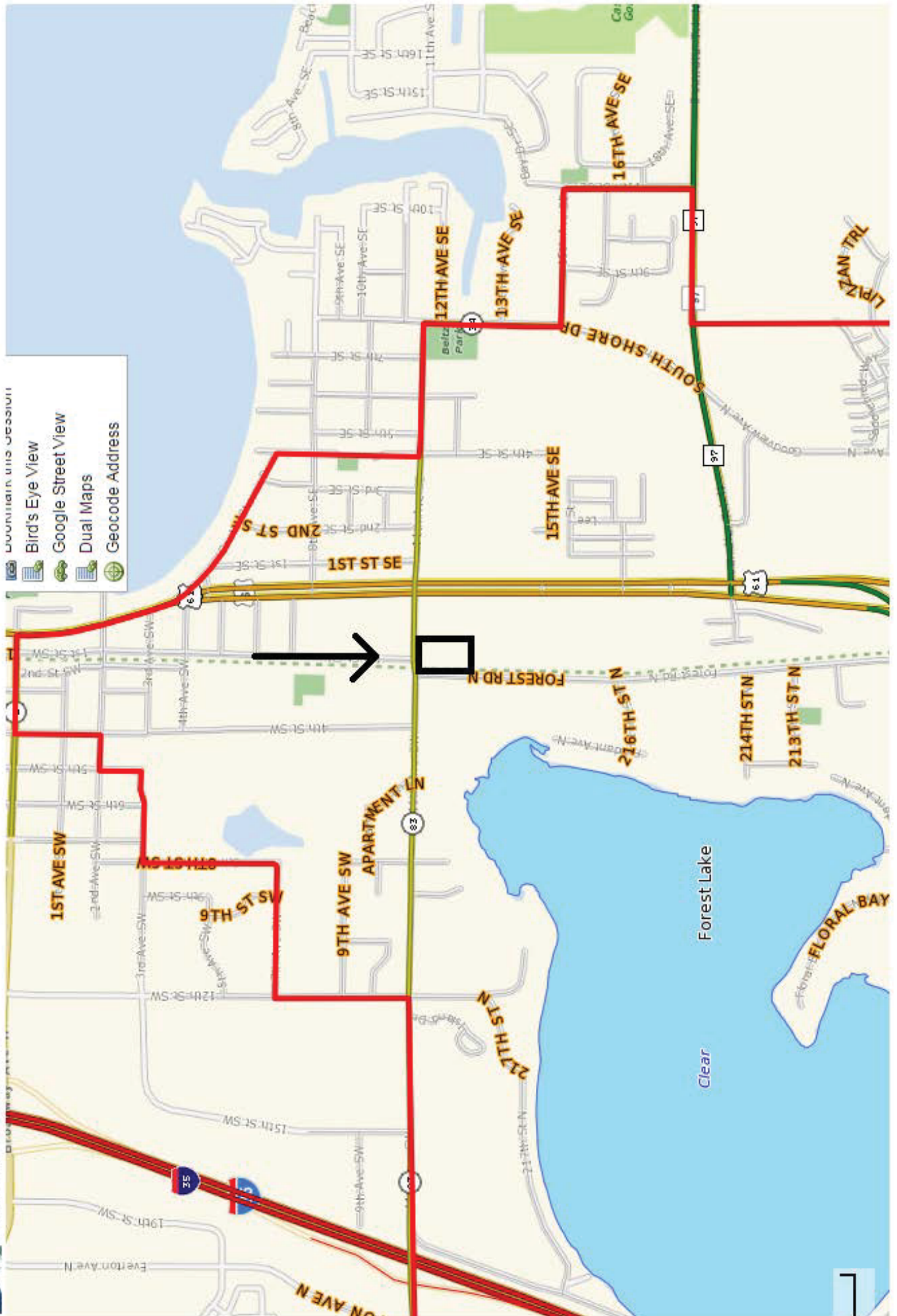
Chris Buntjer 6-30-15

Chris Buntjer  
MN Reg. No 48745

K. Mac Donald 6-30-15

Katherine MacDonald  
MN Reg. No 44590

- Bird's Eye View
- Google Street View
- Dual Maps
- Geocode Address



= Project Location



The project proposes to add a 16 feet of 48-inch CMP culvert to an existing 48-foot long 48-inch CMP culvert on a private drainage ditch (Winnick Ditch) that drains to Clear Lake, which is the Resource of Concern.

 = Project Location

## **ITEMS REQUIRING BOARD ACTION**

1. Consider Anoka Conservation District-Golden Lake Iron-Enhanced Sand Filter Project, Urban Stormwater Remediation Program-grant amendment request. (Kyle Axtell)

# MEMORANDUM

## Rice Creek Watershed District

**Date:** June 24, 2015  
**To:** RCWD Board of Managers  
**From:** Kyle Axtell, Water Resource Specialist  
**Subject:** Anoka Conservation District – Golden Lake Iron-Enhanced Sand Filter Project  
RCWD Urban Stormwater Remediation Program – Grant Amendment Request

### BACKGROUND

The Anoka Conservation District (ACD) entered into an Urban Stormwater Remediation Program cost-share agreement with the RCWD on May 19, 2014 which was to provide \$22,500 in match funding to an iron-enhanced sand filter project designed to remove phosphorus from runoff to Golden Lake. The project is a TMDL implementation project and the ACD was successful in obtaining a Clean Water Fund grant for the project. Since that time, the ACD has engaged an engineer to develop a design plan and specifications and the project was let for bidding in May. Sealed bids were opened on June 10, 2015 and all exceeded the engineer's cost estimate of \$93,780.

