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# RCWD BOARD OF MANAGERS REGULAR MEETING AGENDA

Wednesday, May 8, 2019, 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 MINUTES: APRIL 24, 2019 REGULAR MEETING.**

**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
19-001	Mounds View Public School	New Brighton	Final Site Drainage Plan	CAPROC 7 items
19-030	Dorso Building Co.	Roseville	Final Site Drainage Plan	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 May 1, 2019.*

## **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 Permit 18-112 MPJWR Wetland Mitigation Bank. (Nick Tomczik)
2. Consider Lower Rice Creek Restoration Project Access Agreement. (Matt Kocian)
3. Consider City of Forest Lake Local Water Plan. (Lauren Sampedro)
4. Consider Findings and Order Related to a Drainage Petition to Establish a Lateral to Anoka County Ditch 10-22-32. (John Kolb)
5. Consider Check Register dated May 8, 2019, in the amount of \$39,188.11 prepared by Redpath and Company.

## **ITEMS FOR DISCUSSION AND INFORMATION**

1. Engineers Report and Timeline.
2. Manager's Update.

**APPROVAL OF MINUTES: APRIL 24, 2019  
REGULAR MEETING.**

# DRAFT

For Consideration of Approval at the May 8, 2019 Board Meeting.  
Use these minutes only for reference until that time.

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

Wednesday, April 24, 2019

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

### Minutes

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#### **CALL TO ORDER**

President Patricia 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, Treasurer Steven Wagamon, and Secretary Michael Bradley.

Absent: None

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, District Technician Lauren Sampedro, Project Manager Kyle Axtell, Communications & Outreach Coordinator Beth Carreño, Lake and Stream Specialist Matt Kocian, Technician Catherine Nester, Office Manager Theresa Stasica.

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners; and District Attorney John Kolb from Rinke Noonan.

Visitors: Len Pratt.

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

*Motion by Manager Haake, seconded by Manager Waller, to approve the agenda as presented.  
Motion carried 5-0.*

#### **READING OF THE MINUTES AND THEIR APPROVAL**

**Minutes of the April 8, 2019 Board of Managers Workshop.**

*Motion by Manager Wagamon, seconded by Manager Haake, to approve the minutes as presented.  
Motion carried 5-0.*

**Minutes of the April 10, 2019 Board of Managers Meeting.**

*Motion by Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion carried 5-0.*

35 **Minutes of the April 15, 2019 Board of Managers Workshop.**  
 36 ***Motion by Wagamon, seconded by Manager Haake, to approve the minutes as presented. Motion***  
 37 ***carried 5-0.***  
 38

39 **CONSENT AGENDA**

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

42 **Table of Contents**

43 **Permit Applications Requiring Board Action**

44 No.	44 Applicant	44 Location	44 Plan Type	44 Recommendation
45 14-018	45 OP3 Headwaters, LLC	45 Forest Lake	45 Land Development	45 Amendment #2- 46 CAPROC 5 items
47 18-099	47 Mounds View Public 48 Schools	47 Shoreview	47 Final Site Drainage Plan	47 CAPROC 9 items
49 19-023	49 Dewitt Homes	49 Mahtomedi	49 Final Site Drainage Plan	49 CAPROC 5 items
51 19-031	51 Construction Technology 52 Inc.	51 Columbus	51 Final Site Drainage Plan	51 CAPROC 7 items
53 19-034	53 City of Fridley	53 Fridley	53 Final Site Drainage Plan	53 CAPROC 3 items

54 Permit Coordinator/Wetland Specialist Tomczik noted that there are proposed changes for No. 19-023  
 55 engineer’s report. Under Administrative, there should be a new number 4 inserted regarding  
 56 establishment of easements on the property. He explained that they would also add a number 7 regarding a  
 57 recommendation to the applicant to communicate with Valley Branch Watershed District regarding a  
 58 potential buffer along Echo Lake.

59 Manager Bradley asked about the statement in Permit No. 19-034, under Findings, item #2, the last  
 60 sentence that states, “The applicant is responsible to confer with any agency with authority over site  
 61 contamination and/or reuse, and otherwise to ensure that site storm water management conforms to  
 62 sound design practices (including those documented in the MPCA’s Minnesota Stormwater Manual) and  
 63 all legal requirements.” He stated that this statement is quite vague and tells them that they are  
 64 supposed to talk to “somebody”. He asked if the implication was that item 1H earlier in the report’s  
 65 recommendations covers this section.  
 66

67 Permit Coordinator/Wetland Specialist Tomczik referred Manager Bradley to recommendation Item 3,  
 68 under Administrative that outlines this requirement.  
 69

70 ***It was moved by Manager Wagamon, seconded by Manager Waller, to approve the Consent Agenda***  
 71 ***item for permits 14-018, 18-099, 19-023, 19-031, and 19-034 as outlined in the above Table of Contents***

72 *in accordance with RCWD District Engineer’s Findings and Recommendations dated April 17 & 18, 2019.*  
73 *Motion carried 5-0.*

74  
75 **OPEN MIKE – LIMIT 12 MINUTES.** *Any RCWD resident may address the Board in his or her individual*  
76 *capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to*  
77 *the podium, state their name and address for the record. Additional comments may be solicited and*  
78 *accepted in writing. Generally, the Board of Managers will not take official action on items discussed at*  
79 *this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an*  
80 *upcoming agenda.*

81  
82 No comments.

83  
84 **ITEMS REQUIRING BOARD ACTION**

85 **1. Consider Grant Application to DNR Flood Hazard Mitigation Program for Ramsey County Ditches**  
86 **2, 3 & 5 Basic Water Management Project.**

87 Project Manager Kyle Axtell stated that an opportunity has come up in discussion with project  
88 partners with the Cities of New Brighton, Roseville and St. Anthony to submit a grant application  
89 under the DNR’s Flood Hazard Mitigation Program. He stated that the Project Engineer, Houston  
90 Engineering, Inc., and District staff have put together a draft application for the grant program  
91 using the rough cost estimate of \$20,000,000 that has been used in development of the District’s  
92 draft 2020 Watershed Management Plan. He noted that the grant request is for 50% funding, or  
93 \$10,000,000. He reiterated that the cost is an estimate and can be refined in the future as the  
94 project comes into focus.

95  
96 Manager Haake stated that she has no problem applying for a \$10,000,000 grant, but that still  
97 leaves \$10,000,000 in project costs for 3 cities. She asked if there would be a chance for  
98 additional grant monies from other sources for the remainder of the costs.

99  
100 Project Manager Axtell stated that this is still in a very preliminary stage. He explained that there  
101 are some of the projects that will have the ability to be funded from other sources, such as the  
102 BWSR Clean Water Fund grants based on their water quality improvement components. Some  
103 projects are regional in nature and it may be appropriate for the District to have more financial  
104 involvement, and some may be appropriate for the partners to have more financial involvement if  
105 they are more focused on local flood relief. He stated that in Phase 3 of the petitioned project,  
106 once there is a slate of projects, they can look more closely at what the cost allocations will be. He  
107 noted that by submitting this application it does not bind the District into undertaking any of the  
108 proposed projects.

109  
110 District Engineer Otterness stated that this project is not something that would be completed in a  
111 single year and would be done over a substantial time period and agreed that there are a lot of  
112 different sources that can be used to fund the projects.

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Manager Bradley asked if the grant was a 2-year biennium grant and it would need to be spent in a shorter period of time. He noted there has not been a single project identified and expressed concern that the District was getting ahead of itself in applying for this grant.

Project Manager Axtell stated that his understanding is that that DNR would like to see the whole suite of projects submitted. He reiterated District Engineer Otterness’ statement that this will be done in multiple phases of different projects, so he does not foresee being awarded \$10,000,000 in one chunk at one time.

District Administrator Belfiori stated that in the conversations he has had with the DNR, they were interested to know more about the phases of this project and it is very likely that there will be multiple phases and not necessarily included all in one biennium. This application will simply serve as more of a placeholder. He stated that both the District and the DNR understand that this is a fluid process.

Manager Waller stated that he feels it is understood that this application will get the District “in line” for the funds.

***Motion by Manager Haake, seconded by Manager Waller, to adopt Resolution 2019-14: Authorizing Submittal of a Flood Damage Reduction Hazard Mitigation Grant Application for Basic Water Management Project 2013-01.***

THEREFORE, BE IT RESOLVED that the Rice Creek Watershed District Board of Managers hereby authorizes the District Administrator to submit the attached grant application with any non-material changes to the DNR Flood Damage Reduction Hazard Mitigation Grant Program and to execute any application documents as may be required, on advice of counsel.

**ROLL CALL:**

***Manager Waller – Aye***

***Manager Haake – Aye***

***Manager Bradley – Aye***

***Manager Wagamon – Aye***

***President Preiner – Aye***

***Motion carried 5-0.***

**2. Consider Motion related to the Repair of Anoka/Washington Judicial Ditch 3 -Phase 1.**

District Administrator Phil Belfiori reviewed the discussion regarding the postponement of the repair to AWJD3.

153 Attorney John Kolb gave an overview of Board discussion at the April 15, 2019 workshop. He noted  
154 that the Board agreed via by consensus that if the proposed bills were not passed in this legislative  
155 session, that the repairs could proceed as planned in 2020 under the anticipated funding process.  
156 Kolb noted that a portion of the funds for repair were already on hand and budgeted toward the  
157 repairs in 2020 and remaining funds would be raised in 2020 and be unaffected by the proposed  
158 legislation. He stated that there was a consensus at the workshop to bring this item back before  
159 the Board for consideration at the June 12, 2019 meeting.

160  
161 ***Motion by Manager Bradley, seconded by Manager Haake, to move that the indefinite***  
162 ***postponement of consideration of Resolution 2019-11 be removed and that consideration of***  
163 ***Resolution 2019-11 be set for the Board's regular meeting on June 12, 2019. Further, that the***  
164 ***Board's attorney be directed to revise Resolution 2019-11 to include a statement addressing***  
165 ***legislative change to the District's current funding authorities.***  
166

167 Manager Wagamon asked if the Board would be discussing this anytime before June 12, 2019.

168  
169 Manager Haake noted that there is a Board workshop scheduled for June 10, 2019.

170  
171 ***Motion carried 5-0.***  
172

173 **3. Consider Policy Revision related to Delegation by Administrator for WCA No Loss Decisions.**

174 District Administrator Phil Belfiori explained that the previously adopted WCA delegation  
175 resolutions do not state the Administrator's option to bring matters of significant technical, policy  
176 or legal matters to the Board for consideration or opinion.

177  
178 Attorney Kolb further explained that Resolution 04-10 and 2009-07 delegated certain authority to  
179 the District Administrator. He stated that neither of these WCA resolutions contains the same  
180 language that is contained in the District regulatory delegations allowing those matters to be  
181 brought directly to the Board. He explained that staff believes that there may be applications  
182 that can be handled more efficiently by bringing them to the Board. He stated that the proposed  
183 resolution modifies and supersedes the previous delegations.

184  
185 Permit Coordinator/Wetland Specialist Tomczik reviewed the proposed language changes in the  
186 resolution from the packet materials; the resolution makes it explicit that these matters can be  
187 brought to the Board, rather than the customary implicit approach.

188  
189 ***Motion by Manager Haake, seconded by Manager Bradley to adopt Resolution 2019-13:***  
190 ***Delegating Authority For Exemption, No-Loss, Wetland Boundary And Wetland Type***  
191 ***Determinations, And For Certain Replacement Plan Amendments, Under The Minnesota Wetland***  
192 ***Conservation Act.***  
193

194 THEREFORE, BE IT RESOLVED, that the Board hereby affirms its prior delegations under Resolutions  
195 2004-10 and 2009-07 as articulated herein: the RCWD Administrator shall have the authority to  
196 make exemption, no-loss, wetland boundary and wetland type determinations under and  
197 according to the requirements of the WCA, including but not limited to the authority to request  
198 the assistance of the Technical Evaluation Panel as the WCA provides; and, the RCWD  
199 Administrator shall have the authority to make replacement plan determinations meeting the  
200 following criteria:

- 201
- 202 • Amendments to Board-approved replacement plans adjusting wetland replacement design  
203 (layouts, alignments, dimensions and footprint) provided replacement requirements are met.
- 204
- 205 • Amendments to Board-approved replacement plans reflecting changes to wetland impact  
206 (layouts, alignments, dimensions and footprint) provided that there is no increase in wetland  
207 impact or change to type of wetland impacted; and
- 208

209 FURTHER, that the Administrator will exercise the delegated authority in the same manner and  
210 according to the same terms, including requirements of public notice, opportunity for comment  
211 and consideration of TEP recommendations, as would the Board; and

212

213 FURTHER, that an appeal of the Administrator’s decision will be afforded as follows:

- 214
- 215 • Any person or party authorized to appeal an exemption, no-loss, wetland boundary, wetland  
216 type or replacement plan determination under the WCA may, within 30 days of receipt of the  
217 Administrator’s determination, submit to the Administrator a written appeal asking that the  
218 matter be heard by the RCWD Board.
- 219
- 220 • On receipt of an appeal, the Administrator will schedule the matter to be heard by the Board  
221 at its next regular meeting or the meeting thereafter and provide at least 7 days’ written notice  
222 of the hearing to all parties required to receive notice of the Administrator’s determination.
- 223
- 224 • The Board will consider the matter on the basis of the record compiled before the  
225 Administrator and an opportunity for all interested persons, including RCWD staff and  
226 engineer, to address the Board at the regular meeting.
- 227
- 228 • The Board’s decision will be made within 30 days of the filing of appeal, unless an extension is  
229 agreed to in accordance with WCA rules, and will replace the decision of the Administrator and  
230 may be appealed as the WCA provides for appeal of an LGU decision; and
- 231

232 FURTHER, that the Board retains all authority for replacement plan and wetland banking  
233 determinations except as stated herein; and

234

235 FURTHER, on the basis of policy, legal or other considerations, the Administrator in his or her  
 236 judgment may elect not to exercise the authority delegated herein, in which case the Board will  
 237 act as the decision-making body and its decision will be subject to appeal as the WCA provides;  
 238 and

239  
 240 FINALLY, this Resolution shall supersede Resolutions 04-10 and 2009-07.

241  
 242 **ROLL CALL:**  
 243 ***Manager Waller – Aye***  
 244 ***Manager Haake – Aye***  
 245 ***Manager Bradley – Aye***  
 246 ***Manager Wagamon – Aye***  
 247 ***President Preiner – Aye***  
 248 ***Motion carried 5-0.***

249  
 250 **4. Consider RCWD Annual Report.**

251 Communications and Outreach Coordinator Beth Carreño stated that pursuant to Minnesota Rules  
 252 Chapter 8410.0150, the District is required to submit an annual activity report to BWSR. She gave a  
 253 brief overview of the information covered in the Annual Report. She noted that staff is looking  
 254 for content approval from the Board and explained that staff will then go back and do more  
 255 editing for correct formatting and layout.

256  
 257 Manager Bradley noted that he had found a few editing items that he will send separately to staff.

258  
 259 Manager Waller stated that on page 140 the drainage plan doesn't mention the 2019 work plan  
 260 like the other sections do. He noted that on page 92 there was no mention of JD3.

261  
 262 Manager Bradley noted that there is also no mention of a 2019 work plan in the wetland  
 263 management section on page 55 and 56.

264  
 265 ***Motion by Manager Haake, seconded by Manager Wagamon, to approve the 2018 Annual***  
 266 ***Report with any necessary formatting and non-material changes and authorize submission to***  
 267 ***the Board of Water and Soil Resources. Motion carried 5-0.***

268  
 269 **5. Consider Curlyleaf Pondweed Cost-Share on Bald Eagle, Silver, Reshanau, and Centerville Lakes.**

270 Lake and Stream Specialist Matt Kocian gave a brief overview of the reasons the District spends  
 271 time managing curlyleaf pondweed. He stated that the District has been taking steps to manage  
 272 the curlyleaf pondweed in the spring for a few years and shared data showing the density  
 273 decrease from 2005 to present for Reshanau Lake in Lino Lakes. He noted that Bald Eagle Lake  
 274 has also shown a dramatic reduction in the presence of curlyleaf pondweed since herbicide  
 275 treatment has begun. He reviewed the costs of herbicide treatment and noted that the 2019

276 numbers reflect the worst-case scenario and are estimates. He stated that staff is planning to  
277 switch to a new herbicide this year that was recommended by the DNR.

278  
279 Manager Waller asked what the change in herbicide would be.

280  
281 Lake and Stream Specialist Kocian stated that it will change from Endothall to Diquat. He  
282 explained that they both act the same way and he has been told by DNR Diquat will break down a  
283 bit faster in the lake. He noted that the costs presented will be split by the District and the lake  
284 groups.

285  
286 ***Motion by Manager Haake, seconded by Waller, to authorize the Administrator to enter into***  
287 ***agreements with Reshanau, Centerville, and Silver Lake Cooperators to cost-share on curlyleaf***  
288 ***pondweed treatments. Motion carried 5-0.***

289  
290 ***Motion by Manager Haake, Manager Waller, to authorize the Administrator to enter into***  
291 ***professional services agreements with Lake Management, Inc. for chemical treatment of***  
292 ***curlyleaf pondweed on Reshanau, Bald Eagle, Centerville, and Silver Lakes, with the total***  
293 ***contract cost not to exceed \$38,500. Motion carried 5-0.***

294  
295 **6. Consider Amendment to City of Blaine Water Tower Agreement.**

296 Permit Coordinator/Wetland Specialist Tomczik stated that the Board had discussed this at the  
297 workshop on April 8, 2019. He explained that Blaine is asking for an amendment to the  
298 compliance date to September 30, 2021 from the original date of November 27, 2020.

299  
300 ***Motion by Manager Haake, seconded by Manager Bradley, to authorize the District***  
301 ***Administrator to sign the First Amendment to the compliance agreement, with any further non-***  
302 ***substantive changes and on advice of counsel. Motion carried 5-0.***

303  
304 Manager Bradley stated that the Board discussed this at great length at the workshop and wanted  
305 to make it clear to the public that this delay is not causing additional harm to water quality or  
306 water quantity.

307  
308 **7. Consider Tierney quote for installation of equipment in the RCWD large conference room related**  
309 **to remote meeting participation and authorizing development of policy for remote meeting**  
310 **participation.**

311 Technician Catherine Nester explained that at the April 8, 2019 workshop meeting, the Board  
312 agreed to move forward with quotes A and C from Tierney Brothers and to direct staff to work  
313 with legal counsel for drafting policy language to allow remote participation.

