Minutes

ROLL CALL

Present: President Patricia Preiner, 2nd Vice-Pres. John Waller, and Treasurer Steve Wagamon.

Absent: 1st Vice-Pres. Managers Barbara Haake and Secretary Harley Ogata (with prior notice).

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica, Technical Specialist/Permit Reviewer Chris Buntjer.

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

Visitors: Jason Husveth and Dan Hair.

CALL TO ORDER

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

OATH OF OFFICE— PATRICIA PREINER

District Attorney Smith administered the Oath of Office to Patricia Preiner.

SETTING OF THE AGENDA

The agenda was approved by consensus.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the January 6, 2014, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by President Preiner to approve the minutes as presented. Motion carried 2-0-1 (Manager Waller abstained).

Minutes of the January 8, 2014, Board of Managers Regular Meeting.

Manager Waller requested the following changes: Page 1, remove President Preiner and Manager Haake as being present.

District Attorney Smith requested the following changes: Line 96, Page 3, change “solphate” to “sulphate”.

Motion by Manager Waller, seconded by Manager Wagamon, to approve the minutes as amended. Motion carried 2-0-1 (President Preiner abstained).
CONSENT AGENDA
The following applications have been reviewed by the District Engineer and Staff and will be acted upon without discussion in accordance with the Engineer’s Recommendation unless a Manager or the Applicant or another interested person requests opportunity for discussion:

Table of Contents
PERMIT APPLICATIONS REQUIRING BOARD ACTION

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-083</td>
<td>City of Lino Lakes</td>
<td>Lino Lakes</td>
<td>Wetland Alteration</td>
<td>APPROVAL</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wetland Bank</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Establishment</td>
<td></td>
</tr>
</tbody>
</table>

Motion by Manager Wagamon, seconded by Manager Waller, to approve permit number 10-083, City of Lino Lakes in accordance with RCWD District Engineer’s Findings and Recommendations, dated January 15, 2014. Motion carried 3-0.

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-070</td>
<td>Landmark Development</td>
<td>Mahtomedi</td>
<td>Land Development</td>
<td>CAPROC 1 item</td>
</tr>
</tbody>
</table>

Motion by Manager Wagamon, seconded by Manager Waller, to CAPROC permit no. 13-070 for Landmark Development in accordance with RCWD District Engineer’s Findings and Recommendation dated December 18, 2013. Motion carried 3-0.

OPEN MIKE – LIMIT 12 MINUTES. 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.

There were no comments made at Open Mike.

ITEMS REQUIRING BOARD ACTION
1. Consider task order for Critical Connections Ecological Services Inc. for Browns Preserve Vegetative Management and Monitoring (Phil Belfiori)
Administrator Belfiori explained this was a follow up from the Board Workshop on January 6. He noted the professional services to be provided include implementing the third, fourth, and fifth years of required vegetative management and vegetation monitoring tasks for the Brown’s Preserve wetland banking site. He indicated overall the purpose of the project was to restore and receive wetland credits for the Brown’s Preserve. He stated the following professional services would be provided during the completion of the task order: Completion of vegetation contractor RFP for years 3, 4, and 5 for the vegetation restoration tasks; Completion of all required wetland mitigation bank monitoring tasks identified for years 3, 4, and 5 of the approved Wetland Mitigation Banking Plan; preparation of required annual vegetation monitoring reports for years 3, 4, and 5 of the wetland mitigation banking restoration and management; meeting, field visits, and correspondence with HEI, RCWD, contractors, and the Technical Evaluation Panel; management and oversight of all work performed by vegetation restoration contractors.
He indicated the estimated total cost of services for the next three years at $139,500. He indicated this work is being completed as pass through under Houston Engineering’s agreement with the District. He recommended the Board approve the Houston Engineering request for services with a total cost of $139,500.

President Preiner asked if they would have a number of how much per credit this would have cost. District Engineer Deutschman responded they were getting close to that and they are keeping track of it. He stated the projections were that they would be about $150,000 under what was originally budgeted by the Board, if they stayed on track.

