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-President Barbara Haake, 2nd Vice-President John Waller, Secretary Mike Bradley, and Treasurer Steve Wagamon.

Absent: None.

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

Consultants: District Engineer Mark Deutschman, Houston Engineering, Inc. (HEI); and District Attorney Chuck Holtman from Smith Partners.

Visitors: Mike Grochala, Dale Reed, Paul Heuer, Brandon Elegert, Eric Meyer.

SETTING OF THE AGENDA
District Administrator Belfiori added item 9 (Consider Resolution for Abatement of Charges in ACD 15/JD4).

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the April 6, 2015, Board of Managers Meeting Workshop Meeting and April 8, 2015 Regular Board Meeting Minutes.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve the April 6, 2016 Workshop minutes as presented. Motion carried 4-0-1 (Manager Haake abstained due to her absence).

Motion by Manager Wagamon, seconded by Manager Bradley, to approve the April 8, 2015 Regular minutes as presented. Motion carried 5-0.
President Preiner made opening remarks: The regular Board meeting is now recessed and the public hearing is opened on the Rice Creek Watershed District’s proposed selection of projects for funding through the District’s Urban Stormwater Remediation Cost-Share Program.

The purpose of this hearing is to receive comments from the public on the projects that the Board is considering for cost-share assistance in the City of Arden Hills, City of Columbia Heights, City of Fridley, City of Roseville, and White Bear Township.

Before the watershed district can provide funds for the capital work of these communities, state law requires that the board of managers hold a public hearing, receive public comments and make a judgment that each selected project is a sound and cost-effective project to help fulfill our water resource goals. That is the purpose of today’s hearing. In accordance with state law, notice of this hearing was published for two successive weeks in the St. Paul Pioneer Press and mailed to all cities within the watershed district, as well as the district’s four counties.

First, I would ask Kyle Axtell, our Water Resource Specialist, to give a brief presentation of the proposed projects. When his remarks are completed, the floor will be open for any members of the public who wish to address the board. At that time, if you wish to comment, please come forward to the podium and state your name and address for the record. If you have a written copy of your statement, or any other documents that you would like to submit, please give them to Theresa Stasica, our meeting clerk.

During public comment, managers are welcome to ask questions of commenters to clarify their remarks. I also may ask Mr. Axtell or representatives of project applicants to respond to any technical questions raised. Managers will hold their own comments about the project until the public hearing is closed. At that time, the board will have the opportunity to discuss the projects.

Water Resource Specialist Axtell presented the cost share program goals and guidelines. He then proceeded to summarize the applications that were received. The applications were:

- City of Arden Hills – 2015 Pavement Management Program, addition of iron filings to several curb-cut biofiltration basins and 2 regional biofiltration basins to create iron-enhanced basins. An additional 2.4 pounds of total phosphorus removal and no additional total suspended solids removal. Total project cost is $82,225 and the applicant cost-share request is $41,112.
- City of Columbia Heights – Silver Lake Boat Landing Stormwater Retrofits, reconstruction and redesign of an existing stormwater pond at the boat launch including the addition of a new biofiltration basin. The total phosphorus reduction for Silver Lake is approximately 5.8 pounds annually. The project reduces total suspended solids loading to Silver Lake by 1.8 tons/year and peak runoff rate by 50% in addition to providing some flood storage. Total project cost is $268,400 and the applicant cost-share request is $50,000.
- City of Fridley – Village Green Stormwater Detention Expansion. Project proposes to excavate additional storage in an existing dry pond. Although the pond is not located within the District’s legal boundary, it is within the hydrologic watershed boundary. It takes runoff from 80 acres within the District and outlets to a storm sewer which ultimately flows to Lower Rice Creek and then to Locke Lake. The project reduces 821 pounds of total suspended solids and 3 pounds of total phosphorus. Total project cost is $184,650 and the applicant cost-share request is $50,000.
- City of Roseville – Evergreen Park Underground Storage & Reuse System, installation of a 30,000 cubic foot cistern to capture stormwater runoff which will be reused to irrigate four baseball fields. The total phosphorus reduction for Little Lake Johanna is approximately 11.5 pounds annually. The project reduces annual total
suspended solids loading to Little Lake Johanna by 2 tons and reduces total runoff volume discharged to Ramsey County Ditch 4 by 2.71 acre-feet. Total project cost is $454,662 and the applicant cost-share request is $50,000. The project has also been awarded a $300,000 BWSR Clean Water Fund Grant.