Low Bid	Peterson Companies	\$ 136,334
	New Look Contracting	140,915
	Rachel Contracting	149,602
	Sunram Construction	151,510
	G.F. Jedlicki	169,447

The ACD, RCWD and City of Blaine have invested a significant amount of time and energy into this project and all parties wish to see it constructed in 2015. This project, alone, has the potential to cover the entire phosphorus "watershed" wasteload allocation for the Golden Lake TMDL. The ACD does not have its own base funding available to cover the difference between the engineer's estimate and the low bid. Consequently, they are looking to project partners to find additional sources of funding while they discuss scope reductions and unit costs with the low bidder (as guided by the County Attorney).

The City of Blaine had not previously committed financially to this project; it was providing the project site and committing to long-term maintenance only. On July 9, 2015, Blaine's City Council is expected to commit \$24,440 toward this project – an amount commensurate with the City's share of cost should it have been required to undertake replacement of the pond's deteriorating outlet structure on its own.

The ACD is requesting that the Rice Creek Watershed District Board approve an amendment to the existing cost-share agreement for this project increasing the maximum amount by \$18,114 (or \$40,614 total), enough to cover the remaining balance of the low bid. RCWD staff supports this request. Since the City of Roseville has declined the funding offer for its Evergreen Park Reuse Irrigation project, there is approximately \$46,000 remaining in the 2015 USWR cost-share budget, more than enough to accommodate the ACD's request and allow an important water quality project to be implemented.

If, for any reason, this project were to be built for an amount less than the low bid, the RCWD contribution would be reduced first.

**MEMORANDUM**  
**Rice Creek Watershed District**

If approved, the share of cost for construction of this project would be as follows:

ACD (CWF Grant)	\$ 71,280
City of Blaine	24,440
Rice Creek WD	40,614
<b>TOTAL</b>	<b>\$ 136,334</b>

All partners are confident that rejecting bids and re-letting will not provide for lower bids as the five bids in the group were fairly tightly packed. A reduction in scope would lead to an associated reduction in likelihood that the project meets the goals outlined in the CWF grant application.

**RECOMMENDATION**

RCWD staff supports amending this grant agreement to add \$18,114 to the maximum cost-share amount to facilitate the completion of a water quality treatment project in the Golden Lake subwatershed. Staff’s assertion that RCWD’s contribution be the first to realize a reduction in the event the project is built under budget has not been challenged by the ACD or City.

**Proposed motion:** Manager \_\_\_\_\_ moves to amend the 2014 Urban Stormwater Remediation Program cost-share agreement between the Rice Creek Watershed District and the Anoka Conservation District in the following manner:

Section II.A. of the agreement is hereby amended to state:

*“Cost-Share Funds. To defray the Project cost to the ACD, the District will provide cost-share assistance to the ACD in the amount of 50 percent of project costs, not to exceed \$40,614. Should the project’s final cost of construction be less than \$136,334, the RCWD’s maximum share of cost for this project shall be reduced from \$40,614 by the difference between the final cost of construction and \$136,334.”*

Attachment: Draft Amendment  
Original Cost-Share Agreement



July 8, 2015

Chris Lord  
Anoka Conservation District  
1318 McKay Drive NE #300  
Ham Lake, MN 55304

**RE: Amendment #1 to 2014 Cost-Share Agreement**

Dear Mr. Lord,

At its July 8, 2015 regular meeting, the RCWD Board of Managers approved an amendment to the enclosed cost-share agreement between the RCWD and the Anoka Conservation District for the Golden Lake Iron-Enhanced Sand Filter Project. The purpose of this amendment is to provide additional funding, in concert with the City of Blaine, so that construction of this important TMDL implementation project can be completed.

Section II.A. of the agreement is hereby amended to state:

*“Cost-Share Funds. To defray the Project cost to the ACD, the District will provide cost-share assistance to the ACD in the amount of 50 percent of project costs, not to exceed \$40,614. Should the project’s final cost of construction be less than \$136,334, the RCWD’s maximum share of cost for this project shall be reduced from \$40,614 by the difference between the final cost of construction and \$136,334.”*

All other provisions of the original contract remain in full force and effect. Please sign below indicating the City’s acceptance of these terms, return the original to the RCWD and keep a copy for your records.

**APPROVED:**

Rice Creek Watershed District

Anoka Conservation District

\_\_\_\_\_  
Patricia L. Preiner  
President, RCWD Board of Managers

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

## RICE CREEK WATERSHED DISTRICT COST-SHARE AGREEMENT

COST-SHARE AGREEMENT between the Rice Creek Watershed District, 4325 Pheasant Ridge Drive NE, Suite 611, Blaine, Minnesota 55449, and the Anoka Conservation District, 1318 McKay Drive NE #300, Ham Lake, MN 55304.

### RECITALS

- A. The Anoka Conservation District (ACD) intends to construct a project entitled "Golden Lake Iron-Enhanced Sand Filter Project" (Project) as described in the cost-share application found at Exhibit A, which is attached hereto and incorporated herein.
- B. The Project is to be constructed on property owned and operated by the City of Blaine, commonly known as Centennial Green Park.
- C. The ACD has been awarded a Clean Water Fund grant from the Minnesota Board of Water and Soil Resources (BWSR) in the amount of \$88,590.00 for the Project.
- D. The Rice Creek Watershed District (District) operates a cost-share program to improve stormwater management systems in developed urban environments and desires to provide cost-share assistance to the ACD for the Project in accordance with program guidelines.

