Minutes

ROLL CALL


Absent: None.

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

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

Visitors: Jason Husveth

CALL TO ORDER

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

SETTING OF THE AGENDA

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

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the July 23, 2014, Board of Managers Regular Meeting.

Manager Haake requested the following changes: Page 6, line 113, remove the second “Attorney”. Page 112, lines 397-400 she wanted to know what the response meant. District Administrator Belfiori responded the Walmart application was not related to the need for additional drainage and did not require improvement of the downstream drainage ditch in order to allow the application to move forward and the application had nothing to do with the ACD 53-62 Branch 1 discussion they would be having today. He stated he would add the appropriate wording to the minutes.

District Attorney Smith stated on page 9 at line 286, add the words “by the City” after the word improved. Page 10, line 297 remove the word they and insert “the City”. Line 304 insert “.was filled in by the City when 85th”. Line 320, remove the second issue and insert “official ditch profile”. Page 12, line 394, remove the word project and insert “permit”.

Manager Haake noted the minutes were so inclusive. She complimented the recording secretary and noted they were good minutes.
Motion by Manager Wagamon, seconded by Manager Ogata, to approve the minutes as amended. Motion carried 5-0.

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:

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PERMIT APPLICATIONS REQUIRING BOARD ACTION

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Manager Waller requested further information. He noted a few years ago they had a problem with drainage backing up on the farm and it went all of the way back to the farm buildings, which was caused by a blockage on the property to the south. He asked staff go out there and make sure this was not on the property. District Engineer Buntjer responded he understood.

Manager Waller requested an explanation. He stated this was on JD2 and a few years ago the gas line company has two major pipes there, which came from the northeast into Fridley, and they were above the as-built profile. He stated he was happy to see the gas company was putting this in now at their expenses. He noted this was a public danger to have the pipes exposed and now they were going to be 5-6 feet below the as-built constructed profile. He thanked the gas company for their efforts and noted this was a security issue.

Manager Haake stated when there were gas lines and they would be put in much lower than JD2 would the pipes be put in at a slope and would there be some type of pumping used. District Engineer Buntjer responded he did not have this information, but he did know there would be several pumps used but he was not sure where the pumps were located. He believed they would have automatic shut-off valves.

Motion by Manager Haake, seconded by Manager Waller, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD staff and District Engineer’s Findings and Recommendations, dated July 2, 2014 and August 5, 2014. 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.
ITEMS REQUIRING BOARD ACTION

1. Consideration of issuance of notice to proceed, approval of rare plant avoidance strategy report and submittal of report to DNR for Anoka County Ditch 53-62 Branch 1 Repair project. (Phil Belfiori)

Administrator Belfiori explained the material in the packet mailed should be substituted by the information given just prior to the meeting.

He reviewed the attachment to the packet including the memo from Rinke Noonan dated August 6, 2014, the proposed cover letter to Jeanne Daniels (DNR) regarding the Rare Plant Avoidance Strategy Report for ACD 53-62 Branch 1 Repair project, a Rare Plant Avoidance Strategy Report for ACD 53-62 Branch 1 Repair project, the Notice to Proceed, and a proposed letter dated 8/11/2014 to Kate Drewry of the DNR.

He stated at the July 9, 2014 meeting the Board directed the Administrator to receive authorization from the Board prior to issuing the Notice to Proceed for the ACD 53-62 Branch 1 Repair project and that the Administrator and the District Engineer were further directed to take reasonable and necessary steps to manage the Districts liability associated with this contract prior to seeking authorization from the Board to issue the Notice to Proceed.

He indicated staff from HEI, CCES and Rinke Noonan were at that meeting to summarize the Report and answer questions related to the report and the memo from Rinke Noonan dated August 6, 2014.

District Engineer Deutschman stated one of the conditions in the DNR letter was that the District complete an inventory for rare plants along the alignment of the public drainage system and if they found rare plants, they would not knowingly take them and that is what they had been working on. He stated Jason Husveth of Critical Connections Environmental Services had been retained to complete the rare plant survey and assist the District.