314

315 ***Motion by Manager Haake, seconded by Manager Bradley, to approve Tierney Brothers Quotes***  
 316 ***A & C dated April 3, 2019 and 2) authorize staff to work with legal counsel to develop a policy for***  
 317 ***remote participation for Board consideration at a later meeting. Motion carried 5-0.***  
 318

319 **8. Consider City of Forest Lake Local Water Plan.**

320 District Technician Lauren Sampedro stated that the City of Forest Lake submitted their revised  
 321 plan on April 15, 2019 that is consistent with the District’s Watershed Management Plan and State  
 322 requirements. She explained that the City identified various water quality and water quantity  
 323 issues, including limited discharge capacities and surface flooding on the main trunk and branches  
 324 3 and 4 of Judicial Ditch 4 and the City drains to several impaired waters She noted that the City of  
 325 Forest Lake is involved in the Peltier and Centerville Lake TMDL and the Upper Mississippi River  
 326 Bacteria TMDL. She stated that Forest Lake would like to continue working with the District on a  
 327 JD 4 Watershed Analysis and Development Plan and JD 4 improvements, and the City has several  
 328 planned stormwater reuse projects that will help address the water quality issues. She reiterated  
 329 that the Forest Lake Local Water Plan is consistent with the District’s WMP and associated rules  
 330 and staff recommends approval.  
 331

332 Manager Waller asked about JD 5 because that has been a long-standing issue in the area and he  
 333 doesn’t see it mentioned in the LMP.  
 334

335 District Technician Sampedro stated that the City did not include that in their plan.  
 336

337 Manager Waller stated that he feels this should be brought to the City of Forest Lake’s attention  
 338 because he feels it needs to be included in the LMP. He stated that he would also like to mention  
 339 that JD 2 should also be looked at because it should function as an outlet for JD5 and JD7.  
 340

341 President Preiner suggested that the Board hold off on adopting the resolution until these issues  
 342 are brought to the City of Forest Lake.  
 343

344 ***There was a Consensus of the Board to direct staff to discuss these issues with the City of Forest***  
 345 ***Lake and bring it back to a future Board meeting.***  
 346

347 **9. Consider City of Fridley Local Water Plan.**

348 District Technician Lauren Sampedro stated that the City of Fridley submitted their revised LMP  
 349 plan on April 11, 2019 which adequately addressed all the District’s comments and is consistent  
 350 with the District’s 2010 Watershed Management Plan and State requirements. She stated that  
 351 Fridley has identified several water resource issues such as flooding, water quality issues and  
 352 insufficient stormwater management. She explained that the City of Fridley is interested in  
 353 partnering with the District to address these issues, such as on Norton Creek improvements that  
 354 result from the City’s Norton Creek Watershed Study and Moore Lake Park water quality

355 improvements. She stated that staff is recommending that the Board approve the City of  
356 Fridley’s LMP.

357  
358 ***Motion by Manager Bradley, seconded by Manager Haake, to adopt Resolution 2019-12:***  
359 ***Approving Fridley Local Water Management Plan.***  
360

361 THEREFORE, BE IT RESOLVED that the RCWD Board of Managers hereby approves the City of  
362 Fridley’s local water management plan, as submitted on April 11, 2019.

363  
364 **ROLL CALL:**  
365 ***Manager Waller – Aye***  
366 ***Manager Haake – Aye***  
367 ***Manager Bradley – Aye***  
368 ***Manager Wagamon – Aye***  
369 ***President Preiner – Aye***  
370 ***Motion carried 5-0.***

371  
372  
373 **8. Consider Check Register dated April 24, 2019, in the amount of \$296,400.00 prepared by**  
374 **Redpath and Company.**  
375 ***Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated***  
376 ***April 24, 2019, in the amount of \$296,400.00, prepared by Redpath and Company. Motion***  
377 ***carried 5-0.***

378  
379 **ITEMS FOR DISCUSSION AND INFORMATION**

- 380 **1. Staff Reports.**  
381 No discussion.  
382  
383 **2. May Calendar.**  
384 No discussion.  
385  
386 **3. Managers Update.**  
387 No updates.  
388

389 **ADJOURNMENT**

390 ***Motion by Manager Wagamon, seconded by Manager Waller, to adjourn the meeting at 9:59 a.m.***  
391 ***Motion carried 5-0.***  
392

# 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
19-001	Mounds View Public School	New Brighton	Final Site Drainage Plan	CAPROC 7 items
19-030	Dorso Building Co.	Roseville	Final Site Drainage Plan	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 May 1, 2019.*

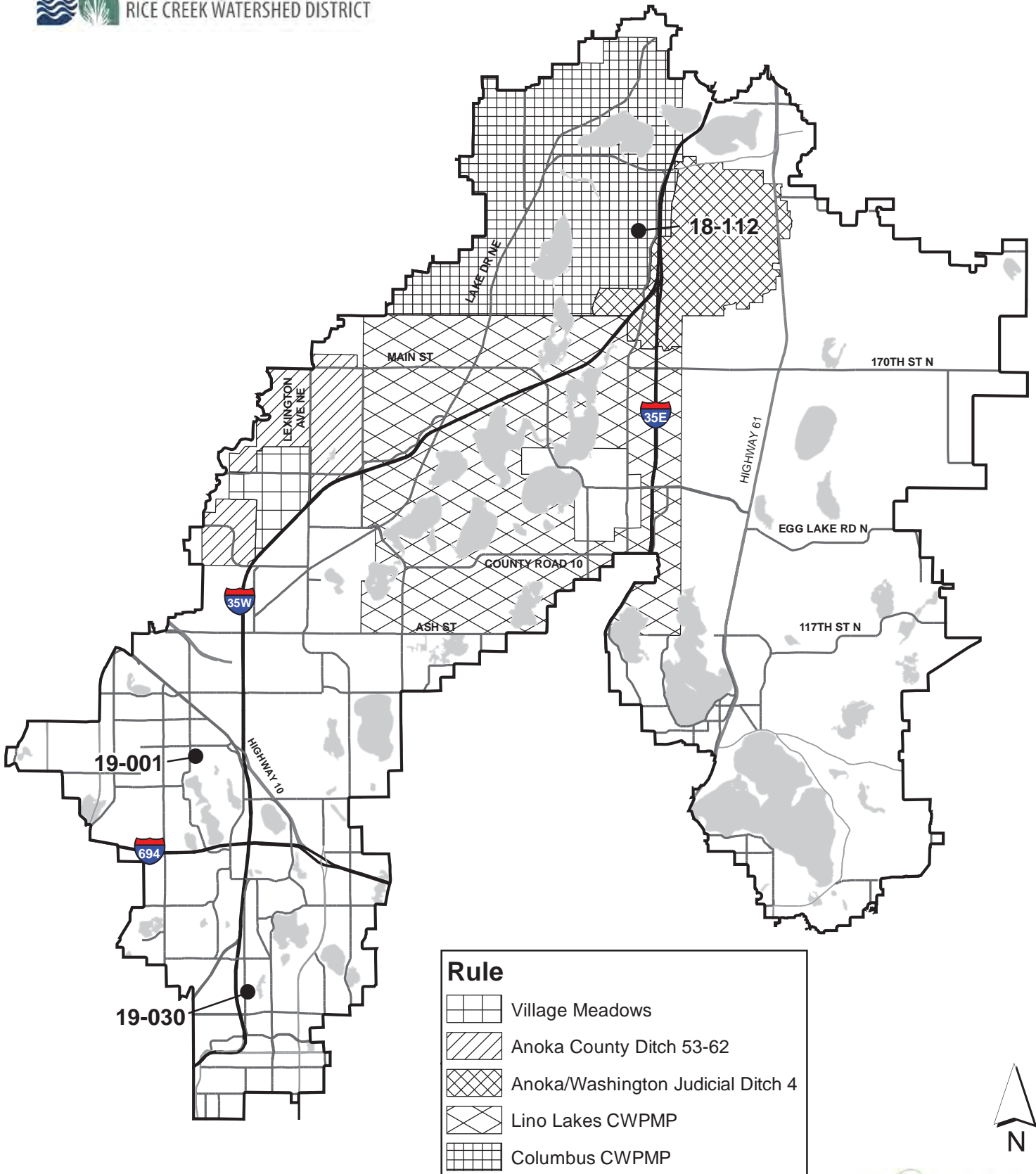
**RICE CREEK WATERSHED DISTRICT  
CONSENT AGENDA**

**May 8, 2019**

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 May 1, 2019.

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<b><u>Permit Application Number</u></b>	<b><u>Applicant</u></b>	<b>Page</b>	<b>Recommendation</b>
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19-001	Mounds View Public Schools	17	CAPROC
19-030	Dorso Building Co	23	CAPROC



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

**Permit Reviews**  
**5/08/2019 Agenda**





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: 19-001  
Permit Applicant Name: Irondale High School Additions and Renovations

---

Applicant:

Mounds View Public Schools  
Attn: Carole Nielsen  
4570 Victoria Street North  
Shoreview, MN  
Ph: 651-621-6017  
Carole.nielsen@moundsviewschools.org

Consultant:

Anderson-Johnson Associations Inc.  
Attn: Mandy Backstrom  
7575 Golden Valley Road Suite 200  
Minneapolis, MN 55101  
Ph: 763-544-7129  
mandy@ajainc.net  
dave@ajainc.net  
conor@ajainc.net

Project Name: Irondale High School Additions and Renovations

Purpose: Additions and renovations to the existing high school campus

Site Size: 36.6± acre parcel / 9.6 ± acres of disturbed area; existing and proposed impervious areas are 21.70 ± acres and 22.81 ± acres, respectively

Location: 2425 long Lake Road, New Brighton

T-R-S: NW ¼, Section 17, T30N, R23W

District Rule: C, D

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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:

Rule C - Stormwater

1. Per Rule C.9(b), an operations plan for the water reuse system must be provided. The plan must include: a detailed figure of the irrigation piping network, pervious area irrigated, the rate water is removed from the pond, the drawdown elevation of the pond, the storage of the irrigation network, system hardware and components, and other relevant information. The operations plan is part of the maintenance agreement with the district.

Rule D – Erosion and Sediment Control

2. Submit the following information per Rule D.4:
  - (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.
  - (h) Provide documentation that an NPDES Permit has been applied for and submitted to the Minnesota Pollution Control Agency (MPCA).
  - (i) A Storm Water Pollution Prevention Plan for projects that require an NPDES Permit.

Administrative

3. Send one final, signed 11x17 sized plan set to the District, and e-mail a full sized 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.
4. Submit a copy of the plat or easements establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature (if easements are required by the City of New Brighton).
5. 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.) The maintenance agreement must contain information from the operating plan as denoted in Recommendation 1.
6. The applicant must provide an attested copy of the signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.
7. The applicant or contractor must provide a construction schedule for the underground system (or communicate when the schedule will be provided). See Stipulation 2.

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 all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) is to be submitted to the District for verification of compliance with the approved plans.
2. RCWD inspector must be notified prior to installation of underground system.

Exhibits:

1. Updated plan set containing 15 sheets dated 2-12-19 and received 4-23-19.
2. Plan set containing 17 sheets, no date, received 12-28-2018.
3. Permit application, dated 12-28-2018 and received 1-8-2019.
4. Stormwater Calculations, dated 12-28-2018 and received 12-28-2018, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions and soils report (dated 9-24-18).
5. Updated Stormwater Calculations, dated 2-8-2019 and received 2-8-2019, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions and soils report (dated 9-24-18).
6. Updated Stormwater Calculations, dated 4-3-2019 and received 4-3-2019, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions and soils report (dated 9-24-18).

- Updated Stormwater Calculations, dated 4-23-2019 and received 4-23-2019, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions and soils report (dated 9-24-18).

Findings:

- Description – The proposed project is at Irondale High School, located at 2425 long Lake Road in New Brighton. The purpose is to construct three building additions, a storage building, and parking lot improvements. The site is 36.6 acres, with 9.6 acres being disturbed. The project involves the reconstruction of 4.78 acres of impervious area, and 1.11 acres of new impervious area. The existing impervious area is 21.7 acres and the proposed impervious area is 22.8 acres. Runoff from the site flows through site storm sewer and BMPs which discharge into wetlands adjacent to Rice Creek, which flows to Long Lake, the resource of concern.

The project includes an expansion of an existing irrigation system and the conversion of an existing NURP basin with an infiltration cell constructed under permit 01-064 to use storm water for irrigation. This expansion includes the addition of a water reuse system in the proposed wet pond at the northeast corner of the site. The existing irrigation system is used primarily to water the baseball field and area around the stadium. The proposed system expands this region to the north and west of the baseball field and east of the stadium.

- Stormwater – The applicant is utilizing the BMPs as described below for the project:

BMP Description	Location	Pretreatment:	Treatment Volume Provided	EOF
Water Reuse NURP Pond*	Northeast corner of property	NA	28,311± Cubic Feet	881.8
Underground Infiltration	Under south parking lot	Sumps in CB1A and MH 115	3,843± Cubic Feet	901.5

\*Actual pond dead storage size is 3.2 acre feet.

Soils on site are primarily silty sands (HSG B) soils. Thus, infiltration is feasible, and the underground infiltration basin and water reuse are required to meet the water quality requirement. The Water Quality requirement is 1.1-inches over the new/reconstructed area (5.89± acres) for a total requirement of 23,519± cubic feet. Additionally, the applicant must treat an additional 8,276± cubic feet of lost volume reduction from permit 01-064 for a total volume requirement of 31,795± cubic feet. Adequate pre-treatment has been provided by sumps for the underground infiltration BMP. Drawdown is expected within 48-hours using an appropriate rate of 0.45 inches per hour. The seasonal high water table is estimated at elevation 890.1, which provides a minimum of three feet of separation from the underground infiltration BMP. The project is located within a DWSM area, but not within the 1-year emergency response zone. The applicant has submitted the RCWD infiltration design worksheet showing that the proposed irrigation system will provide an event based treatment of 28,311 cubic feet and with the underground system provides a total water quality volume of 32,152 cubic feet. The project treats approximately 99% of the impervious area. Additional TSS removal is not required. The applicant must submit an irrigation operations plan, but otherwise has met the design criteria of Rules C.9(a) and (b) and thus all the Water Quality requirements of Rule C.6. Although infiltration is used to meet the water quality requirement, the pond does meet the NURP 2.5-inch run-off standard (2.7-acre feet).

Drainage Area	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
To Rice Creek (Link T/Link 1L)	24.4	18.0	49.7	36.9	120.3	96.0
80% Existing	19.5		39.8		96.2	

The project is located in the flood management zone. The applicant has complied with the rate control requirements of Rule C.7.

The applicant has met the freeboard requirements of C.9(g)

3. Wetlands – There are no wetlands on site.
4. Floodplain – The site is not in a regulatory floodplain.
5. Erosion Control – Proposed erosion control methods include silt fence, rock construction entrances, inlet protection, erosion control blankets, and rip rap. An NPDES permit is required for the project. The information listed under the Erosion and Sedimentation Control Recommendations needs to be submitted. Otherwise, the project complies with RCWD Rule D requirements. The project drains to Long Lake which is a nutrient impaired water.
6. Drainage Systems – There are no drainage systems on or adjacent to the property.
7. Documenting Easements and Maintenance Obligations – Applicant must execute an agreement with the RCWD for the maintenance of the stormwater facilities.
8. Previous Permit Information – The following permits were applied for at this site: 01-064 involved the construction building addition and site modifications and the BMP. 96-169, 04-037, and 12-029 included modifications to the track.

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

Destin Spellman 5-1-2019

Destin Spellman, EIT

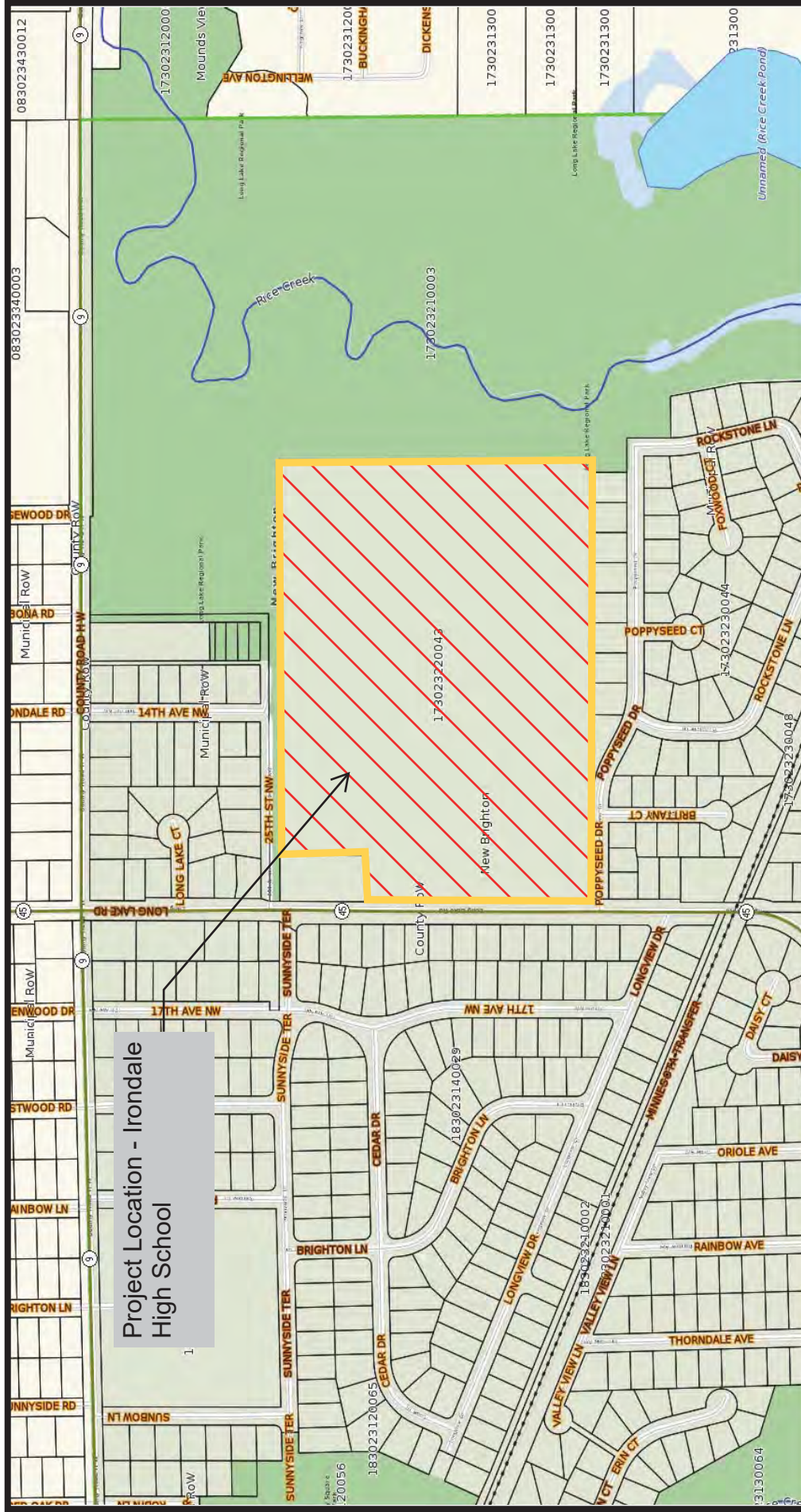
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

