



**REGULAR MEETING OF THE RCWD BOARD OF MANAGERS**

Wednesday, July 8, 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, Technical Specialist/Permit Reviewer Chris Buntjer, Water Resource Specialist Kyle Axtell.

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

Visitors: Richard Miehe.

**SETTING OF THE AGENDA**

District Administrator Belfiori added item #2 Upper Mississippi Bacteria TMDL presentation to Items for Discussion and Information.

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

**READING OF THE MINUTES AND THEIR APPROVAL**

*Minutes of the June 23, 2015, Board of Managers Regular Board 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:

36 **CONSENT AGENDA**

37 No.	Applicant	Location	Plan Type	Recommendation
38 15-046	Anoka County Hwy Dept	Columbus	Final Site Drainage	CAPROC 6 items
39 15-067	Winnick Supply Inc	Forest Lake	Bridge/Culvert Crossing, Final Site Drainage	CAPROC 2 items

43 Permit Coordinator/Wetland Specialist Nick Tomczik noted the recommendation items in the consent agenda were  
 44 reversed; Item 15-046 has 6 CAPROC items and Item 15-067 has 2 CAPROC items. He also noted that item 15-046 is one  
 45 staff brought to their attention previously in regards to the use of the BWSR road bank to satisfy WCA requirements. That  
 46 issue has been resolved between the County and BWSR and is back before the Board for consideration.

47  
 48 Manager Haake asked where the wetland replacement will be done. Permit Coordinator/Wetland Specialist Nick Tomczik  
 49 indicated he did not know that definitively but BWSR is obligated to provide the mitigation.

50  
 51 ***Motion by Manager Haake, seconded by Manager Waller, to approve the consent agenda for permits 15-046 and 15-  
 52 067 as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and  
 53 Recommendations, dated July 1, 2015. Motion carried 5-0.***

54  
 55 **OPEN MIKE – LIMIT 12 MINUTES.** Any RCWD resident may address the Board in his or her individual capacity, for up to  
 56 three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the  
 57 record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on  
 58 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  
 59 agenda.

60 There were no comments made at Open Mike.

61  
 62 **ADDITIONAL ITEMS REQUIRING BOARD ACTION**

63 **1. Consider Anoka Conservation District-Golden Lake Iron-Enhanced Sand Filter Project, Urban Stormwater  
 64 Remediation Program-grant amendment request**

65 Water Resource Specialist Axtell explained the Anoka Conservation District (ACD) entered into an Urban  
 66 Stormwater Remediation Program cost-share agreement with the RCWD on May 19, 2014, which was to provide  
 67 \$22,500 in match funding to an iron-enhanced sand filter project designed to remove phosphorus from runoff to  
 68 Golden Lake. The project is a TMDL implementation project and the ACD was successful in obtaining a Clean  
 69 Water Fund (CWF) grant for the project. Since that time, the ACD has engaged an engineer to develop a design  
 70 plan and specifications and the project was let for bidding in May. Sealed bids were opened on June 10, 2015 and  
 71 all exceeded the engineer's cost estimate of \$93,780.

72  
 73 Water Resource Specialist Axtell stated the ACD, RCWD and City of Blaine have invested a significant amount of  
 74 time and energy into this project and all parties wish to see it constructed in 2015. The ACD does not have its  
 75 own base funding available to cover the difference between the engineer's estimate and the low bid. They are  
 76 looking to project partners to find additional sources of funding while they discuss scope reductions and unit  
 77 costs with the low bidder.

