Minutes

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

ROLL CALL
Present:  President Patricia Preiner, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Secretary Michael J. Bradley, and Treasurer Steve Wagamon.
Absent: None.
Staff Present:  Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, District Technician Samantha Berger, Office Manager Theresa Stasica.
Consultants:  District Engineers Mark Deutschman-Houston Engineering, Inc. (HEI); and District Attorney Louis Smith from Smith Partners.
Visitors: None.

SETTING OF THE AGENDA
District Administrator Belfiori added item 3 under Board Action “Consider authorization to request an Ordinary High Water (OHW) determination from MnDNR for public waters”.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the May 25, 2016, Board of Managers Meeting and Workshop Meeting.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented.

District Administrator Belfiori referenced a District Attorney edited draft minutes which was supplied to the Board for their review and acceptance. The following changes were:
Permit Coordination/Wetland Specialist Tomczik stated Lines 68-70: "... that although the City of Hugo administers the District’s rules through an MOA with the District, the District Board still holds the authority to grant variance requests exercises sole regulatory authority within its boundaries pursuant to the District’s approval of its local water plan and ordinances, but that according to statute, any grant of a variance by Hugo requires District approval.”

District Attorney Smith stated Lines 159-164: "... with Hugo exercising the permitting authority under a memorandum of understanding. That MOU is out of date and was to have been replaced with a new MOU at the time that the District approved Hugo’s updated local water plan, which was required to occur several years ago. expired several years ago so the District is continuing and Hugo have continued to operate under the terms of the MOU pending Hugo’s completion of its updated plan and the District’s approval of it. To operate pursuant to its terms. The Board could reassert permitting authority but he thought the District is willing to continue to operate under this agreement and it is his understanding that Hugo is working on updating their local water plan and when they do that it would be appropriate to review and update the MOU.”

Manager Waller stated starting on line 275 “He (Manager Waller) thought monitoring is very important”. His point about Mr. Kocian’s map at that time was not only was monitoring important but he was drawing attention to the number of monitoring sites that were not active and thought this was important because there are a lot of red x’s on the map. He would like to see something added regarding language.

Roll Call:

Manager Waller – Nay
Manager Haake – Nay
Manager Wagamon – Nay
Manager Bradley, - Nay
President Preiner – Nay

Motion failed 0-5.

Motion by Manager Haake, seconded by Manager Waller, to table the May 25, 2016 minutes to include the corrections. Motion carried 5-0.

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.
ADDITIONAL ITEMS REQUIRING BOARD ACTION

1. Consider RCWD Clean Water Grant Program Applications.
   a. RCWD16-02, Oquist Raingarden Planting
      District Technician Berger stated this project proposes conversion of a 415 square foot City of Mounds
      View infiltration basin into a formal, planted raingarden. The raingarden is part of a City effort to
      reconstruct all of its streets and is required by a RCWD permit from 2015. This raingarden will serve a
      drainage area of approximately 1.25 acres of impervious surface, intercepting and infiltrating a volume of
      approximately 12,726 cubic feet of runoff (assuming a 2.8-inch event) prior to making its way to Rice Creek
      and ultimately Long Lake, which is a Tier 2 body.

      Because the City already completed the majority of the work, only the plant materials, mulch, sod cutter,
      and labor to install them are eligible expenses. The total project cost estimate for this project is $1,428.
      The landowner has submitted an application to encumber $714 in cost-share funding for this project, not
      to exceed 50% of eligible project expenses.

      The planting of the existing rain garden will aid in the infiltration and evapotranspiration within the rain
      garden, while providing pollinator habitat.

      Manager Haake asked if there is enough depression in the curbing where the water will enter the catch
      basin where the curb is lowered. District Technician Berger stated the photo does not show the depression
      well but she did not see any concerns from it.

      Manager Waller thought by looking at the photo where the darker grass is which is an indication that there
      is water flow in there.

      Motion by Manager Haake, seconded by Manager Waller, to approve RCWD Clean Water Grant
      Program Contract RCWD16-02 for the Oquist’s raingarden planting project, up to $714 and not to exceed
      50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

   b. R16-01, Nelson Raingarden application

      District Technician Berger stated this project proposes the installation of a driveway drain, drainage swale,
      and rain garden located on a shoreline property off Lake Johanna in Arden Hills. The project will provide
      water quality treatment and volume control for the applicant’s steep driveway and the roof of the
      applicant and the neighbor that were otherwise untreated and were beginning to erode. RCWD staff
      supports the recommendations expressed by the Conservation District and thins the project would be a
      good fit for the Clean Water Grant Program. Ultimately, the project will drain to Lake Johanna, a Tier I
      water body in the Rice Creek Watershed District’s Watershed Management Plan.