Motion by Manager Wagamon, seconded by Manager Waller, to approve the Houston Engineering request for services with a total cost of $139,500 as defined in attached HEI task order 2014-006 and related attachments A and B dated January 22, 2014 and authorizes the Board President to execute the document. Motion carried 3-0.

2. Consider Authorization to Solicit Bids for 2014-16 Vegetation Management and Restoration Contractor for the Browns Preserve Wetland Mitigation Site. (Phil Belfiori)

District Belfiori explained as discussed at the January 6 Board Workshop meeting, this item was to request authorization to solicit bids to retain a contractor for the purposes of completing vegetation management and restoration tasks for the period of 2014-2016 for the Browns Preserve Wetland species, the removal of thatch and organic matter, and performing prescribed burns.

He noted Critical Connections Ecological Services under a “pass through” agreement as a subconsultant to Houston Engineering, Inc. has managed the vegetation restoration of Browns Preserve. He indicated as defined in TEI Task Order 2014-06, Critical Connections Ecological Services Inc. would continue to assist the RCWD for the next three years in managing the selected contractor.

He stated staff was recommending approval to move forward with the contract.

President Preiner asked the District Attorney if it was okay for the process to only select from two quotes. District Attorney Smith responded it was okay given that the staff and consultants had determined the qualifications. He stated they could advertise for additional contractors, but focusing on these two was appropriate.

Motion by Manager Wagamon, seconded by Manager Waller, to authorize staff with assistance CCES to solicit bids for the vegetative management/herbicide application tasks for the Browns Preserve wetland restoration project. Motion carried 3-0.

3. Consider Hair Wetland Bank Request to Enroll Portion Exception Area RCWD File #13-125R (Nick Tomczik)

Permit Coordinator/Wetland Specialist Tomczik stated the repair of Anoka-Washington Judicial Ditch 4/Anoka County Ditch 15 included the development of a wetland bank known as Brown’s Preserve. He indicated the wetland bank project included property owned by Dan and Gloria Hair. On December 4, 2013, the District received a written request from the Hairs to include an additional 6.89 acres in the wetland bank. He noted the request to add area to the bank was consistent with the resolution and previous wetland bank application and addendum materials. He stated there was no additional cost to RCWD in the addition of this property to the bank site as the area is already under management. He stated the District identified a small out building within the proposed wetland bank area, which will need to be removed by the Hairs. The Hairs would also need to coordinate with the State on establishing the required easement, title insurance, etc. as well as positing wetland
bank signs on the property. He stated the Hairs were aware of these items and recognized their responsibility to address them.

He recommended the Board conditionally approve the addition to the Hair wetland bank.

*Motion by Manager Wagamon, seconded by Manager Waller, to approve the addition of a 6.89 acre area into the Hairs' wetland bank; consistent with the wetland bank application approved by resolution 2012-14 and conditional on:*

- removal of small structure and any associated debris from the wetland bank area;
- placement of signage on the wetland easement edge; and
- recording the easement, providing title insurance and other as required and consist with State requirements.

*Motion carried 3-0.*

4. **Consider Resolution for directing proceedings to reestablish and correct drainage system records for Anoka County Ditch 72. (Phil Belfiori)***

District Administrator Belfiori stated this Resolution begins the process for the establishment and correction of the drainage system records for ACD 72. In this case, that was the system that was immediately north of Anoka County Ditch 55 in eastern Lino Lakes, which was likely to receive some development pressure. He noted this system was pretty much drain tile and was probably already at capacity. He stated a landowner information meeting had been held in November, 2013 with some comments that would be noted as a part of the record.

Manager Waller stated the present system is the capacity – it is what it is – that’s all it is and it is a finite number. He stated it was not undersized or oversized and future use of the land was limited to the capacity of what it is. When he was listening to the Administrator that the judgment had been made that the capacity was too small and the capacity was just what it is and that was what they work with. He asked if he was correct. District Engineer Deutschman responded they were trying to move this to the point where there was a stopping point, which was to define what the public drainage system is and what the capacity of that system is. How to repair it or whether to improve it under MS 103E in the future was another matter and the only way they could increase the capacity was if they were to go through an improvement proceedings, which was not what they were doing here.