78  
 79 Water Resource Specialist Axtell noted the City of Blaine had not previously committed financially to this project;  
 80 it was providing the project site and committing to long-term maintenance only. Blaine's City Council is expected  
 81 to commit \$24,440 toward this project on July 9, 2015.  
 82

83 Water Resource Specialist Axtell stated the ACD is requesting that the Rice Creek Watershed District Board  
84 approve an amendment to the existing cost-share agreement for this project increasing the maximum amount by  
85 \$18,114 (or \$40,614 total), enough to cover the remaining balance of the low bid. RCWD staff supports this  
86 request. Since the City of Roseville has declined the funding offer for its Evergreen Park Reuse Irrigation project,  
87 there is approximately \$46,000 remaining in the 2015 USWR cost-share budget, more than enough to  
88 accommodate the ACD's request and allow an important water quality project to be implemented.  
89

90 Water Resource Specialist Axtell explained all partners are confident that rejecting bids and re-letting will not  
91 provide for lower bids as the five bids in the group were fairly tightly packed. A reduction in scope would lead to  
92 an associated reduction in likelihood that the project meets the goals outlined in the CWF grant application.  
93

94 Water Resource Specialist Axtell stated RCWD staff supports amending this grant agreement to add \$18,114 to  
95 the maximum cost-share amount to facilitate the completion of a water quality treatment project in the Golden  
96 Lake sub watershed. Staff's assertion that RCWD's contribution be the first to realize a reduction in the event the  
97 project is built under budget has not been challenged by the ACD or City.  
98

99 Manager Haake stated Evergreen will probably come back before them again if Roseville ever decides to do that,  
100 so she wondered what they would do then. Water Resource Specialist Axtell stated the Evergreen reuse project  
101 has been cancelled by the City of Roseville and they are not pursuing that project at this time and in writing they  
102 have declined the cost-share agreement with the RCWD and they will be returning their CWF grant back to  
103 BWSR as well so if they were to pursue that project in the future, they would need to reapply for a new BWSR  
104 grant in addition and would be a new application for the RCWD in the future.  
105

106 Manager Waller stated his priority is stormwater flooding issues and he wondered if they were going to be short  
107 of funds for the St. Anthony Mirror Pond project and would the \$46,000 being returned be helpful in the St.  
108 Anthony funding area. Water Resource Specialist Axtell stated in terms of their budget, these are two completely  
109 separate programs and he did not think the Urban Stormwater Fund would be used to augment the situation  
110 with St. Anthony. He also stated the District just received a response back from the City of St. Anthony regarding  
111 the Mirror Pond Project and that item will be on the Board's July 13<sup>th</sup> Workshop Agenda. He noted these items  
112 are unrelated.  
113

114 District Administrator Belfiori stated the Urban Stormwater Cost-share Program is a set aside fund and carried  
115 over within the fund from year to year. The District has a current 2015 USWR fund balance of approximately  
116 \$46,000. He stated that this project was a BWSR Clean Water Legacy Grant approved project and that the  
117 partners worked together to put together a really good application and it was highly ranked by the State. This  
118 project achieves a large percentage of the waste load allocation to meet that TMDL for Golden Lake is an  
119 important project from an overall lakes management perspective.  
120

121 Manager Waller stated what they are seeing is that they have an organization like the Soil and Water  
122 Conservation District, which has no taxing authority and is dependent on the Anoka County Board for their  
123 funding. Apparently the Anoka County Board did not provide them with funds for application for this project  
124 and the conservation district is depending on both the City of Blaine and the Watershed District for funds. When  
125 there is a miscalculation on the expense of this, approximately \$93,000 by the Anoka Conservation District and  
126 the lowest bid came in at \$136,000, that is quite a miss and he thought the procedure here was poor because  
127 there is no responsibility on the conservation district's part to provide that extra funding because the Anoka  
128 County Board of Commissioners does not provide them with the funding for the project and he felt they are  
129 using everybody else's cash but their own. He stated he did not mind putting the money in here for the project

130 but in the future they need to be conscious of that issue. He felt in the future the County needed to come  
131 forward with their share for the costs.  
132

133 Manager Bradley asked if they knew what the big discrepancy was. Water Resource Specialist Axtell stated as best  
134 as they can tell, contractors are busy. This was a relatively tight set of bids and they have been seeing this on other  
135 projects that costs have been going up now.  
136

