

Approved



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

Wednesday, April 27, 2016

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, Secretary Michael J. Bradley, and Treasurer Steve Wagamon.

Absent: Manager Waller (with prior notice)

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Lake and Stream Specialist Matt Kocian, Office Manager Theresa Stasica.

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

Visitors: Andrew Conners, John Krausent, Clark Wicklund, Donald Jensen.

**SETTING OF THE AGENDA**

District Administrator Belfiori added two updates under staff reports. Update on DNR Preliminary Buffer Maps and Update on Permit Review Engineer Resignation.

***Motion by Manager Haake, seconded by Manager Wagamon, to adopt the agenda as presented. Motion carried 4-0.***

**READING OF THE MINUTES AND THEIR APPROVAL**

***Minutes of the April 11, 2016, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 4-0.***

***Minutes of the April 13, 2016, Board of Managers Meeting.***

33  
 34 District Attorney Smith indicated on page 10 of the agenda packet, line 190, there is the discussion about  
 35 the representation of the District and the boundary changes matter and his recollection was that he did  
 36 disclose clearly that another attorney is representing the District in this matter and they are representing  
 37 Comfort Lake. He would like to propose the sentence read "District Attorney Smith stated that the first  
 38 order of business is to make sure the Board is aware that in this case Mr. Kolb of Rinke Noonan is  
 39 representing the Rice Creek Watershed District."  
 40

41 Manager Haake requested a correction on page 7 of the agenda packet, line 81, as follows: "Manager  
 42 Haake asked if the District completed the PRAP (performance review and assistance program) report  
 43 from BWSR."  
 44

45 ***Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as amended.***  
 46 ***Motion carried 4-0.***  
 47

48 **PERMIT APPLICATIONS REQUIRING BOARD ACTION**

49 The following applications have been reviewed by the District Engineer and Staff and will be acted upon  
 50 without discussion in accordance with the Engineer's Recommendation unless a Manager or the  
 51 Applicant or another interested person requests opportunity for discussion:  
 52

53 **CONSENT AGENDA**

No.	Applicant	Location	Plan Type	Recommendation
54 15-108	City of New Brighton	New Brighton	Street & Utility Construction	CAPROC 4 items
57 16-001	Arden Square LLC	Arden Hills	Final Site Drainage	CAPROC 6 items
58 16-021	Anoka County Transportation Div.	Lino Lakes	Street & Utility Construction	CAPROC 7 items
60 16-022	City of Mahtomedi	Mahtomedi	Final Site Drainage	CAPROC 5 items
61 16-025	Parkside North LLC	Blaine	Final Site Drainage	CAPROC 5 items
62 16-029	Mahtomedi Public Schools-ISD 832	Mahtomedi	Final Site Drainage	CAPROC 4 items
64 16-030	Mahtomedi Public Schools-ISD 832	Grant	Final Site Drainage	CAPROC 7 items
66 16-032	City of New Brighton	New Brighton	Final Site Drainage	CAPROC 4 items
67 16-033	Centennial Public Schools	Circle Pines	Final Site Drainage	CAPROC 7 items
69 16-034	CSM Investor II Inc	Blaine		CAPROC 6 items
70 16-037	Aveda Corporation Inc	Blaine	Final Site Drainage	CAPROC 5 items

71  
 72 Permit Coordinator/Wetland Specialist Tomczik noted in regards to Item 16-037, Aveda Corporation, Inc.,  
 73 there is an adjustment in the language on page 1 of the engineer's report under CAPROC item 1- staff

74 would like to strike Item h & i. The project does not trigger those items. Additionally, on page 3 of the  
75 engineer' report, under findings, strike the second sentence under Item 5, "Greater than 1 acre will be  
76 disturbed by this project, thus an NPDES permit is required."

