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; Chris Otterness, Houston Engineering, Inc. (HEI); and, District Attorney Chuck Holtman from Smith Partners

Visitors: Jake Jensen, Howard Blin

SETTING OF THE AGENDA
There were no changes.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the July 27, 2016, Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 5-0.

Minutes of the July 27, 2016, Board of Managers Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 5-0.
PERMIT APPLICATIONS REQUIRING BOARD ACTION

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:

CONSENT AGENDA

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<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
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<td>St. Claire Land Co.</td>
<td>Lino Lakes</td>
<td>Final Site Drainage</td>
<td>CAPROC 8 items</td>
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<td>Forest Lake</td>
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<td>43</td>
<td>Church of St. Genevieve</td>
<td>Centerville</td>
<td>Final Site Drainage</td>
<td>CAPROC 4 items</td>
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Manager Haake asked for more information in regards to Item 16-063, The City of Forest Lake airport. She wanted to make sure the airport takes care of their own water runoff. District Engineer Greg Bowles reviewed the case with the Board.

Manager Bradley wanted to make note for the record the written discussion he had with staff regarding Item 16-069, Church of St. Genevieve. The existing parking lot flows to existing storm water pond and they intend to add additional parking which will also flow to the storm water pond and they are receiving a $21,300 surety requirement related to the additional and he wondered if there was an existing surety in place for the existing runoff to the existing pond. Permit Coordinator/Wetland Specialist Tomczik stated there is not a surety payment for the existing. The past permit that the pond was to be constructed under has been closed and the pond considered acceptable at closing of the permit. When a new permit comes in to use an existing structure they always check to ensure it has the capacity necessary to fulfil the obligations. In this case, once the applicant is mobile onsite they will be able to assemble the pond and demonstrate either it works or does not work. He believed the engineer did not find it a high risk but they want to have the surety in place just in case.

Manager Waller stated in regards to Item 16-063, they recently did some work on the property east of the airport on Hwy 61 regarding the drainage and he did not expect the drainage from the airport was going to disturb the existing tiles but he wanted to bring that up so staff can communicate the potential issue with the city.

Motion by Manager Haake, seconded by Manager Wagamon, to approve the consent agenda permits 16-024, 16-044, 16-063, 16-069 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated August 2, 2016.

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 resolution awarding the project and issuance of the Notice of Award for Anoka County Ditch 31/46 Repair Project.

Administrator Belfiori explained he passed out a memorandum before the meeting. He reviewed the information with the Board. He stated District staff recommends that the Board adopt Resolution 2016-15, awarding the project to Veit & Company, Inc. in the amount of $401,097.00. Staff also recommend that an additional 20% of the contract ($80,219.40) be budgeted for potential change orders resulting from unforeseen conditions or omissions discovered as the project progresses.

Motion by Manager Bradley, seconded by Manager Waller, to approve Resolution 2016-15 ORDER AWARDING CONTRACT FOR THE REPAIR OF ANOKA COUNTY DITCHES 31 AND 46.

WHEREAS, on June 21, 2016, the Rice Creek Watershed District Board of Managers (Board), Drainage Authority for Anoka County Ditches (ACD) 31 and 46 adopted Resolutions 2016-11 and 2016-12, accepting plans and specifications for the repair of ACDs 31 and 46 and directing the solicitation of bids for the work to be performed according to the engineer’s plans and specifications;

WHEREAS, the Board, by its staff did advertise and accept bids according to law;

WHEREAS, bid processes followed accepted practices as generally defined within MS 103D.811 Bids for Construction and MS 471.345 Uniform Municipal Contracting Law;

WHEREAS, a mandatory pre-bid meeting was conducted on July 21, 2016 of which ten (10) prime bidders attended. The mandatory pre-bid meeting consisted of a review of specification and plan content, and a site visit to review conditions at two locations along the project. No information was discussed that was not described within the Specifications/Bid Package or the addenda;