THEREFORE, in consideration of mutual promises set forth herein and other good and valuable consideration, the District and the ACD agree as follows:

#### I. ACD RESPONSIBILITIES.

- A. *Design Plans and Construction.* The ACD will submit final Project plans and specifications to the District for the Administrator's written approval. The ACD, through its own personnel and/or contractors, will construct the Project in accordance with the approved Project plans and specifications and maintain it indefinitely in accordance with the approved maintenance plan. In doing so, the ACD will comply with all applicable laws and regulations and will be responsible for acquiring all permits, approvals and temporary and permanent rights of access or easement. The ACD intends to arrange with Blaine for site access to construct the project.
- B. *Maintenance Plan.* The ACD will submit a maintenance plan to the District for the Administrator's written approval. The maintenance plan will include a commitment by Blaine to perform maintenance as needed and to allow the ACD to enter and perform maintenance if Blaine fails to do so, and will be signed by all three parties. Whether or not these arrangements are made, the ACD will remain responsible to the District to fulfill maintenance requirements under this Agreement.

- C. *Completion of Construction.* The ACD staff or consulting engineer will certify the completion of Project construction by December 31, 2016. The ACD will submit to the District documentation of Project expenditures and the certification of completion.

**II. DISTRICT RESPONSIBILITIES.**

- A. *Cost-Share Funds.* To defray the Project cost to the ACD, the District will provide cost-share assistance to the ACD in the amount of 50 percent of project costs, not to exceed \$22,500.00.
- B. *Payment Schedule.* On District approval of the Project plans, specifications and maintenance plan, certification by the ACD that it has obtained all necessary permits and approvals, and receipt of the ACD's issued notice to proceed, the District will disburse \$11,250 to the ACD. On District receipt of the certification of completion and review of the completed Project and such Project documentation as it may require, the District will disburse the remaining funds.
- C. *Contingencies.* The District's obligation to provide cost-share funds is contingent on the ACD's compliance with the terms of this cost-share agreement and the Clean Water Fund grant agreement between BWSR and the ACD, including but not limited to Project completion in accordance with the District-approved plans and specifications by December 31, 2016. The ACD will return to the District any cost-share funds already received if this condition is not satisfied.

**III. MISCELLANEOUS.**

- A. *Relationship of Parties.* Nothing in this agreement creates or establishes a partnership, joint venture or agency relationship between the parties. District review or approval of design plans and specifications, a maintenance plan and any other Project-related documents is solely for the District's own accounting for funds expended. As between the parties, the ACD is solely responsible for selection of the Project design and the means, method and manner of construction. Nothing in this agreement creates any right in any third party or affects any immunity, defense or liability limitation enjoyed by either party.
- B. *Employees.* The ACD represents that it has or will secure, at its own expense, all personnel and/or contractors required for the performance of this agreement. No ACD personnel or contractor will be considered an agent, representative or employee of the District.
- C. *Liability.* The ACD agrees to hold harmless and indemnify the District, and its managers, staff and representatives, against any claim, expense or damage, including attorney fees, arising from the performance of this agreement.

D. *Assignment or Modification.* This agreement binds and inures to the benefit of the ACD and the District, and their respective successors and assigns. Neither party may assign this agreement without the prior written consent of the other. Any modification of the agreement must be in writing and signed by both parties.

E. *Effective Date.* This agreement is effective as of the date all of the signatures below have been provided.

Dated: May 19, 2014, 2014

Anoka Conservation District

By: Mary Jo Truchon  
Mary Jo Truchon, Board Chair

Dated: 5-14, 2014

Rice Creek Watershed District

By: [Signature]  
Patricia Preiner, President

Approved as to Form and Execution:

[Signature]  
RCWD Attorney

## **ITEMS REQUIRING BOARD ACTION**

2. Consider check register dated 7/8/2015, in the amount of \$35,123.32 prepared by Redpath and Company.

**Rice Creek Watershed District**  
**Check Register**  
**June 23, 2015 - July 8, 2015**  
**To Be Approved at the July 8, 2015 Board Meeting**

<b>Check #</b>	<b>Date</b>	<b>Payee</b>	<b>Description</b>	<b>Amount</b>
20367	07/08/15	Metro Blooms	Contracted Services	\$1,750.00
Dir.Dep.	07/15/15	July 15th Payroll	July 15th Payroll	20,641.06
EFT	07/15/15	Internal Revenue Service	07/15 Federal Withholding	6,938.49
EFT	07/15/15	Minnesota Revenue	07/15 State Withholding	1,111.32
EFT	07/15/15	ING Retirement Services	07/15 Deferred Compensation	585.00
EFT	07/15/15	PERA	07/15 PERA	<u>4,097.45</u>
<b>Total</b>				<b><u><u>\$35,123.32</u></u></b>

## **ITEMS FOR DISCUSSION AND INFORMATION**

1. Discussion of Anoka-Ramsey Judicial Ditch 1, Branch 4 Repair-Design Goals and Objectives.

# MEMO

(External Correspondence)