137 Manager Waller stated he agreed with the managers regarding the cost. He thought the costs were quite amiss  
138 because the difference was thirty-one percent of the cost that was allocated for. He understood the bids were  
139 tight but the miss was anywhere from thirty-one percent to forty-five percent of what they bid. He thought they  
140 needed to watch that, especially in the future.  
141

142 Manager Haake stated she agreed with Manager Waller. She suggested Anoka County Conservation District go to  
143 Anoka County for the additional funding because this is something that is there and the conservation district  
144 does not have any investment in it. She thought they should table this to either find out if they can go to Anoka  
145 County to get the \$18,000 or find out if Anoka County has been approached. Water Resource Specialist Axtell  
146 stated he did not know if Anoka County Conservation District has gone to Anoka County for funding or not. He  
147 stated this can be an inherent risk when a Conservation District is leading a project and they have seen this before.  
148 He stated in regards to tabling the project, June 10<sup>th</sup> is the thirty days by which they have to accept or reject bids  
149 and that is why the City of Blaine is acting on this tomorrow. At this time staff recommends they move forward  
150 with the project.  
151

152 Manager Waller stated he would not support tabling the project. His point was in the future when working with  
153 the Conservation District they need to have some investment from the County.  
154

155 Manager Wagamon felt this accomplishes some goals for the Watershed too so he thought in this instance it  
156 made sense to approve the additional funding.  
157

158 Manager Bradley wondered if the District's Engineer did not see the entire scope of the project. Water Resource  
159 Specialist Axtell stated the assumption when the project was designed was that they have an existing  
160 stormwater pond with a functioning outlet structure and they would be replacing that structure to  
161 accommodate the iron enhanced sand filter. When they went out to view the structure they found it to be in  
162 very poor shape, falling apart so the project itself has a dual function and they would be replacing that pipe and  
163 outlet structure as part of the project. Given that the project is not going to be completed within the original  
164 estimated budget the City is stepping forward to cover some of the costs. If the project were to be cancelled, the  
165 City as part of its MS4 program would be required to go back in there within the next couple of years and replace  
166 the outlet structure. Manager Bradley thought in the future, instead of relying on someone else's engineer, they  
167 should have their own engineers look at the project independently and give them an estimate of the costs. Water  
168 Resource Specialist Axtell stated that could be done.  
169

170 Manager Wagamon stated the District has had that exact same issue happen in the past to them with the bidding  
171 process. Manager Haake agreed with Manager Bradley.  
172

173 ***Motion by Manager Waller, seconded by Manager Bradley, to amend the 2014 Urban Stormwater***  
174 ***Remediation Program cost-share agreement between the Rice Creek Watershed District and the Anoka***  
175 ***Conservation District in the following manner:***  
176

**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.”***

***Motion carried 4-1 (Manager Haake).***

Manager Haake stated she liked the project but thought there should have been more work done on it.

- 2. Consider Check Register dated July 8, 2015, in the amount of \$35,123.32, prepared by Redpath and Company.  
Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated July 8, 2015, in the amount of \$35,123.32, prepared by Redpath and Company. Motion carried 5-0.**

**ITEMS FOR DISCUSSION AND INFORMATION**

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

District Administrator Belfiori noted that issue was brought to the Managers attention as part of the review of the Addendum to Anoka Ramsey Judicial Ditch 1 Historical Review, dated July 16, 2014. He invited Engineer Deutschman to give a brief presentation on design goals and objectives of the ARJD 1 Branch 4 Repair Project.

Manager Haake asked what came first, the ditch or the public water wetland. District Engineer Deutschman stated the ditch came first and then it was designated as a public water wetland. Manager Haake asked what year the ditch was put in. District Engineer Deutschman indicated it was installed in the early 1900’s. Manager Waller stated the ordinary high water mark results in the loss of storage capacity within that basin area and changes it by storing extra water in there which permeates the soil so when the soils are soaked they do not have that sponge effect and the water does not go up and down any longer which creates a second problem.