WHEREAS, the bid opening for the Project was held at the District office on Thursday, July 28, 2016 at 2:00 pm. The Engineer’s Opinion of Probable Construction Cost for the Project was $639,374.00. A total of eight (8) sealed bids were received as directed by the administrator, the engineer has prepared and submitted plans and specifications for the repair;

WHEREAS, the low bidder is Veit & Company, Inc., with a bid of $401,097.00, and the second lowest bidder is North Pine Aggregate, Inc., with a bid of $532,152.81;

WHEREAS, the engineer reviewed the Bids for accuracy, completeness, and responsiveness. All bids were found to be mathematically correct. Each of the bidders provided examples of representative projects of a similar scale and using similar equipment. However, an irregularity
exists between the apparent low bidder, Veit, and the second lowest bidder, North Pine, in that
Veit did not attend the mandatory pre-bid conference;

WHEREAS, the Specification/Bid Package acknowledges the RCWD’s authority to waive such
irregularities. Paragraph 15A of Section 00200 “Instruction to Bidders” reads:

OWNER reserves the right to reject any and all Bids, to waive any and all irregularities,
informalities, or discrepancies in the Work and to negotiate contract terms with the
Successful Bidder, and the right to disregard all non-conforming, non-responsive,
unbalanced or conditional Bids. Also, OWNER reserves the right to reject the Bid of
any Bidder if OWNER believes that it would not be in the best interest of the project to
make an award to that Bidder, whether because the Bid is not responsive or the Bidder
is unqualified or of doubtful financial ability or fails to meet any other pertinent
standard or criteria established by OWNER;

WHEREAS, Veit’s non-attendance at the pre-bid meeting did not provide them an advantage in
bidding the work. No information, other than a first-hand viewing of site conditions, was provided
to bidders which was not otherwise available and contained within the plans and specifications
for the work contained in the bid package;

WHEREAS, Veit has provided a signed acknowledgement indicating that its bid numbers provided
are correct, and that it fully understand the site conditions; and

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

ORDER

A. The Board of Managers waives the irregularity in the bidding as noted above as being in
the best interest of the District and its residents;

B. The Board of Managers awards the contract for the repair of Anoka County Ditches 31 and
46 to Veit & Company, Inc. in the amount of $401,097.00;

C. The Board of Managers directs that an additional 20% of the contract ($80,219.40) be
budgeted for potential change orders resulting from unforeseen conditions or omissions
discovered as the project progresses;

D. The Board of Managers directs that a Notice of Award be issued but that contract
execution and issuance of a Notice to Proceed be stayed until receipt of Wetland Conservation Act
Notices of Decision for the ACD 31 No-Loss and ACD 46 Replacement Plan;

E. The Board of Managers directs its administrator to coordinate and take all subsequent
actions necessary for implementation of the repair in a manner consistent and compliant with
existing law. The Board reserves to itself, however, all subsequent actions required by law to
proceed upon Board approval; and

F. The Board of Managers further authorizes expenditures for the repair of ACDs 31 and 46
and the collection of revenues consistent with this order.
ROLL CALL:
Manager Waller – Aye
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
President Preiner - Aye

Motion carried 5-0.

Mr. Jake Jensen, North Pine Aggregate, stated there was a mandatory pre-bid meeting and he wondered if that was being disregarded or was that the bid irregularity being discussed. President Preiner indicated it was the bid irregularity. District Administrator Belfiori stated he would give Mr. Jensen a copy of the memo. Manager Bradley summarized the waiving of the bid irregularity.

District Administrator Belfiori stated Rachel Contracting, Inc. was selected to construct the Hansen Park Comprehensive Water Management Project during the July 27, 2016 regular Board meeting. Houston Engineering, Inc. has prepared Task Order 2016-023 for Phase 5 of its original proposal, covering work related to construction management for the Hansen Park project. The cost of these services will not exceed $217,300 which includes a sub-consultant agreement with Braun Intertec for construction materials testing.