White Bear Township – Barry Lane Detention Pond Restoration, reestablish and enhance a stormwater treatment basin associated with Oak Ridge Pond which discharges to Bald Eagle Lake. The total phosphorus reduction for Bald Eagle Lake is approximately 5 pounds annually. The project reduces total suspended solids loading from the treatment area to Oak Ridge Pond by 65%. Total project cost is $70,300 and the applicant cost-share request is $29,880.

President Preiner opened the public hearing at 9:19 p.m.

No one wished to address the Board

President Preiner closed the public hearing at 9:19 p.m.

PUBLIC HEARING: PETITION OF PULTE HOMES FOR RE-ALIGNMENT AND PARTIAL ABANDONMENT OF A PORTION OF ANOKA COUNTY DITCH 53-62

President Preiner made opening remarks: Welcome everyone to the public hearing on the petition of Pulte Homes for the realignment and partial abandonment of a portion of ACD 53-62. For this hearing, the Watershed District Board of Managers is seated as the Drainage Authority for Anoka County Ditch 53-62. The purpose of this hearing is to receive comments from the public on the petition in order to inform the Board of the public’s concerns. Our decision on the petition is based on the following standard found in Minnesota Statutes Section 103E.227:

Based on the engineer’s report and other evidence presented, will the proposed action:

A. Be of a public or private benefit?

B. Impair the utility of the drainage system?

C. Deprive affected land owners of the drainage system’s benefit?

If the Board finds that the answer to the first question is “Yes” and the answer to the second and third questions is “No”, then the Board will make an order modifying the drainage system as requested in the petition.

To facilitate comments at today’s hearing, notice of the time and location of the hearing was mailed to the petitioners, owners of property, and political subdivisions likely to be affected by the proposed action.

The Board received a petition and bond from Pulte Homes for the realignment of a portion of ACD 53-62.

The Board accepted the petition and bond under statutes section 103E.227 and appointed Houston Engineering to prepare a report assessing the impact of the proposed action.

Houston Engineering completed its work filed a report with the Board. The petition and engineer’s report were made available for review at the District’s offices in advance of this hearing and will be reviewed today.

Please note that our proceedings today are being recorded.
The order of business for this hearing will be as follows: The District's Permit Coordinator will present information regarding the proposed action petitioned by Pulte Homes and the engineer's review of the action.

After the initial presentation, I will open the hearing for public comment. The Board would like to hear your comments and concerns regarding the proposed action. Our decision must be based on the legal requirements related to the petitioned action as well as the engineer's report and other evidence presented.

During the public hearing, managers may ask questions of staff or consultants making presentations and of commenters, in order to clarify any testimony.

In addition, if a member of the public asks a question and a manager believes that a response from the District staff or a District consultant can readily resolve the question or enrich the testimony, the manager may ask me to have the appropriate staff member or consultant speak to the question. I will exercise my judgment as to whether to allow such discussion.

However, managers' expression of their positions and general discussion concerning the subject of the public hearing should be avoided during the public comment portion of the public hearing. Board discussion will occur after all members of the public have had a chance to speak and the public comment period has been closed. Board discussion may occur and be concluded at this or a subsequent meeting, as the Board decides.

An issue has been identified by our staff that must be addressed before we can act on the petition. The proposed action will require an easement to encroach on an adjacent property. The governing statutes requires that the petitioner obtain all required permits and all necessary rights-of-way and flowage easements from owners of land to be affected by it before installing or constructing the project. Because the proposed action and the associated development also require a Watershed District Permit, we will likely continue this hearing after the close of public comment without making a decision. We will attempt to reconvene the hearing to coincide with our consideration of a permit for the project at which time we will issue a decision on the petition, which addresses the easement issue as well as any other issues identified during the hearing.