      The applicant’s landscaper, Savannah Designs completed a bid for the project at $12,361. The bid included
      additional items that would not be considered as part of the cost-share. In addition, the Conservation
      District provided a bid in the amount of $11,553.51. The project will help to treat runoff from a .80-inch
      rain event and will treat a total of 5,479 sq. ft of impervious surface. The existing conditions are a steep
      slope that has eroded and is causing sediment transport into the lake. Ultimately, this project will help to
eliminate a volume of 8,083 cubic-ft (83% reduction), 64 lbs. of Total Suspended Solids (80% reduction),
and a .15 lbs. of Total Phosphorous (76% reduction) per year.

The Ramsey Conservation District approves of the project bid that the landowner has obtained for the
project. The applicant will submit an application to encumber up to $5,000 in cost-share funding for this
project, not to exceed 50% of eligible project expenses.

This proposal was considered by the RCWD Citizens Advisory Committee at its meeting held on June 1,
2016. The CAC discussed the application and passed a motion recommending that the RCWD Board of
Managers approve this project for up to $5,000 in cost-share funding, not to exceed 50% of eligible project
expenses.

Motion by Manager Bradley, seconded by Manager Waller, to approve RCWD Clean Eater Grant
Program Contract R16-01 for the Nelson’s rain garden project, up to $5,000 and not to exceed 50% of
eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

c. R16-02 Detournay Pervious driveway application

District Technician Berger stated this project proposes the installation of a pervious driveway off 2000
Skillman Ave in Roseville. In the past, the District has shied away from funding pervious pavers since
generally a cheaper alternative, such as rain garden, could provide the same amount of treatment. In this
case however, a rain garden could not be feasibly designed to provide the same amount of volume and
area capture, therefore, the pervious pavers seemed like an appropriate solution to manage nearly all of
the runoff coming from the property. The landowner is environmentally aware and ultimately hopes to
treat all the water that leaves his property through the use of best management practices.

The installation of a pervious driveway in this location is beneficial due to the fact that the runoff
generated in this area ultimately feeds into RCD 4, a tiled section of the public drainage system. This
system is known to have major volume constraints, so anytime volume can be contained on site this will
ultimately benefit the overall watershed that leads into Little Lake Johanna, a Tier II water body in the
RCWD Watershed Management Plan. Little Lake Johanna is impaired for nutrients.

The applicant’s landscaper, Nelco Landscaping completed a bid for the project at $22,837. The Ramsey
Conservation District approves of the project bid that the landowner has obtained for the project. The
applicant will submit an application to encumber up to $5,000 in cost-share funding for this project, not to
exceed 50% of eligible project expenses. In addition, the landowner will be paying for maintenance of the
permeable driveway on to two times a year.

This proposal was considered by the RCWD Citizen Advisory Committee at its meeting held on June 2,
2016. The CAC discussed the application at length questioning why the rain garden would not be feasible in
this location. Staff indicated that the slope was such that there was not room to capture the same amount
runoff. One member felt that we were giving too much funding for the project and that we were funding a
project that would simply beautify the property. Staff feels that this project is reducing volume in an area
prone to flooding and feels that the project would be successful in this area of the District. Overall the CAC
passed a motion to approve the project. Motion carried 4-2.
Manager Haake stated it appears the driveway is on a slope and drains down, is there a way of having the water run down and go into a valley on both sides of the driveway before it leaves the property. She felt that no matter what the water will still run off onto the curb and she needed more information for justification in approving this. District Technician Berger stated the landowner is prepared to do maintenance once or twice a year at a cost of $250 per maintenance. In terms of the slope, page 34 in the packet shows an over excavated area that allows the water to infiltrate down into the ground. Manager Haake asked if the maintenance will be written into the agreement and does it follow the house rather than the homeowners. District Technician Berger stated as part of the Clean Water Act the homeowners are required to sign a maintenance agreement. For this sort of project, the agreement would be ten years.

President Preiner asked what would happen if the owners were to sell the property, how would this be maintained. District Technician Berger stated they do have the ability to record the maintenance with the property.

