RESOLUTION 2013-23

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

RESOLUTION ACCEPTING PETITION, ASSIGNING PROJECT NUMBER AND APPOINTING ENGINEER FOR THE NEW BRIGHTON/SAIN T ANTHONY BASIC WATER MANAGEMENT PROJECT

Manager Haller offered the following Resolution and moved its adoption, seconded by Manager Ogata:

WHEREAS, on August 19, 2013, the Rice Creek Watershed District (RCWD) Board of Managers received the Joint Petition of the Cities of New Brighton and Saint Anthony for the establishment of a phased basic water management project to develop a comprehensive and integrated strategy for stormwater management, flood damage reduction, and water quality enhancement within the Cities that implements a series of project components to achieve reasonable stormwater management and flood damage reduction objectives.

WHEREAS, execution of the Joint Petition was duly authorized by the governing bodies of the Cities upon resolutions of the City Councils.

WHEREAS, the Joint Petition meets the petition requirements of statutes chapter 103D allowing for initiation of a Basic Water Management Project by the RCWD.

WHEREAS, the Board of Managers finds that a proper project petition has been filed, the proposed project promotes the public interest and welfare, is practicable and conforms with the watershed management plan of the watershed district.

THEREFORE, the Board of Managers:

1. Designates the proposed project as the New Brighton/Saint Anthony Basic Water Management Project and assigns project number 2013-01.
2. Designates the engineering firm of Houston Engineering as the project engineer to make surveys, maps, analyses and reports for the project as are necessary and consistent with the project phasing, coordination and implementation proposals contained within the Joint Petition.
The question was on the adoption of the Resolution and there were 4 yeas and 0 nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Harley Ogata, Secretary

Dated: August 28, 2013

* * * * * * * * * *

I, Harley Ogata, 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 28th day of August 2013.

Harley Ogata, Secretary
The matter of the petition of the Cities of New Brighton and Saint Anthony for a Basic Water Management Project to address stormwater management and flooding within the Cities of New Brighton and Saint Anthony

Petitioners Cities of New Brighton and Saint Anthony, for their petition to the Board of Managers of the Rice Creek Watershed District state and request the following:

1. In July of 2011 the Cities experienced historic rainfall and associated flooding. The events highlighted existing flood risks and caused the Cities to evaluate the adequacy of existing stormwater conveyance and management facilities in the Cities.

2. Each City relies upon public drainage systems, managed by the Rice Creek Watershed District as the Drainage Authority, as the ultimate, downstream outlet for stormwater. In most cases the public drainage systems serve as the direct outlets for the Cities’ municipal stormwater infrastructure. The specific public drainage systems are Ramsey County Ditches 2, 3 and 5, which are interconnected to a series of lakes, the prominent being Pike Lake and Long Lake.

3. As a result of the flooding, each City requested engineering review of the adequacy of the conveyance infrastructure and the adequacy of existing flood storage provided by the drainage systems and an investigation of improvements that could be pursued to reduce future flooding of the impacted areas.


5. The report for the City of New Brighton identified specific drainage improvements to reduce future flooding at an approximate opinion of cost of $8.7 million.

6. The report for the City of Saint Anthony identified specific drainage improvements to reduce future flooding at an approximate opinion of cost of $1.7 to 3 million.

7. The spatial extent of the analysis within these reports terminated at the City boundaries, excluding an analysis of the potential downstream consequences of the drainage improvements.

8. The costs also only consider the specific improvements identified for selected areas within the specific cities that experienced flooding in the summer of 2011 and did not consider
improvements for several other areas that also experienced or a prone to flooding and associated damages or the downstream consequences.

9. Both Cities are also subject to requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4S) permit and need to show reasonable progress for improving stormwater runoff water quality. The Rice Creek Watershed District shares the interest in improving water quality. The reports prepared by the Cities excluded an analysis of the potential water quality benefits of the improvements.