Katherine MacDonald 5-1-19

Katherine MacDonald  
MN Reg. No 44590

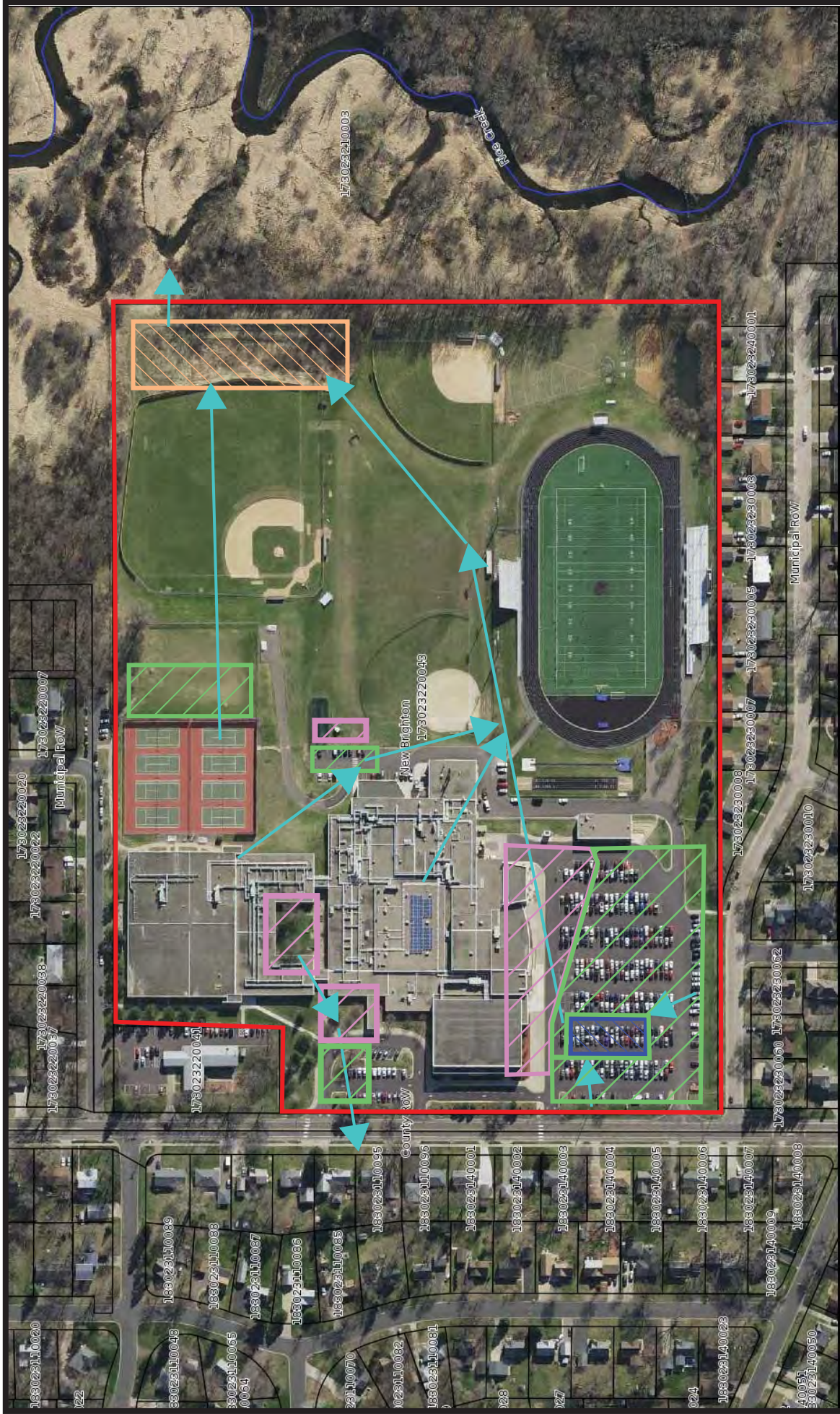


# RCWD Permit File #19-023



Project Location - Irondale High School

- Legend**
- District Boundary
  - Project Location
  - Public Waterway
  - Public Ditch - Open Channel
  - Public Ditch - Municipal
  - Private Ditch
  - Private Natural Waterway
  - Public Ditch - Stormsewer
  - Public Ditch - Tile



**Legend**

-  Project Location
-  Proposed Underground Infiltration Basin
-  Proposed Building Expansion
-  Proposed Parking Lot
-  Existing NURP Pond w/ Proposed Water Reuse BMP
-  Water Flow
-  N



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:

19-030

Permit Applicant Name:

Colder Products Company

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Applicant/Landowner:

Dorso Building Co.  
Attn: Tony Dorso  
2814 Cleveland Ave.  
Roseville, MN 55113  
Ph:  
Tony.dorso@cox.net

Permit Contact:

Ryan Companies US, Inc.  
Attn: Dan Mueller  
533 S. Third Street, Suite 100  
Minneapolis, MN 55415  
Ph: 612-492-4867  
Dan.mueller@ryancompanies.com

Ryan Companies US, Inc.  
Attn: Anthony Adams  
533 S. Third Street, Suite 100  
Minneapolis, MN 55415  
Ph: 612-492-4867  
Anthony.adams@ryancompanies.com

Project Name: Colder Products Company

Purpose: FSD – Final Site Drainage; Stormwater Management for a new 150,000 SF headquarters facility for Colder Products Company.

Site Size: 10.12± acre parcel / 10.11 ± acres of disturbed area; existing and proposed impervious area is 9.81 ± acres and 7.63 ± acres, respectively.

Location: 2814 Cleveland Ave., Roseville

T-R-S: SE ¼, Section 4, T29N, R23W

District Rule: C, D

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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.

Rule D – Erosion and Sediment Control

1. Submit the following information per Rule D.4:
  - (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.
  - (h) Provide documentation that an NPDES Permit has been applied for and submitted to the Minnesota Pollution Control Agency (MPCA).

Administrative

2. Send one final, signed 11x17 sized plan set to the District, and e-mail a full-sized 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 submit a Draft Declaration for Maintenance of Stormwater Management Facilities acceptable to the District for proposed onsite stormwater management and pretreatment features.
4. The applicant must provide an attested copy of any and all signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.
5. The applicant must submit a surety of \$36,000 along with an original executed escrow agreement acceptable to the District. If the applicant desires an original copy for their records, then two original signed escrow agreements should be submitted. The applicant must provide the first \$5,000 in the form of a check and has the option of providing the remainder of the surety amount in the form of a check or a Performance Bond or Letter of Credit. The surety is based on \$5,500 for 10.11 acres of disturbance and \$30,500 for 60,933 CF of storm water treatment.
6. Applicant, or authorized representative of applicant, must submit a signed statement that applicant or another party reported to the MPCA and the Minnesota Department of Health: (a) the indicated subsurface contamination, and (b) the disturbance proposed for the site, as it concerns the contamination. The statement must include a copy of the notification unless it was not in writing, in which case the statement is to describe the form and circumstances of the notification. Attachments to the notification should not be submitted unless the District requests.

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 all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) is to be submitted to the District for verification of compliance with the approved plans before return of the surety.
2. Applicant must promptly transmit a copy of any response received from either state agency to the District, for the District's informational purposes.

Exhibits:

1. Updated plan sheets C3-1, C4-1, and C8-2, dated 4-16-2019 and received 4-22-2019.
2. Plan set containing 9 sheets, dated 4-16-2019 and received 4-16-2019.
3. CPC SW Permission, dated 4-29-2019 and received 4-29-2019.
4. Response to incomplete Items, dated 4-16-2019 and received 4-16-2019.
5. Updated Permit application, dated 4-15-2019 and received 4-16-2019.
6. Permit application, dated 3-14-2019 and received 3-15-2019.
7. Updated Stormwater Calculations, dated 4-22-2019 and received 4-22-2019, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions.
8. Stormwater Calculations, dated 4-16-2019 and received 4-16-2019, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions.

9. Geotech Report, dated 2-18-2019 and received 3-15-2019.

Findings:

1. Description – The project is contained within 3 parcels owned by Dorso Building Company LLC. totaling 10.12 acres located in the City of Roseville. The project proposes to demolish the entire 9.81± acres of existing impervious surface and reconstruction the entire site to include a new 150,000 square foot building and associated parking totaling 7.63± acres of post-developed impervious surface. The project will disturb 10.11± acres overall. The site drains to existing storm sewer which eventually outlets to Jones Lake, the resource of concern. The applicant originally submitted a \$8,500. The project application was updated; the correct application fee is \$7,500 which is based off of more than 5 acres of new/redeveloped impervious surface (7.63 acres) and more than 10 acres of land disturbance thus the applicant is due a refund of \$1,000.
2. Stormwater – The applicant is proposing the BMP as described below for the project:

Proposed BMP Description	Location	Pretreatment	Volume provided	EOF
Filtration Basin	Northern property line	Sumps in CBs-100, 102, 119 and 120	61,000± cubic feet below the outlet	907.39

Soils on site are primarily silty sands (HSG B) soils however contamination exists onsite. Thus, infiltration is not considered feasible and filtration is acceptable to meet the water quality requirement. Per Rule C.6(c)(1), the Water Quality requirement is 2.2-inches over the new/reconstructed area (7.63± acres) for a total requirement of 60,933± cubic feet. Adequate pre-treatment has been provided. Drawdown is expected within 48-hours using an appropriate rate of 0.8 inches per hour. A minimum of 12-inches of sand has been provided above the drain tile. The seasonal high water table is estimated at elevation 900.5 based on the adjacent wetland elevation, which provides adequate separation. The applicant has treated 98% of the project area. Additional TSS removal is not practicable. The applicant has met all the Water Quality requirements of Rule C.6 and the design criteria of Rule C.9(c).

Drainage Area	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Mount Ridge Road	0.0	0.5	0.0	1.0	0.0	2.4
County Road C2	20.8	1.0	31.9	5.1	57.1	10.5
Cleveland Avenue	12.6	0.9	19.0	6.7	33.4	26.8
Existing Parking	1.7	0.2	2.5	0.4	4.4	1.0
Totals (In Aggregate)*	34.9	2.6	53.2	12.1	94.6	40.4
80% Existing	27.9		42.6		76.7	

\* Difference due to time of concentration

The project is located within the Flood Management Zone. The increase to Mount Ridge Road has been reviewed and allowed by the City of Roseville and is not expected to cause any adverse impacts. The applicant has complied with the rate control requirements of Rule C.7.

The applicant has complied with the freeboard requirements of Rule C.9(g).

The applicant has identified the presence of soil contamination within or in the vicinity of the project site. The District and its Engineer have not independently reviewed the data or information relating to contamination and have not independently evaluated the risk associated with introducing storm water

into the soil matrix. Due to the documented presence or likelihood of contamination, and pursuant to Rules C.6(d)(2) and C.9(a)(4), infiltration BMPs are not a required. The applicant is responsible to confer with any agency with authority over site contamination and/or reuse, and otherwise to ensure that site storm water management conforms to sound design practices (including those documented in the MPCA's *Minnesota Stormwater Manual*) and all legal requirements.

3. Wetlands – There are no wetlands located within the project area.
4. Floodplain – The site is not in a regulatory floodplain.
5. Erosion Control – Proposed erosion control methods include silt fence, rock construction entrances, inlet protection. An NPDES permit is required for the project. The information listed under the Erosion and Sedimentation Control Recommendations needs to be submitted. Otherwise, the project complies with RCWD Rule D requirements. The project drains to Jones Lake which is an impaired water.
6. Bridges and Culvert Crossing/Drainage Systems – There are no drainage systems on or adjacent to the property.
7. Documenting Easements and Maintenance Obligations – Applicant must provide a draft maintenance declaration for approval, and a receipt showing recordation of the approved maintenance declaration. Roseville does not require easements on private stormwater management facilities.
8. Previous Permit Information – No previous permit information was found for this site.

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

Ben Jore 5-1-19

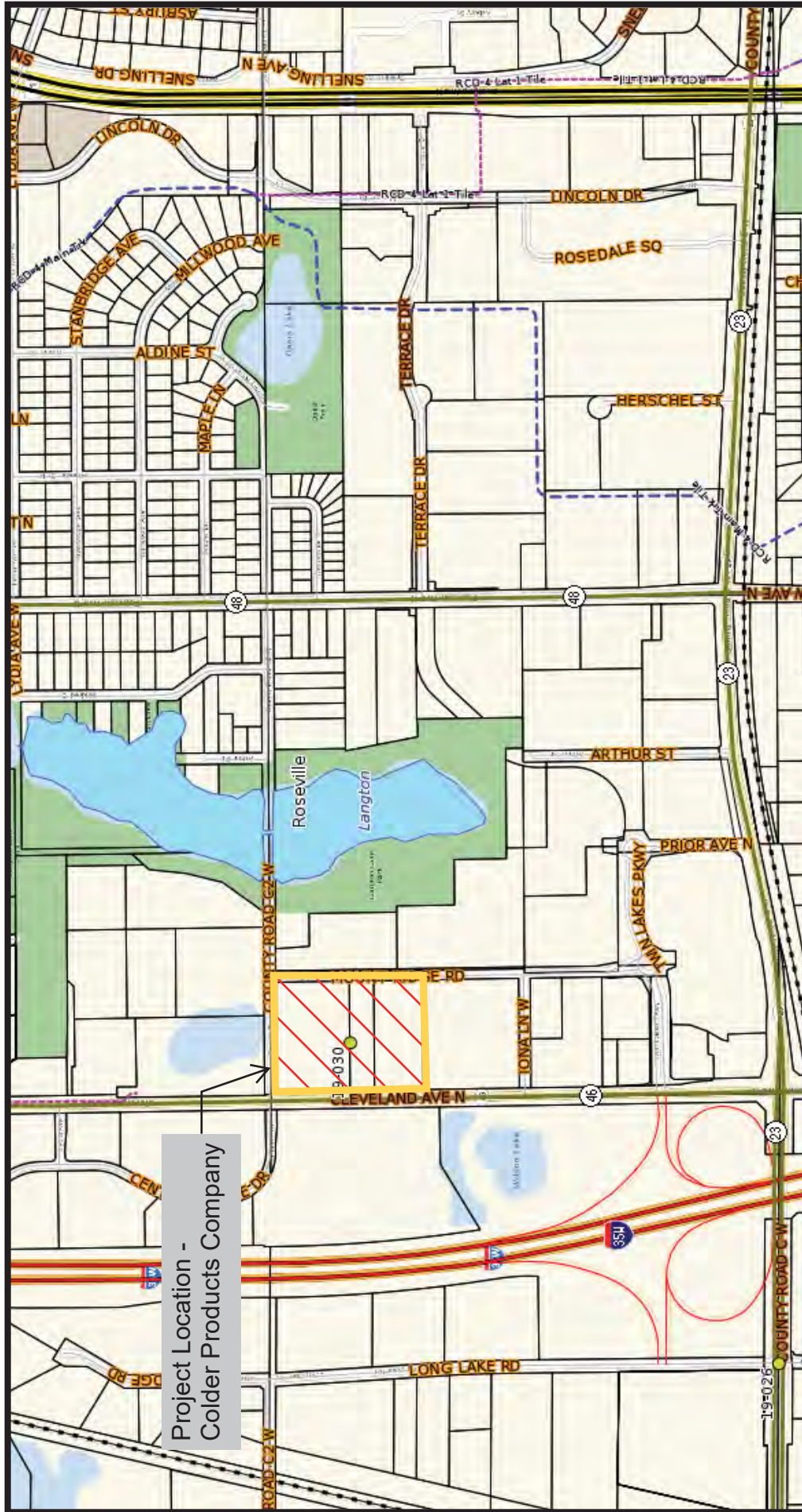
Ben Jore, EIT

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. Mac Donald 5-1-19

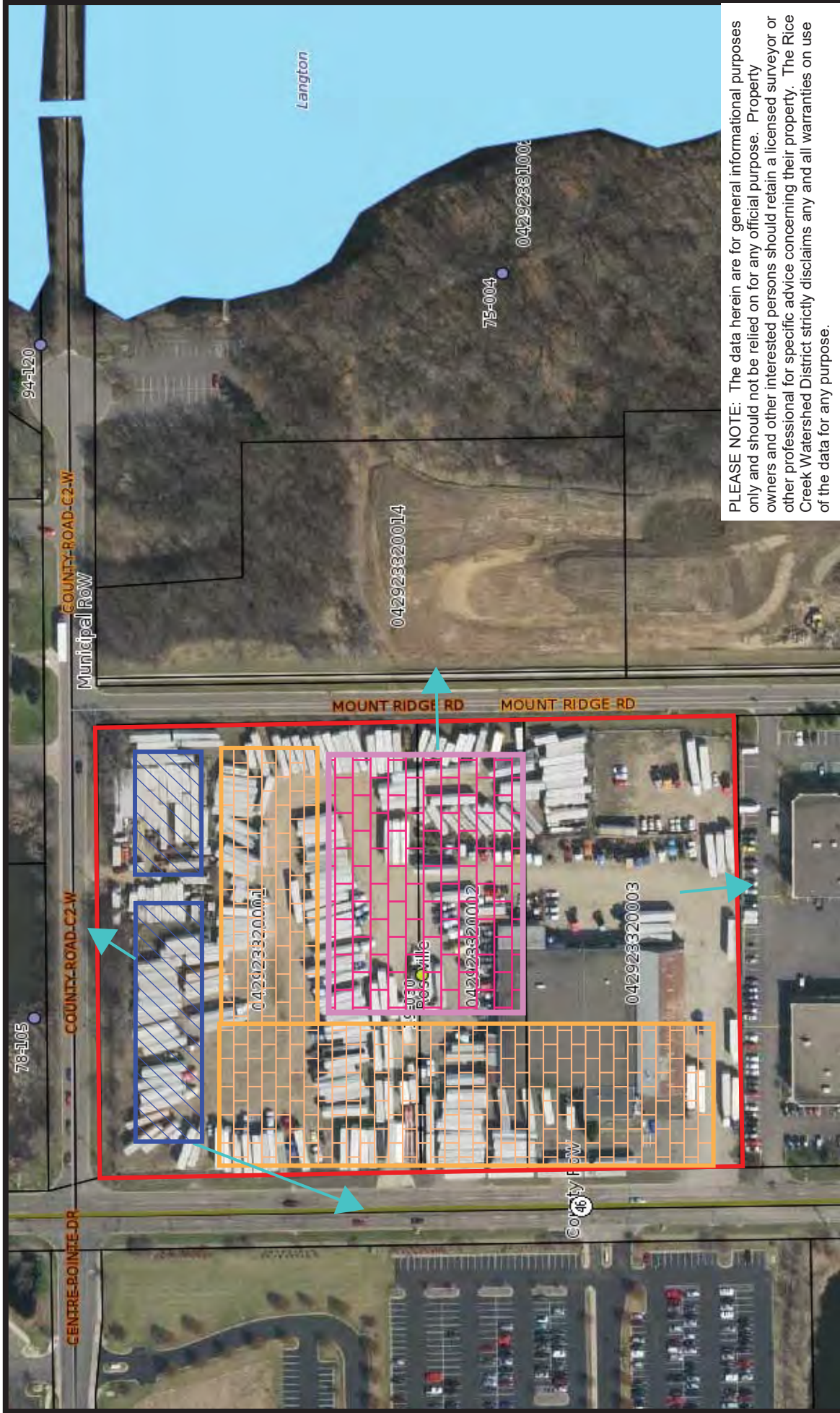
Katherine MacDonald, Mn Reg. No 44590

Project Location -  
Colder Products Company





### Legend

-  District Boundary
-  Project Location
-  Public Ditch - Open Channel
-  Public Ditch - Stormsewer
-  Public Ditch - Municipal
-  Public Ditch - Tile
-  Private Ditch
-  Private Natural Waterway



PLEASE NOTE: The data herein are for general informational purposes only and should not be relied on for any official purpose. Property owners and other interested persons should retain a licensed surveyor or other professional for specific advice concerning their property. The Rice Creek Watershed District strictly disclaims any and all warranties on use of the data for any purpose.