Permit Coordinator/Wetland Specialist Tomczik informed the Board that staff were notified by Pulte Homes that they were proposing a change to their plans. He requested to first give background on the petition and project and then the representative from Pulte Homes will speak to the matter. He also informed the Board that they were notified that Pulte Homes is proposing a residential housing development riparian to Anoka County Ditch 53-62, Main Trunk, located in the northwest quadrant of 109th Avenue and Lexington Avenue Blaine, MN. To commence the residential housing development as proposed, Pulte Homes has petitioned the RCWD Public Drainage Authority to realign a portion of the public drainage system ditch. On March 11, 2015 the RCWD Board accepted the petition and bond as well as appointed Houston Engineering to review the petition. Houston Engineering completed the review of the petition and presented its report at the April 8, 2015 Board meeting. The Board passed a resolution at that meeting accepting the engineer's report for filing, setting a public hearing at Shoreview City Hall for April 22, 2015 at 9 a.m., and directing staff to provide notice of the hearing as required by statute and local policy.

Permit Coordinator/Wetland Specialist Tomczik also informed the Board that the District is concurrently reviewing a permit application for the associated residential development. The intent is for both matters to come before the board for approval at the same meeting.
At this time, Permit Coordinator/Wetland Specialist Tomczik introduced the representative from Pulte Homes to speak to the petition and Pulte Homes’s proposed revision to the plan.

Mr. Paul Heuer, Pulte Homes, 7500 Office Ridge Circle, Eden Prairie, stated staff has been very responsive and clear on this project and has been appreciated. He stated there is a long history to this site and their goal was to provide the exact ditch relocation application that was submitted and approved in 2006 or 2007 and that is what they did. He stated the property next to them has gone tax forfeit and while the State and County want to work with Puke Homes they cannot do anything for a long time. He stated it is in their best interest at this time to make a minor modification on which his staff is working. It consists of moving the north end of the culvert about fifty feet to the east so it will lie entirely on their property and will not need any kind of agreements from the State. He stated they are fine with having the public hearing recessed to a future date to line up exactly with their permit application.

Manager Haake asked in regards to moving the culvert over fifty feet, will Pulte Homes lose a home. Mr. Heuer indicated the lots do have an extra depth so the road will be moved over a slight amount so the culvert can be moved and they believed this can be accomplished without losing any lots. He noted his staff was working on it.

Manager Bradley wondered if they will need to re-notice for the public hearing because of the location change. President Preiner indicated that information will come at the end of the Public Hearing.

President Preiner continued with her statement: With that, we are ready to hear from members of the public who wish to comment. If you would like to make a comment, please come up to the podium when I recognize you, speak into the microphone and state your name and address for the record. If you have a specific question concerning the proposed action, we may ask our administrator, permit coordinator, engineer or legal counsel to respond. If you have anything in writing you wish to submit you can provide it to me during the public comment period.

President Preiner opened the public hearing at 9:35 p.m.

No one wished to address the Board.

President Preiner stated: There being no further testimony from the public, I close the public comment portion of the hearing.

Motion by Manager Wagamon, seconded by Manager Haake, to direct staff to prepare a resolution consistent with the proceedings, including responses to all comments received through the public comment process; that the resolution be written to effect approval of the petitioned action subject to a condition that the petitioner may not proceed to construct the drainage system modification until it acquires all required permits and all necessary rights-of-way and flowage easements from owners of land to be affected by it; and that we recess this hearing to the Board’s regular meeting on May 13, 2015, at 9:00 a.m., or by adjournment to an appropriate time on the Board’s agenda, at which meeting we will consider a resolution approving the petitioned action. Motion carried 5-0.

The public hearing is recessed and the regular meeting is reconvened.

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

No.  Applicant  Location  Plan Type  Recommendation

15-012  City of Mounds View  Mounds View  Street & Utility Plan  CAPROC 5 items

Manager Haake stated on this item it states there will be 38 rain gardens within a two mile area and she knew in the past that with Mounds View, over a two mile area they have been able to put in at least one hundred rain garden areas. She stated this is a street reconstruction project in a City that is completely developed with very little open area left and rain gardens are essential for them to try to improve the quality of water as it goes into Rice Creek. She asked if they were expected to accept the fact that they were only able to sell 38 rain gardens to the residents or do they do anything to try to increase those rain gardens in the area.

Technical Specialist/Permit Reviewer Buntjer stated the 38 rain gardens proposed are adequate to meet the Rice Creek’s rules.

Manager Haake wanted to make sure that was correct and if so then previously when they had one hundred rain gardens within a two mile area, they were exceeding the amount necessary. Technical Specialist/Permit Reviewer Chris Buntjer stated there is a street and utility plan with the District and that there is a historical situation under permit 04-061 where the City was not able to provide adequate treatment so it established a debit with the District and by a 2009 agreement with the District is obligated to create surplus volume management to address the debit over time. In this case, they are providing 28,215 cubic feet of treatment, which reflects an excess of approximately 720 cubic feet to be applied to the debit. He believed they were trying to put in as many rain gardens as they can get residents to volunteer for.