10. On February 4, 2013, the City of New Brighton received a petition for the maintenance of “Pike Lake channel”. Pike Lake channel is a downstream extent of Ramsey County Ditch 2 between Pike and Long Lakes. The City of New Brighton’s 2011 Flood: Investigation and Stormwater Modeling Report noted specific alteration of the Pike Lake channel as one action evaluated to provide stormwater management and flood control.

11. Rather than a series of individual, un-integrated projects, the Cities seek to develop a comprehensive and integrated approach to stormwater management, flood damage reduction, and water quality enhancement within the Cities and, therefore, seek to partner with various entities, including the Rice Creek Watershed District, for the purpose of developing a comprehensive strategy that implements a series of project components to achieve reasonable stormwater management and flood damage reduction objectives.

12. The Cities acknowledge that some components of a comprehensive strategy fall solely within the purview of the Cities, while others fall within the regional management focus of the Rice Creek Watershed District – including the management of public drainage systems as the ultimate, downstream outlet for stormwater and primary conveyance infrastructure. The Cities and the RCWD share interest in enhancing water quality.

13. The Cities believe that a comprehensive system of pro-active drainage system maintenance, repair or improvement; the creation of stormwater retention, detention and storage; BMPs for rate and volume controls and water quality improvement for development and redevelopment, as well as active and passive flood proofing/damage reduction methods is required to achieve reasonable stormwater management and flood damage reduction objectives.

14. The Cities, therefore, petition the Rice Creek Watershed District to establish a phased Basic Water Management Project for the following purposes:

   a. Phase 1: Identifying and analyzing current conditions, challenges and opportunities related to stormwater management and flood damage within the Cities and making recommendations of actions likely to address comprehensive stormwater management and flood damage issues within the Cities and those downstream areas affected by stormwater runoff including Pike and Long Lake;

   b. Phase 2: Developing a regional, comprehensive stormwater management and flood damage reduction plan, to include water quality features, which identifies capital improvements and other actions to be undertaken by the Cities and the Rice Creek Watershed District;
c. Phase 3: Developing implementation timelines and priorities, costs allocations and revenue generation methods for both implementation and long term maintenance of capital improvements and water quality features;

d. Phase 4: Implementing one or more of the project components identified in Phase 2 as a coordinated series of capital improvements by the Cities and the Rice Creek Watershed District;

15. This petition is limited to the actions set forth in paragraph 14.a. above until such time as the Cities, individually or jointly, amend this petition to proceed with subsequent actions contained in paragraph 14.b. – d.

16. Because this petition is being submitted by the governing body of a city, no bond is required under Statutes Section 103D.705, Subdivision 3. However, each of the Cities must pay one-half of all costs and expenses that may be incurred in the proceedings for the proposed Basic Water Management Project if the proceedings are dismissed or a construction or implementation contract is not awarded for all or a portion of the project.

17. Subject to the provisions of Statutes Section 103D.705, Subdivisions 3 & 4, the Cities may dismiss this petition or any amendment hereof. Failure to amend the petition to authorize a subsequent phase of the project shall be deemed a dismissal of the petition.

18. This petition is conditioned upon the following process to be followed by the Rice Creek Watershed District in implementing project phases:

a. Pre-coordination: The Cities and the Rice Creek Watershed District shall meet at the initiation of any project phase to establish a scope of work and anticipated cost.

b. Study/Component Development: The Rice Creek Watershed District, in consultation with City staff shall prepare all studies and develop project features consistent with project phases and purposes described in paragraph 14. Project study and component development shall culminate with a joint presentation to the City Councils of the outcomes and recommendations of the Rice Creek Watershed District.

c. Concurrence/Petition Amendment: The City Councils, considering the information and recommendations presented by the Rice Creek Watershed District, shall concur or not concur with one or more of the recommendations and either authorize petition amendment to proceed with a subsequent phase of the project or dismiss the petition.

19. This petition is authorized by separate resolution of the City Councils authorizing their respective Mayors and City Managers to sign and submit this petition as the action of each City.