- Legend**
-  Project Location
  -  Proposed Filtration Basin
  -  Proposed Building
  -  Proposed Parking Lot
  -  Water Flow to Existing Storm Sewer



## **ITEMS REQUIRING BOARD ACTION**

1. Consider Permit 18-112 MPJWR Wetland Mitigation Bank. (Nick Tomczik)



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:

18-112

Permit Applicant Name:

MPJWR Wetland Mitigation Bank

Applicant:

MPJWR, LLC  
Attn: Mary, Patricia, & Jesse Preiner  
9117 149th Court NE  
Columbus, MN 55025  
Ph: 651-271-9576  
Fx:  
p1954r@aol.com

Consultant:

Critical Connections Ecological Services  
Attn: Jason Husveth  
450 Main Street North Suite 130  
Stillwater, MN 55082  
Ph: 651-433-4410  
Fx:  
jhusveth@ccesinc.com

Project Name: MPJWR Wetland Mitigation Bank

Purpose: Wetland Bank Plan

Site Size: 124± acre parcel / less than 2.5 ± acres of disturbed area

Location: South of Zurich Street and west of West Freeway Drive, Columbus

T-R-S: Section 25 & 26, T32N, R22W.

District Rule: D, F

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.

Rule F

1. Applicant must respond to final comments from the TEP Findings and Recommendations document, dated 2-21-19 and sent on 2-28-19. The outstanding revisions recommended by the TEP include minor technical details and clarifications to the banking plan.
2. The applicant must provide a perpetual conservation easement as well as title insurance in favor of the State; the applicant should contact BWSR regarding the easement and insurance. For bank credits to be used for replacement within CWPMP area, the District must be an easement co-grantee and a co-insured under the title insurance policy. (Note: If BWSR advises that it is not able to accept a co-grantee or co-insured status, the District administrator may waive the requirement that the District be so named.)
3. The applicant must install the buffer signage, per the required signage plan referenced in the TEP Findings and Recommendations document.

Administrative

4. The applicant must provide an attested copy of any and all signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.
5. The applicant must submit a cash surety of \$1,000 to the District. If the applicant desires an original copy for their records, then two original signed escrow agreements should be submitted.

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. The replacement actions under the banking plan must be initiated within three years of approval.
2. The easement boundary must be clearly marked on the ground, as prescribed in the conservation easement.
3. The applicant must provide annual monitoring reports for at least 5 years after initiation of restoration activities.

Exhibits:

1. Wetland Bank Plan Full Application, dated 11-6-2018, received 11-7-2018
2. WCA Wetland Bank Full Application TEP Findings & Recommendations, dated 2-21-19.
3. Review file 15-083R, 17-032R and 18-002R. All submittal requirements of 8420.0305 B. and 8420.0330 Subp. 3.B have been met.

Findings:

1. Description – The applicants are proposing the establishment of a wetland bank. The site is generally located west of West Freeway Drive and south of Zurich Street in Columbus. The proposed bank is 124 acres in size with an existing land use that is predominantly open space. The action eligible for credit being utilized for the establishment of wetland bank credits is Exceptional Natural Resource Value (ENRV) and upland buffer. Management activities will include herbicide, prescribed burning, hand cutting and forestry mowing of undesirable species, mowing, dethatching, tree removal and custom supplemental seeding, as needed. Less than 2.5 acres of soil disturbance is proposed to restore previously excavated pond areas to their original condition. The applicant has submitted a \$1,850 application fee, which corresponds to less than 2.5 acres of land disturbance, and a wetland banking plan.
2. Stormwater – The project proposes no impervious surface triggering the stormwater rule. The project includes no existing stormwater BMP's.
3. Wetlands – Wetlands were delineated under review file(s) 15-083RR and 18-002R with boundary decision, which remain valid, issued on 9-30-2015 for 17-032R and 2-8-2018 for 18-002R.

The applicant submitted a wetland bank application consistent with the provisions of the WCA. The project is located within the Columbus CWPMP area, however, no action was proposed that triggered CWPMP, so this permit application was reviewed strictly as a WCA application. The application was noticed to the TEP on 11-19-18, consistent with WCA requirements. The TEP had provided comments on the previously submitted phases of the wetland banking application process, and the applicant has addressed all TEP comments. The project proposes the establishment of wetland credit via the restoration and protection of exceptional natural resource value (ENRV), as defined within Mn Rules 8420.0526 Subp. 8, and buffer, as defined in 8420.0526 Subp. 2. The buffer provided in this wetland bank is a result of the TEP recommending a reduction in the crediting amount at the boundaries of the bank site, due to what is identified as incompatible land use. The buffer totals 50' in width on the north and east sides of the wetland bank site. This meets the buffer standards of 8420.0522 subp. 6. WCA provisions allow for up to 100% credit for ENRV, and up to 25% credit for native buffer. Rule F6(d)(2) requires the District to calculate the amount of credit consistent with the WCA and CWPMP provisions; in this case, the calculation yields the same credit outcome.

Restoration activities will include various treatments across the site of broadcast and spot herbicide applications, prescribed burning at years 2, 4 and 6, hand cutting and forestry mowing of undesirable

woody species, mowing and dethatching of accumulated biomass, and custom supplemental seeding as needed. There are no construction elements associated with the wetland banking proposal.

Restoration performance will be measured utilizing the Floristic Quality Assessment (FQA), native species richness, and relative cover of non-native invasive species. The applicant has established a credit release threshold that outline 5 credit release "steps" (Tier 1 through Tier 5) which are based on vegetative management and restoration success, as well as demonstration of a functional lift using the FQA or native species richness as a measure. The performance standards are as outlined within the following table, which was taken from the application. The performance threshold order begins with one of the first two columns (FQI or Native Species Richness standards), and then the inclusion of the third column (non-native invasive species).

Tier 1	Tier 1 Performance Standards		
Total Easement Area	Approval of Mitigation Plan and Final MBI, Recording and Monumenting of Conservation Easement & Completion of Year 1 Vegetation Restoration/Enhancement Activities		
Tier 2	Floristic Quality Index (FQI) Performance Standard*	OR	Native Species Richness Performance Standard* AND Percent Areal Cover of Non-Native Invasive (I) Species Performance Standard
WMn82 Type 2	Total Average FQI of 22 for Two Consecutive Growing Seasons		Increase Average Species Richness by 10 Native Species From Baseline Areal Cover of non-native invasive less than 25% across all areas of WMn82
WFs55 Type 7	Total Average FQI of 18 for Two Consecutive Growing Seasons		Increase Average Species Richness by 5 Native Species From Baseline Areal Cover of non-native invasive less than 25% across all areas of WFs55
FPs63 Type 7	Total Average FQI of 30 for Two Consecutive Growing Seasons		Increase Average Species Richness by 5 Native Species From Baseline Areal Cover of non-native invasive less than 25% across all areas of FPs63
Tier 3	Floristic Quality Index (FQI) Performance Standard*	OR	Native Species Richness Performance Standard* AND Percent Areal Cover of Non-Native Invasive (I) Species Performance Standard
WMn82 Type 2	Total Average FQI of 25 for Two Consecutive Growing Seasons		Increase Average Species Richness by 20 Native Species From Baseline Areal Cover of NNI less than 10% across all areas of WMn82
WFs55 Type 7	Total Average FQI of 22 for Two Consecutive Growing Seasons		Increase Average Species Richness by 10 Native Species From Baseline Areal Cover of non-native invasive less than 10% across all areas of WFs55
FPs63 Type 7	Total Average FQI of 33 for Two Consecutive Growing Seasons		Increase Average Species Richness by 10 Native Species From Baseline Areal Cover of non-native invasive less than 10% across all areas of FPs63
Tier 4	Floristic Quality Index (FQI) Performance Standard*	OR	Native Species Richness Performance Standard* AND Percent Areal Cover of Non-Native Invasive (I) Species Performance Standard
WMn82 Type 2	Total Average FQI of 30 for Two Consecutive Growing Seasons		Increase Average Species Richness by 25 Native Species From Baseline Areal Cover of non-native invasive less than 5% across all areas of WMn82
WFs55 Type 7	Total Average FQI of 25 for Two Consecutive Growing Seasons		Increase Average Species Richness by 15 Native Species From Baseline Areal Cover of non-native invasive less than 5% across all areas of WFs55
FPs63 Type 7	Total Average FQI of 36 for Two Consecutive Growing Seasons		Increase Average Species Richness by 15 Native Species From Baseline Areal Cover of non-native invasive less than 5% across all areas of FPs63
Tier 5	Tier 5 Performance Standards		
Total Easement Area	Approval of Final Wetland Delineation and Project Closeout		

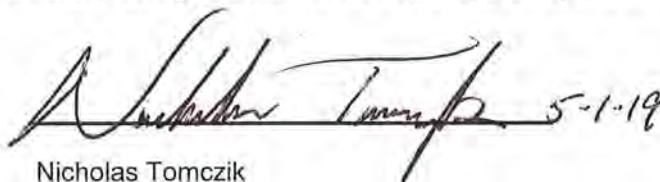
The project requires annual monitoring and reporting for a minimum of 5 years. The monitoring report will summarize the management activities, provide data and analysis of the data plots, FQA and areas meeting performance standards and requests for credit. The report will also provide information on necessary corrective actions that were completed, and that are proposed, to achieve the intended goals. The certification and deposit of credits will occur based on the monitoring reports and in coordination with BWSR.

The TEP signed a findings and recommendation in support of the wetland banking plan approval. The applicant must respond to the final comments from the TEP Findings and Recommendations document, dated 2-21-19 and sent on 2-28-19. TEP outstanding revisions recommended by the TEP include minor technical details and clarifications to the banking plan. District staff find that these remaining items do not have a substantive impact on the approvability of the plan or any other terms or conditions and are to clarify the final wetland banking plan record.

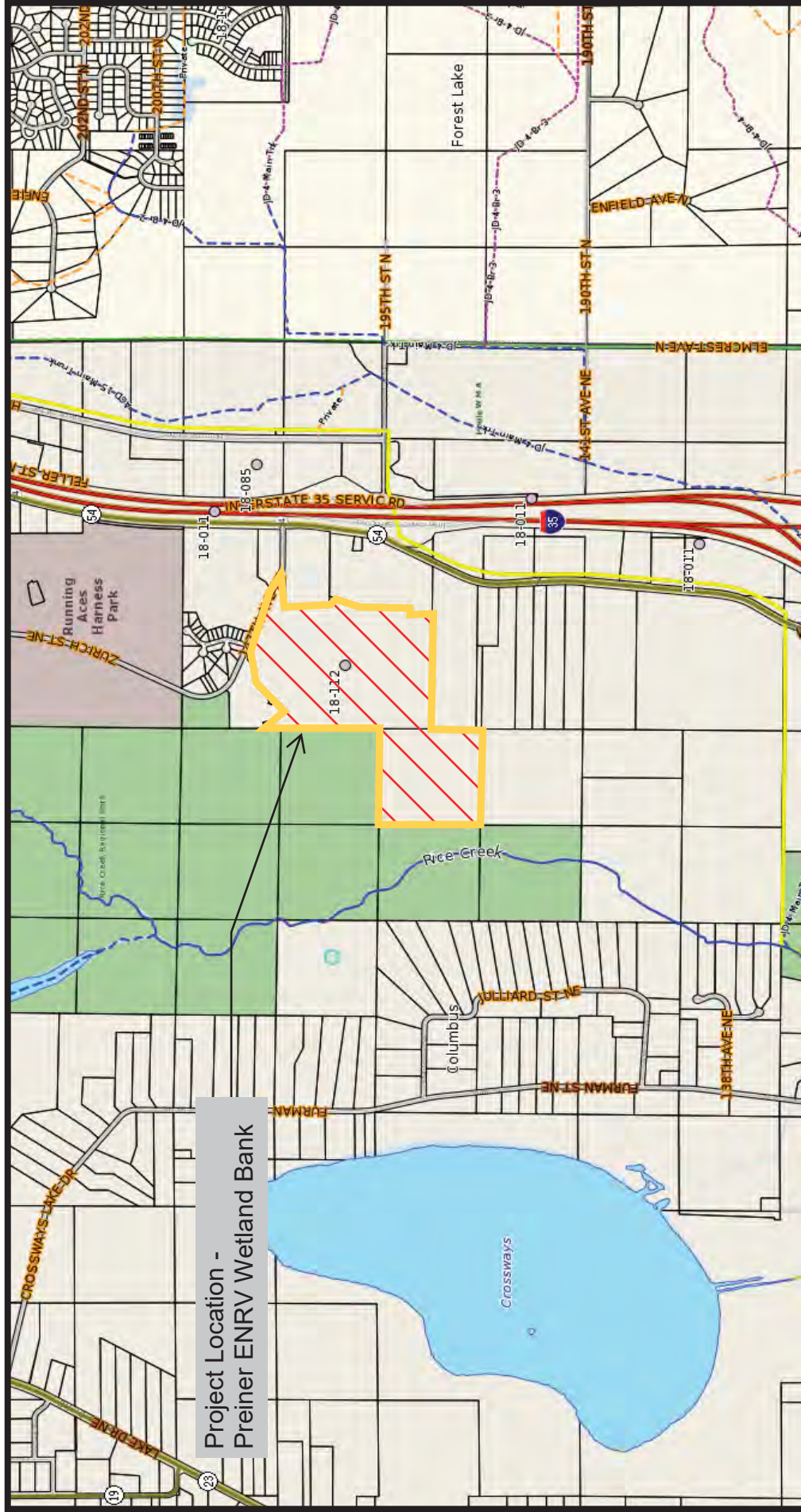
The applicant must provide a perpetual conservation easement as well as title insurance in favor of the State; the applicant should contact BWSR regarding the easement and insurance. The easement boundary must be clearly marked as prescribed in the conservation easement. Pursuant to Rule F.6(c)(8), for bank credits to be used for replacement within a CWPMP area, the District is to be a co-grantee of the easement and a named insured under the title insurance policy. The easement is to include provisions to allow reasonable access by the LGU, the State and agents and employees of the LGU and the State, for inspection, monitoring and enforcement purposes. The easement also specifies that the grantors are responsible for establishment, maintenance, repair and reconstruction of wetlands and buffers in the easement area.

4. Floodplain – Portions of the project site are within the district's regulatory floodplain; however, there is no proposed disturbance or alteration of ground elevations.
5. Erosion Control – An erosion control plan is required for pond restoration areas. The applicant is proposing to close previously excavated open pond wetland areas. Proposed erosion control methods include temporary and permanent seeding to stabilize open soils. In addition, the pond restoration areas will be accessed in the spring prior to thawing of the overall peat surface, to minimize wetland soil disturbance outside of the pond restoration areas. An NPDES permit is not required for the project. Otherwise, the project complies with RCWD Rule D requirements.
6. Documenting Easements and Maintenance Obligations – The applicant must provide a perpetual conservation easement as well as title insurance in favor of the State and, for bank credits to be used for replacement within a CWPMP area, the District; the applicant should contact BWSR regarding the easement and insurance.
7. Previous Permit Information – No previous permit information was found for this site. Review files 15-083R, 17-032R and 18-002R pertain to this site.

I hereby certify that this report was prepared by me or under by direct supervision


 5-1-19  
Nicholas Tomczik

 5-1-19  
Emmy Baskerville



Project Location -  
Preiner ENRV Wetland Bank

### Legend

-  District Boundary
-  Project Location
-  Public Waterway
-  Public Ditch - Open Channel
-  Public Ditch - Municipal
-  Public Ditch - Stormsewer
-  Public Ditch - Tile
-  Private Ditch
-  Private Natural Waterway





PLEASE NOTE: The data herein are for general informational purposes only and should not be relied on for any official purpose. Property owners and other interested persons should retain a licensed surveyor or other professional for specific advice concerning their property. The Rice Creek Watershed District strictly disclaims any and all warranties on use of the data for any purpose.

**Legend**

Water Flow  
to Rice Creek



Project Location  
& Banking  
Boundary




## **ITEMS REQUIRING BOARD ACTION**

2. Consider Lower Rice Creek Restoration Project Access Agreement. (Matt Kocian)

## MEMORANDUM

### Rice Creek Watershed District

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**Date:** May 1, 2019  
**To:** RCWD Board of Managers  
**From:** Matt Kocian, Lake & Stream Specialist  
**Subject:** Lower Rice Creek Stabilization Project Access Agreement

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#### BACKGROUND

Work on the early phases of the Lower Rice Creek Stabilization Project is underway. The proposed project will occur on land owned by the City of Fridley and operated by Anoka County Parks (*Rice Creek West Regional Trail* runs through the property). District staff, in collaboration with District legal counsel, the City of Fridley, and Anoka County Parks, have developed an Access Agreement (attached). All parties have reviewed the agreement and concur with the terms.

The timing of this agreement – and all access agreements associated with Clean Water Fund projects – is tricky. The Board of Soil and Water Resources (BWSR), our Clean Water Fund grantor, prefers to see this executed very early in the process - typically, before approving the grant agreement. In this case, BWSR did approve the grant agreement prior to the access agreement being signed, but continue to push for the access agreement as soon as possible. From the District's perspective, we should have the agreement signed prior to hiring a project engineer, to minimize the risk of expending grant and District resources prior to assurances for access. Of course, the landowner would prefer to see detail on access routes and construction limits before signing, which we do not yet have. Luckily, both the City of Fridley and Anoka County Parks have been excellent partners, and are willing to sign the agreement now with assurances that they will have authority to review access routes and construction limits once they are developed.

The access agreement creates very few burdens on the District, other than those costs or burdens already associated with the approved workplan for the Project. The District will be responsible for costs associated with damage to infrastructure on the property (primarily a bituminous bike trail). The risk of incurring such costs will be mitigated in the construction contract, in which the contractor will be held responsible for repairing any infrastructure damage.

#### RECOMMENDATION

Staff recommend that the Board authorize the Administrator to execute the enclosed access agreement for the Lower Rice Creek Stabilization Project.

**Proposed Motion:** Manager \_\_\_\_\_ moves to authorize the Administrator to execute the Access Agreement between the Rice Creek Watershed District, the City of Fridley, and Anoka County, with non-material changes on advice of counsel.