No.  Applicant  Location  Plan Type  Recommendation

15-021  City of Lino Lakes  Lino Lakes  Final Site Drainage Plan  CAPROC 5 items

Manager Haake asked if this is in the same area where they are having the issue going under 35. Technical Specialist/Permit Reviewer Buntjer indicated on the map the location where the issues are located. Manager Waller explained the issues that are occurring in that area.

Manager Haake asked if mitigation will occur on site if there are issues. Permit Coordinator/Wetland Specialist Tomczik stated at this time they have not received or sufficiently reviewed the wetland impacts for the project. It is going to be a separate application. He reviewed the project previously and discussed it at a Board workshop meeting.

Permit Coordinator/Wetland Specialist Tomczik stated this application is specific to the Fire Hall itself and its storm water needs and does not address the wetland impacts that are proposed in the future for work on the adjoining roads and the entry roadway from those roads into the Fire Hall property. He noted that this is not the best way to approach their rules. In this case staff asked Lino Lakes to submit a letter acknowledging that when the wetland application is reviewed for considerations such as sequencing and vegetated buffer, the site will be considered in its undeveloped state, and if a design adjustment is needed for compliance, the City will make it. The City has submitted the requested letter. He reviewed the WCA review Rule F with the Board.

Permit Coordinator/Wetland Specialist Tomczik stated when they follow the WCA Rule F, staff will be considering the site as if the Fire Hall that they are currently contemplating does not exist. There is some risk there but as Lino Lakes provides more information staff has greater comfort that they are showing correct buffers to the wetlands and what those impacts will be and the applicant has identified that they accept that risk.

Manager Haake stated because this is on a fast track, is that why they have this before them without that information. Permit Coordinator/Wetland Specialist Tomczik indicated that was correct. He noted this application will not come back
to the Board unless there is an amendment in the future but there will be a partner application, which address the 
wetland impacts, turning lanes and connecting roads.

Manager Bradley stated on page 32, it is his understanding the word "otherwise" should have been removed. Permit 
Coordinator/Wetland Specialist Tomczik stated in three locations of separate engineer’s reports there needed some 
clarification for the record. He stated basically there was some language included that carried over from some earlier 
versions of the Engineer’s report such as “otherwise” which they would like to strike out. He stated the first one is on page 
32, second block of text, last sentence; another is on page 51, bottom of the page, last sentence; last change is on page 63, 
last block of text.

Technical Specialist/Permit Reviewer Buntjer stated on page 39, within the first table, under the location of Valentine Park 
Bio-Filtration Basin, that area location is incorrect and should read “Southwest of Snelling Avenue North and Lake 
Valentine Road”. He stated another change was on page 57, within the table under “Volume Provided” it is listed as TBD 
and the volumes have been determined - for expanded existing pond 5 it should be noted as 12.98 acre feet and for 
existing pond 6B, it should be 1.15 acre feet.

Manager Haake stated on page 57, she noticed in the last block of text, third line down it is stated “modeling entire 
area with Atlas 14 values would be considered an unreasonable burden to the applicant”. She stated she noticed 
this in other projects as well and down further it talks about existing emergency overflow elevation of the BMP is two feet 
lower than the low entry elevation. She knows Atlas 14 includes larger rain events and can understand the unreasonable 
burden to people in the area because they have such a high water table but she would like a little more elaboration on 
that. Technical Specialist/Permit Reviewer Buntjer explained this is a complicated drainage area where there are many 
 sources draining into one area. He reviewed the project with the Board. He noted that emergency overflows usually do 
not get inundated with water more than a few inches deep. He noted it is unlikely there will be any flooding on this 
property.