District Engineer Deutschman continued with his presentation.

Manager Haake asked if they were going to put the culvert a little above the ordinary high water mark of 903.9. District Engineer Deutschman indicated that was correct. Manager Haake asked why they do not put the culvert at 903.9 since they already are telling them they cannot use their regular ditch because they determined it was going to be a public water wetland. District Engineer Deutschman stated they are just going to set it enough above the ordinary high elevation for example to 904 feet so there is no work in public waters.

District Engineer Deutschman stated they are proposing to replace the culvert that is in poor condition under the trail and that will address the concerns of the landowners that live east of Xylite. Manager Haake asked if the City of Blaine will be paying for the culvert because it is under their trail. District Engineer Deutschman indicated that was not what they were proposing; they have not decided who is going to pay for what.

Consensus of the Board was to direct Houston Engineering to focus on repair alternative number 4 for the development of a repair memorandum.

223 Manager Waller thought this was an excellent example of many instances within the District where they are  
 224 trying to provide flood control as the transformation of land use changes from agriculture to urban and one of the  
 225 problems that this one demonstrates to him is there seem to be a loss between the Districts Regional Stormwater  
 226 System inside the City that attaches to the regional system. This is not the only place they have heard those kind  
 227 of complaints over the years and he wondered if in the future they should take a look at their rules to clarify to  
 228 make sure that when these projects are built or change that they take the same care and consideration to make  
 229 sure that the stormwater system connects to the regional system.  
 230

231 Manager Haake indicated she liked number 4 because it goes through a very tiny holding pond before it goes into  
 232 the main ditch.  
 233

234 **2. Upper Mississippi Bacteria TMDL presentation**

235 District Administrator Belfiori indicated Water Resource Specialist Axtell would be giving a presentation on a  
 236 unique TMDL that the District and many cities are involved with. This is a bacteria TMDL for the Upper  
 237 Mississippi River, which staff wanted to bring to the Boards' attention. Water Resource Specialist Axtell recently  
 238 attended a meeting that covered this bacteria TMDL.  
 239

240 Water Resource Specialist Axtell gave a presentation to the Board regarding Upper Mississippi Bacteria TMDL.  
 241

242 Manager Waller asked if they anticipate increasing the stations numbers upstream. Water Resource Specialist  
 243 Axtell stated they do have monitoring locations elsewhere throughout the District that they monitor on a routine  
 244 basis. Their approach right now is to set the downstream boundary condition.  
 245

246 Manager Waller stated that since the counties are doing this monitoring already do they have access to their data.  
 247 Water Resource Specialist Axtell stated the information should be in the State database but would have to double  
 248 check on it.  
 249

250 District Engineer Deutschman thought it seemed like it takes less data to list it, call it impaired, than it does to  
 251 remove it. He was sure there have been discussions with the State about the science of it. They basically listed  
 252 reaches in the absence of monitoring data and now they are generating data to get them off the list, which seemed  
 253 strange to him. Water Resource Specialist Axtell stated that was correct. They were able to gather enough data  
 254 from their sampling location on Rice Creek and downstream of Lock Lake, and it was listed based on the data and  
 255 they strongly commented on TMDL in addition to other MS4's in the watershed but were unsuccessful in having  
 256 any of that changed when the TMDL was finally drafted and submitted to the EPA. At this point, it is approved  
 257 an in place so they are focusing on correcting it to the extent that they can.  
 258

259 **3. District Engineer Update and Timeline**

260 There were no comments.  
 261

262 **4. Manager's Update**

263 Administrator Belfiori updated the Board on meetings and items upcoming.  
 264

265 **ADJOURNMENT**

266 *Motion by Manager Haake, seconded by Manager Bradley, to adjourn the meeting at 10:00 a.m. Motion carried 5-0.*  
 267