**Attachments:** Lower Rice Creek Stabilization Project Access Agreement

**Access Agreement  
City of Fridley, County of Anoka, and the Rice Creek Watershed District**

**Lower Rice Creek Stabilization Project**

**THIS ACCESS AGREEMENT** (“Agreement”) is made by and among the City of Fridley (“City”), County of Anoka (“County”), and the Rice Creek Watershed District (“District”), political subdivisions of the State of Minnesota;

**WHEREAS** the City owns property between MN Highways 47 and 65 in the City of Fridley that is crossed by Rice Creek (the “Property”), and that consists of four parcels with property identification numbers 11-30-24-43-0001, 11-30-24-44-0001, 12-30-24-33-0001 and 13-30-24-22-0075; and

**WHEREAS** the County operates a natural and recreational area on the Property known as Locke Park and maintains, by agreement, bituminous recreational trails within the Property and the riparian corridor; and

**WHEREAS** the Rice Creek streambank within the Property is unstable and eroding in several locations; and

**WHEREAS** the District has prepared a plan to stabilize eroding streambanks and improve water quality and habitat (the “Project”); and

**WHEREAS** the City and County concur in the public benefit and improvement to the Property, and support the Project; and

**WHEREAS** the District has received a Clean Water Fund (CWF) grant from the State of Minnesota that will provide substantial funding for the Project; and

**WHEREAS** the CWF grant agreement requires that the District maintain the Project for 25 years; and

**NOW THEREFORE**, the City, County, and District enter into this Access Agreement (“Agreement”) as follows, intending to be legally bound hereby:

**1. RIGHT OF ENTRY AND NOTICE TO PROCEED.**

- a. The District, its employees and contractors are granted access to the Property depicted in the Exhibit A, attached to this Agreement and incorporated herein, subject to subsequent agreement of the parties as to the Construction Limits. Upon

completion of plans and specifications by the District's engineers, the parties agree to define specific construction limits within Exhibit A, for the design and construction of the Project, including but not limited to land and vegetation disturbance, excavation, recontouring of the channel and adjacent land, structural and bioengineered features, seeding and planting, staging, stockpiling, installations to protect work-in-progress and public safety, and all other operations convenient or necessary for design and construction, or to conform to the CWF grant agreement. The District will provide plans/specifications to the County and City for review. Once an agreement is reached by the parties as to the specific Construction Limits for the Project and access routes, the County will issue a Notice to Proceed to enable the District to commence construction. The Construction Limits will be reasonably convenient for, and not impose unnecessary cost on, Project construction. Before construction, the District, County, and City will further confer on site to identify trees that may be removed.

- b. **TERM / TERMINATION OF RIGHT OF ENTRY:** The right of entry and occupation described in the above paragraph will commence immediately upon execution of this Agreement for design purposes, and on June 1, 2020, or the date of the County's Notice to Proceed (whichever is later) for construction purposes. The right of entry for construction purposes ceases on December 31, 2021, or when the District confirms in writing that the Project has been completed, whichever is earlier. Notwithstanding this termination of the right of entry, the parties agree that the District will have a continuing right of entry as necessary for ongoing maintenance of the Project, described herein.

## 2. PERMITS/APPROVALS.

The County and City each will timely give the District any information in its possession regarding subsurface structures, utilities, other physical features, and any other information relevant to project development and design. Each party will cooperate with the District in securing permits and approvals in its status as landowner, and will timely process any permit or approval that the District requires for the Project. Pursuant to Minnesota Statutes §103D.335, subdivision 24, each party will not charge a fee for any such permit or approval.

## 3. PROJECT REQUIREMENTS.

The Project will conform to the following requirements:

- a. All permanent land disturbance will be within the existing 100-year floodplain of Rice Creek, as the floodplain is delineated on Attachment A. The Project will not expand the 100-year floodplain of Rice Creek either in the Project area or generally.

b. The permanent alterations constituting the Project will not encroach on bituminous trail or structural components of walking bridges.

c. The District will repair and restore all lands and improvements within the Property, including bituminous trails and structures, to their materially preexisting condition before the Project, except for those structures or land that will be permanently altered by the Project, per the plans/specifications, or where the owning party waives that requirement in writing.

d. The District will require its contractor to meet all local requirements for traffic control and public safety, to provide for public safety, to keep the Project site clean and clear of trash and debris, and to avoid interference with trail use to the extent feasible. No trails or portions of trail will be closed during the Project without prior consent of the County and detour routes and signage in place to inform the public.

e. The District will require that its contractor name the City and County as additional insureds under its commercial general liability policy during construction, with primary coverage on a noncontributory basis and a coverage limit of at least \$1.5 million per claim and aggregate. Each party will be named as a holder and will receive a certificate of insurance before contractor entry for construction.

f. If any dewatering of the work site is required, waters will be diverted and returned to the Rice Creek channel downstream.

#### **4. SIGNAGE.**

The District, City and County may collaborate to erect and maintain public informational and educational signage in conformance with reasonable size and location conditions of the City and County. Signage will recognize the collaboration of the parties. The District will be responsible, at its cost, for signage necessary to meet CWF grant agreement terms, but the parties otherwise may agree to share signage costs and responsibilities.

#### **5. COSTS.**

The District is responsible for all costs of the Project, unless otherwise stated herein. Neither the City nor the County will be responsible for any part of the cost of Project design, construction, maintenance, or required permits, except for each entity's own costs that may be necessary to meet its responsibilities under this Agreement.

#### **6. INDEMNIFICATION.**

The District will defend, indemnify, and hold harmless the County and the City, including their officials and employees, from any and all claims, losses, actions, costs, damages and liabilities to the degree they are the result of any action or omission of the District in the design,

construction, or maintenance of the Project that is the basis for the District's liability in law or equity. This indemnification provision shall not be construed to waive any immunity to a tort claim that any party may otherwise have by virtue of its status as a government entity. This Agreement shall affect only the allocation of liability between the parties to this Agreement and creates no right in and waives no immunity, defense, or liability limit with respect to any third party.

## **7. MAINTENANCE.**

For a period of 25 years from the date of project completion, the District may enter and occupy the Property, including with light vehicles, to inspect and maintain the Project. On District request, the City and County will provide reasonably convenient access and limits for Project maintenance. The District will provide at least one week's written notice to the City and County before accessing the property using motorized equipment for Project inspection or maintenance. The District will be responsible for any impact or disturbance of land, trails, or structures as a result of Project maintenance, and will repair all impacts or disturbed areas materially to their materially preexisting condition, except where the owner waives that requirement in writing. During the 25-year period of maintenance, neither the City nor the County will disturb, or authorize disturbance of, the channel bed or banks within the Project limits without written District concurrence.

## **8. NOTICES.**

All communications and notices under this Agreement will be made to the following representatives of the parties, or to such other representative as a party may advise the others in writing:

**For the District:**

Administrator, Rice Creek Watershed District  
4325 Pheasant Ridge Drive NE, #611  
Blaine, MN 55449  
763-398-3070

**For the County:**

Jeff Perry, Director of Anoka County Parks  
550 Bunker Lake Blvd NW  
Andover, MN 55304  
763-324-3409

**For the City:**

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7071 University Avenue NE  
Fridley, MN 55432  
763-571-3450

## **9. AMENDMENT**

Any alterations, variations, modifications or amendments to the provisions of this Agreement shall be valid only when they have been reduced to writing and duly signed by the parties.

## **10. ENTIRE AGREEMENT**

It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and all negotiations between the parties relating to the subject matter thereof, as well as any previous agreement presently in effect between the parties to the subject matter thereof.

[Signature Page Follows]

**IN WITNESS WHEREOF**, the parties of this Agreement have hereunto set their hands on the dates written below:

**RICE CREEK WATERSHED DISTRICT**

By: \_\_\_\_\_  
Phil Belfiori, Administrator

Dated: \_\_\_\_\_

**COUNTY OF ANOKA**

By: \_\_\_\_\_  
Rhonda Sivarajah, Chair  
Anoka County Board of Commissioners

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Jerry Soma  
County Administrator

Dated: \_\_\_\_\_

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Christine V. Carney  
Assistant County Attorney

Dated: \_\_\_\_\_

**CITY OF FRIDLEY**

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

Dated: \_\_\_\_\_

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

Dated: \_\_\_\_\_

# Lower Rice Creek Stabilization Project Exhibit A

73rd Ave NE

71st Ave NE

Fridley Civic Campus

Project Area

Rice Creek Terrace NE

Madison St NE

Monroe St NE

65

47

003-113024430001

003-113024440001

003-123024330001

003-133024220075

Project Area (Parcels)

- Project Area (Parcels)
- Rice Creek
- Floodplain
- Parcels

44

0 500 1,000 2,000 Feet

4/17/2019

N

This map depicts the area of the 2019/2020 Lower Rice Creek Stabilization Project in Fridley, MN. The project area is shown with parcel lines and PIN numbers. The project area parcels are owned by the City of Fridley.

## **ITEMS REQUIRING BOARD ACTION**

3. Consider City of Forest Lake Local Water Plan. (Lauren Sampedro)

## MEMORANDUM

### Rice Creek Watershed District

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**Date:** May 1, 2019  
**To:** RCWD Board of Managers  
**From:** Lauren Sampedro, District Technician  
**Through:** Phil Belfiori, Administrator  
**Subject:** Consider Approval of Forest Lake Local Water Management Plan

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#### BACKGROUND

Consistent with the Rice Creek Watershed District (RCWD or the District) Board of Managers' direction at the April 24, 2019 Board Meeting, the District contacted the City of Forest Lake regarding comments made on the City of Forest Lake's Local Water Management Plan (Plan). The City of Forest Lake made a few additions to the Plan's issues section 5.2.1.A to address the comments. RCWD staff find the City has adequately addressed all RCWD comments in the revised Plan received May 1, 2019, and the Plan is consistent with RCWD's 2010 Watershed Management Plan and MN Rules 8410 and MN Statute 103B.235.

#### RECOMMENDATION

Based on staff review of the Draft Plan along with the changes made to reflect the District's comments, the Plan has been determined to be consistent with the District's Watershed Management Plan and associated Rules. Staff recommends that the Board of Managers approve the City of Forest Lake's Local Water Management Plan as submitted to the District on May 1, 2019.

Proposed action: Manager \_\_\_\_\_ moves to offer resolution 2019-11 and its adoption, seconded by Manager \_\_\_\_\_.

Attachments: Draft Resolution 2019-11  
Relevant Sections of the Forest Lake Local Water Management Plan including:

- Revised Identified Issues from May 1, 2019 Plan
- Executive Summary
- Identified Issues from April 15, 2019 Plan
- CIP Table

**RESOLUTION 2019-11**

**RICE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**RESOLUTION TO APPROVE  
FOREST LAKE LOCAL WATER MANAGEMENT PLAN**

Manager \_\_\_\_\_ offered the following Resolution and moved its adoption, seconded by Manager \_\_\_\_\_,

WHEREAS on June 9, 2010, the RCWD adopted a new Watershed Management Plan (WMP) under Minnesota Statutes 103B.231, which details the existing physical environment, land use and development in the watershed and establishes a plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS the WMP incorporates the Rules adopted by the RCWD to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS on January 8, 2019 the City of Forest Lake (City) submitted an update to its local water management plan under Minnesota Statutes 103B.235 for formal RCWD review and approval;

WHEREAS the Metropolitan Council received a copy of the local plan and provided comments on that plan to the RCWD in accordance with Minnesota Statutes 103B.235, and the RCWD finds that the City has adequately addressed those comments;

WHEREAS the RCWD has determined that the local plan, as revised and submitted on May 1, 2019, meets the requirements for approval set forth in the WMP, except that the local plan does not provide for the adoption of official controls or implementation of inspection and administrative procedures necessary to insure that the full regulatory standards of the RCWD are met, as required by the WMP in order for the City to assume sole regulatory authority;

WHEREAS the City does not wish to assume sole regulatory authority but, instead, wishes to authorize the RCWD to continue to require permits for the use and development of land, and otherwise exercise its regulatory authority within the City, within the meaning of Minnesota Statutes 103B.211, subd. 1(a)(3); and

WHEREAS the RCWD's approval of the local plan rests on the City's agreement that the RCWD will continue to exercise its present regulatory authority; and

WHEREAS the RCWD and the City understand that the RCWD would deem a future withdrawal of the City's authorization without an RCWD determination that the City's official Controls meet WMP standards to constitute a failure to adopt the implementation program of the local plan as specified in Minnesota Statutes 103B.211, subdivision 1(a)(3)(i); and

WHEREAS the RCWD and the City recognize and agree that the City at a later time may amend its plan in order to assume sole regulatory authority, subject to RCWD approval;

THEREFORE, BE IT RESOLVED that the RCWD Board of Managers hereby approves the City of Forest Lake's local water management plan, as submitted on May 1, 2019.

The question was on the adoption of the resolution and there were \_\_ yeas and \_\_ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
WALLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PREINER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution \_\_\_\_\_.

\_\_\_\_\_  
Michael Bradley, Secretary

Dated: May 8, 2019

\* \* \* \* \*

I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 8th day of May 2019.

\_\_\_\_\_  
Michael Bradley, Secretary

## 5. SYSTEM ASSESSMENT

### 5.1 OVERVIEW

The assessment of the City of Forest Lake surface water system includes both water quality and quantity. The assessment is an identification of strengths and weaknesses that have developed over time in the system. The assessment will be followed up by an appropriate allocation of resources based on prioritization of activities (see Section 6, Implementation). The City of Forest Lake will continue to work with RCWD and CLFLWD for opportunities to partner on improvement projects. Partnerships include analyses, feasibility studies, cost share, education, etc. Future projects are prioritized using a number of factors including condition of the receiving water, assessment of water quality and TMDL studies, MS4 priorities, and alignment with City projects and funding opportunities.

### 5.2 ASSESSMENT OF PROBLEMS

#### 5.2.1 Rice Creek Watershed

The Rice Creek Watershed District occupies approximately 50% of the area in the City of Forest Lake. In addition to Rice Creek, the primary surface waters in the watershed include Clear Lake, Mud Lake, Hardwood Creek, and several large wetlands.

##### A. Water Quantity Assessment

In the interest of providing proactive stormwater quantity (and quality) solutions, the City has planned regional ponding locations at two future sites, the 1st Avenue and Broadway redevelopment site and the Community Center site. This proactive approach to stormwater management is an attempt to minimize the need to correct difficult nuisance flooding problems, such as the SE corner of the intersection between Highway 61 and 190th Street North (190th Area). This area is considered to have “nuisance” flooding in that no loss of life or property has been realized, and the potential for those losses is very low.

The 190th Area has experienced springtime flooding for many years in the past. One particular property owner loses overland access to his property during springtime due to flooding of his driveway. This area is a concern for the City and the RCWD, both of which have monitored this area for the past several years. In the summer of 2003, the RCWD refurbished Branch 2 of Judicial Ditch #7, which serves the area of concern. As part of that project, a surface inlet was added to the tile line in an effort to address the springtime flooding issues in the area. The area will continue to be monitored by both entities into the future. If the addition of the surface inlet to JD 7 is determined to be inadequate for minimizing flooding in the area, additional measures to reduce flooding may be implemented in the future.

JD 5 has a similar history of flooding as JD 7. The City of Forest Lake is prepared to work with RCWD to monitor flooding as a result of the failing outlet. The City understands that RCWD will continue to monitor JD 5.

JD 2 is the confluence of JD’s 5 and 7. The City understands that function of JD’s 5 and 7 may be dependent on the function of JD 2. The City will work with RCWD as they continue to monitor JD 2.

The City continues to actively develop south of Headwaters Parkway near Fenway Avenue. The area is referred to as the Headwaters development. Development is likely to continue to progress to the south into tributary watersheds to Judicial Ditch (JD) 4. Specifically, the Main Trunk, Branch 3 and Branch 4 of JD 4 currently have limited discharge capacities and experience surface flooding. As development continues in this area, regional pond must be considered to ensure that flooding is not further perpetuated downstream. RCWD has identified this area as amongst its highest priorities for regional flood control. The City will develop a plan for regional pond,

highest priorities for regional flood control. The City will develop a plan for regional pond, reserve greenway corridors and establish drainage and utility easements for long term maintenance that will be implemented as development continues. The City and RCWD will follow 103E Ditch Regulations to ensure that appropriate segments of ditch are abandoned, realigned or altered according to state statute.

Judicial Ditch 4, including the Main Branch, Branch #3 and Branch #4 are currently experiencing capacity issues largely due to upstream development, sediment accumulation, overgrown vegetation and/or tile breakage. As development continues in this area, regional pond and greenway reserve will be imperative to regional flood protection and should be considered in detail prior to the onset of development.

**B. Water Quality Assessment**

The quality of the water flowing into a waterbody is the most important single factor influencing the quality of that waterbody and its ability to support recreational and aesthetic uses. In general, lakes with excellent water quality usually have a comparatively significant inflow of high quality groundwater. While most high quality lakes also receive surface runoff from their watershed, the volume and/or quality of the surface runoff is not enough to overwhelm the influence of the high quality groundwater.

Phosphorus is often used as a barometer of lake water quality. High levels of phosphorus often lead to blooms of algae and other aquatic plants during most or all of the summer recreation season. These blooms negatively impact the aesthetics of the waterbody because of the poor water clarity and floating scums they cause. Decomposition of the algae can also create offensive smells that further compromise the appeal of the lake.

The Metropolitan Council has prepared a lake quality report card for the Metro Area based on average total phosphorus concentrations and other data for the May through September recreation season for 119 Metro Area lakes. The report card provides an easy to understand measure of lake quality which can be compared with actual data. Table 5 lists the report card letter grade, phosphorus concentrations, chlorophyll-a concentrations, and water clarity. Total phosphorus is measured because it is typically the limiting nutrient for plant growth, chlorophyll-a is a measure of algae abundance, and a Secchi disk is used to measure the general clarity of the water.

*Table 5: Metropolitan Council Lake Quality Report Card.*

Grade	Interpretation	Total Phosphorus Concentration [TP] (ppb)	Chlorophyll-a Concentration (ppb)	Secchi Depth (meters)
A	Excellent	< 23	< 10	> 3.0
B	Good	23 - 32	10 - 20	3.0 - 2.2
C	Fair	32 - 68	20 - 48	2.2 - 1.2
D	Poor	68 - 152	48 - 77	1.2 - 0.7
F	Very Poor	> 152	> 77	< 0.7

Lakes receiving an “A” are deemed exceptional compared to other area lakes and have no recreation use impairment. Lakes with a “B” grade have very good water quality and only modest recreational use impairment, while lakes receiving a “C” are considered to have average water quality for the region and are somewhat impaired for recreational use. “D” grade lakes have poor water quality and lakes receiving an “F” grade have extremely poor quality compared with other area lakes and do not support recreational use.<sup>9</sup>

<sup>9</sup> Metropolitan Council, 2015 Study of the Water Quality of 164 Metropolitan Area Lakes

Table 6 lists the letter grades for the lakes located within the Rice Creek Watershed District and the City of Forest Lake.

Table 6: Water Quality Data for Lakes Located within the RCWD.

Lake*	Mean [TP]** (ppb)	Mean [Chlorophyll-a]** (ppb)	Mean Secchi Disk Reading** (m)	Met. Council Grade (A-F)
Clear	43	14	1.9	B-
Mud	31	8	1.1	B+

\* Lakes included in the Minnesota Pollution Control Association's (MPCA) Lake Water Quality Assessment Program.

\*\* Summertime Average

Both lakes located within the RCWD have above average water quality. As their drainage areas continue to develop, the water quality standards of the City should continue to be implemented to help ensure that the lakes' quality is preserved. The City of Forest Lake will continue to collaborate with RCWD to develop water quality practices as development occurs and retroactively treat runoff from otherwise untreated drainage areas.