Manager Waller stated they were only defining what the system is. District Engineer Deutschman responded that was correct. They were only determining what the public system is and cleaning up the record to memorialize it. He stated they have been working on a drainage inspection spreadsheet that shows where the systems were in the repair process which would be presented at an upcoming workshop. He stated what they were really trying to do was to get everything to a natural stopping point in the many steps leading to repair, including defining specifically what is the public systems, and then the repair would be a totally different matter.

Manager Waller stated generally minor maintenance is acceptable without the formal repair hearing, but they need a definition of what the repair is. District Engineer Deutschman stated that is correct, and that the current process defines the system from legal perspective and gives the District Public Drainage Inspector Tom Schmidt a roadmap of what is the existing system, what was the legal authority to fix/maintain (minor maintenance), and what would he maintain it to so if sediment needed to be removed, he would know how deep he could dig.
177. **Motion by Manager Wagamon, seconded by Manager Waller, to approve Resolution 2014-03, Findings and Order Directing Proceedings to Reestablish and Correct Drainage System Record for Anoka County Ditch 72 (Statutes §103E.101, subd. 4a)**

**ROLL CALL:**
- Manager Waller – Aye
- Manager Haake – Absent
- Manager Ogata – Absent
- Manager Wagamon – Aye
- President Preiner – Aye

Motion carried 3-0.

5. **Consider Partial Payment Request #2 from Rachel Contracting for the Bald Eagle Lake Watershed Stormwater Reuse & Phosphorus Reduction Project (Phil Belfiori)**

District Belfiori explained this was a request for partial payment #2 for the Bald Eagle Lake Watershed Stormwater Reuse & Phosphorus Reduction Project. He recommended approval of the partial pay request #2 to Rachel Contracting in the amount of $124,086.10.

**Motion by Manager Wagamon, seconded by Manager Waller, to approve Partial Payment #2 to Rachel Contracting, Inc. for the Bald Eagle Lake Watershed Stormwater Reuse & Phosphorus Reduction Project in the amount of $124,086.10. Motion carried 3-0.**

6. **Consider Partial Payment Request #4 from Sunram Construction for the Lower Hardwood Creek Restoration and Stabilization Project (Phil Belfiori)**

District Belfiori explained this was a request for partial payment request #4 from Sunram Construction for the Lower Hardwood Creek Restoration and Stabilization Project. He noted the work on the project has progressed including plantings and restoration on the Mouacheupao property was complete with minor grading adjustments/stabilization around a small channel inlet to the creek remaining. The creek bed material has been placed and modified in-situ, and the creek connection made on the Carlson property. Work remaining includes placing streambed material on a short section of the constructed stream where it connects to the existing creek alignment. Plantings, restoration, and stabilization were complete on the Carlson property with the exception of the aforementioned streambed material and related plantings.

He requested Board approval for partial payment #4 to Sunram Construction in the amount of $25,887.50.

**Motion by Manager Wagamon, seconded by Manager Waller, to approve Partial Payment #4 to Sunram Construction for the Lower Hardwood Creek Restoration and Stabilization project in the amount of $27,250.00. Motion carried 3-0.**

**APPOINTMENT OF ACTING SECRETARY**

**Motion by Manager Waller, seconded by President Preiner, to appoint Manager Wagamon as acting Secretary. Motion carried 3-0.**
7. Consider Check Register dated 01/22/2014, in the amount of $270,469.72, prepared by HLB Tautges Redpath.

Motion by Manager Wagamon, seconded by Manager Waller, to approve check register dated 01/22/2014, in the amount of $270,469.72, prepared by HLB Tautges Redpath. Motion carried 3-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Updates on Bald Eagle Lake Stormwater Reuse Project

Water Resource Specialist Axtell updated the Board on the status of the Bald Eagle Lake Stormwater Reuse Project and its goals.