District Attorney Holtman stated when staff is speaking of unreasonable burden, they are not speaking of the burden of 
the applicant to comply with the Districts’ rules using Atlas 14 data but rather the burden to actually model the storm 
water flow data for the purpose of the permit. He stated this relates to a situation not addressed when the District 
switched to Atlas 14 data. It concerns regional facilities previously built to accommodate industrial/commercial 
subdivisions, where the capacity available for each parcel was determined on the basis of TP40 precipitation data. When 
one of the undeveloped parcels comes forward for development, their ability to show compliance was based on TP40 
parameters and if they have to go back and show compliance showing Atlas 14 parameters, then it becomes necessary to 
remodel the regional basin and the entire area, which is what staff and the engineer are indicating is unreasonable. What 
they asked the engineer to do in this case is to provide an analysis of these situations using the parameters of these designs 
for them to be confident that the District’s standards will be met in this case, even though the basin is not being 
remodeled. Staff has also asked Houston Engineering to draft a memorandum that constitutes a general set of criteria so 
that the District in future cases is approaching all of these in a consistent way and making sure that the storm water 
management is adequate to provide for compliance with the District standards without the individual applicants having 
to go back and do all of the excessive modeling.
Permit Coordinator/Wetland Specialist Tomczik stated in this case it was found that based on the information they have and based on the TP40 information, they see compliance but in other applications it may not be as evident in which case an applicant may have to model the whole drainage area using Atlas 14 because it is in the grey area.

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<th>No.</th>
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<td>15-028</td>
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<td>15-029</td>
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<tr>
<td>15-030</td>
<td>TAT Properties LLC</td>
<td>Arden Hills</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 6 items</td>
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Manager Haake stated it looked like they were finally getting some bio-filtration basins and they looked small. She wondered if this will handle all of the run off. Technical Specialist/Permit Reviewer Buntjer showed a map of the proposed development and indicated there were several basins being proposed along with an existing pond with a bio-filtration bench, which is being proposed to be expanded.

Manager Haake stated this is the concern for Clear Lake and she received a call regarding freeboard and she asked if they were adhering and are still treating the water and holding it back enough so Clear Lake will not be harmed by all of the additional impervious surface with the development. Technical Specialist/Permit Reviewer Buntjer indicated that was correct. He showed a map of the project and reviewed where the proposed buildings would be built.

Manager Haake asked if the triangle was large enough to take care of the drainage. Technical Specialist/Permit Reviewer Buntjer stated the three blue areas on the design are bio-filtration basins and have been adequately sized to treat the area that is draining to them. The three basins are all existing and the application is coming back for approval to construct the remaining buildings.

**Motion by Manager Haake, seconded by Manager Waller, to approve the consent agenda as outlined in the above Table of Contents permits 15-012, 15-021, 15-022, 15-024, 15-025, 15-026, 15-027, 15-028, 15-029, 15-030, 15-031, 15-032 in accordance with RCWD staff and District Engineer’s Findings and Recommendations, with Findings dated March 27, 2015; April 14, 2015; and April 15, 2015 with Permit Coordinator/Wetland Specialist Tomczik and Technical Specialist/Permit Reviewer Buntjer’s engineer report language changes.**
**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


Water Resource Specialist Axtell explained at its regular meeting on December 10, 2014 the RCWD Board authorized staff to solicit proposals for the 2015 Urban Stormwater Remediation Cost-Share Program. A request for proposals was released and five proposals were received by the application deadline of March 13, 2015. Proposals received were requested to be preliminary in nature, so as to not require large outlays of capital by applicants only to have their proposal denied. Further planning and design will occur upon approval by the RCWD Board. The RCWD has $145,000 available for project funding in 2015 and a total of $220,992 was requested by five applicants.

RCWD staff presented the applications to the RCWD Citizen Advisory Committee during its meeting on April 1, 2015. The CAC passed a motion recommending the Board of Managers allocate funding as presented by RCWD staff during the meeting. Houston Engineering has since completed its independent review of the applications.

RCWD staff is recommending approval of three applications as reflected in the proposed resolution.

Manager Bradley stated the City of Fridley project, pages 126 & 127, the District engineer indicates it cannot determine how much benefit comes from this project because they are affecting an existing ponding system. He wondered if staff has determined yet that the three pounds they are claiming to be beneficial is incremental or not. Water Resource Specialist Axtell indicated they have not determined that however, he noted the City had the Anoka Conservation District prepare the Pollutant Reduction estimate using WinSLMM. Historically when he has seen outputs from WinSLMM compared to some of the models used by other applicants, WinSLMM is notoriously low in its estimates and currently there is no storage within the basin. They will be converting that into a one acre infiltration basin that treats eighty acres of urban runoff. He stated three pounds is an extremely low estimate. This area of Fridley has had historic flooding problems as well and looking at the phosphorus reductions as well as those other flood control components leaves him to rank this at number three. He thought this was a great project.