**To:** Phil Belfiori  
District Administrator, RCWD

**From:** Nancy Stowe, P.E.

**Date:** May 15, 2015

**Through:** Chris Otterness, P.E.

**Cc:** Tom Schmidt  
John Kolb  
Mark Deutschman, PhD., P.E.  
File 5555-233

**Subject:** ARJD 1, Branch 4 Repair - Design Goals  
and Objectives

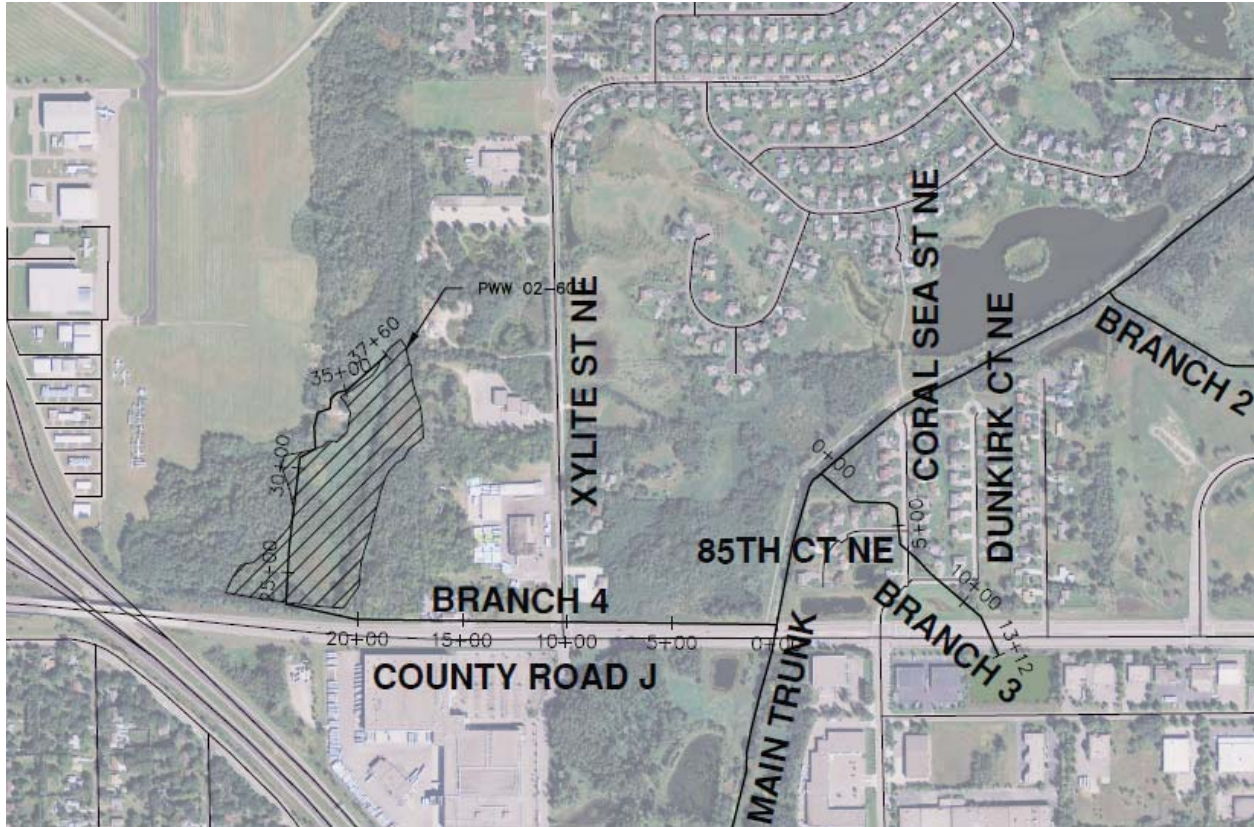
## 1. INTRODUCTION

The Addendum to Anoka Ramsey Judicial Ditch 1 Historical Review, dated July 16, 2014, identified a need to restore an outlet for the Branch 4 portion of the system. **Figure 1** shows Branch 4 as it was originally constructed as an open channel, beginning at the Main Trunk near its current confluence with County Road J (85<sup>th</sup> Avenue NE). The expansion of County Road J in 1990 removed the east-west segment of Branch 4, and no replacement of its function was provided (no records of a RCWD permit were found for this project). Based on input from the public at a May 20, 2014 informational meeting and during subsequent site investigations, the Historical Review Memorandum identified the potential for flood damage to structures following a large (100-year recurrence) flood event and thus recommended that restoration of an outlet to lands previously drained by Branch 4 be examined thoroughly as part of a future repair proceedings.

To initiate the preparation of the ARJD 1 Branch 4 repair memorandum, it is important to establish design goals and objectives which will help guide the selection of the most appropriate repair alternative. Specific project goals for the project are identified in this memorandum, along with technical objectives, which are used to evaluate concept alternatives. The intent of this memorandum is to provide the Rice Creek Watershed District (RCWD) Board of Managers an evaluation of a maximum of five concept alternatives based on several potential project goals and objectives, so that ultimately they may concur upon an alternative to perform further technical analysis.

# MEMO

Figure 1: Location of ARJD 1, Branch 4 as originally constructed.



## 2. DESIGN GOALS AND OBJECTIVES

The following are potential design goals for the repair of ARJD 1 Branch 4 that the Board of Managers may consider which can be used to evaluate and select a repair alternative:

1. Restore Historic Drainage Function: Branch 4 originally was constructed at an elevation of 900.3<sup>1</sup> to provide drainage to agricultural lands. This public drainage system has not served that purpose for many years. We do not know of an apparent benefit that restoring historic drainage function to this branch may provide. However, as the Drainage Authority it remains an option of the District to restore the drainage function of the public drainage system to as constructed and subsequently improved condition, or a lesser capacity.

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<sup>1</sup> All elevations provided in this memorandum are based on North American Vertical Datum 88.