77  
78 Manager Bradley stated on page 29 of the agenda packet, page 4 of permit 16-021 engineer's report,  
79 there is a statement that the County is in the process of finalizing the purchase of additional right of way  
80 lands and proof of ownership must be provided to the District prior to issuance. He thought that would  
81 also be listed as one of the CAPROC requirements. He asked if there was a process to this. Permit  
82 Coordinator/Wetland Specialist Tomczik stated that could be made a CAPROC item for clarity because the  
83 District does need to know that the applicant has permission to utilize the property or ownership of it.  
84 He was not sure if that has been provided yet or not. He asked this be an amendment, as needed, to the  
85 CAPROC requirements.

86  
87 ***Motion by Manager Bradley, seconded by Manager Wagamon, to approve the consent agenda as***  
88 ***outlined in the above Table of Contents for permits 15-108, 16-001, 16-021, 16-022, 16-025, 16-029, 16-***  
89 ***030, 16-032, 16-033, 16-034, and 16-037 in accordance with RCWD staff and District Engineer's Findings***  
90 ***and Recommendations dated April 20, 2016 including the discussed amendments. Motion carried 4-0.***  
91

92 **OPEN MIKE – LIMIT 12 MINUTES.** *Any RCWD resident may address the Board in his or her individual capacity, for up*  
93 *to three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and*  
94 *address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will*  
95 *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*  
96 *matter be scheduled on an upcoming agenda.*

97 There were no comments made at Open Mike.

98  
99 **PUBLIC HEARING: HANSEN PARK PROJECT MS 103E IMPOUNDMENT PETITION AND MS 103G**  
100 **TEMPORARY DRAWDOWN OF PUBLIC WATERS**

101 President Preiner stated the regular Board meeting is now recessed and the public hearing is opened on  
102 the Rice Creek Watershed District's proposed granting of the City of New Brighton's petition to  
103 modify an impoundment on Ramsey County Ditch 2 as part of the Hansen Park project component  
104 of Basic Water Management Project 2013-01, as well as the District's proposed temporary  
105 drawdown of public waters within Hansen Park to accommodate construction of the petitioned  
106 modification.

107  
108 The purpose of this hearing is to receive comments from the public on the petitioned public  
109 drainage system modification project and the associated temporary drawdown of public waters to  
110 accommodate the modification.

111  
112 Before the watershed district can grant the petition, state law requires that the board of  
113 managers hold a public hearing, receive public comments and find that the project does not

114 impact water surface elevations or peak discharge upstream or downstream of the project, does  
115 not result in an adverse environmental impact, and does not impair the utility of the drainage  
116 system or deprive affected landowners of its benefit. That is the purpose of today's hearing. In  
117 accordance with state law and District policy, notice of this hearing was published for three  
118 successive weeks in the St. Paul Pioneer Press and New Brighton-Mound View Bulletin, mailed to  
119 Ramsey County, the City of New Brighton, the Ramsey Conservation District, the Minnesota  
120 Department of Natural Resources, and all affected landowners. A notice was also posted at the  
121 District office and on its website and was sent to those who have requested notices via email.  
122

123 First, I would ask Houston Engineering to give a brief presentation of the proposed impoundment  
124 modification and its analysis of the effects on the public drainage system and affected properties.  
125 Next, I would ask Kyle Axtell, our Water Resource Specialist and Project Manager, to give a brief  
126 presentation of the proposed temporary drawdown of the public water located within Hansen  
127 Park. When their remarks are completed, the floor will be open for any members of the public  
128 who wish to address the board. At that time, if you wish to comment, please come forward to the  
129 podium and state your name and address for the record. If you have a written copy of your  
130 statement, or any other documents that you would like to submit, please give them to Theresa  
131 our meeting clerk.  
132

133 During public comment, managers are welcome to ask questions of commenters to clarify their  
134 remarks. I also may ask Houston Engineering and/or Mr. Axtell to respond to any technical  
135 questions raised. Managers will hold their own comments about the project until the public  
136 hearing is closed. At that time, the board will have the opportunity to discuss the proposed  
137 activities.  
138