The Clear Lake Diagnostic Study prepared by RCWD identified key pollutant inflow points. The Study also identified locations for best management practices to reduce the total phosphorus loading by 140 pounds per year. The City and RCWD have partnered to construct the City Center Water Quality Project and Forest Lake High School Stormwater Capture and Reuse for Irrigation Project to bring Clear Lake closer to its goal. The High School Reuse project captures stormwater from roof and parking lot areas and, in conjunction with additional BMPs and storage areas on site, is treated via ultraviolet light and pumped into the irrigation system. The project irrigates approximately 12 acres and will result in a groundwater savings of 4.1 million gallons per year.

The RCWD also proactively pursues projects to improve the overall water quality of the Rice Creek and other waterbodies within its jurisdiction. For example, the District completed the Hardwood Creek Impaired Biota (Fish) and Dissolved Oxygen TMDL Implementation Plan (July 2009).

### 5.2.2 Comfort Lake-Forest Lake Watershed

The Comfort Lake-Forest Lake Watershed District occupies approximately 50% of the area in the City of Forest Lake. In addition to Forest Lake, the primary surface waters in the watershed include Cranberry Lake, Elwell Lake, Higgins Lake, Shields Lake, Keewahtin Lake, Twin Lake, Sunrise River, and several large wetlands.

#### A. Water Quantity Assessment

The Shields Lake tributary area is an area of concern in regards to flooding within the City and the CLFLWD. Two areas are located within the tributary area of Shields Lake and adjacent to the Forest Hills Golf Course that experience drainage problems, Heath Avenue Court North and the Green Valley development. These areas are considered to have only "nuisance" flooding, similar to the 190th area in the RCWD.

Heath Avenue Court North experiences "nuisance" flooding during medium to large storm events. A portion of the Forest Hills Golf Course currently drains between two lots located on the cul-de-sac. The City storm sewer in that area was retrofitted in the past in an attempt to accommodate flows from the golf course. The modified City storm sewer adequately conveys small storm events, but was not designed to convey runoff generated on the golf course from the medium to large storm events. The golf course has committed to reducing peak flows from their

property to the City storm sewer system through the construction of storm water detention basins. These basins do not currently exist, but should be constructed in the near future.

The 208<sup>th</sup> St N and 209<sup>th</sup> St N neighborhood experiences routine flooding from an excess quantity of runoff and undersized infrastructure. This area was included in water quality planning and hydraulic modeling associated with the CLFLWD Shields Lake diagnostic work. The City has met with residents and CLFLWD to analyze the impacts of the flow diversion planned with the Forest Hills Golf Course stormwater capture and reuse project scheduled for construction in 2018-2019. Upon completion of the project, the flooding concerned will be readdressed. For this reason, the 208<sup>th</sup> St N neighborhood improvements have not been included in the Capital Improvement Plan.

Following the construction of the golf course ponds, this area will continue to be monitored by the City for flooding problems. Should flooding issues in the area persist, additional measures on the golf course may be necessary or the City may need to design and reconstruct the storm water conveyance system in the cul-de-sac.

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#### B. Water Quality Assessment

The Metropolitan Council’s lake quality report card was used to determine a letter grade corresponding to each lake’s capacity for recreational use within the City and the CLFLWD. Details on the lake quality report card, and general water quality information have been summarized in Section 5.2.1.2, above. Table 7 lists the letter grades for the lakes located within the CLFLWD and the City of Forest Lake.

Table 7: Water Quality Data for Lakes Located within the CLFLWD.

Lake*	Mean [TP]** (ppb)	Mean [Chlorophyll-a]** (ppb)	Mean Secchi Disk Reading** (m)	Met. Council Grade (A-F)
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Shields	239	50.7	0.9	D-
Keewahtin	15	3.0	4.5	A

\* Lakes included in the Minnesota Pollution Control Association's (MPCA) Lake Water Quality Assessment Program (2015).

\*\* 5-Year Mean (2011 – 2017), Summertime Average

The quality of Forest Lake is comparable to the average lake quality in the Metro Area. As Forest Lake’s drainage area continues to develop, the water quality standards of the City should continue to be implemented to help ensure that the lakes’ quality is preserved. Areas in the City that currently discharge directly to the lake should be retrofitted to provide water quality treatment prior to discharge to the lake. Septic systems adjacent to lakes can also promote water quality degradation. When possible, septic systems should be taken off-line and sewage should be collected and treated at a centralized treatment plant. These actions can help to prevent sedimentation and nutrient enrichment of the lake, preventing degradation and possibly increasing the quality of the lake over time.

The Metropolitan Council determined from its monitoring results that lakes with “D” and “F” grades are typically small and shallow. Shields Lake is relative small at 26 acres, but is relatively deep for its size at 27 feet. Shields Lake is small for the size of its drainage area, which is a likely contributor to its low grade. The existing land use may also be a contributor to the low grade of Shields Lake. Within Shields Lake drainage boundary is low density residential, golf course, with the majority of the area being used for agricultural purposes. Given the high total phosphorus concentration of the lake, it’s likely that one, or a combination of, the listed land uses is contributing high concentrations of phosphorus to the lake. Pretreatment ponds would benefit the lake, though the reduction of phosphorus use within the drainage area would likely result in the highest benefit to the lake in the near future.

Keewahtin Lake is an example of a lake with exceptional recreational value, scoring off the chart for all three of the Metropolitan Council’s water quality criteria. Keewahtin Lake likely maintains its high quality through a high rate of exchange with groundwater, and relatively low impact from its drainage area.

CLFLWD has identified goals for in-lake water quality and phosphorus load reductions including the percent municipal portion of the lake drainage area. Table 8 is summary of the water bodies in the City of Forest Lake and CLFLWD. The City will continue to work with CLFLWD to prioritize water quality projects that help achieve these goals.

Table 8: Goals for In-Lake Water Quality and Phosphorus Load Reductions (provided by CLFLWD).

Lake	Forest Lake Portion of Drainage Area	10-Year In-Lake TP Goal	20-Year In-Lake TP Goal		
		In-Lake Concentration (µg/l)	In-Lake Concentration (µg/l)	Max. Load to Lake (lb/yr)	Total Load Reduction Needed (lb/yr)
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Forest Lake	93%	<40	<40	3312	153
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### 5.3 IMPAIRED WATER BODIES

As part of the federal Clean Water Act, the State of Minnesota is required to adopt water quality standards to protect lakes, streams, and wetlands from pollution. These standards identify how much bacteria, nutrients and other pollutants can be present and still have the water body meet its designated uses such as fishing and swimming. If a water body does not meet one or more of these standards it is identified as “impaired”.

The Minnesota Pollution Control Agency (MPCA) administers this program in which the State of Minnesota is required to identify and restore impaired waters.

To meet this requirement, the MPCA has developed a three step program in which:

- A. Assesses all waters of the state to determine if they meet water quality
- B. Lists all waters that do not meet standards
- C. Conducts studies to establish pollution reduction measures to restore the water bodies.

Once these steps are completed, each water body will have a pollutant reduction goal defined as a TMDL, or Total Maximum Daily Load, which represents the maximum amount of a pollutant a water body can receive and still meet water quality standards. The City will work with RCWD, CLFLWD and Washington County to develop actions, policies and projects to meet waste load allocations. For instance, the will implement the City-wide Enhanced Street Sweeping Plan in 2019.

The City of Forest Lake has three lakes and two streams within its boundaries which have been identified as impaired waters, as listed below in Table 9 (see also Figure SW-10).

Forest Lake was found to be impaired due to the detected levels of mercury and PCB in fish tissues. Clear Lake was also listed as impaired for mercury levels. A State-wide TMDL was approved in 2007 to address mercury reduction through a reduction in emissions incidental to mining and energy activities.

Shields Lake has been identified as having a nutrient/eutrophication impairment and was one of the six impaired lakes examined in “Six Lakes Total Maximum Daily Load Study” TMDL completed by the CLFLWD. This TMDL also addresses Moody, Bone, School, Little Comfort and Comfort Lakes. In this report, each lake is assessed for phosphorus reductions necessary to meet water quality standards. The full report is available at the Comfort Lake-Forest Lake Watershed District website <http://www.clflwd.org/>.

Clear Lake and Hardwood Creek both discharge to the Rice Creek and are upstream of 28 waterbodies within the watershed with impairments. Aside from the Statewide Mercury TMDL, TMDL studies are underway for nine of these impaired waters. Clear Lake discharges through Mud Lake to Howard Lake, which was impaired for phosphorus and delisted in 2014. Hardwood Creek discharges to Peltier and Centerville Lake, which are impaired for phosphorus/mercury and phosphorus, respectively; both lakes have approved TMDLs. The City will work with its project partners to develop projects in the JD4 watershed that will improve discharges leaving the City of Forest Lake into the lake systems. The City will also begin implementation of the City-wide Enhanced Street Sweeping Plan in 2019. In addition, a small portion of the City of Forest Lake is in the watershed which drains to White Rock Lake in Scandia. This lake has been found to be impaired for nutrients and biological indicators.

CLFLWD was awarded a BWSR Clean Water Fund grant in 2016 for the Shields Lake Stormwater Harvest and Irrigation Reuse System and Alum Treatment project. Shields Lake has been identified as the single largest pollutant contributor to Forest Lake. The project will impound water from a tributary to Shields Lake for irrigation reuse at the Forest Hills Golf Club, reducing watershed phosphorus loads to Shields Lake by 94 pounds per year. Additionally, the irrigation reuse system will supply the golf club with up to 26 million gallons of water per year, greatly reducing the demand for pumping from deep, regionally significant aquifer. A whole-lake alum treatment will also be applied to Shields Lake. The irrigation reuse system coupled with the alum treatment are expected to reduce phosphorus loads such that Shields Lake achieves a clear water state, which will reduce phosphorus loads to Forest Lake by up to 250 pounds per year.

All MS4 communities within the RCWD must address the Upper Mississippi River Bacteria TMDL. The City of Forest Lake has included provisions in their City Code for reductions in bacteria including its illicit discharge detection and elimination plan.

Table 9: Forest Lake Impaired Waters.

Lake/Stream	Impairment	TMDL Administrator	TMDL Approved
Clear Lake	Mercury	State of MN	Yes
Forest Lake	Mercury	State of MN	Yes
Forest Lake	PCB	State of MN	No
Hardwood Creek	DO, Biota	RCWD	Yes
Howard Lake	Nutrients	Delisted	
Judicial Ditch #2	Chlorides	State of MN	Yes
Lake St. Croix	Nutrients	State of MN	Yes
Little Comfort Lake	Nutrients	State of MN	Yes
Peltier and Centerville Lakes	Mercury, Nutrients	State of MN	Yes
Shields Lake	Nutrients	CLFLWD	Yes
Six Lakes TMDL <sup>1</sup>	Nutrients	CLFLWD	Yes
Sunrise River, South Branch	DO	State of MN	No
Upper Mississippi River	Bacteria	State of MN	Yes
White Rock Lake	Nutrients	State of MN	No

<sup>1</sup> Comfort Lake, Bone Lake, Shields Lake, Moody Lake, School Lake, Little Comfort Lake

#### 5.4 INTERCOMMUNITY FLOWS AND HYDRAULIC MODELING

RCWD and CLFLWD have developed regional hydraulic modeling in Forest Lake. The City has adopted these models by reference. During City street projects, regional drainage analyses and other applications, the City develops additional modeling detail that is used to supplement the watershed districts' regional modeling. As needed, these models are combined and shared amongst the project partners. Updated models for RCWD and CLFLWD are contained in the respective district Watershed Management Plan. The City of Forest Lake, RCWD and CLFLWD have entered into interagency agreements for digital file sharing, including updated geospatial and hydraulic modeling as needed.

Figure SW-12 displays the regional watershed areas modeled by the respective watershed districts. Figure SW-13 displays the City's storm sewer and ponding system. Appendix G contains modeling output from the respective watershed districts.

Forest Lake receives discharge from the City of Hugo along the southern municipal boundary through the JD 2 system. Otherwise, Forest Lake resides at the top of two major watersheds. The City of Forest Lake discharges into Columbus, Hugo and Wyoming through open ditch conveyances. The City of Forest Lake will continue to administer stormwater management rules and develop regional flood controls to ensure that flooding conditions are not perpetuated in adjacent communities. Table 10 summarizes the discharges into adjacent communities.

## MEMORANDUM

### Rice Creek Watershed District

**Date:** April 17, 2019  
**To:** RCWD Board of Managers  
**From:** Lauren Sampedro, District Technician  
**Through:** Phil Belfiori, Administrator  
**Subject:** Consider Approval of Forest Lake Local Water Management Plan

#### BACKGROUND

On January 8, 2019 the Rice Creek Watershed District (RCWD or the District) received the City of Forest Lake's Local Water Management Plan (Plan) for its formal review, comment, and approval. In its review of the Plan on February 28, 2019 the District provided several comments to the City. The comments were made based on local plan requirements in RCWD's 2010 Watershed Management Plan and Minnesota Rules 8410 and Minnesota Statute 103B.235. The Metropolitan Council completed its review of the Plan and concluded that it is generally consistent with the Council's Water Resources Policy Plan, but also provided comments on the plan. The City submitted a revised plan on April 3, 2019 for the District to review and the District provided a few minor comments to the City. RCWD staff find the City has adequately addressed all RCWD comments in a revised plan received April 15, 2019.

The City's Plan is now consistent with the District's 2010 Watershed Management Plan and clearly acknowledges RCWD's regulatory role in implementing its rules and administering the Wetland Conservation Act within the City. The City will also maintain or reduce the five existing intercommunity flow rates into Columbus and Hugo through administration of the City's ordinances and development of regional flood controls.

The City identified a few water resource issues within the City which include water quantity and water quality issues. There is flooding between Highway 61 and 190<sup>th</sup> Street North and limited discharge capacities and surface flooding on the main trunk and branches 3 and 4 of Washington Judicial Ditch 4 (JD 4). The capacity issues at JD 4 are heightened due to continued future development in the area. The City also drains to several impaired waters including Clear Lake, Hardwood Creek, and White Rock Lake, and the City is involved in the Peltier and Centerville Lake TMDL and the Upper Mississippi River Bacteria TMDL. To address the water quantity issues the City is proactively planning a regional ponding location at the City's Community Center, and the City will continue working with RCWD to complete drainage improvements and monitor the flooding at 190th Street. The City will also continue working with the RCWD on a JD 4 Watershed Analysis and Development Plan to identify improvements to address the JD 4 capacity issues, which is included in the City's CIP table. The City will partner with RCWD on the JD 4 improvements that result from the analysis, such as a regional pond. The JD 4 improvements will also help address the Peltier and Centerville Lake TMDL goals. Additionally, the City has several planned stormwater reuse projects in its CIP table that will benefit the Peltier and Centerville Lake TMDL and improve the water quality of Clear Lake including stormwater reuse projects at a LILA School, Everton Townhomes, and at the City Center. The City will also implement its Enhanced Street Sweeping Plan, which was a partnership with RCWD and Comfort Lake-Forest Lake Watershed District.

#### RECOMMENDATION

Based on staff review of the Draft Plan along with the changes made to reflect the District's comments, the Plan has been determined to be consistent with the District's Watershed Management Plan and associated Rules. Staff recommends that the Board of Managers approve the City of Forest Lake's Local Water Management Plan as submitted to the District on April 15, 2019.

## MEMORANDUM

### Rice Creek Watershed District

Proposed action:       Manager \_\_\_\_\_ moves to offer resolution 2019-11 and its adoption, seconded by Manager \_\_\_\_\_.

Attachments:           Draft Resolution 2019-11  
Relevant Sections of the Forest Lake Local Water Management Plan including:

- Executive Summary
- Identified Issues
- CIP Table

## 1. EXECUTIVE SUMMARY

The City of Forest Lake Local Water Management Plan (LWMP) serves as a comprehensive planning document to guide the City in conserving, protecting and managing its surface and groundwater resources. This document represents the 2018 update which follows updates made by the local regulatory watershed districts to their plans and aligns with the 10-year Comprehensive Plan update cycle.

The content of the LWMP is in large part determined by Minnesota Statute 103B and Rules 8410. Specifically, statute 103B.235 states:

*After the watershed plan is approved and adopted, or amended, pursuant to section 103B.231, the local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan*

Minnesota Rules 8410 is more specific about the content of the local plans. According to the rules, these plans shall include the following:

- Table of Contents
- Purpose
- Executive Summary
- Land and Water Resource Inventory
- Establishment of Goals and Policies
- Relation of Goals and Policies to Local, Regional, State and Federal Plans, Goals and Programs
- Assessment of Problems
- Corrective Actions
- Financial Considerations
- Implementation Priorities
- Amendment Procedures
- Implementation Program
- Appendix

The sections of this report directly reference several of the items listed above. The other items, though they do not form actual section headings, are nonetheless covered within this report.

It is not the intent of the City to pursue gaining local regulatory authority at this time. However, the City reserves the right to gain local regulatory control and assume permitting authority.

## 5. SYSTEM ASSESSMENT

### 5.1 OVERVIEW

The assessment of the City of Forest Lake surface water system includes both water quality and quantity. The assessment is an identification of strengths and weaknesses that have developed over time in the system. The assessment will be followed up by an appropriate allocation of resources based on prioritization of activities (see Section 6, Implementation). The City of Forest Lake will continue to work with RCWD and CLFLWD for opportunities to partner on improvement projects. Partnerships include analyses, feasibility studies, cost share, education, etc. Future projects are prioritized using a number of factors including condition of the receiving water, assessment of water quality and TMDL studies, MS4 priorities, and alignment with City projects and funding opportunities.

### 5.2 ASSESSMENT OF PROBLEMS

#### 5.2.1 Rice Creek Watershed

The Rice Creek Watershed District occupies approximately 50% of the area in the City of Forest Lake. In addition to Rice Creek, the primary surface waters in the watershed include Clear Lake, Mud Lake, Hardwood Creek, and several large wetlands.

##### A. Water Quantity Assessment

In the interest of providing proactive stormwater quantity (and quality) solutions, the City has planned regional ponding locations at two future sites, the 1st Avenue and Broadway redevelopment site and the Community Center site. This proactive approach to stormwater management is an attempt to minimize the need to correct difficult nuisance flooding problems, such as the SE corner of the intersection between Highway 61 and 190th Street North (190th Area). This area is considered to have “nuisance” flooding in that no loss of life or property has been realized, and the potential for those losses is very low.

The 190th Area has experienced springtime flooding for many years in the past. One particular property owner loses overland access to his property during springtime due to flooding of his driveway. This area is a concern for the City and the RCWD, both of which have monitored this area for the past several years. In the summer of 2003, the RCWD refurbished Branch 2 of Judicial Ditch #7, which serves the area of concern. As part of that project, a surface inlet was added to the tile line in an effort to address the springtime flooding issues in the area. The area will continue to be monitored by both entities into the future. If the addition of the surface inlet to JD 7 is determined to be inadequate for minimizing flooding in the area, additional measures to reduce flooding may be implemented in the future.