District Administrator Belfiori noted staff has thoroughly reviewed the estimates of time involved in this proposal and finds them adequate and consistent with expectations for the various levels of observation work required. One key item to note is that this task order assumes construction will be completed within the established construction window (dredging complete in winter of 2016-17); if dredging activities extend through a second winter, there will be additional costs incurred for more observation time.

District Engineering Belfiori stated the grand total of HEI’s work to-date on Phases 1-4, including the proposed cost of Phase 5 have come in at roughly $58,000 under their original estimated budget for engineering services for Hanson Park.

Manager Haake asked if all the approvals were received. District Engineer Belfiori stated verbal indication from the Corp Lead Regulatory Staff at the St. Paul District was received.

Motion by Manager Haake, seconded by Manager Wagamon, to approve the Houston Engineering request for services with a total cost of $217,300 as defined in the attached Task Order 2016-023, dated August 3, 2016, authorizing the Board President to execute the document.
District Engineer Deutschman indicated there are two sub consultants in the agreement with Houston Engineering and per their contract with the District that they use subcontracted consultants for geo-technical work and for some electrical engineering support.

*Motion carried 5-0.*

3. **Consider Clean Water Grant Application.**

District Technician Berger stated the following projects need Board approval to move forward. She reviewed each of the project with the Board.

a. **R16-03, Miner Streambank Stabilization**

District Technician Berger stated this project proposes the restoration of a streambank along Rice Creek in New Brighton. The project will include the removal of an existing railroad tie retaining wall and the regrading of the property to make room for a new riprap toe and streambank buffer. The project is adjacent to Rice Creek, which ultimately drains to Locke Lake, a Tier III Water body in the RCWD Watershed Management Plan.

*Motion by Manager Haake, seconded by Manager Waller, to approve RCWD Clean Water Grant Program Contract R16-03 for the Miner’s Streambank Stabilization project, up to $7,500 and not to exceed 75% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.*

b. **R16-04, Iwaszko Raingarden Application**

District Technician Berger stated this project proposed the installation of a multi-celled rain garden at a shoreline property off Turtle Lake in Shoreview. The project will include the removal of some existing landscaping to make room for the newly installed rain garden which will help treat runoff coming from the large driveway, street, and a portion of the hard surfaces from a new home that was recently built. The new homes driveway contributes runoff which makes its way across the street towards the Iwaszko property. The project is adjacent to Turtle Lake; a Tier I Water body in the RCWD Watershed Management Plan.

*Motion by Manager Wagamon, seconded by Manager Haake, to approve RCWD Clean Water Grant Program Contract R16-04 for the Iwaszko’s rain garden project, up to $7,500 and not to exceed 75% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.*

c. **R16-05, Blin-Byers Shoreline Stabilization**

District Technician Berger stated this project proposes the stabilization and restoration of a shoreline along Bald Eagle Lake in White Bear Township, MN. The landscaper is proposing to utilize existing trees on site, along with some harvested MN prairie trees to install cedar
revetments to help stabilize the steep shoreline. Hydro-mulch and wild seed mix will be utilized to help establish vegetation in the upland areas after it’s disturbed. The landowner will also include some plugs to help fill in the planting and stabilize the area. The project is adjacent to Bald Eagle Lake; a Tier I Water body in the RCWD Watershed Management Plan.

Motion by Manager Bradley, seconded by Manager Haake, to approve RCWD Clean Water Grant Program Contract R16-05 for the Blin-Byer’s shoreline project, up to $4,877.50 and not to exceed 50% of eligible project expenses, in accordance with established program guidelines.

President Preiner asked this item be brought back once completed because the cedar revetment is something that has not been done before. Manager Haake thought they also needed to look at a new name for this program.