# MEMO

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2. Provide 100-year Flood Protection: The lowest adjacent building to Branch 4, with an elevation of 905.9, will be close to being inundated by the 100-year, 24-hour rainfall (peak flood elevation of 905.8). The Board may consider a design to protect adjacent buildings, or even adjacent parking lots, to a 100-year flood event.
3. Minimize Need for Permits: The historic alignment of Branch 4 drained a basin which is currently listed as a Mn/DNR public water (#2-603W). Construction of an outlet above the ordinary high water (OHW) elevation of 903.9 will not require regulatory engagement or processes with the Mn/DNR.
4. Maintain Functionality of Existing County and City Storm Infrastructure: Restoring Branch 4 to its original alignment would require the disturbance of County and City streets, utilities, and stormsewer infrastructure. Alternatives that utilize existing stormwater infrastructure to convey Branch 4 flows may potentially be overtaxed. The effect of any alternative on this infrastructure should be considered.
5. Provide Drainage for Properties East of Xylite Street NE: Several landowners east of Xylite Street have expressed concerns regarding lack of drainage. Providing this area with drainage functionality for 2-year rainfall event may be a consideration for the Board (see Section 5 below).
6. Minimize Project Cost: The alternatives described below represent several magnitudes of overall project cost.

### 3. CONCEPT ALTERNATIVES

Five alternative repair scenarios have been conceptualized to provide drainage for the ARJD 1, Branch 4 system (see **Figure 2**):

Alternative 1: Do nothing and abandon Branch 4,

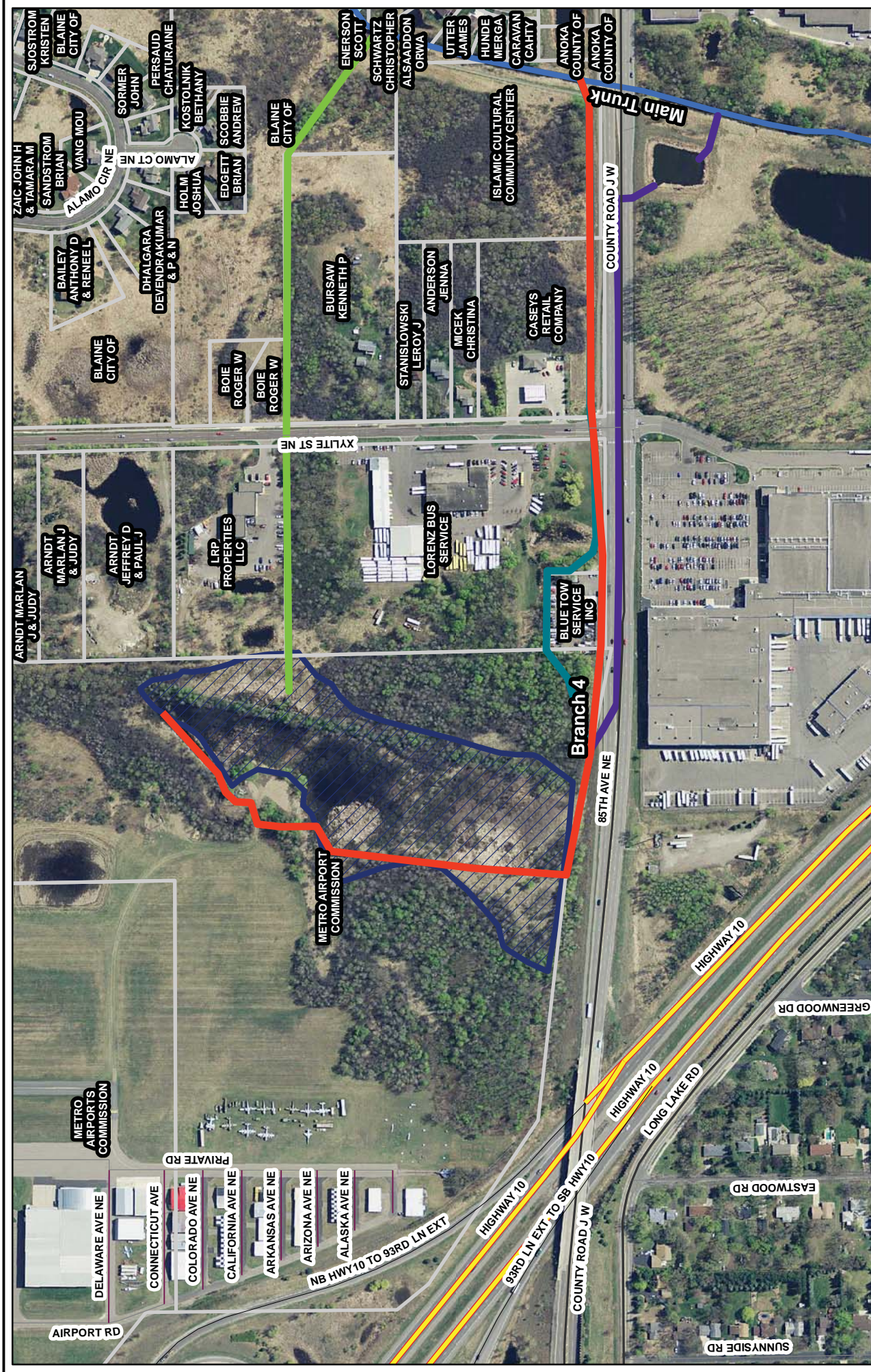
The current overflow elevation is 906.1, which is above the lowest building elevation of 905.9.