President Preiner indicated she would like to see flood control raised to the top of their list when talking to the cities.

Manager Bradley indicated he was going to support this but thought it was a shame they would be passing up two projects and wondered if there would be a way for them to otherwise fund these projects or to look at that for their budget in 2016. District Administrator Belfiori stated there is flexibility in their fund balance that could be utilized. For 2016 they will be adjusting their program budget recommendation based on the current demand.

Manager Bradley suggested this be brought back to a workshop to discuss whether or not it would be reasonable to fund these other programs this year using other funds from the Watershed District. President Preiner indicated they could add this to a workshop meeting.

Manager Haake asked if the WMO contributes any money to this. Water Resource Specialist Axtell stated the City and Village Green Apartments have been working with the Mississippi WMO trying to seek funding for a project. They were able to get a planning grant from WMO to-date. The availability or timing of any Mississippi WMO project implementation funding is unknown.
Manager Waller asked if any of the projects planned on using water collected in the storm water basins for irrigation. Water Resource Specialist Axtell stated the City of Roseville’s project is specifically that use and the Fridley project is looking at a smaller scale of utilizing collected roof runoff to irrigate some community gardens.

Motion by Manager Wagamon, seconded by Manager Waller, to offer Resolution 2015-15 and its adoption.

WHEREAS the Rice Creek Watershed District has adopted a watershed management plan (WMP) in accordance with Minnesota Statutes §103B.231;

THEREFORE BE IT RESOLVED that pursuant to Minnesota Statutes §103B.251 and the WMP, the Projects are ordered; and

BE IT FURTHER RESOLVED that the Board of Managers hereby authorizes the Board President to execute each of the respective cost share agreements between the Rice Creek Watershed District and the Cities of Roseville, Columbia Heights and Fridley, with any final non material changes and on advice of counsel.

ROLL CALL:
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 5-0.

2. Consider Carp Solutions scope of work for Long Lake Carp Management Project
Lake and Stream Specialist Kocian presented the Carp Solutions Scope of Work for Long Lake Carp Management Project to the RCWD Board of Managers.

Manager Waller wondered if the equipment being proposed will be owned by the District. Lake and Stream Specialist Kocian indicated it would be.

Manager Waller asked if anyone on staff will be educated on the use of the equipment. Lake and Stream Specialist Kocian stated they would.

Manager Haake asked if the equipment purchase is in addition to the $67,150. Lake and Stream Specialist Kocian indicated that was correct.

Manager Haake asked if the carp being tagged and put into the lake be sterilized carp. Lake and Stream Specialist Kocian stated they would not be. These carp would be ones that have been captured and tagged and then released. He noted there is no net increase in carp.

Motion by Manager Haake, seconded by Manager Wagamon, to authorize the Administrator, on advice of counsel, to enter into a professional services agreement with Carp Solutions, LLC, for an amount not-to-exceed $67,150.00. Motion carried 5-0.
3. **Consider Houston Engineering task order for preliminary engineering design of Hansen Park Project.**

   Water Resource Specialist Axtell stated on March 25, 2015 the RCWD Board of Managers took several actions allowing development of the Hansen Park Project Component of Basic Water Management Project 2013-01 to continue, including approval of a Memorandum of Agreement with the City of New Brighton, acceptance of the Houston Engineering, Inc. (HEI) Conceptual Design Summary Report, and approval of RCWD Resolution 2015-09 ordering the project, among others. HEI Task Order 2015-18 was also approved, allowing work on the regulatory coordination associated with the complex project (Phase 2).

   Water Resource Specialist Axtell explained HEI’s task order for Phase 3, Preliminary Planning, is now ready for Board consideration. This Phase must be undertaken concurrently with Phase 2. Staff would like to note for the Board that any work to define “City-requested improvements” within the preliminary plans is NOT included in this task order. The total amount of the task order is not to exceed $214,700. Completion of work under this task order (and the concurrent work under Task Order 2015-018) will bring the project up to 70% plans and completion of all of the regulatory work in preparation for construction. Future task orders for Phases 4 and 5 will generally include developing the final plan set and project specifications manual, conducting the bidding process and completing construction oversight.