139 President Preiner requested Houston Engineering, to proceed their presentation.  
140

141 District Engineer Otterness explained the project is located in the City of New Brighton, located on  
142 Ramsey County Ditch 2 in Hansen Park. The dam is located at the north end of the pond. The general  
143 flow of water through the park is south through north. One thing to note about the project and project  
144 area is that the site they are working within is entirely located within public property with the exception  
145 of one private property that is located along Ramsey County Ditch 2. The private property will not be  
146 hydrologically affected by the proposed project because it is on the downstream of the dam.  
147

148 District Engineer Otterness provided a history of Ramsey County Ditch 2.  
149

150 District Engineer Otterness stated they are proposing some modifications to the existing dam. The dam is  
151 proposed to be reconstructed and the normal water level to be lowered approximately two feet. The  
152 primary outlet will flow through a 30-inch pipe and the dam height is to be raised approximately two  
153 feet.

154  
155 District Engineer Otterness stated as part of the 103E proceedings and review they have looked at the  
156 utility of the system and the adequacy of the outlet and determined that the downstream flow will  
157 decrease, the upstream peak water surface increases for 2- and 10-year rainfalls events (only within  
158 public property) and upstream peak water surface decreases for 100-year rainfall event for all properties.

159  
160 District Engineer Otterness explained the overall project will have a positive effect on the flooding  
161 conditions for upstream properties. For each of the modeled events there will be a decrease in the flood  
162 elevation downstream all the way to Long Lake.

163  
164 District Engineer Otterness reviewed the Peak Water Surface and Flows table with the Board.

165  
166 District Engineer Otterness stated the benefits of the project are decreased flooding in RCD 2, Pike Lake,  
167 and Long Lake. Decreased flooding risk to homes adjacent to Hansen Park. Improved water quality and  
168 improved wetland habitat.

169  
170 Manager Haake asked with the storage they will have with the dam being installed how much dredging  
171 will be done. District Engineer Otterness stated they will be creating more storage by a couple different  
172 means. They will be dredging anywhere from zero to four feet of the basin for water quality and other  
173 reasons. One of the other main components of creating storage is the lowering of the normal outlet of  
174 the pond in addition to creating the higher dam and will create more storage behind it for flood  
175 purposes.

176  
177 Manager Haake asked how the Corp. of Engineers is handling the approval process. District Engineer  
178 Otterness stated they are working through this. There was a meeting a couple of weeks ago to discuss  
179 where they are going with the permit process and are making progress.

180  
181 President Preiner requested Water Resource Specialist Axtell to proceed with his presentation.

182  
183 Water Resource Specialist Axtell stated the other purposes of the hearing is to discuss some dredging  
184 activity within the Hansen Park Pond and in order to attempt that activity there will need to be some  
185 temporary dewatering done.

186

187 Water Resource Specialist Axtell stated the proposed construction will be mechanical dredging of  
188 sediment within the pond, demolition of the existing concrete dam, construction of a new dam and  
189 outlet structure, native vegetation restoration throughout the site and construction activities will require  
190 dewatering of the basin.

191

192 Water Resource Specialist Axtell stated they expect the dewatering will begin in the fall of 2016 and  
193 dredging and dam construction will likely be complete by the spring of 2017. Restoration of water levels  
194 will occur in stages throughout the summer and fall of 2017 according to the native vegetation  
195 restoration plan and the length of dewatering is estimated at 12 months.

196

197 Manager Haake asked where the dewatering goes to. Water Resource Specialist Axtell stated it will  
198 ultimately go down stream into Long Lake. Currently the pond itself is shallow and has been filled in with  
199 sediment over the years. The purpose of the dewatering is to get the water out of the basin and allow  
200 the sediments to freeze up in the winter in order to be worked.

201

202 President Preiner stated: I would now invite anyone who would like to offer comments about the  
203 proposed activities.

204

205 There was no public comment.

206

207 President Preiner stated: There being no further testimony from the public, I close the public hearing  
208 and open the matter for board discussion and action.