Jason Husveth, Critical Connections Environmental Services, stated they had been working since late May to complete 2 of the 3 surveys of the ditch system. He reviewed the results so far of what they have found. He noted they were working off of the new rare species list recently passed into Statute. He pointed out they found some very rare plants in the area. He stated they would fence the areas off where the rare plants were found to avoid impact during construction. He noted repair of the ditch would need to take place in the winter if the plants are not fenced off and no spoil piles could be placed on top of the rare plants. He stated running machinery in the winter in these areas would not impact the rare plants and was actually beneficial to germination from the existing seed bank.

Manager Haake asked what the carnivorous plants ate. Mr. Husveth responded they captured bugs, which provided nutrients to the plants once they died. He noted while these plants were not rare, their presence would indicate rare plants could also be within the vicinity.

President Preiner asked about the spoil piles and maintenance in the future. Mr. Husveth responded when they wanted to clean in the future, it would be based on the condition at the time. It would not be dealt with as a grandfather opportunity.

Manager Waller asked if the blackberries were edible and would it prevent someone from picking the berries. Mr. Husveth responded someone could not knowingly pick the berries.
Manager Waller asked if they had to keep the public from these rare plants. Mr. Husveth responded most of the properties were private and as long as the public did not know what they were looking at it was not against the law.

District Administrator Belfiori asked if any of the species in the blue hatched areas would be affected by water level changes as a result of the repair. Mr. Husveth responded it was his professional opinion that they would not be affected by water level changes.

District Administrator Belfiori noted Mr. Husveth had mentioned they were planning on doing another inventory at the end of August. He asked if he anticipated that the August survey would affect the avoidance plan or the size of the avoidance areas in the current plan. Mr. Husveth responded the results of the August survey would draw down the avoidance plan and they would get smaller. He stated he did not want to expand the areas in the future, so the idea was to cast a broad net in May and bring it down further in June after those surveys and then bring it down again after the August surveys. He did not believe the plan or the methods would change.

District Engineer Deutschman showed the Board how the survey results had been incorporated into the Plan being submitted to the DNR. He noted they had defined what they considered an impact to the rare plants that would cause mortality. He stated they have determined that winter construction would be okay. He stated the contractor had been informed about the avoidance strategy. The contractor had verbally indicated fencing off the areas to avoid the rare plants was not a large impact on how he expected to do work and he believed it would only cost a couple thousand dollars more to do this. Engineer Deutschman noted a change order would be coming forward for this. The change order would address some specific items requested by the City of Blaine related to the Levers Street culvert and the fencing the rare plant areas. He stated they were still waiting for the Corp letter of permission on the Bermo property for the reroute, but this permission letter was being worked through the Corp system.

Manager Haake stated she was going to think a little bit more when she went through the fields as to what she was stepping on or eating.

Manager Ogata asked if there was a potential disagreement regarding the knowingly taking. District Engineer Deutschman responded he did not believe there was. He noted those words were used in the statute. He stated they have been proactive in defining what construction activities might cause the plants to die.

District Attorney Smith noted the Rinke Noonan memorandum stated there was no knowingly requirement so they should note that was at least a possibility and the actual taking was the issue.

Manager Ogata stated he believed this had an impact of whether the DNR believed this had to be a knowingly taking or not.

District Engineer Deutschman stated they had done a very thorough job in completing due diligence to avoid an impact. However, it was possible the DNR would disagree but the District was well prepared to make their case.

Manager Ogata stated Attorney Kolb had agreed with the District's strategy.

Manager Waller stated it was also important to note that Attorney Kolb had pointed out that this was a drainage system and drainage systems were exempt from some of the rules, but oftentimes people had a different interpretation of the statute.
Manager Haake believed due diligence had been performed and the District was in the right.

Motion by Manager Ogata, seconded by Manager Wagamon, to approve the Rare Plant Avoidance Strategy Report and authorize the Administrator to sign the attached cover letter to Ms. Jeanne Daniels, DNR South District Manager to submit this cover letter along with the Rare Plant Avoidance Strategy Report to the DNR. Motion carried 5-0.