   Water Resource Specialist Axtell stated given the relative scope, size and cost of this project, staff feels it is warranted to keep the Board informed of past, present and future expected costs. Originally, the District – working with its engineer – developed an initial cost estimate of $4,800,000 for this project, including engineering, construction and a substantial contingency. This amount was used in the grant application and in development of the District’s budgets. The project’s estimated cost remains within the original estimate.

   Manager Haake stated she was against this because this is a $214,700 engineering cost and she agreed they have done task order one and two but she thought this should be going out to bid. She has observed an assumption that Houston Engineering would be the group to get the project and there is no competition in it.

   Manager Waller stated for clarification, Houston Engineering was not the only one out of six bidders that was high during the bidding for the Middle Rice Creek project. The engineering firm that received the award for Middle Rice Creek had experience with the situation and had performed work and written and done extensive work when they were the District Engineers and had those numbers available to them so that allowed them to come in with a lower price. Houston offers a similar advantage here.

   Manager Haake stated they had a policy and in the area of competition, she believed this is something that should be going out for bid.

   District Attorney Holtman stated the board did adopt a resolution that is still in effect stating for any professional services contracts greater than $150,000, they would use a competitive process, either competitive quotes or request for proposal. He stated his firm has not been advising on this project, and he does not know if, at the beginning of the process, the solicitation for professional services, encompassing all of the phases, had a competitive element or not and whether this therefore will just be a phase under the professional services agreement arrived at through that process.

   Water Resource Specialist Axtell stated this project has been pursued as a component of Basic Water Management Project 2013-01 as petitioned by the City of New Brighton and others. He reviewed the history of this project and stated that when the Board accepted the petition back in 2013 it established Houston Engineering, Inc. as the project engineer for the Basic Water Management Project 2013-01.
Motion by Manager Waller, seconded by Manager Bradley, to approve the Houston Engineering request for services with a total cost not to exceed $214,700 as defined in Task Order 2015-021, dated April 15, 2015, authorizing the Board President to execute the document.

Manager Haake stated if anybody is paying any attention to what they are doing, she thought they should come before them and do some protesting.

ROLL CALL:
Manager Haake – Nay
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 4-1.

District Engineer Deutschman stated there are multiple projects in this agreement and they have been able to gain a trust level with the City of New Brighton, which has helped with the project. They also have some additional geotechnical data in the project that has been done by another firm in order to reconstruct the dam and they are expecting the City will have to get a dam safety permit to reconstruct the dam itself so in the report there are some specific requirements to get through the process.

Manager Haake indicated she was not disparaging Houston Engineering and they do great work for them. She was saying they have a resolution and knew it was $150,000 and in the long run this is still a competitive thing and anybody that knows they have a cap of what they can go to, they have to assume that is where it is going to be.

District Engineer Deutschman stated he is not speaking to the issue of selection, which is the Board’s purview. It is challenging in terms of cost. He stated they can incur costs of projects in different ways, which cannot always be controlled. When the Board asks for a firm quote sometimes that is hard to do. He noted the District also incurs costs on the construction side. If there is going to be a cost incurred from a risk perspective to the District, typically it is more on the construction end rather than the professional side and therefore there is good reason to be thorough in project development.

4. Consider 2014 RCWD annual report
Administrator Belfiori reviewed the 2014 RCWD annual report with the Board of Managers.

Manager Wagamon thought staff did a great job on this.

Motion by Manager Haake, seconded by Manager Wagamon, to approve the 2014 Annual Report and submit to the Board of Water and Soil Resources. Motion carried 5-0.

5. Consider 2014 RCWD audit
Administrator Belfiori reviewed the 2014 RCWD audit with the Board of Managers.

There was discussion between the Board and staff regarding the wording in the standards of the audit.
Motion by Manager Wagamon, seconded by Manager Bradley, to accept and authorize the filing of the Rice Creek Watershed District 2014 Audit. Motion carried 5-0.

Consider findings and order accepting the Driessen Group, LLC petition to realign a portion of Anoka County Ditch 53-62 Lateral 1 and appointing engineer.

Permit Coordinator/Wetland Specialist Tomczik stated Driessen Group, LLC is proposing a commercial development riparian to ACD 53/62 Branch 1 Lateral 1, located in the northeast quadrant of Lexington Avenue and Ball Road Blaine, MN. To undertake the commercial development as proposed, Driessen Group is intending to realign a portion of the public drainage system ditch. Additionally, the project requires a permit from RCWD; Driessen Group has made application to RCWD for the permit.