20. The proposed Basic Water Management Project will be conducive to the public health, safety, convenience and welfare of the Cities and their residents as well as regional providers and consumers of goods and services within the Cities.
21. The Cities, by action of their individual Councils, concur in the Rice Creek Watershed District’s exercise of alternative authority to maintain and improve public drainage systems within the Cities as provided in Minnesota Statutes Section 103D.621, subd. 4.

22. The Cities request, as part of their petition, that the Rice Creek Watershed District exercise it full authorities for generating revenues for the implementation of the petitioned project.

23. The Cities further request that the Rice Creek Watershed District initiate Phase 1, as described in paragraph 14, by directing its engineer to evaluate the Cities’ 2011 Flood: Investigation and Stormwater Modeling Reports and further identify stormwater management, flood damage reduction and water quality opportunities to be further developed in Phase 2, if so authorized by amendment to this Petition.

24. Phase 1 actions may include but are not limited to:
   a. Confirming of the study area;
   b. Establishing project goals and objectives;
   c. Establishing design criteria and standards;
   d. Reviewing the WSB reports and identify modeling approach and process needed for more detailed investigation;
   e. Developing concepts for BMPs / projects and agreement on what will be looked at in more detail in subsequent phases;
   f. Identifying detailed processes, including permitting, regulatory issues, and relevant local approval processes.

25. All actions described in this Petition are intended to support and be implemented as part of a petitioned Basic Water Management Project of the Rice Creek Watershed District.

26. This petition may be executed in counterparts.

SIGNATURE PAGES TO FOLLOW
SIGNATURE PAGE OF THE CITY OF NEW BRIGHTON TO THE PETITION TO THE RICE CREEK WATERSHED DISTRICT FOR A BASIC WATERS MANAGEMENT PROJECT TO ADDRESS STORMWATER MANAGEMENT AND FLOODING WITHIN THE CITIES OF NEW BRIGHTON AND SAINT ANTHONY, MINNESOTA

Respectfully Submitted:

City of New Brighton

Dated: July 9, 2013

By: Its Mayor

Attest:

By: Its City Manager
SIGNATURE PAGE OF THE CITY OF SAINT ANTHONY TO THE PETITION TO THE RICE CREEK WATERSHED DISTRICT FOR A BASIC WATERS MANAGEMENT PROJECT TO ADDRESS STORMWATER MANAGEMENT AND FLOODING WITHIN THE CITIES OF NEW BRIGHTON AND SAINT ANTHONY, MINNESOTA

Respectfully Submitted:

City of Saint Anthony

By: [Signature]
Its Mayor

Dated: 7/23/13

Attest:

By: [Signature]
Its City Manager
RESOLUTION REGARDING ALLOCATION OF COSTS FOR THE MIRROR LAKE AND HANSEN PARK PROJECT COMPONENTS OF THE NEW BRIGHTON/SAIN'T ANTHONY BASIC WATER MANAGEMENT PROJECT 2013-01

Manager Haake offered the following Resolution and moved its adoption, seconded by Manager Waller:

WHEREAS, on August 19, 2013, the Rice Creek Watershed District (RCWD) Board of Managers received the Joint Petition of the Cities of New Brighton and Saint Anthony for the establishment of a phased basic water management project to develop a comprehensive and integrated strategy for stormwater management, flood damage reduction, and water quality enhancement within the Cities that implements a series of project components to achieve reasonable stormwater management and flood damage reduction objectives.

WHEREAS, on August 28, 2013, by Resolution 2013-23, the Watershed District Board of Managers initiated the project, assigning Project Number 2013-01, and appointed Houston Engineering as the project engineer to make surveys, maps, analyses and reports for the project as necessary and consistent with the project phasing, coordination and implementation proposals contained within the Petition.

WHEREAS, phase 1 of the project phasing, coordination and implementation proposals contained within the original Petition is complete and the project engineer has submitted a draft Phase 1 Report dated March 31, 2014.

WHEREAS, staff members from the Cities of New Brighton, Roseville and Saint Anthony have participated in the phase 1 process. In addition to the areas previously identified within the City of New Brighton and St. Anthony, the City of Roseville staff has identified areas within the sub-watershed of Ramsey County Ditch 5 in the City where project components could be developed and implemented to provide both local and regional stormwater management and flood damage reduction benefit.