Alternative 2: Restore the Branch 4 open channel to its As Constructed and Subsequently Improved Condition (ACSIC)

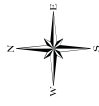
This alternative would involve constructing a pipe along the north side of CR J. It would provide drainage at the ACSIC elevation of 900.3. This alternative will require the disturbance of infrastructure (pavements and/or utilities) along CR J.


Alternative 3: Construct a new outlet north of Blue Tow Service

This outlet would consist of a pipe leading from the MnDNR public water at an elevation of 902.0, passing just north of Blue Two Service and crossing Xylite Street, and then follow an alignment straight east to the ARJD 1 Main Trunk. The pipe would be sized to maintain the Blue Two Service parking lot dry in a 100-year, 24-hour rainfall event.



— Alternative 2  
— Alternative 3  
— Alternative 4  
— Alternative 5  
 Anoka County Parcels  
 MN DNR Public Waters Inventory  
 RCWD Floodplain



**Figure 2: ARJD 1 Branch 4 Alternatives**  
 Drawn by: SHWT  
 Checked by:  
 Project No.: 2552-202  
 Date: 3/16/2015  
 Sheet: 1 of 1  
  
 Houston Engineering Inc.  
 Maple Grove  
 P: 763.493.4522  
 F: 763.493.3372

Date Saved: 3/16/2015 1:53:47 PM

# MEMO

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Alternative 4: Construct a new outlet to County Road J stormsewer

This alternative would consist of tapping into the existing CR J storm sewer and would provide an outlet elevation of 904.61, which is above the OHW of the MnDNR public water and thus not requiring a MnDNR permit. The outlet would no longer be a public drainage system but rather a municipal stormwater conveyance system. This would be accomplished through the abandonment of Branch 4 and the County approval for the use of the CR J storm sewer.

Alternative 5: Construct a new outlet between LRP Properties and Lorenz Bus Service.

This outlet would consist of a pipe beginning just outside the MnDNR public water at an elevation of 904.0, running across Xylite Street, and then straight east to the ARJD 1 Main Trunk. The pipe would be sized to provide 100-year flood protection to all structures.

#### **4. COMPARISON OF THE CONCEPT ALTERNATIVES**

**Table 1** summarizes the goals and technical objectives used to evaluate concept alternatives for the repair of ARJD 1 Branch 4, along with an indication of whether or not each of the goals will be met by the implementation of each concept alternative.

Doing nothing and abandoning Branch 4 is the least expensive alternative. However, it would not provide any drainage nor provide any relief from the risk of flooding, which has been reported by property owners as an ongoing problem. Alternatives 2 (restore to ACSIC) and 3 (new outlet north of Blue Tow Service) provide the greatest drainage function, but both would likely require substantial regulatory engagement with the Mn/DNR (including potentially a permit and mitigation) and are the most expensive alternatives.

Alternative 4 (new outlet to CR J storm sewer) and Alternative 5 (new outlet between LRP Properties and Lorenz Bus Service), provide similar functionality. Neither would restore historic drainage function, but both would reduce flood risk below the lowest structure elevation. Neither Alternative 4 nor 5 would require regulatory engagement with the Mn/DNR, and each will maintain functionality of existing County and City storm infrastructure. The primary difference between Alternatives 4 and 5 is the cost, Alternative 4 being less expensive than Alternative 5.

Table 1: Goals and technical objectives used to evaluate concept alternatives for ARJD 1 Branch 4 Repair

Goals	Technical Objectives / Design Criteria	1 Do nothing and abandon (current overflow at 906.1)	2 Restore to its ACSIC (ACSIC at CR J at 900.3)	3 New outlet north of Blue Tow Service	4 New outlet to CR J Storm Sewer	5 New outlet between LRP Properties and Lorenz Bus Service
1. Restore Historic Drainage Function	a) Repair Branch 4 to the as-constructed and subsequently improved condition  <b>OR</b> b) Provide drainage below current OHW (903.9) of Public Water Wetland (PWW 2-603W)					
2. Provide 100-year Flood Protection (current 100-year HWL at 905.8)	a) Repair Branch 4 with a HWL below the lowest structure elevation (905.9)  <b>OR</b> b) Repair Branch 4 with a HWL below the lowest parking lot (905.1)					
3. Minimize Need for Permits	Repair Branch 4 with an outlet above the OHW (903.9) of Public Water Wetland (PWW 2-603W)					
4. Maintain functionality of existing County and City storm infrastructure	Repair Branch 4 to which would not negatively impact drainage provided by existing County or City infrastructure					
5. Provide drainage for properties east of Xylite Street NE		To be addressed by a separate project component				
6. Relative Cost	Repair Branch 4 at a reasonable cost	Lowest	High	Medium-High	Low	Medium