Permit Coordinator/Wetland Specialist Tomczik stated consequently, Driessen Group has submitted a petition along with $10,000 bond to the RCWD as Public Drainage Authority. RCWD Public Drainage Authority needs to consider the petition, appoint an engineer to investigate the effects of the proposed realignment and report back their findings. This process will also require a public hearing for the proposed realignment.

District Engineer Deutschman reviewed with the Board items that are reviewed in projects.

Motion by Manager Wagamon, seconded by Manager Bradley, to consider the petition and approve Resolution 2015-16, Rice Creek Watershed District Board of Managers as Public Drainage Authority Findings and Order Accepting Petition and Appointing Engineer with the following findings:

A. The Board of Managers accepts the petition.

B. The Board of Managers appoints Houston Engineering to investigate the effect of the proposed realignment and file a report of findings.

C. The Engineer is directed to include in its investigation an assessment of effects from the realignment on benefitted property owners of the public drainage system.

D. This order is not an approval of the realignment proceedings, nor does it modify the drainage system. Subsequent proceedings on the petition will occur consistent with the requirements of Statutes Section 103E.227.

Manager Haake asked if the $10,000 bond was going all to this study or would it also be used later on. Permit Coordinator/Wetland Specialist Tomczik stated the $10,000 bond is a requirement of the Statute to cover the District’s costs of the proceeding. He reviewed the requirements with the Board.

ROLL CALL:
Manager Haake – Aye
Manager Bradley – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 5-0
7. Consider scheduling special workshop meeting for late May.
District Manager Belfiori stated the Board is asked to schedule a special workshop meeting for May 26, 2015 at 2:00 p.m.

Motion by Manager Haake, seconded by Manager Wagamon, to schedule a special workshop meeting for May 26, 2015 at 2:00 p.m. Motion carried 5-0.

8. Consider Check Register dated 4/22/2015, in the amount of $305,495.12, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated 4/22/2015, in the amount of $305,495.12, prepared by Redpath and Company. Motion carried 5-0.

9. Consider Resolution for Abatement of Charges in ACD 15/JD4 Water Management District.
District Administrator Belfiori stated Washington County would like the District to consider abating the special assessment for 2011 and 2012 on three parcels that are scheduled to go tax forfeit. The amount is under $100.

Motion by Manager Waller, seconded by Manager Haake, to approve Resolution 2015-17 for Abatement of Charges in ACD 15/JD4 Water Management District.

THEREFORE, BE IT RESOLVED by the Board as follows:
1. The ACD15/AWJD4 WMD charge for Washington County parcels listed are abated for 2011 and 2012.
3. Washington County parcels listed in the paragraph above are removed from the list of properties used by RCWD for calculating and certifying the ACD15/AWJD4 WMD charge.
4. The District Administrator is authorized to execute and submit the Washington County the application for abatement and other necessary documents.

ROLL CALL:
Manager Haake - Aye
Manager Bradley - Aye
Manager Wagamon - Aye
Manager Waller - Aye
President Preiner - Aye

Motion carried 5-0

ITEMS FOR DISCUSSION AND INFORMATION
1. Staff Reports.
The Board noted the staff reports included in the Board packet.

2. May Calendar
There were no comments.

3. Manager's Update
District Administrator Belfiori stated April 27, 2015 at 6:00 p.m. will be a tour at the new City Hall followed by a meeting at 7:00 p.m.

Manager Bradley indicated he would not be able to attend the May 11 or May 13 meetings.

Manager Haake indicated the MAWD meeting in Duluth is June 24 through June 26th and they need to get their reservations in place for the Radisson Hotel. Members Bradley and Waller indicated they would not be attending the meeting.

Manager Haake updated the Board on the metro MAWD meeting she was at.

President Preiner stated because they are going to have a lot of permits ongoing, she would like the Board to consider if they have questions about a permit to contact the District Administrator beforehand so it can get resolved through the technical end. She stated the reason for the consent agenda is so that they have pretty much already come to the conclusion of approval and the questions should have been answered between the worksession and staff. Manager Haake agreed but thought some of the meetings can be boring and people watching sometimes like to know what they are about so it is nice to talk about them once in a while. Manager Waller encouraged the cities to take on these items for review at their meetings themselves.

**ADJOURNMENT**

*Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 11:27 a.m. Motion carried 5-0.*