Manager Waller noted this was a 1,000 acre area of which very little is row cropped. He stated the golf course happens to cut a lot of grass. He stated one of the questions at the Citizen Advisory Committee (CAC) was the cutting of the grass along the lakes and whether the phosphorus was dissolved or undissolved and the concept of this project is to have an improvement for Bald Eagle Lake. He stated awhile back, he asked how much phosphorus they could show. He asked what metrics were going to be put in place to tell them how successful they are in removing the phosphorus from the area. He asked what the impacts were also. Water Resource Specialist Axtell responded there would be a significant amount of monitoring with the project including water quality measurements. However, they have not broken down the projects into smaller parts. He noted there was a lot of dissolved phosphorus in the runoff. He stated they will keep records of the amount of water that is pumped out of the pond and the system, so they will have records of the volume of water. They will be able to take samples of the water to monitor the phosphorus as well as having a second flow meter on the 2.5-inch line. He stated they will continue to take measurements at the outlet of Goodview Avenue. As far as further delineation of the area, they could talk to Matt about that to see what was feasible and within budget. He stated there were several different land uses in the area.

Manager Waller noted in the area there were livestock, wetlands, and urbanization in the 1000 acres. He realized the budget was confined to the particular project, but as they operated the system, they might want to sit down and look to how the area could be subdivided so they got better phosphorus measurements. He indicated he would like to see this type of information.

District Administrator Belfiori suggested as the project went to completion, they could have a workshop item to present the approved the monitoring and evaluation program for this project to the Managers.

President Preiner stated the Legislature also wanted to see the results.

Manager Waller stated he agreed, but he wanted to know how much phosphorus comes out of the wetlands and the contribution made also. He stated sometimes there were contradictory goals. He stated he wanted to see if there was a system where they could balance everything out.

President Preiner asked what happened if the golf course wanted to turn into a residential area a few years down the road. What would happen to the system. Water Resource Specialist Axtell responded the way the project was set up was that the City of Hugo and the District were essentially owners of the project with a 25-year term easement in place on the golf course that would make sure if the land use changed or subdivided that the easement was there. If the golf course ceased to operate, the City and RCWD would need to step in and continue to operate the system such as turning the pumps on. He stated once the lease was up, the District was no longer responsible.
2. **Updates on Anoka County Ditch 10-22-32 Repair Report**
District Administrator Belfiori stated ACD 10-22-32 repair had been completed.

District Engineer McAlpine updated the Board on the repair report.

Manager Waller inquired about the trees. He noted sometimes when trees were left, they fell down and it was an impairment. He understood the landowners concern about the loss of trees, but sometimes it was better to remove them than have a minor maintenance concern. He asked if there should be a concern for leaving the trees. District Engineer McAlpine stated they had gone through to determine which side was less sensitive.

Manager Waller stated trees were expensive to remove if they were a future impairment. District Engineer McAlpine stated it was a balance act and weighing the pros and cons of keeping some over others.

Manager Wagamon stated he thinks the District and the Engineer used good judgment in the removal of trees and leaving trees where they could. He stated he hated to see all trees cleared out.

District Engineer Deutschman stated on the NPDES permit, this type of project was bound by a permit by the Pollution Control Agency, which at times could be challenging. He stated they were sensitive to filling out the permit correctly due to substantial fines if not filled out properly. He pointed out to not excavate the A&L Sod piece, but they have been in touch with them to finish that piece. A&L Sod would stabilize the ditch area in front of their place also.

3. **Staff Reports**
There were no comments.

4. **February Calendar**
There were no comments.

5. **Manager’s Update**
Manager Waller stated he attended the CAC meeting. He indicated a new member was in attendance and a new President and Vice President were appointed.

**ADJOURNMENT**
Motion by Manager Wagamon, seconded by Manager Waller, to adjourn the meeting at 10:13 a.m. Motion carried 3-0.