 = Goal Met  
 = Goal Not Met

# MEMO

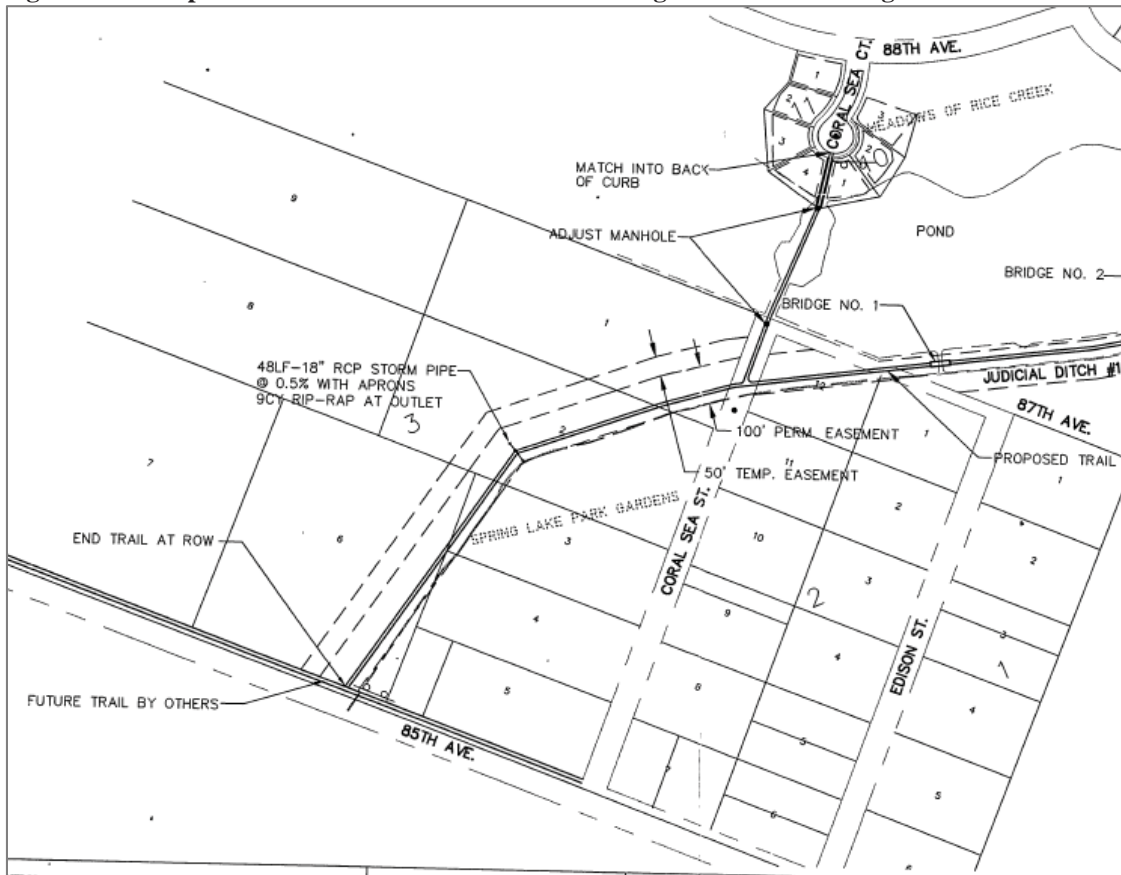
## 5. AREA EAST OF XYLITE STREET

During the ARJD 1 Historical Review public information meeting, some property owners east of Xylite Street and north of Branch 4 expressed drainage concerns. It appears that the lands located east of Xylite Street have historically drained east into the main trunk of ARJD 1, rather than to Branch 4. The cause of the drainage problems may be related to the construction of an adjacent City trail.

During the In the fall of 1999, the City of Blaine constructed a bituminous pedestrian trail north of County Road J along the west bank of the main trunk of ARJD 1, under RCWD Permit 99-113. As part of this project, an 18" RCP culvert was installed from the west side of the trail to allow drainage to ARJD 1 (see **Figure 3**).

The 18" culvert was not readily seen in the field and may be clogged with debris. Cleaning this culvert out and/or adding a second culvert under the trail may relieve some of the drainage issues. The City is responsible for maintenance of the drainage under the trail. However, since the trail is along the spoil bank of the public drainage system, the District does have the authority to make drainage modifications at this location or order the City to do so.

**Figure 3: Excerpt from South Central and Central Planning Area Storm Drainage and Pedestrian Walkway**



# MEMO

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## RECOMMENDATIONS

The intent of this memorandum is to provide the Rice Creek Watershed District (RCWD) Board of Managers several potential project goals and objectives, along with an evaluation and recommendation with respect to their prioritization. This memorandum also provides the Board of Managers with an evaluation of alternative repair concepts in reference to the potential design goals and objectives, with the intent of serving as a guide in the selection of the most appropriate repair alternative, prior to incurring the cost of completing a more detailed analysis.

Because the historic drainage function of Branch 4 was intended to provide agricultural drainage, and the lands served by Branch 4 are no longer used for agricultural production, we are not recommending that the restoration of historic drainage function be considered as a project goal. Instead, we recommend that providing flood protection to existing structures from the 100-year, 24-hour rainfall event be considered the primary design goal. We further recommend that the minimization of the need for permits related to the MnDNR public water be considered in selecting an alternative repair. A design that would require regulatory engagement with the MnDNR will likely result in a costly and time-consuming permit process. Likewise, disruption of existing County and City infrastructure will substantially increase cost and require time-consuming planning and coordination with the City or County.

Since it appears that the properties east of Xylite Street historically drained east directly into the ARJD 1 Main Trunk, no modification or restoration of Branch 4 has the ability to address the drainage concerns east of Xylite Street, and thus these concerns should not be a consideration when selecting an alternative.

Based on the evaluation and comparison of each concept alternative, it is recommended that Alternative 4 be selected as the concept to be further analyzed in the forthcoming repair memorandum. Alternative 4 has the ability to reduce flood risk to the properties being served by Branch 4, will not have the additional costs related to replacement of infrastructure, and it will not require regulatory engagement with the Mn/DNR.