Manager Haake thought there could be a better way to design the driveway in order to direct the water to the side of the driveway and into the grass. She wondered if they should table this item to see if some type of plan could be designed. District Technician Berger indicated the landowner did request funding for a rain garden in their backyard last year and it was not recommended for funding due to the fact that there is an existing catch basin. The landowner is very conscious about the water coming off his property and is really trying to do what is right. They did talk about the other ideas of putting in an infiltration basin and the owner was not interested in that and wanted to pursue the pervious option. They are getting more treatment with this than they would if they were to put a slot drain into an infiltration basin.

Manager Haake thought it the middle were humped the water would go right into the grass.

Manager Bradley noted the homeowner was going to be putting $18,000 of his own money into this project. They are continually recognizing infiltration as an important method addressing this and if they are not able to get infiltration otherwise then this seems to be the best alternative and he would be in favor of this project. He stated he is not opposed to looking to see if there is something they can do about runoff but because this is pervious, there should not be much runoff.

Manager Bradley asked how much runoff they were going to have with this. Mr. Michael Schumann, Technical Designer for the Conservation District, stated when he modeled this project he looked at the lifespan for these types of practices of pervious driveway options and also incorporated the slope gradient of the existing driveway or what the proposed slope gradient would be. Based off of the calculations that were accumulated, this project would suffice in capturing an effective 2-inch rainfall event. The alternative option they looked at was a channel drain which can be inserted into the driveway to capture a rainfall event coming from an impervious surface and then routing the water to an adjacent area such as the lawn but with that option they would not be able to capture as high of rainfall events in terms of volume and with the velocity of larger storm events so they would be looking at only capturing a 1.1 inch event instead of a 2 inch.
Mr. Schumann stated it was noted that anytime in this area that volume can be contained that it would be a recommended practice. This type of project in this exact scenario the best benefit for the largest stormwater capture onsite to mitigate the water onsite would be the pervious driveway option.

Mr. Schumann stated he ran a cost analysis for the alternative, the rain garden for infiltration as well as the channel drain installation and without the cost of permits and the cost of any associated utility costs the cost was coming in at an average of $8,500.

Motion by Manager Haake, seconded by Manager Preiner, to deny the request.

President Preiner thought this is a bad precedent so she was voting against this. Manager Bradley stated he did not think anyone would spend $18,000 on a driveway in order to get $5,000 from the District so he was going to vote against the motion to deny. Manager Waller stated he was also going to vote against this motion. He stated he is not a big fan of rain gardens and never has been. He stated he would rather see some large regional ponding and this was a discussion at CAC and he was asked for his comments there and he would repeat them. Taxpayers pay money in this District and this is something the taxpayer receives back. He thought the maintenance agreement was longer than usual also. He stated he would support this.

Manager Wagamon asked for more information on the maintenance agreement being attached to the property. District Technician Berger read from the program guidelines regarding this.

Manager Wagamon stated he would vote against this motion also.

Motion failed 2-3, (Managers Bradley, Waller and Wagamon.)

Motion by Manager Bradley, seconded by Manager Waller, to approve RCWD Clean Water Grant Program Share Contract R16-02 for the Detournay's pervious driveway project, up to $5,000 and not to exceed 50% of eligible project expenses, in accordance with established program guidelines and include a maintenance agreement that will be recorded on this property.

Roll Call:
Manager Waller – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Haake – Nay
President Preiner – Nay

Motion carried 3-2.

Authorize Requesting Ordinary High Water (OHW) Determination from DNR
District Administrator stated this item was discussed at the workshop and passed out before the meeting. There was consensus to place the following action on this Board meeting for consideration. Public waters in question are located in the northern portion of Anoka County Ditch 10-22-32 and are designated as 529P and 536W on the DNR Public Waters Inventory Map.
Motion by Manager Haake, seconded by Manager Bradley, to authorize staff to request an Ordinary High Water (OHW) determination from the Minnesota Department of Natural Resources (MNDNR) for public waters 529P and 536W.