WHEREAS, the draft Phase 1 Report leaves open the opportunity to develop project components in phases 2 and 3 to address issues within the City of Roseville and conveyance issues downstream of Long Lake.

WHEREAS, the draft Phase 1 Report identifies two project components, Mirror Lake and Hansen Park, as key features in the overall project objectives and as ready for immediate implementation while other project components are being developed and analyzed.
WHEREAS, both the Mirror Lake and Hansen Park project components are identified in July 2011 Flood Investigation and Stormwater Modeling Reports of the Cities of New Brighton and St. Anthony.

WHEREAS, the Cities of New Brighton, Saint Anthony and Roseville have filed a joint petition amending project 2013-01 to allow implementation of Mirror Lake and Hansen Park project components without delay; to allow proceeding to project phases 2 & 3 concurrently, with the inclusion of project components within the sub-watershed of Ramsey County Ditch 5; and to allow the addition of the City of Roseville as an additional petitioner for the Basic Water Management Project, as if a party to the original petition.

WHEREAS, execution of the joint petition was duly authorized by the governing bodies of the Cities upon resolutions of the City Councils.

WHEREAS, the joint petition meets the petition requirements of statutes chapter 103D and the provisions of the original joint petition allowing for amendment to the project.

WHEREAS, the Board of Managers finds that a proper amended project petition has been filed, the proposed project promotes the public interest and welfare, is practicable and conforms with the watershed management plan of the watershed district.

WHEREAS, during the phase 1 proceedings, the Watershed District submitted a Targeted Watershed Demonstration Grant proposal to the Board of Water and Soil Resources which included the Mirror Lake and Hansen Park project components.

WHEREAS, the Watershed District was successful in its proposal and has received a grant to be used to pay the cost of various projects, including implementation of the Mirror Lake and Hansen Park project components of the petitioned Basic Water Management Project.

WHEREAS, the Watershed District Board of Managers determines that the regional water quality, stormwater and flood management benefits created by implementation of the project components justify the use of District derived funds to pay 100% of the cost to implement the Mirror Lake and Hansen Park project components of the petitioned Basic Water Management Project, without allocation to the project petitioners.

WHEREAS, future use of the regional stormwater and flood management benefits, created by implementation of the project components, to resolve local stormwater management or flooding concerns shall be restricted unless the value of regional benefit lost is reimbursed to the Watershed District. Such use must otherwise be consistent with applicable Watershed District rules.

NOW, THEREFORE, BE IT RESOLVED, the costs of the Mirror Lake and Hansen Park project components, based on the engineer's opinion of cost, shall be allocated between proceeds
from the Targeted Watershed Demonstration Grant and District derived funds based on the identification of regional benefit from implementation of the project components; and

FURTHER, the Board of Managers accepts the amended joint petition and directs further proceedings for project 2013-01 consistent with the amended petition.

The question was on the adoption of the Resolution and there were 3 yeas and 0 nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Barbara Haake, Acting Secretary

Dated: June 11, 2014

I, Barbara Haake, Acting 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 11th day of June 2014.

Barbara Haake, Acting Secretary
Petitioners Cities of New Brighton, Roseville and Saint Anthony, for this amended petition to the Board of Managers of the Rice Creek Watershed District state and request the following:

1. On August 19, 2013, the Rice Creek Watershed District (RCWD) Board of Managers received the Joint Petition of the Cities of New Brighton and Saint Anthony for the establishment of a phased basic water management project to develop a comprehensive and integrated strategy for stormwater management, flood damage reduction, and water quality enhancement within the Cities that implements a series of project components to achieve reasonable stormwater management and flood damage reduction objectives.

2. On August 28, 2013, by Resolution 2013-23, the Watershed District Board of Managers initiated the project, assigning Project Number 2013-01, and appointed Houston Engineering as the project engineer to make surveys, maps, analyses and reports for the project as necessary and consistent with the project phasing, coordination and implementation proposals contained within the Petition.