209

210 **ADDITIONAL ITEMS REQUIRING BOARD ACTION**

211 **1. Consider Hansen Park Comprehensive Water Management Project**

212 **a) Granting 103E Impoundment Petition**

213 Water Resource Specialist Axtell stated the City of New Brighton filed a petition under MS  
214 103E.227 for the proposed impoundment modification on February 26, 2016. Houston  
215 Engineering did file their engineer's report as directed on March 16, 2016. That report was  
216 transmitted to DNR for their review and preliminary advisory report was received on April 19,  
217 2016. We just had our public hearing as required by statute. And as the District Engineer  
218 mentioned the project will not impact water surface elevations or peak discharge upstream or  
219 downstream of the project; will not result in an adverse environmental impact, and will not impair  
220 the utility of the drainage system or deprive affected landowners of its benefit. Based on that  
221 staff is recommending the Board adopt draft resolution 2016-09 which would grant the  
222 impoundment petition under 103E.227.

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***Motion by Manager Haake, seconded by Manager Wagamon, to offer Resolution 2016-09 and its adoption.***

THEREFORE, BE IT RESOLVED that the Board of Managers directs the following actions:

1. The petition of the City of New Brighton for the reconstruction of an outlet control structure and resulting impoundment of waters on RCD 2 in the Hansen Park pond, as indicated in the petition and engineer’s report, is GRANTED.
2. The cost of proceedings is to be charged to Basic Water Management Project 2013-01.
3. The drainage system record shall be amended to reflect the reconstructed structure and ditch grade.
4. The drainage system modification, as petitioned, may be made upon release of this order and provided that all required permits, necessary rights-of-way and easements, if any, have been obtained.

**ROLL CALL:**

- Manager Waller – Absent***
- Manager Haake – Aye***
- Manager Bradley – Aye***
- Manager Wagamon - Aye***
- President Preiner – Aye***

***Motion carried 4-0-1.***

***b) Notifying DNR of 103G Proceedings***

Water Resource Specialist Axtell explained the next item pertaining to the 103G proceedings, staff is recommending that the Board direct staff to prepare a summary of the 103G proceedings today and transmit that summary to DNR for their records as part of their permitting process.

***Motion by Manager Haake, seconded by Manager Wagamon, to direct staff to prepare a 103G summary report for the Hansen Park project and transmit the report to DNR. Motion carried 4-0.***

**2. Consider RCWD 16-01 City of Roseville, Twin Lakes Iron-Enhanced Sand Filter cost-share application**

Water Resource Specialist Axtell stated the City of Roseville, as part of its Twin Lakes Parkway redevelopment, is required to provide stormwater treatment as dictated by RCWD Rule C. In this case, where infiltration practices are not feasible due to poor soils, a traditional wet stormwater pond has been proposed to meet RCWD Rule C standards. The City would like to increase this pond’s ability to remove phosphorus from runoff to Langton Lake by installing an iron-enhanced sand filter bench around the perimeter of the pond. This filter bench would serve as the primary outlet from the pond to Langton Lake.

267  
268 Water Resource Specialist Axtell reviewed the application with the Board.

269  
270 Manager Haake asked what size is the project compared to what has been done in Forest Lake.  
271 Water Resource Specialist Axtell indicated this is a different style of project and would look more  
272 like the project that was installed over at Centennial Green Park in Blaine with the Anoka  
273 Conservation District and is a much smaller pond.

274  
275 ***Motion by Manager Haake, seconded by Manager Bradley, to approve RCWD Water Quality***  
276 ***BMP Cost-Share Contract RCWD16-01 for the City of Roseville's iron-enhanced sand filter***  
277 ***project, up to \$25,000 and not to exceed 50% of eligible project expenses, in accordance with***  
278 ***established program guidelines.***

279  
280 Manager Haake asked if the project costs could be less than \$55,000. Water Resource Specialist  
281 Axtell indicated it could be potentially less than the \$55,000 proposed.