Manager Waller stated he will be voting against the motion because he thought they needed to reexamine their goals of transparency, accountability, objectivity, and impartiality. This particular item that was brought to the agenda about 10-22-32, it only concerns one property owner, Mr. Perry Wagamon, who is the father of Manager Wagamon and what was discussed at the meeting was to have Mr. Kolb have the gas line lowered and it was also brought to their attention by the District Engineer and staff that in the past when they have taken they had overlooked that the Department on Natural Resources ordinary high water mark was an estimate and not an actual and therefore they were asking, and seemed to indicate, that they had already spent upon determining if the ordinary high water mark was lowered that it would make an actual difference in this situation. In the past when individuals have had a problem with ordinary high water marks the Board has directed those individuals to proceed on their own. What is more important to him is that this is getting to the point where the engineering services on this ditch are a do-over situation. This is the third correction. He indicated they have been through the entire profile procedure and now they are doing it over again and he felt that the engineering company and any expenses that are involved with the ordinary high water mark, staff time, should indemnify the District for these costs and they should take a look at the quality of engineering. This is not an isolated example on the problems with ditches. They have also had complaints from other residents without any repairs being made. He also hoped Manager Wagamon would recuse himself from voting on this.

Manager Wagamon stated since named, he has stayed out of this issue from the beginning except to give background information and he will continue to do that. Manager Haake agreed and felt he has been very persistent in making sure he has stayed out of the issue.

Manager Haake asked if they are asking the DNR to do this where is there a cost listed. Manager Waller believed that was indicated in the workshop meeting that work had already been performed by the Engineering Firm and that they had determined by changing the "estimate" to an actual that there would be a decrease in the ordinary high water mark (OHM). He thought there had been some money already spent and staff time spent on it. Manager Haake asked if there is going to be any money spent.

Manager Bradley stated this has been an issue for a long time, before he was on the Board, and he recalled that they had a fight with the DNR over OHW when they are trying to put a culvert in and at that time they decided not to try to take on the fight with the DNR. If the OHW changes what is the impact to this District in their responsibilities as the drainage authority. District Engineer Deutschman stated this is not about changing the as constructed determination of the ditch, that was set by the previous engineer. This Board set a functional profile in the portion of the ditch for purposes of maintaining it, which was higher in elevation than the as constructed. That was based on the the Board's obligations as the drainage authority and avoiding impacts to the DNR public water. A compromise that was made to getting some level of maintenance completed. The OHW has implications with regard to the impacts associated with maintenance. If the ordinary high water level determination was lower it might be that the amount of public waters could be less and the District could lower the functional profile closer to the as constructed. He indicated he still did not know what that elevation would be. This would be an opportunity to maintain
the ditch to a lower elevation. The other implication preliminary analysis suggests the estimated OHW

determination provided by the DNR appears to show less acreage of public water than indicated on the

DNR maps.

Manager Bradley asked why the size of public waters is relevant to the Board’s responsibility. District

Engineer Deutschman stated the District needs to understand and have an estimate of the impact to the

public water associated with the District’s responsibility as the drainage authority. Mainly the District has

on obligation of balancing impact to public water and the public water wetland and to also provide

drainage to the benefited lands. As District Engineer if there is a public water wetland or public water along

the drainage system we routinely ask for a OHWL determination.

Manager Bradley stated based on discussion he would be voting in favor of the motion.

Roll Call:
Manager Haake – Aye
Manager Bradley – Aye
Manager Waller – Nay
Manager Wagamon – Abstain
President Preiner – Aye

Motion carried 3-1-1.

3. Consider Check Register dated June 8, 2016, in the amount of $451,287.89, prepared by Redpath and

Company.

Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated June 8,

2016, in the amount of $451,287.89, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineers Update and Timeline.
District Engineer Deutschman indicated he did not have anything to report.

2. Manager’s Update
Managers Haake and Bradley updated the Board on the Buffer Law discussed at the BWSR meeting.

Manager Waller updated the Board on the Washington County Consortium Committee Meeting.

Manager Bradley thanked staff for an excellent handling of the Anoka County Ditch 31 & 46 Informational
meetings and thought that Mr. Otterness and Mr. Kolb did an exceptionally fine job for them. He also
noted he will not be at the next meeting.

District Administrator Belfiori stated he received an email from the City of Hugo, they have changed the
Metro East Water Summit to July 14th at 6:30 p.m.
ADJOURNMENT

Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 9:56 a.m. Motion carried 5-0.

Middle Rice Creek Restoration Project Tour

The special Board workshop to tour the Middle Rice Creek Restoration Project followed the meeting. Board, staff and consultants met at the parking lot on the north side of County Road I, just east of 35W in Arden Hill, 1953 County Rd I, Arden Hills, MN. The tour ended at 11:01. No Board action was taken.