3. The original petition and the terms and processes contained therein remain valid, except to the extent amended herein.

4. Phase 1 of the project phasing, coordination and implementation proposals contained within the original Petition is complete and the project engineer has submitted a draft Phase 1 Report dated March 31, 2014.

5. Staff members from the Cities of New Brighton, Roseville and Saint Anthony have participated in the phase 1 process. In addition to the areas previously identified within the City of New Brighton and St. Anthony, the City of Roseville staff has identified areas within the subwatershed of Ramsey County Ditch 5 in the City where project components could be developed and implemented to provide both local and regional stormwater management and flood damage reduction benefit.

6. The draft Phase 1 Report leaves open the opportunity to develop project components in phases 2 and 3 to address issues within the City of Roseville and conveyance issues downstream of Long Lake.
7. The draft Phase 1 Report identifies two project components, Mirror Lake and Hansen Park, as key features in the overall project objectives and as ready for immediate implementation while other project components are being developed and analyzed.

8. Both the Mirror Lake and Hansen Park project components are identified in July 2011 Flood Investigation and Stormwater Modeling Reports of the Cities of New Brighton and St. Anthony.

9. During the phase 1 proceedings, the Watershed District submitted a Targeted Watershed Demonstration Grant proposal to the Board of Water and Soil Resources which included the Mirror Lake and Hansen Park project components.

10. The Watershed District was successful in its proposal and has received a grant to be used to pay the cost of various projects, including implementation of the Mirror Lake and Hansen Park project components of the petitioned Basic Water Management Project.

11. The engineer has issued a preliminary opinion of cost to implement the Mirror Lake and Hansen Park project components of the petitioned Basic Water Management Project. The grant funding is not sufficient to pay 100% of the cost to implement the Mirror Lake and Hansen Park project components of the petitioned Basic Water Management Project. However, the Watershed District Board of Managers has determined that implementation of the project components creates both water quality benefits and regional stormwater and flood management benefits. Therefore, the Watershed District will fund implementation of the Mirror Lake and Hansen Park project components of the petitioned Basic Water Management Project from District derived funds without allocation of costs to the project petitioners. Implementation final funding is subject to further proceedings pursuant to this petition.

12. The petitioners agree that phase 1 of the project phasing, coordination and implementation proposals contained within the original Petition is complete and concur in the content of the draft Phase 1 Report dated March 31, 2014.

13. Based on the foregoing, the petitioners amend the original petition as follows:

a. to allow implementation of Mirror Lake and Hansen Park project components without delay.

b. to allow proceeding to project phases 2 & 3 concurrently, with the inclusion of project components within the sub-watershed of Ramsey County Ditch 5.

c. to allow the addition of the City of Roseville as an additional petitioner for the Basic Water Management Project, as if a party to the original petition.

14. The Cities, therefore, amend the original petition to the Rice Creek Watershed District initiating Basic Water Management Project 2013-01 for the following purposes:

a. Phase 1: Identifying and analyzing current conditions, challenges and opportunities related to stormwater management and flood damage within the
Cities and making recommendations of actions likely to address comprehensive stormwater management and flood damage issues within the Cities and those downstream areas affected by stormwater runoff including Pike and Long Lake;
b. Phase 2: Developing a regional, comprehensive stormwater management and flood damage reduction plan, to include water quality features, which identifies capital improvements and other actions to be undertaken by the Cities and the Rice Creek Watershed District;
c. Phase 3: Developing implementation timelines and priorities, costs allocations and revenue generation methods for both implementation and long term maintenance of capital improvements and water quality features;
d. Phase 4: Implementing one or more of the project components identified in Phase 2 as a coordinated series of capital improvements by the Cities and the Rice Creek Watershed District;

15. This amended petition allows the Watershed District, in cooperation with the petitioners, to take actions set forth in paragraphs 14.b.-c. above until such time as the petitioners, individually or jointly, amend this petition to proceed with subsequent actions contained in paragraph 14. d.

16. This amended petition allows the Watershed District, in cooperation with the petitioners, to take actions set forth in paragraph 14.d. above for the implementation of the Mirror Lake and Hansen Park project components.