282  
283 ***Motion carried 4-0.***

284  
285 **3. Consider Middle Rice Creek Restoration Project – Pay Request #1**

286 Lake and Stream Specialist Kocian stated the RCWD Board of Managers awarded the Middle Rice  
287 Creek Restoration Project construction contract to Veit & Company, Inc. on October 28, 2015. The  
288 total contract price was \$538,376.01. Phase 1 of the project, including construction of the new  
289 channel, is essentially complete. Veit has submitted an invoice for services rendered totaling  
290 \$258,844.47. After reviewing pay request #1, the project engineer, Emmons and Oliver  
291 Resources, Inc. is recommending payment totaling \$244,607.76. The difference in the  
292 contractor's pay request and the engineer's recommendation is based on discrepancies in  
293 material amounts. The project engineer is working with the contractor to resolve these  
294 discrepancies, but recommends paying for undisputed quantities and services now.

295  
296 Lake and Stream Specialist Kocian reviewed the project with the Board.

297  
298 Manager Haake stated she was glad everyone is being careful on looking through this and wanted  
299 to compliment everyone involved in that.

300  
301 ***Motion by Manager Haake, seconded by Manager Bradley, to approve partial payment request***  
302 ***#1 to Veit and Companies, Inc. for the Middle Rice Creek Restoration Project in the amount of***  
303 ***\$244,607.76. Motion carried 4-0-1.***

304  
305 Lake and Stream Specialist Kocian provided an overall plan sheet and virtual tour of the project  
306 with the Board.

307

308 Manager Bradley stated he walked the trail next to this project and he was able to see quite a bit  
309 of the project that is going on and would be worthwhile for the Board to walk it.  
310

311 **4. Consider 2015 RCWD Audit**

312 District Administrator Belfiori stated on April 8, 2016 the District received the 2015 Annual  
313 Financial Report and Audit prepared by Redpath and Company, Ltd., dated April 7, 2016. The  
314 report and compliance audit is required annually pursuant to M.S. 103B and 103D. Copies of the  
315 report will be sent to the State Auditor's Office, the Board of Water and Soil Resources, and the  
316 Director of the Division of Waters at the Department of Natural Resources to fulfill the legal  
317 reporting requirements found in statute.  
318

319 District Administrator Belfiori stated the Financial Report & Audit concludes with two letters to  
320 the District. One titled "Report on Internal Control" found on page 65 and one titled "Minnesota  
321 Legal Compliance Report" found on page 67. The Report on Internal Control identified that the  
322 auditors did not identify any deficiencies in internal control that they considered to be a material  
323 weakness. The Report on Minnesota Legal Compliance states that nothing came to the attention  
324 of the auditors that caused them to believe that the RCWD failed to comply with the provision of  
325 the Minnesota Legal Compliance Audit Guide for Political Subdivisions.  
326

327 ***Motion by Manager Haake, seconded by Manager Wagamon, to accept and authorize the filing***  
328 ***of the Rice Creek Watershed District 2015 Annual Financial Report and Audit.***  
329

330 Manager Wagamon thanked staff and congratulated them on a completely clean audit.  
331

332 ***Motion carried 4-0.***  
333

334 **5. Consider Concurrence with Vadnais Lake Area Watershed Management Organization**  
335 **(VLAWMO) boundary change request.**

336 District Administrator Belfiori stated the VLAWMO has requested RCWD concurrence with a  
337 proposed boundary change between the RCWD and VLAWMO that would affect 96 parcels (65.39  
338 acres) located in the City of White Bear Lake. These parcels were inadvertently excluded by  
339 VLAWMO during the last RCWD/VLAWMO boundary change action in 2009.  
340

341 District Administrator Belfiori noted HEI has reviewed the proposed boundary change area and  
342 has concurred that from a technical perspective the proposed revised boundary line in this area  
343 does reasonably match the RCWD hydrologic boundary between the two watersheds. The City of  
344 White Bear Lake has also concurred with this boundary.  
345

346 Manager Haake thought this was already removed from their map. District Administrator Belfiori  
347 stated the mapping is correct and was reviewed by Houston Engineering. The boundary as

348 identified on page 126 does match the hydrologic boundary and excluded from unofficial parcel  
349 perspective at the County until now because it was inadvertently looked over.