Motion by Manager Ogata, seconded by Manager Wagamon, to authorize the Board President to sign notice to proceed and issue the notice to proceed for the project on advice of counsel and when prerequisite for issuance have been met by the contractor. Motion carried 5-0.

Motion by Manager Ogata, seconded by Manager Haake, to authorize and direct the Engineer to ensure that the activities defined in the Rare Plant Avoidance Strategy Report are represented in the contract documents. Motion carried 5-0.

Motion by Manager Ogata, seconded by Manager Haake, to authorize and direct the Engineer to determine the best means and methods to complete the proposed ditch reroute on Lateral 1 of Branch 1. Motion carried 5-0.

Motion by Manager Ogata, seconded by Manager Haake, to approve letter dated 8/1/2014 to Kate Drewry, DNR, and authorize the Administrator to sign and submit to DNR. Motion carried 5-0.

2. Consider Resolution Approving Impact Sequencing and Approving Replacement Plan for Impacts to Wetland Related to the Repair of Branch 1 of Anoka County Ditch 53-62 (Phil Belfiori)

Administrator Belfiori explained the Resolution was related to the Wetland Conservation Act approval. He stated Houston did develop a permit review memorandum that was in their project file at the District office.

District Engineer Deutschman stated there was .39 acres of impact subject to the Wetland Conservation Act and .51 acres of mitigation. He stated they would buy credits from the bank and use credits from the Browns Preserve.

Motion by Manager Haake, seconded by Manager Wagamon, to approve Resolution 2014-26, Resolution Approving Impact Sequencing and Approving Replacement Plan for Impacts to Wetland Related to the Repair of Branch 1 of Anoka County Ditch 53-62.

ROLL CALL:
Manager Waller — Aye
Manager Haake — Aye
Manager Ogata — Aye
Manager Wagamon — Aye
President Preiner — Aye

Motion carried 5-0.

Administrator Belfiori explained this was a continuance of the last Board meeting where a public meeting was held for the reestablishment and correction of the drainage system records for Anoka-Ramsey Judicial Ditch 1.

*Motion by Manager Wagamon, seconded by Manager Haake, to approve Resolution 2014-23, Findings and Order Correcting Drainage System Record for Anoka/Ramsey Judicial Ditch 1.*

**ROLL CALL:**

Manager Waller – Aye
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
President Preiner – Aye

*Motion carried 5-0.*

4. Consider Release of the Request for Proposals (RFP) for Engineering Services on the Middle Rice Creek Restoration Project (Phil Belfiori)

Administrator Belfiori stated Middle Rice Creek was eroding and unstable. He indicated past channelization along with increased peak flows from stormwater conveyances have led to down cutting and stream bank erosion. The sedimentation impacts fish and invertebrate habitat in Middle Rice Creek. He noted the associated downstream transport of sediment and phosphorus impacts Long Lake. He indicated in 2008, the District Engineer studied the feasibility of meander restoration of Middle Rice Creek and recommendations from the study were incorporated in the RCWD Capital Improvement Plan. He stated the recently acquired BWSR Targeted Watershed Program grant would fund the Middle Rice Creek Restoration Project. He stated the first step was hiring a project engineer so the RCWD staff had prepared an RFP for engineering services. He stated engineers in the pool would be invited to submit proposals. He indicated the Board Liaisons with staff would review submitted proposals and make a recommendation to the Board at a future meeting. He recommended releasing a RFP for engineering services on the Middle Rice Creek Restoration Project.

*Motion by Manager Haake, seconded by Manager Ogata, to direct staff to release an RFP for engineering services on the Middle Rice Creek Restoration Project to the RCWD engineering pool.*

Manager Ogata asked if there would be one recommendation to be brought back to the Board. District Administrator Belfiori responded the proposals would be submitted by the deadline and those proposals or applications would be submitted both to the staff involved as well as Managers Haake and Waller. He stated they would be ranked and the committee might choose to conduct an interview and depending on interviews that recommendation would be brought back to the full Board for approval.