The City continues to actively develop south of Headwaters Parkway near Fenway Avenue. The area is referred to as the Headwaters development. Development is likely to continue to progress to the south into tributary watersheds to Judicial Ditch (JD) 4. Specifically, the Main Trunk, Branch 3 and Branch 4 of JD 4 currently have limited discharge capacities and experience surface flooding. As development continues in this area, regional pond must be considered to ensure that flooding is not further perpetuated downstream. RCWD has identified this area as amongst its highest priorities for regional flood control. The City will develop a plan for regional pond, reserve greenway corridors and establish drainage and utility easements for long term maintenance that will be implemented as development continues. The City and RCWD will follow 103E Ditch Regulations to ensure that appropriate segments of ditch are abandoned, realigned or altered according to state statute.

Judicial Ditch 4, including the Main Branch, Branch #3 and Branch #4 are currently experiencing capacity issues largely due to upstream development, sediment accumulation, overgrown

vegetation and/or tile breakage. As development continues in this area, regional pond and greenway reserve will be imperative to regional flood protection and should be considered in detail prior to the onset of development.

**B. Water Quality Assessment**

The quality of the water flowing into a waterbody is the most important single factor influencing the quality of that waterbody and its ability to support recreational and aesthetic uses. In general, lakes with excellent water quality usually have a comparatively significant inflow of high quality groundwater. While most high quality lakes also receive surface runoff from their watershed, the volume and/or quality of the surface runoff is not enough to overwhelm the influence of the high quality groundwater.

Phosphorus is often used as a barometer of lake water quality. High levels of phosphorus often lead to blooms of algae and other aquatic plants during most or all of the summer recreation season. These blooms negatively impact the aesthetics of the waterbody because of the poor water clarity and floating scums they cause. Decomposition of the algae can also create offensive smells that further compromise the appeal of the lake.

The Metropolitan Council has prepared a lake quality report card for the Metro Area based on average total phosphorus concentrations and other data for the May through September recreation season for 119 Metro Area lakes. The report card provides an easy to understand measure of lake quality which can be compared with actual data. Table 5 lists the report card letter grade, phosphorus concentrations, chlorophyll-a concentrations, and water clarity. Total phosphorus is measured because it is typically the limiting nutrient for plant growth, chlorophyll-a is a measure of algae abundance, and a Secchi disk is used to measure the general clarity of the water.

*Table 5: Metropolitan Council Lake Quality Report Card.*

Grade	Interpretation	Total Phosphorus Concentration [TP] (ppb)	Chlorophyll-a Concentration (ppb)	Secchi Depth (meters)
A	Excellent	< 23	< 10	> 3.0
B	Good	23 - 32	10 - 20	3.0 - 2.2
C	Fair	32 - 68	20 - 48	2.2 - 1.2
D	Poor	68 - 152	48 - 77	1.2 - 0.7
F	Very Poor	> 152	> 77	< 0.7

Lakes receiving an “A” are deemed exceptional compared to other area lakes and have no recreation use impairment. Lakes with a “B” grade have very good water quality and only modest recreational use impairment, while lakes receiving a “C” are considered to have average water quality for the region and are somewhat impaired for recreational use. “D” grade lakes have poor water quality and lakes receiving an “F” grade have extremely poor quality compared with other area lakes and do not support recreational use.<sup>9</sup>

Table 6 lists the letter grades for the lakes located within the Rice Creek Watershed District and the City of Forest Lake.

*Table 6: Water Quality Data for Lakes Located within the RCWD.*

Lake*	Mean [TP]** (ppb)	Mean [Chlorophyll-a]** (ppb)	Mean Secchi Disk Reading** (m)	Met. Council Grade (A-F)
Clear	43	14	1.9	B-
Mud	31	8	1.1	B+

<sup>9</sup> Metropolitan Council, 2015 Study of the Water Quality of 164 Metropolitan Area Lakes

- \* Lakes included in the Minnesota Pollution Control Association's (MPCA) Lake Water Quality Assessment Program.
- \*\* Summertime Average

Both lakes located within the RCWD have above average water quality. As their drainage areas continue to develop, the water quality standards of the City should continue to be implemented to help ensure that the lakes' quality is preserved. The City of Forest Lake will continue to collaborate with RCWD to develop water quality practices as development occurs and retroactively treat runoff from otherwise untreated drainage areas.

The Clear Lake Diagnostic Study prepared by RCWD identified key pollutant inflow points. The Study also identified locations for best management practices to reduce the total phosphorus loading by 140 pounds per year. The City and RCWD have partnered to construct the City Center Water Quality Project and Forest Lake High School Stormwater Capture and Reuse for Irrigation Project to bring Clear Lake closer to its goal. The High School Reuse project captures stormwater from roof and parking lot areas and, in conjunction with additional BMPs and storage areas on site, is treated via ultraviolet light and pumped into the irrigation system. The project irrigates approximately 12 acres and will result in a groundwater savings of 4.1 million gallons per year.

The RCWD also proactively pursues projects to improve the overall water quality of the Rice Creek and other waterbodies within its jurisdiction. For example, the District completed the Hardwood Creek Impaired Biota (Fish) and Dissolved Oxygen TMDL Implementation Plan (July 2009).

#### 5.2.2 Comfort Lake-Forest Lake Watershed

The Comfort Lake-Forest Lake Watershed District occupies approximately 50% of the area in the City of Forest Lake. In addition to Forest Lake, the primary surface waters in the watershed include Cranberry Lake, Elwell Lake, Higgins Lake, Shields Lake, Keewahtin Lake, Twin Lake, Sunrise River, and several large wetlands.

##### A. Water Quantity Assessment

The Shields Lake tributary area is an area of concern in regards to flooding within the City and the CLFLWD. Two areas are located within the tributary area of Shields Lake and adjacent to the Forest Hills Golf Course that experience drainage problems, Heath Avenue Court North and the Green Valley development. These areas are considered to have only "nuisance" flooding, similar to the 190th area in the RCWD.

Heath Avenue Court North experiences "nuisance" flooding during medium to large storm events. A portion of the Forest Hills Golf Course currently drains between two lots located on the cul-de-sac. The City storm sewer in that area was retrofitted in the past in an attempt to accommodate flows from the golf course. The modified City storm sewer adequately conveys small storm events, but was not designed to convey runoff generated on the golf course from the medium to large storm events. The golf course has committed to reducing peak flows from their property to the City storm sewer system through the construction of storm water detention basins. These basins do not currently exist, but should be constructed in the near future.

The 208<sup>th</sup> St N and 209<sup>th</sup> St N neighborhood experiences routine flooding from an excess quantity of runoff and undersized infrastructure. This area was included in water quality planning and hydraulic modeling associated with the CLFLWD Shields Lake diagnostic work. The City has met with residents and CLFLWD to analyze the impacts of the flow diversion planned with the Forest Hills Golf Course stormwater capture and reuse project scheduled for construction in 2018-2019. Upon completion of the project, the flooding concerned will be readdressed. For this

reason, the 208<sup>th</sup> St N neighborhood improvements have not been included in the Capital Improvement Plan.

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Once these steps are completed, each water body will have a pollutant reduction goal defined as a TMDL, or Total Maximum Daily Load, which represents the maximum amount of a pollutant a water body can receive and still meet water quality standards. The City will work with RCWD, CLFLWD and Washington County to develop actions, policies and projects to meet waste load allocations. For instance, the will implement the City-wide Enhanced Street Sweeping Plan in 2019.

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approved in 2007 to address mercury reduction through a reduction in emissions incidental to mining and energy activities.

Shields Lake has been identified as having a nutrient/eutrophication impairment and was one of the six impaired lakes examined in “Six Lakes Total Maximum Daily Load Study” TMDL completed by the CLFLWD. This TMDL also addresses Moody, Bone, School, Little Comfort and Comfort Lakes. In this report, each lake is assessed for phosphorus reductions necessary to meet water quality standards. The full report is available at the Comfort Lake-Forest Lake Watershed District website <http://www.clflwd.org/>.

Clear Lake and Hardwood Creek both discharge to the Rice Creek and are upstream of 28 waterbodies within the watershed with impairments. Aside from the Statewide Mercury TMDL, TMDL studies are underway for nine of these impaired waters. Clear Lake discharges through Mud Lake to Howard Lake, which was impaired for phosphorus and delisted in 2014. Hardwood Creek discharges to Peltier and Centerville Lake, which are impaired for phosphorus/mercury and phosphorus, respectively; both lakes have approved TMDLs. The City will work with its project partners to develop projects in the JD4 watershed that will improve discharges leaving the City of Forest Lake into the lake systems. The City will also begin implementation of the City-wide Enhanced Street Sweeping Plan in 2019. In addition, a small portion of the City of Forest Lake is in the watershed which drains to White Rock Lake in Scandia. This lake has been found to be impaired for nutrients and biological indicators.

CLFLWD was awarded a BWSR Clean Water Fund grant in 2016 for the Shields Lake Stormwater Harvest and Irrigation Reuse System and Alum Treatment project. Shields Lake has been identified as the single largest pollutant contributor to Forest Lake. The project will impound water from a tributary to Shields Lake for irrigation reuse at the Forest Hills Golf Club, reducing watershed phosphorus loads to Shields Lake by 94 pounds per year. Additionally, the irrigation reuse system will supply the golf club with up to 26 million gallons of water per year, greatly reducing the demand for pumping from deep, regionally significant aquifer. A whole-lake alum treatment will also be applied to Shields Lake. The irrigation reuse system coupled with the alum treatment are expected to reduce phosphorus loads such that Shields Lake achieves a clear water state, which will reduce phosphorus loads to Forest Lake by up to 250 pounds per year.

All MS4 communities within the RCWD must address the Upper Mississippi River Bacteria TMDL. The City of Forest Lake has included provisions in their City Code for reductions in bacteria including its illicit discharge detection and elimination plan.

Table 9: Forest Lake Impaired Waters.

Lake/Stream	Impairment	TMDL Administrator	TMDL Approved
Clear Lake	Mercury	State of MN	Yes
Forest Lake	Mercury	State of MN	Yes
Forest Lake	PCB	State of MN	No
Hardwood Creek	DO, Biota	RCWD	Yes
Howard Lake	Nutrients	Delisted	
Judicial Ditch #2	Chlorides	State of MN	Yes
Lake St. Croix	Nutrients	State of MN	Yes
Little Comfort Lake	Nutrients	State of MN	Yes
Peltier and Centerville Lakes	Mercury, Nutrients	State of MN	Yes
Shields Lake	Nutrients	CLFLWD	Yes
Six Lakes TMDL <sup>1</sup>	Nutrients	CLFLWD	Yes
Sunrise River, South Branch	DO	State of MN	No
Upper Mississippi River	Bacteria	State of MN	Yes
White Rock Lake	Nutrients	State of MN	No

<sup>1</sup> Comfort Lake, Bone Lake, Shields Lake, Moody Lake, School Lake, Little Comfort Lake

#### 5.4 INTERCOMMUNITY FLOWS AND HYDRAULIC MODELING

RCWD and CLFLWD have developed regional hydraulic modeling in Forest Lake. The City has adopted these models by reference. During City street projects, regional drainage analyses and other applications, the City develops additional modeling detail that is used to supplement the watershed districts' regional modeling. As needed, these models are combined and shared amongst the project partners. Updated models for RCWD and CLFLWD are contained in the respective district Watershed Management Plan. The City of Forest Lake, RCWD and CLFLWD have entered into interagency agreements for digital file sharing, including updated geospatial and hydraulic modeling as needed.

Figure SW-12 displays the regional watershed areas modeled by the respective watershed districts. Figure SW-13 displays the City's storm sewer and ponding system. Appendix G contains modeling output from the respective watershed districts.

Forest Lake receives discharge from the City of Hugo along the southern municipal boundary through the JD 2 system. Otherwise, Forest Lake resides at the top of two major watersheds. The City of Forest Lake discharges into Columbus, Hugo and Wyoming through open ditch conveyances. The City of Forest Lake will continue to administer stormwater management rules and develop regional flood controls to ensure that flooding conditions are not perpetuated in adjacent communities. Table 10 summarizes the discharges into adjacent communities.

Table 18: Summary of Future Stormwater Projects.

Project	Improvement Cost Estimate <sup>1</sup> (thousands of dollars)		Approximate Project Timeline	Funding Source
	Low	High		
190th Street North Drainage Improvements	100	150	2020+	RCWD/City
Heath Avenue Court North Drainage Improvements	50	100	2020+	CLFLWD/City
Green Valley Estates Drainage Improvements	100	300	Unknown	City
Implement the TH61 WQ and Aesthetics Plan	400	900	Ongoing	MnDOT/County/City/RCWD/CLFLWD
Castlewood Golf Course Parking Lot	20	30	2019+	CLFLWD/BWSR/City
Implement Enhanced Street Sweeping Plan	15	50	Ongoing	CLFLWD/RCWD/City/BWSR
Forest Road Water Quality Structure (South)	80	150	2020	City/BWSR/RCWD
Stormwater Pond Assessment	70	110	2018	City
City Center Stormwater Reuse Project	100	300	Unknown	RCWD/City
Comprehensive Hydraulic and Water Quality Modeling	50	120	Ongoing	City
Everton Townhome Stormwater Reuse	250	750	Unknown	RCWD/BWSR/City
LELA School Stormwater Reuse	250	750	Unknown	RCWD/City/Private
Judicial Ditch 4 Watershed Analysis and Development Planning	15	30	2018-2019	RCWD/City
Forest Lake Dead End Streets	TBD		2019+	CLFLWD/City
Shields Lake Water Quality Improvements	TBD		2018	CLFLWD/City
Judicial Ditch 4 Drainage Improvements	TBD		2020+	RCWD/City
Public & Private Drainage Ditch Maintenance	TBD		Ongoing	City/RCWD/CLFLWD
<b>Total</b>	<b>1485</b>	<b>3710</b>		

<sup>1</sup> Cost estimates include only stormwater related improvements and are subject to change. Costs will be analyzed annually as project timelines are realized.

## 6.7 FINANCING

In 2008, the City of Forest Lake implemented a stormwater utility to fund the increasing costs of stormwater management within the City. In 2012, this utility was increased to fund a full-time position on City Staff and capital improvements to the stormwater system. These efforts were taken to stabilize the funding of the stormwater management program and general maintenance associated with stormwater facilities. The total cost of the City of Forest Lake’s stormwater drainage system includes financing the maintenance of the system as well as construction of future improvements and enhancements. Future adjustments may be needed to accommodate anticipated drainage improvements.

In addition to the utility, the City will also pursue cooperating projects with local watersheds for cost sharing, such as the 2012 “TH 61 Aesthetics and Water Quality Improvements and Planning

## **ITEMS REQUIRING BOARD ACTION**

4. Consider Findings and Order Related to a Drainage Petition to Establish a Lateral to Anoka County Ditch 10-22-32. (John Kolb)

**STATE OF MINNESOTA**  
*Before the*  
**Rice Creek Watershed District**  
**SITTING AS THE DRAINAGE AUTHORITY FOR**  
**Anoka County Ditch 10-22-32**

**RECEIVED**  
**MAR 27 2019**

~~Rice Creek~~  
~~Watershed District~~

**In the Matter of:**

**the Petition for Lateral to Anoka  
County Ditch 10-22-32**

**PETITION FOR LATERAL TO Anoka  
County Ditch 10-22-32**

Pursuant to Minn. Stat. § 103E.225, Petitioners, owners of property in the vicinity of Anoka County Ditch 10-22-32 seek approval for construction of a lateral to Anoka County Ditch 10-22-32. For their Petition, the undersigned Petitioners state and allege the following:

1. Petitioners seek approval for construction of a lateral to be connected to Anoka County Ditch 10-22-32 located in Townships, T31N-R23W and T31N-R22W in Anoka County.
2. The construction of the lateral is necessary because need to provide an adequate outlet for the Mill Pond development.
3. The following is a description of a starting point, general course, and terminus of the proposed lateral: Please see attached.
4. The 40-acre tracts or government lots and property that will be traversed by the proposed lateral, including the names and addresses of the property owners from the records in the county assessor's office, is as follows:

<b>Property Description</b>	<b>Property Owners</b>	<b>Address</b>
1. SW ¼ of NW ¼, Section 6, T31, R22. (PID 06-31-22-23-0001)	Scott and Jean Robinson	
2.		
3.		

5. The proposed lateral, if constructed, will be of public benefit and utility and promote the public health.

[Note: This template is only a suggestion and is not the format required under Minn. Stat. ch. 103E or Minnesota Law. This template is not a substitute for legal advice. You may want to consult with an attorney regarding customizing this template to a unique individual, entity, or situation.]

6. Pursuant to Minn. Stat. § 103E.401, Petitioners are filing a petition for express authority for the use of Anoka County Ditch 10-22-32 as an outlet for the lateral concurrently with filing this Petition.
7. Petitioners will pay all costs of the proceedings if the proceedings are dismissed or the contract for construction of the proposed lateral is not awarded.
8. Cash in the amount of \$10,000 is attached hereto, payable to Rice Creek Watershed District conditioned to pay the costs incurred if these proceedings are dismissed or a contract is not awarded to construct the improvement proposed in the petition. Petitioners acknowledge and agree that additional bonds may be required as additional costs are incurred in the proceedings.
9. Petitioners are the owners of 100% of the effected property, at least twenty-six percent of the owners of the property the lateral passes over; or at least twenty-six percent of the area that the proposed lateral passes over.
10. This Petition may be signed in counterparts.

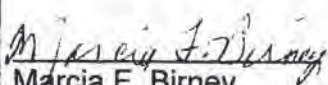
Respectfully submitted this 14th day of March, 2019 by: TEG Land Holdings (applicant)

Owner Signature	Property Owned	Mailing Address	Dated
 Victor S. Cox, Jr., as Trustee of the Trust COX LIVING TRUST DATED MAY 26, 2009	See Attached	3200 Lake Johanna Blvd, #435 Arden Hills, MN 55112	_____
Owner Signature	Property Owned	Mailing Address	Dated
Marcia F. Birney, Trustee of the Trust ELMER C. BIRNEY FAMILY TRUST TEG/AREP Oakwood LP	See Attached	13045 Lever St NE, Blaine MN 55449	_____

[Note: This template is only a suggestion and is not the format required under Minn. Stat. ch. 103E or Minnesota Law. This template is not a substitute for legal advice. You may want to consult with an attorney regarding customizing this template to a unique individual, entity, or situation.]

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9. Petitioners are the owners of 100% of the effected property, at least twenty-six percent of the owners of the property the lateral passes over; or at least twenty-six percent of the area that the proposed lateral passes over.
10. This Petition may be signed in counterparts.

Respectfully submitted this 14th day of March, 2019 by: TEG Land Holdings (applicant)

Owner Signature	Property Owned	Mailing Address	Dated
<hr/> Victor S. Cox, Jr., as Trustee of the Trust COX LIVING TRUST DATED MAY 26, 2009	See Attached	1666 Coffman St. Unit 130 St. Paul, MN 55108	_____
Owner Signature	Property Owned	Mailing Address	Dated
 Marcia F. Birney, Trustee of the Trust ELMER C. BIRNEY FAMILY TRUST TEG/LAREP Oakwood LP	See Attached	13045 Lever St NE, Blaine MN 55449	3-18-19

[Note: This template is only a suggestion and is not the format required under Minn. Stat. ch. 103E or Minnesota Law. This template is not a substitute for legal advice. You may want to consult with an attorney regarding customizing this template to a unique individual, entity, or situation.]