350  
351 ***Motion by Manager Haake, seconded by Manager Wagamon, to authorize the Board President***  
352 ***to sign the statement of concurrence for the boundary change between RCWD and VLAWMO***  
353 ***and submit the statement to the VLAMWO. Motion carried 4-0-1.***  
354

355 **6. Consider Check Register dated April 27, 2016, in the amount of \$499,018.70, prepared by**  
356 **Redpath and Company.**

357 ***Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated***  
358 ***April 27, 2016, in the amount of \$499,018.70, prepared by Redpath and Company. Motion***  
359 ***carried 4-0-1.***  
360

361 **ITEMS FOR DISCUSSION AND INFORMATION**

362 **1. Staff Reports**

363 **a) Update on DNR Preliminary Buffer Maps**

364 District Administrator Belfiori stated District Drainage Inspector Schmidt and himself are  
365 looking through the DNR Preliminary Buffer maps and will be submitting that shortly to Dave  
366 Leuthe, DNR Buffer Mapping Project Manager. Staff will be clarifying to DNR that RCWD staff  
367 are only looking at the public drainage line work on the DNR's drainage maps and are  
368 clarifying that RCWD is not commenting on the DNR's shore land information line work, or the  
369 public water line work data and that that RCWD staff can only confirm the accuracy of the  
370 data on the DNR's line work when it relates to the public drainage system data that the  
371 District previously provided as part of this process. This will be submitted in the next week or  
372 two as they complete their review.

373  
374 **b) Permit Review Engineer Resignation**

375 District Administrator Belfiori indicated Permit Review Engineer Chris Buntjer has submitted  
376 his resignation and he thanked him for his approximately four years of service to the District.  
377 He noted they have begun the process of advertising for the position and will update the  
378 Board on the progress after the interview process has been completed and before the  
379 employment offer is made.

380  
381 **c) Update on Buffer Legislation**

382 District Attorney Smith provided the Board with an update on the Buffer Legislation going on.

383  
384 Manager Bradley stated if they don't voluntarily elect to do this then they won't be able  
385 eligible for BWSR grants. He stated if a District does not need BWSR grants then it is not an  
386 issue but they live on BWSR grants and has asked for input on that. District Attorney Smith  
387 stated there was some discussion and he believed a revision in the law to clarify what grants  
388 are jeopardized for a watershed district that does not fulfill its obligations under the buffer

389 law. He stated there is still the obligation to incorporate and update the watershed plan to  
390 include the acknowledgment of the updated mapping of the buffered areas. That is an  
391 obligation that watersheds jeopardize funding for that process if they do not fulfil that  
392 obligation. Otherwise, there is not a broad jeopardy for any kind of State BWSR Grant like the  
393 Clean Water Legacy funding if watershed districts do not choose to take on a voluntary role of  
394 enforcement, they are not creating any jeopardy in terms of the BWSR grants. The key thing is  
395 to follow through on the planning process. Manager Bradley stated they will want to make  
396 sure that BWSR agrees with that interpretation.

397  
398 Manager Haake stated in regards to the enforcement, it goes to the local Watershed District  
399 but they also have the local Conservation District and she wondered if this should just be the  
400 Soil and Water Conservation District involvement and not the Watershed District involvement  
401 because they usually need money more than they do. District Attorney Smith stated the  
402 alternative to a local entity to enforce the buffer law to a watershed district is counties.

403  
404 **2. May Calendar**

405 There were no comments.

406  
407 **3. Manager's Update**

408 President Preiner stated she has had inquiries from some residents of Columbus if the upper Rice  
409 Creek is being looked at as far as cleaning because it is pretty backed up. District Engineer  
410 Otterness indicated downstream of Howard Lake, the waterway has been filled in by cattails and  
411 the DNR has unofficially inquired about cleaning that out and something that could be looked at.

412  
413 Manager Bradley noted the Alum treatment commenced on Bald Eagle Lake and people seem to  
414 be pretty excited about it.

415  
416 **ADJOURNMENT**

417 ***Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:10 a.m.***

418 ***Motion carried 4-0-1.***

419