Manager Haake stated as they went through the interview process, it should not preclude anyone else from listening to it even if they had to provide notice.

*Motion carried 5-0.*
5. Consider Water Quality BMP Cost-Share Applications (Kyle Axtell)
   
   a. R14-01: MN Assoc. of Professional Employees, Stormwater Retrofit (Lake Johanna)
   
   Water Resource Specialist Axtell explained this application was a 1.5 acre project site for a commercial stormwater retrofit. He stated the MAPE Board had decided to go with the full project as amended by a removal of a bio-swale. He indicated they were left with a total eligible project cost of $127,459.12 and MAPE has applied for $25,000 in cost-share assistance, not to exceed 25% of eligible project expenses. He noted they were also receiving $25,000 in State cost-share assistance to this project from the Ramsey Conservation District.

   Manager Waller asked if the balance would come from their own funding. Water Resource Specialist Axtell responded the remaining balance would be paid by MAPE.

   Motion by Manager Ogata, seconded by Manager Wagamon, to approve RCWD Water Quality BMP Cost-Share Contract R14-01 for Minnesota Association of Professional Employees' commercial stormwater retrofit project, up to $25,000, not to exceed 25% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

   b. R14-02: Paulina Li, Lakeshore Restoration & Critical Area Stabilization (Karth Lake)
   
   Water Resource Specialist Axtell explained this was a lakeshore restoration and critical area stabilization project on Karth Lake. He noted the total eligible project cost was $111,100.00 and with the requested RCWD cost-share request of $5,000.00. He noted the proposal was considered by the CAC and they recommended the RCWD approve the project for up to $5,000.00 in cost-share funding, not to exceed 50% of eligible project expenses.

   Motion by Manager Haake, seconded by Manager Ogata, to approve RCWD Water Quality BMP Cost-Share Contract for R14-02 for Pauline Li's lakeshore restoration project, up to $5,000.00, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

   c. RCWD 14-01: Cesar Castillejos, Raingarden (Moore Lake)
   
   Water Resource Specialist Axtell explained this project was a small raingarden in Fridley. The total eligible cost was $701.80 with a requested RCWD cost-share request of $350.90. He stated the CAC had recommended the Board approve this project for up to $350.90 in cost-share funding, not to exceed 50% of eligible project expenses.

   Motion by Manager Haake, seconded by Manager Waller, to approve RCWD Water Quality BMP Cost-Share Contract RCWD 14-01 for Cesar Castillejos' raingarden project, up to $350.90, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

   d. RCWD 14-02: Maggie Granroth, Raingarden (Middle Rice Creek)
   
   Water Resource Specialist explained this project was a large raingarden in the city of Mounds View. He indicated the total eligibility cost was $1,019.00 and the RCWD cost-share request was $509.50.

   Motion by Manager Haake, seconded by Manager Wagamon, to approve RCWD Water Quality BMP Cost-Share Contract RCWD 14-02 for Maggie Granroth's raingarden project, up to $509.50, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

6. Consider Partial Payment Request #5 from Sunram Construction for the Lower Hardwood Creek Restoration and Stabilization Project (Phil Belfiori)

   District Belfiori stated this was for partial payment number 5 to Sunram Construction for the Lower Hardwood Creek Restoration and Stabilization Project.
Motion by Manager Ogata, seconded by Manager Waller, to approve payment Request #5 from Sunram Construction in the amount of $16,548.87, which includes a 5 percent retainage.

Motion carried 5-0.

Manager Waller requested staff to let the Board know of pending raingarden projects for the budget discussions.

Motion by Manager Wagamon, seconded by Manager Ogata, to approve check register dated 8/13/2014 in the amount of $30,913.25 prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Engineer's Update and Timeline
   There were no comments made.

2. Manager's Update
   Manager Waller stated the Managers had received letters from each of the County Boards concerning the outlet for Bald Eagle Lake.

Manager Haake there was a YouTube presentation on Blue Gold and there was an excellent book called The Big Thirst that the District had just purchased. She will read it and pass it around to those who are interested.

ADJOURNMENT

Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:26 a.m. Motion carried 5-0.