## **ITEMS FOR DISCUSSION AND INFORMATION**

2. District Engineer update and timeline.



Date Prepared: 29-Jun-15  
Prepared by: M. Deutschman & G. Monson

## District Engineer - Monthly Project Report June 2015 Rice Creek Watershed District



Project Name	Estimated Budget	Cost to Date	Remaining Budget	Project Complete/Transfer Funds?	Estimated Progress Based on Work Completed	Estimated Progress Based on Percent Budget Expended	Within Budget? (Y/N)	District Billed for Change in Services? (Y/N)	Initial Target Completion Date	Revised Target Completion Date	Items of Interest / Concern
ACD 53-62 Branch 1 Repair Project	\$178,400	\$194,918	(\$16,518)	N	99.0%	109.3%	N	N	31-Jul-15	Not Applicable	Remaining work includes cleanout of the I-35W culvert. Contract end date is July 31.
ACD 31 Charge Certification	\$18,100	\$4,116	\$13,984	N	22.0%	22.7%	Y	N/A	31-Dec-15	Not Applicable	An internal draft to Houston Engineering of the charge memorandum is complete and waiting for quality assurance review.
ACD 46 Charge Certification	\$18,100	\$3,620	\$14,480	N	20.0%	20.0%	Y	N/A	31-Dec-15	Not Applicable	An internal draft to Houston Engineering of the charge memorandum is complete and waiting for quality assurance review.
ACD 15 / JD 4 Charge Certification	\$3,000	\$756	\$2,244	N	25.0%	25.2%	Y	N/A	31-Dec-15	Not Applicable	We have completed our review of Washington and Anoka County charge tables for 2015.
ACD 53/62 Charge Certification	\$5,000	\$792	\$4,208	N	16.0%	15.8%	Y	N/A	31-Dec-15	Not Applicable	We have completed our review of Anoka County charge tables for 2015.
Certification of Charges for Bald Eagle Lake	\$3,700	\$790	\$2,910	N	22.0%	21.4%	Y	N/A	31-Dec-15	Not Applicable	We have completed our review of Washington, Ramsey, & Anoka County charge tables for 2015.
Browns Preserve Wetland Restoration (Implementation)	\$45,500	\$12,043	\$33,457	N	27.0%	26.5%	Y	N/A	31-Dec-15	Not Applicable	The Corps of Engineer's has released credits through 2013. A TEP is being scheduled to review the site, prior to discussion about the 2014 credit release request. Herbicide application is continuing.
Browns Preserve Hydrology Monitoring	\$28,200	\$5,762	\$22,438	N	20.0%	20.4%	Y	N/A	31-Dec-15	Not Applicable	We have re-installed the monitoring equipment at Browns Preserve and are continuing bi-weekly trips to the site to collect and record data. The Corps of Engineer's has decided all the wells except one has attained the hydrology performance standards. Discussions about the hydrology of this well continue.
AW JD 3 Historical Review Memorandum	\$35,800	\$40,853	(\$5,053)	N	99.0%	114.1%	N	N	31-Dec-14	31-Jul-15	A public information meeting is scheduled for July 14, 2015.
WJD 5, 6, 7 Historical Review Memorandum	\$28,600	\$30,607	(\$2,007)	N	99.0%	107.0%	N	N	31-Dec-14	1-Apr-15	Public hearings need to be schedule.
Hansen Park Phase 2 (Permitting)	\$43,000	\$14,160	\$28,840	N	32.0%	32.9%	Y	N/A	31-Jan-15	15-Mar-16	The Environmental Assessment Worksheet (EAW) has been completed and noticed to the public. Comments are due by July 8, 2015.



Date Prepared: 29-Jun-15  
Prepared by: M. Deutschman & G. Monson

## District Engineer - Monthly Project Report June 2015 Rice Creek Watershed District



Project Name	Estimated Budget	Cost to Date	Remaining Budget	Project Complete/Transfer Funds?	Estimated Progress Based on Work Completed	Estimated Progress Based Upon Percent Budget Expended	Within Budget? (Y/N)	District Billed for Change in Services? (Y/N)	Initial Target Completion Date	Revised Target Completion Date	Items of Interest / Concern
Hansen Park Phase 3 (Preliminary Plans)	\$214,700	\$26,510	\$188,190	N	12.0%	12.3%	Y	N/A	31-Jan-15	15-Mar-16	HEI has completed additional survey at the project site and has begun laying out preliminary plan sheets. The soil borings are completed and HEI is awaiting the geotechnical report. Preliminary design of the iron enhanced sand filtration system is underway.
District-Wide Modeling of Future Developed Conditions	\$125,000	\$2,805	\$122,195	N	3.0%	2.2%	Y	N/A	31-Dec-15	Not Applicable	Information about the future developed condition is being gathered.
Peltier Lake Drawdown Feasibility	\$19,022	\$7,537	\$11,485	N	40.0%	39.6%	Y	N/A	31-Dec-15	31-Dec-15	Preliminary hydraulic analysis of the alternatives has been completed.
Legal Boundary Review	\$16,250	\$9,678	\$6,572	N	75.0%	59.6%	Y	N/A	31-Dec-15	31-Dec-15	The technical work is completed and preparation of the draft memorandum is in progress
Locke Lake Sediment Source Apportionment	\$24,712	\$7,728	\$16,984	N	31.0%	31.3%	Y	N/A	7-Aug-15	7-Aug-15	The field work for completing Bank Erosion Hazard Index analysis is finished.

Values in red are either potential budget concerns or changes in schedule.

The "overage" for those projects shown as "over budget" is not billed to the District. The cost to date column reflects HEI's actual internal cost.

Projects are considered within budget if  $\pm 10\%$ .

District Engineer  
Monthly Progress Report (Actual & Estimated Progress)  
Through June 2015