Motion carried 5-0.

d. W16-01, Calderon Shoreline Stabilization
District Technician Berger stated this project proposed the installation of a raingarden on a shoreline property off White Bear Lake in Birchwood Village. A dry creek bed will direct water from the lawn and garage area into the raingarden and will provide additional treatment to the property before it makes it to White Bear Lake, a Tier I Water body in the RCWD Watershed Management Plan.

Manager Haake asked if there is water going into the garage because it looks like it might. She wondered why they would want water to go into the garage. District Technician Berger stated by installing the catch basin box it would allow discharge into the air and there will also be some type of filter media within the box to help with drainage. The box would be cleaned out by the landowner and they could alter the maintenance agreement that they require to include that portion. Manager Haake thought this item should be tabled.

Manager Bradley asked if this is a new drain tile. District Technician Berger indicated it would be existing. Manager Bradley thought their action would be to approve this to improve an existing situation because it would be an improvement to an existing drain tile, not installing a new drain tile in a garage and for that reason he would not need to table it.

Manager Haake thought it looked like a new garage with new cement and new tile being put down. District Technician Berger thought they were doing improvements on the siding and roofing of the garage, this was not a new garage.

District Administrator Belfiori stated they may wish to approve this pending concurrence from the Building Code Official in the City. He did not know what their specific codes are.
Motion by Manager Waller, seconded by Manager Bradley, to conditionally approve RCWD Clean Water Grant Program Contract W16-01 for the Calderon’s raingarden project, up to $3,242.51 and not to exceed 50% of eligible project expenses, in accordance with established program guidelines subject to pending the research into the drain pipe coming through the garage floor and concurrence from the Building Code Official in the City. Motion carried 5-0.

4. Consider authorization to submit/partner on Clean Water Legacy BWSR grant applications – discussed at 8/8/16 workshop meeting.

District Administrator Belfiori stated the packets passed out before the meeting have three applications for the BWSR Clean Water Fund Grant and corresponding interagency agreements for three projects. 1) Forest Lake High School Storm Water Reuse Project, 2) Fridley Civic Center Complex Redevelopment Project and 3) Oasis Pond Iron – Enhanced Sand Filter Project. Staff is recommending that the Board of Managers authorize the Administrator to take the necessary steps to submit the BWSR Clean Water Fund Grant Applications for the three projects. Staff also recommends that the Board authorize the Administrator or Board President to enter into inter-governmental agreements to outline the intend RCWD and the other local partner’s roles and responsibilities related to the shared grant application and possible partnership project.

Manager Haake requested the amounts the District will spend on each project be included in the motion. Manager Bradley seconded the amendment. Manager Waller accepted the amendment. Motion carried 5-0.

Motion by Manager Waller, seconded by Manager Bradley, to authorize the Administrator to take the steps necessary to submit the BWSR Clean Water Fund Grant Application for the 1) Forest Lake High School Storm Water Reuse Project, the District obligation is $50,000 or less, 2) Fridley Civic Center Complex Redevelopment Project, the District obligation is $65,000 cash match, and 3) Oasis Pond Iron – Enhanced Sand Filter Project, the District obligation is $60,000, and authorizes the Administrator or Board President to enter into inter-governmental agreements with the project partners to outline the intend RCWD and the partners roles and responsibilities related to the shared grant application and possible partnership project, costs are dependent on Grant approval. Motion carried 5-0.

5. Consider Check Register dated August 10, 2016, in the amount of $77,755.22, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated August 10, 2016, in the amount of $77,755.22, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Update and Timeline

District Engineer Deutschman updated the Board on the Engineering timeline.
2. Manager's Update

Manager Waller updated the Board on his attendance with District Administrator Belfiori at the Washington County Consortium August 3rd regarding Buffer Law implementation. He noted it was very informative and would like to invite Doug Thomas from BWSR to talk about the subject with the Board at one of their workshops.

ADJOURNMENT

Motion by Manager Haake, seconded by Manager Waller, to adjourn the meeting at 9:52 a.m. Motion carried 5-0.