17. The costs of the Mirror Lake and Hansen Park project components, based on the engineer’s opinion of cost, shall be allocated between proceeds from the Targeted Watershed Demonstration Grant and District derived funds based on the identification of regional benefit from implementation of the project components.

18. Subject to the provisions of Statutes Section 103D.705, Subdivisions 3 & 4, the Petitioners may dismiss this petition or any amendment hereof. Failure to amend the petition to authorize a subsequent phase of the project shall be deemed a dismissal of the petition.

19. This petition is conditioned upon the following process to be followed by the Rice Creek Watershed District in implementing project phases:

a. Pre-coordination: The Cities and the Rice Creek Watershed District shall meet at the initiation of any project phase to establish a scope of work and anticipated cost.
b. Study/Component Development: The Rice Creek Watershed District, in consultation with City staff shall prepare all studies and develop project features consistent with project phases and purposes described in paragraph 14. Project study and component development shall culminate with a joint presentation to the City Councils of the outcomes and recommendations of the Rice Creek Watershed District.
c. Concurrence/Petition Amendment: The City Councils, considering the information and recommendations presented by the Rice Creek Watershed
District, shall concur or not concur with one or more of the recommendations and either authorize petition amendment to proceed with a subsequent phase of the project or dismiss the petition.

20. This petition is authorized by separate resolution of the City Councils authorizing their respective Mayors and City Managers to sign and submit this petition as the action of each City.

21. The proposed Basic Water Management Project will be conducive to the public health, safety, convenience and welfare of the Cities and their residents as well as regional providers and consumers of goods and services within the Cities.

22. The Cities, by action of their individual Councils, concur in the Rice Creek Watershed District’s exercise of alternative authority to maintain and improve public drainage systems within the Cities as provided in Minnesota Statutes Section 103D.621, subd. 4.

23. The Cities request, as part of their petition, that the Rice Creek Watershed District exercise its full authorities for generating revenues for the implementation of the petitioned project.

24. All actions described in this Petition are intended to support and be implemented as part of a petitioned Basic Water Management Project of the Rice Creek Watershed District.

25. This petition may be executed in counterparts.

SIGNATURE PAGES TO FOLLOW
SIGNATURE PAGE OF THE CITY OF NEW BRIGHTON TO THE AMENDED PETITION TO THE RICE CREEK WATERSHED DISTRICT INITIATING BASIC WATER MANAGEMENT PROJECT 2013-01 TO ADDRESS STORMWATER MANAGEMENT AND FLOODING WITHIN THE CITIES OF NEW BRIGHTON, ROSEVILLE AND SAINT ANTHONY, MINNESOTA

Respectfully Submitted:

City of New Brighton

Dated: 5/27/14

By: [Signature]

Its Mayor

Attest:

By: [Signature]

Its City Manager
SIGNATURE PAGE OF THE CITY OF ROSEVILLE TO THE AMENDED PETITION TO
THE RICE CREEK WATERSHED DISTRICT INITIATING BASIC WATER
MANAGEMENT PROJECT 2013-01 TO ADDRESS STORMWATER MANAGEMENT AND
FLOORING WITHIN THE CITIES OF NEW BRIGHTON, ROSEVILLE AND SAINT
ANTHONY, MINNESOTA

Respectfully Submitted:

City of Roseville

Dated: June 9, 2014

By: Its Mayor

Attest:

By: Its City Manager
SIGNATURE PAGE OF THE CITY OF SAINT ANTHONY TO THE AMENDED PETITION TO THE RICE CREEK WATERSHED DISTRICT INITIATING BASIC WATER MANAGEMENT PROJECT 2013-01 TO ADDRESS STORMWATER MANAGEMENT AND FLOODING WITHIN THE CITIES OF NEW BRIGHTON, ROSEVILLE AND SAINT ANTHONY, MINNESOTA

Respectfully Submitted:

City of Saint Anthony

By: [Signature]

Its Mayor

Dated: June 10, 2014

Attest:

By: [Signature]

Its City Manager