Property Account	Invoice - Date	Description	Amount
tegland 1251-0000	LatDitchApp excrow03071	Mill Pond - escrow/bond for lateral	10,000.00
			<u>10,000.00</u>

**TEG Land Holdings, LLC**

1660 Highway 100 South  
Suite 400  
St. Louis Park, MN 55416  
952-525-3200

Minnesota Bank & Trust  
9800 Bren Rd E. Ste 200  
Minnetonka MN 55343  
952-936-7800  
75-1732/910

1156

\*\*\*\* TEN THOUSAND AND 00/100 DOLLARS

TO THE  
ORDER OF

03/15/2019  
Void After 90 Days

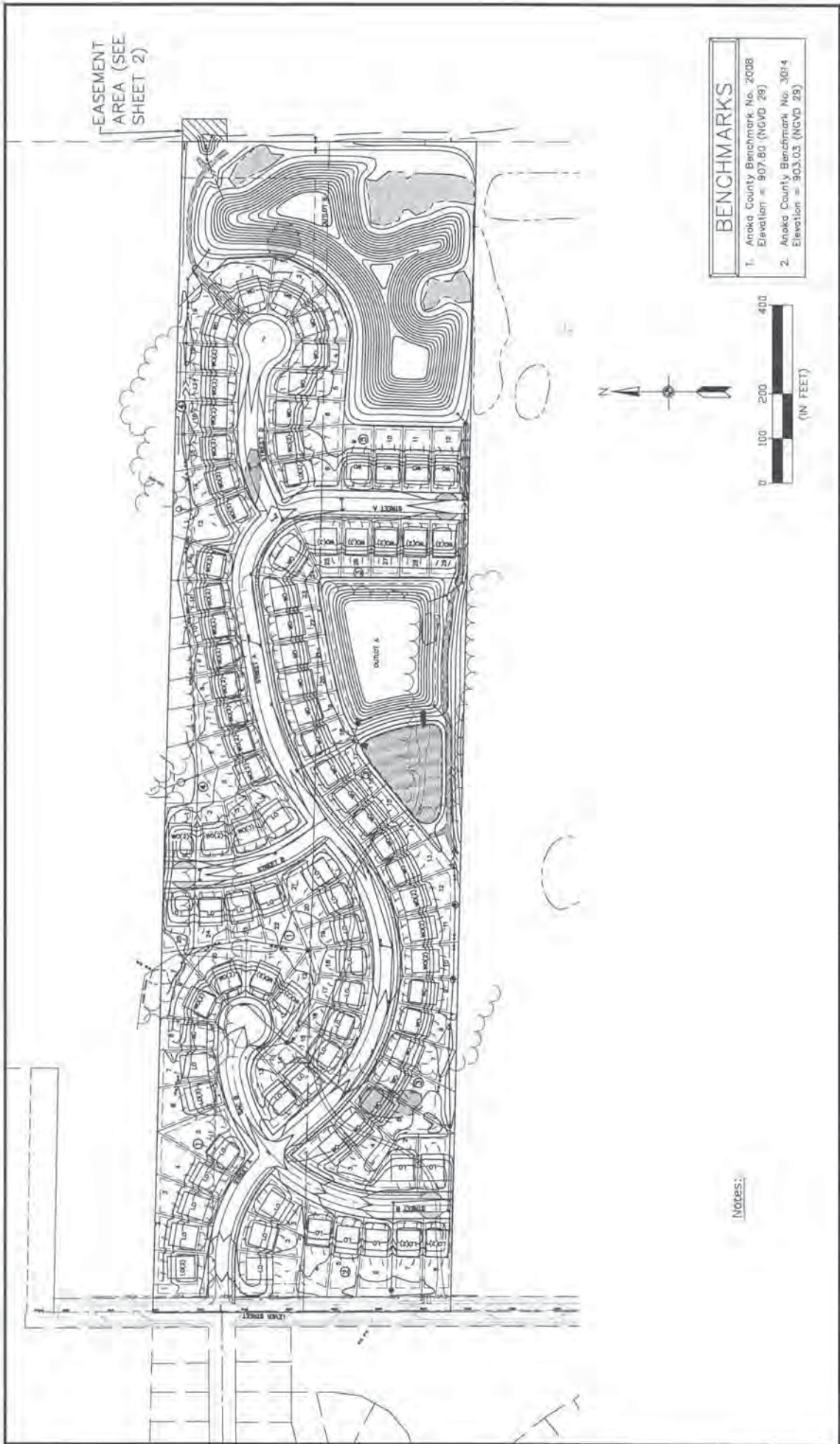
\$10,000.00\*\*

Rice Creek Watershed District  
4325 Pheasant Ridge Dr #611  
Blaine, MN 55449



⑈001156⑈ ⑆091018302⑆ 10091920⑈





EASEMENT  
AREA (SEE  
SHEET 2)

Notes:

 <p><b>Carlson McCain</b> ENVIRONMENTAL • ENGINEERING • SURVEYING</p>	<p>Comments:</p>	<p><b>TEG LAND HOLDINGS</b> 1660 Hwy 100 South, Suite 400 St. Louis Park, Minnesota 55416</p>	<p><b>MILL POND</b> Blaine, MN</p>	<p><b>DRAINAGE &amp; UTILITY EASEMENT EXHIBIT</b> 1 OF 2</p>
--	------------------	---	--	--





**RINKE NOONAN**  
*attorneys at law*

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1015 W. St. Germain St., Ste. 300, P.O. Box 1497  
St. Cloud, Minnesota 56302-1497  
Telephone 320-251-6700, Fax 320-656-3500

**Memorandum**

To: Board of Managers, Rice Creek Watershed District, Drainage Authority for Anoka County Ditch 10-22-32  
From: John C. Kolb  
Re: Petition for Lateral to Branch 11B or Anoka County Ditch 10-22-32  
Our File: 16266-0063  
Date: April 30, 2019

---

**Background:**

The Board has received the petition and bond of Victor S. Cox, Trustee of the Cox Living Trust and Marcia F. Birney, Trustee of the Elmer C. Birney Family Trust TEG/AREP Oakwood LP, for the establishment of a lateral to Branch 11B of Anoka County Ditch 10-22-32. The petition is filed to facilitate access to Branch 11B in Section 6, Township 31 North, Range 22 West from the proposed Mill Pond Development in Section 1, Township 31 North, Range 23 West.

The proposed lateral passes over benefitted lands owned by the petitioners (in Section 1) and owned by Scott and Jean Robinson (in Section 6). In order to access Branch 11B with stormwater facilities from the development, the petitioners would have to pass over about 20 feet of property owned by the Robinsons.

The petitioners filed a cash deposit bond in the amount of \$10,000 with their petition.

**Sufficiency of the petition and bond:**

We have evaluated the sufficiency of the petition and bond. Persons that own property in the vicinity of an existing drainage system may petition for a lateral that connects their property with the drainage system. A petition for a lateral must be signed by at least 26 percent of the owners of the property or by the owners of at least 26 percent of the area of the property that the lateral passes over. The petition must: (1) describe in general terms the starting point, general course, and terminus of the proposed lateral; (2) describe the property traversed by the lateral including the names and addresses of the property owners from records in the county assessor's office; (3) state the necessity to construct the lateral; (4) state that, if constructed, the lateral will be of public benefit and utility and promote the public health; (5) request that the lateral be constructed and connected with the drainage system; and (6) provide that the petitioners will pay all costs incurred if the proceedings are dismissed or if a contract for the construction of the lateral is not awarded, and be accompanied by a bond of not less than \$10,000.

We find both the petition and bond to be sufficient with the following comment: the petition does not contain the mailing address for the Robinsons. However, the Robinson's mailing address is

readily ascertainable from the property description in the petition and available public records from the County.

**Subsequent proceedings:**

After the petition is filed, the procedure to establish and construct the lateral is the same as that provided in this chapter to establish a drainage project. This process is initiated by the appointment of an engineer to prepare a preliminary survey report for the lateral. Once the preliminary report is completed, a copy must be sent to the DNR for advisory review and comment and the Board must set a date for a preliminary hearing on the petition. At the preliminary hearing, the Board must take comments on the sufficiency of the petition and bond and on material aspects of the preliminary report. Upon a favorable preliminary hearing, the Board must appoint viewers to determine benefits and damages attributable to the construction of the lateral and direct the engineer to prepare a detailed survey report and construction plans for the lateral. Upon completion of the detailed report, viewers' reports and DNR final advisory review, the Board must order and hold a final hearing on establishment of the lateral.<sup>1</sup>

**Staff recommendation:**

Staff recommends adoption of the attached preliminary order.

---

<sup>1</sup> A lateral may not be constructed to drain property that is not assessed benefits for the existing drainage system until express authority for the use of the existing drainage system as an outlet for the lateral has been obtained. The petition included an alternative request for outlet to ACD 10-22-32. This request was included because it was believed that a portion of the Mill Pond Project existed in the ACD 53-62 watershed and that waters would be diverted from the ACD 53-62 watershed to the ACD 10-22-32 watershed. Engineering review of the project has concluded that such a diversion of watersheds will not occur and, therefore, a separate outlet authorization is not required prior to proceeding with the lateral petition.

**RESOLUTION NO. 2019-15**

**RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS**

**PRELIMINARY FINDINGS AND ORDER ON THE PETITION OF THE COX LIVING TRUST, ET AL.,  
FOR THE ESTABLISHMENT OF A LATERAL TO BRANCH 11B OF ANOKA COUNTY DITCH 10-22-32**

Manager \_\_\_\_\_ offered the following Resolution and moved its adoption, seconded by Manager \_\_\_\_\_:

WHEREAS, the Board of Managers of the Rice Creek Watershed District, at its regular meeting on Wednesday, May 7, 2019, received the petition of the Cox Living Trust, et al., for the establishment of a lateral to Branch 11B of Anoka County Ditch (ACD) 10-22-32; and

WHEREAS, the petition of the Cox Living Trust, et al., for the establishment of a lateral to Branch 11B of ACD 10-22-32 was filed with the Board of Managers pursuant to Minnesota Statutes, section 103D.225; and

WHEREAS, the Board's attorney verified the signatures and ownership interests of the petitioners and finds that the petitioners are the owners of at least 26 percent of the owners of the property affected by the proposed lateral; or the owners of at least 26 percent of the property area that the proposed lateral passes over; and

WHEREAS, the petition describes in general terms the starting point, general course, and terminus of the proposed lateral; describes the property traversed by the lateral including the names and addresses of the property owners from records in the county assessor's office (we note that the petition omitted the mailing address of Scott and Jean Robinson, which is: 8179 4<sup>th</sup> Avenue, Lino Lakes, MN 55014. This address was readily discernable from the property description included in the petition and was available in the public domain. This address shall be used in all subsequent consideration of the petition); stated the necessity to construct the lateral; states that, if constructed, the lateral will be of public benefit and utility and promote the public health; requests that the lateral be constructed and connected with the drainage system; and provides that the petitioners will pay all costs incurred if the proceedings are dismissed or if a contract for the construction of the lateral is not awarded; and

WHEREAS, the petition was accompanied by cash deposit bond from the petitioners of \$10,000.00, subject to increase as required by statute, payable to the Watershed District. The bond is adequate surety and has been reviewed and approved by Board's attorney. The bond is conditioned to pay the costs incurred if the proceedings are dismissed or a contract is not awarded to construct the drainage system proposed in the petition; and

WHEREAS, the costs incurred before the proposed drainage project is established may not exceed the amount of the petitioners' bond. A claim for expenses greater than the amount of the bond may not be paid unless the bond amount is increased or an additional bond is filed. If

the drainage authority determines that the cost of the proceeding will be greater than the petitioners' bond before the proposed drainage project is established, the drainage authority shall require an increase in the bond amount or an additional bond to cover all costs to be filed within a prescribed time. The proceeding will be stopped until the additional bond prescribed by the drainage authority is filed. If the additional bond is not filed within the time prescribed, the proceeding will be dismissed; and

WHEREAS, the Board's attorney has reviewed the petition and bond and has determined they meet the requirement of these proceedings.

THEREFORE, the Rice Creek Watershed District Board of Managers makes the following:

**Order:**

- a. The petition and bond are sufficient.
- b. The Board appoints Chris Otterness, P.E., of Houston Engineering, Inc., to make a preliminary survey and file and report within 60 days of this order.
- c. The engineer shall serve as the engineer for the drainage project throughout the proceedings and construction unless otherwise ordered.
- d. The engineer shall file an oath to faithfully perform the assigned duties in the best manner possible and file a bond with the managers.
- e. The engineer shall include in his preliminary survey and report an investigation of the scope of project to include consideration of alternative configurations and the impact of regulatory permitting requirements related to wetlands or other environmental factors on the possible alternatives.
- f. The engineer shall, as part of his work on the preliminary survey, investigate the potential use of external sources of funding to facilitate the purposes indicated in section 103E.011, subd. 5, and alternative measures in section 103E.015, subd. 1(2). This investigation shall include early coordination with applicable soil and water conservation district and county and watershed district water planning authorities about potential external sources of funding and technical assistance for these purposes and alternative measures.

The question was on the adoption of the Resolution and there were \_\_\_ yeas and \_\_\_ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
WALLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PREINER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution \_\_\_\_\_.

\_\_\_\_\_  
Michael Bradley, Secretary

Dated: May 8, 2019

\* \* \* \* \*

I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 8<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
Michael Bradley, Secretary

## **ITEMS REQUIRING BOARD ACTION**

5. Consider Check Register dated May 8, 2019, in the amount of \$39,188.11 prepared by Redpath and Company.

**Rice Creek Watershed District**  
**Check Register**  
**April 25, 2019 - May 8, 2019**  
**To Be Approved at the May 8, 2019 Board Meeting**

<b>Check #</b>	<b>Date</b>	<b>Payee</b>	<b>Description</b>	<b>Amount</b>
22915	05/08/19	Comcast	Telecommunications	\$400.68
22916	05/08/19	U.S. Bank Equipment Finance	Equipment Lease	249.98
Dir.Dep.	05/15/19	May 15th Direct Deposits	May 15th Direct Deposits	22,402.06
EFT	05/02/19	Xcel Energy	Telecommunications	11.32
EFT	05/02/19	Xcel Energy	Telecommunications	24.91
EFT	05/15/19	Internal Revenue Service	05/15 Federal Withholding	8,014.99
EFT	05/15/19	Minnesota Revenue	05/15 State Withholding	1,438.88
EFT	05/15/19	Empowerment Retirement	05/15 Deferred Compensation	1,751.00
EFT	05/15/19	PERA	05/15 PERA	4,894.29
<b>Total</b>				<b><u><u>\$39,188.11</u></u></b>

## **ITEMS FOR DISCUSSION AND INFORMATION**

1. Engineers Report and Timeline.



## District Engineer - Monthly Project Report April 2019 Rice Creek Watershed District



Date Prepared: 30-Apr-19  
Prepared by: G. Monson & C. Otterness

Project Name	Estimated Budget	Cost to Date	Remaining Budget	Project Complete / Transfer Funds?	Estimated Progress Based on Work Completed	Percentage of Budget Utilized	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 Project - Phase 5 Construction Management	\$253,300	\$254,237	(\$937)	N	98%	100%	Y	N/A	30-Nov-18	N/A	The Contractor will complete remaining punch list items in the Spring including paving of the trail wear course.
Oasis Pond IESP - Construction Management Support	\$45,340	\$37,451	\$7,889	N	98%	83%	Y	N/A	30-Sep-18	N/A	Contractor has been paid a final payment. Facility startup and project closeout will be completed in the spring.
Brown's Preserve Monitoring and Wetland Bank Management - 2018	\$23,725	\$23,936	(\$211)	Y	100%	101%	Y	N/A	31-Mar-19	N/A	The 2018 wetland monitoring results were presented to the Board in April.
JD 2 Branch 1 & 2 Repair Design, Staking, and Construction Management	\$43,700	\$4,011	\$39,689	N	15%	9%	Y	N/A	31-Dec-18	N/A	District staff is continuing to contract for project components. Construction will likely begin in mid to late summer, 2019.
JD 3 Repair Report	\$63,590	\$66,074	(\$2,484)	N	98%	104%	Y	N	1-Jun-19	Y	Staff continues to coordinate with the City of Hugo as LGU for WCA. A public waters reclassification letter is being prepared. A public hearing was held for the repair report.
New Brighton/St. Anthony/Roseville Basic Water Management Project - Phase 2	\$131,500	\$90,645	\$40,855	N	65%	69%	Y	N/A	1-May-19	N/A	A Flood Damage Reduction Grant application has been sent to the DNR. HEI is continuing to assess the effectiveness of proposed project sites.
DNR/FEMA Modeling Updates	\$222,460	\$200,657	\$21,803	N	90%	90%	Y	N/A	1-Apr-20	N/A	HEI has delivered the initial modeling to the DNR for review. Next steps include response to DNR comments and determination of floodways.
Watershed Plan Update	\$180,700	\$82,186	\$98,514	N	50%	45%	Y	N/A	31-May-20	N/A	Sections 5 and 6 have been distributed to the CAC and TAC for review. Revisions to Sections 1 through 4 based on Board feedback are nearly complete.
CWPMP Modification Investigation and Feasibility	\$8,900	\$9,041	(\$141)	N	95%	102%	Y	N/A	1-Nov-18	N/A	HEI has prepared, and District staff have reviewed, a draft memo describing the effect of potential modifications to the CWPMP rule. A meeting will be scheduled to discuss the report with Cities.
Carp Barrier Power Supply Project - Construction Management Support	\$20,555	\$19,725	\$830	Y	100%	96%	Y	N/A	31-Dec-18	N/A	Construction of the electrical service is completed.
Ramsey County Ditch 11 Historical Review and Technical Information for Public Drainage Proceedings	\$21,100	\$16,550	\$4,550	N	75%	78%	Y	N/A	31-Dec-19	N/A	Surveying and review of historic documents has been completed. A draft report and draft ACSIC profile are being prepared.
GIS Viewer and Permit Database Maintenance and Web Hosting	\$21,500	\$4,352	\$17,148	N	33%	20%	Y	N/A	31-Dec-19	N/A	HEI completes miscellaneous updates to the GIS viewers and permit database on an as-requested or as-needed basis.
Comprehensive Wetland Protection and Management Plans Annual Reporting	\$17,150	\$1,670	\$15,480	N	9%	10%	Y	N/A	31-Dec-19	N/A	Initial review of the 2018 permits related to CWPMPs has begun.
ACD 53-62 MT and Br3 Repair Report	\$48,400	\$9,683	\$38,717	N	15%	20%	Y	N/A	30-Jun-20	N/A	HEI has completed surveying of the potential work limits and is preparing plans of the existing conditions.
RCWD Boundary Review - Anoka County	\$38,000	\$4,914	\$33,086	N	15%	13%	Y	N/A	31-Dec-19	N/A	HEI has coordinated with adjacent WMO's regarding existing hydrologic data. A site survey has been completed in locations where flow direction is ambiguous.

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 ± 5%.

District Engineer  
 Monthly Progress Report (Actual & Estimated Progress)  
 Through April 2019

