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RCWD BOARD OF MANAGERS WORKSHOP

Monday, April 8, 2024, 9:00 a.m.

**Rice Creek Watershed District Conference Room
4325 Pheasant Ridge Drive NE, Suite 611, Blaine, Minnesota**

or via Zoom Meeting:

<https://us06web.zoom.us/j/81723719810?pwd=PV6ud853UJQsRG5C9qxpYGbGX8sXwr.1>

Meeting ID: 817 2371 9810

Passcode: 266343

+1 312 626 6799 US (Chicago)

Meeting ID: 817 2371 9810

Passcode: 266343

Agenda

ITEMS FOR DISCUSSION (times are estimates only)

- 9:00 Manager Wagamon “Property Ponds” Statement
- 9:30 Anoka County Ditch (ACD) 53-62 Main Trunk Repair Update
- 10:00 Enhanced Street Sweeping Initiative - Prioritization Study

- Administrator Updates (If Any)

9:30 Anoka City Ditch (ACD) 53-62 Main Trunk Repair Update

MEMORANDUM

Rice Creek Watershed District



Date: April 3, 2024
To: RCWD Board of Managers
From: Tom Schmidt, Public Drainage Inspector
Subject: Anoka County Ditch (ACD) 53-62 Main Trunk Repair Update

Introduction

This agenda item is an ACD 53-62 Main Trunk Repair update providing background information and seeking Board consensus direction.

Background

In September 2021, the District adopted resolution 21-19 ordering the repair of Anoka County Ditch 53-62 (ACD53-62) Main Trunk. The repair plans and specifications included replacing two City of Circle Pines (City) stormwater outfalls and abandoning and decommissioning another. This work was included in the drainage system repair project at the City's request to minimize disruption and maximize public cost savings, with the mutual understanding that the City would reimburse the District for the cost of the city-owned infrastructure work upon the completion of the project, as was stated in item #14 of the order. RCWD invoiced the City for its storm sewer outlets into ACD 53-62 for \$45,800.00. The City has not remitted payment despite repeated engagements on the matter.

The City has indicated that the District's ACD 53-62 repair has increased the rate and volume of sedimentation of the City's stormwater pond, which is in line with the ACD 53-62 system, and that RCWD is responsible for removing this sediment. They have stated that they are withholding payment for the city outlet structures until there is a commitment/payment from RCWD to address the pond sediment. The City has not denied that it has committed to paying the cost of the outlet structure work. Yet, the City has linked its commitment to payment and its concern about the repair's impact on the pond.

RCWD staff finds that there is no relationship between these two items. One has been committed to and is an element of the project work. The other has not been demonstrated to be directly the result of the project. The City has not yet indicated what it believes to be the extent and cost to remediate the alleged sedimentation or how specifically it would like the District to rectify the situation. Neither has the City provided a definitive timeline for addressing the payment to the District for its financial obligations under the Board order or resolving the pond concern.

A workshop discussion on this matter was requested to discuss the pertinent background information.

Request for Board Consensus

Staff are seeking consensus direction from the Board on resolving this issue with the City.

Attachments

RCWD Resolution 21-19

RESOLUTION NO. 2021-19

**RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS
FINAL FINDINGS AND ORDER DIRECTING THE REPAIR OF THE MAIN CHANNEL OF ANOKA
COUNTY DITCH 53-62 AND IMPLEMENTING WATER MANAGEMENT DISTRICT CHARGES**

Manager Bradley offered the following Resolution and moved its adoption, seconded by Manager Heinandt:

FINDINGS

1. In 2013, the Board of Managers of the Rice Creek Watershed District (Board), consistent with its Watershed Management Plan, sought concurrence from the Cities of Blaine, Lino Lakes, Lexington and Circle Pines to undertake the repair of ACD 53-62 using the additional authorities of Minnesota Statutes Section 103D.621, Subd. 4, which grants the Board authority to undertake proceedings related to the Drainage System in accordance with the Watershed Law (Minnesota Statutes Chapters 103B & D) in addition to the Drainage Code (Minnesota Statutes Chapter 103E).
2. By duly adopted resolutions, the Cities gave their concurrence.
3. Based on the municipal concurrence, the Board undertook systematic repairs of ACD 53-62 using alternative funding authorities under Minnesota Statutes Chapters 103B and 103D.
4. The systematic repair of ACD 53-62 started with Branch 1 in 2013, followed by Branch 2 in 2017. The sequence or repair is based on inspection of the system and prioritization of need. The repair of ACD 53-62 is balanced the budgeting and resource demands of the District as a whole along with consideration of economic conditions of District and the drainage area of the system. The District included the sequence of repair in its Capital Improvement Plan.
5. The current proceedings consider the proposed repair of the main channel of ACD 53-62.
6. The Board, under its ongoing obligations to inspect and maintain public drainage systems under its jurisdiction performed inspections of the main channel of ACD 53-62 in 2017 and 2019.
7. The inspection reports confirmed the need for maintenance or repair of the main channel – identifying thick vegetation, brush, deadfalls, mature trees and other obstructions located within the open channel and right-of-way of the drainage system causing a reduction in hydraulic capacity.

8. The Board, in response to the inspection reports and consistent with its Capital Improvement Plan, directed its engineer to prepare a repair report – designing and recommending the repairs necessary to make the drainage system efficient – and a charge allocation recommendation – recommending an allocation of repair costs between water management district charges in the drainage area of ACD 53-62 and ad valorem taxes generated within the watershed district.
9. The engineer has provided, after consultation with the Board, a Technical Memorandum, as amended, dated May 11, 2021, containing its repair plan and recommendation and opinion of probable cost for the recommended repair alternative.
10. The engineer has also provided a Technical Memorandum, dated June 2, 2021, containing the engineer’s preliminary charge analysis and allocation recommendation consistent with the District’s Watershed Management Plan and established Water Management District for the drainage area of ACD 53-62.
11. The engineer’s recommended scope of repair for the main channel of ACD 53-62, contained in the Technical Memorandum, provides for the restoration of beneficial drainage within the main channel and out letting branches of ACD 53-62 and minimizes adverse environmental impacts.
12. Repairs, consistent with the engineer’s recommendations, will restore predictable drainage efficiency to the main channel of ACD 53-62 in order to support current beneficial land uses and future stormwater management demands as well as supporting prior repair of branches 1 and 2 of ACD 53-62.
13. The charge analysis recommends an allocation of costs between water management charges and ad valorem taxes. The recommended allocation, developed in consultation with the Board, takes into consideration past legal authorizations and policies of the Board related to drainage system maintenance; current policies as articulated in the District’s Watershed Management Plan; district-wide benefits of the ecological and floodplain management components of the repair alternative; and direct, localized benefit of restoring core drainage function and accommodating future stormwater demands.
14. A portion of the proposed repair includes repair and reconstruction of various stormwater outfalls to the drainage system within the City of Circle Pines. The cost of repairing and reconstructing the stormwater outfalls will be allocated to the City.
15. By Resolution 2021-16, the Board accepted the engineer’s Technical Memoranda for both the repair of the main channel of ACD 53-62 and the allocation of charges for the costs of the repair and directed a final hearing be set and noticed for 6:30 p.m. on August 25, 2021.
16. Statutory notices throughout these proceedings, as required by Statutes Chapters 103B, 103D and 103E, as well as notices required by local rule were provided and are contained

within the record of proceedings maintained by the District. The Board provided notice of the final hearing as required by statute. Evidence of the notice provided was reviewed at the hearing as follows:

Published notice:

Pioneer Press newspaper, August 4, 11 & 18, 2021 (Official Publication)
Blaine/Spring Lake Park Newspaper, August 9, 2021
Quad Press newspaper, August 9, 2021

Mailed notice:

To the owners of property within the sub watershed of ACD 53-62, mailed July 26, 2021
To Cities of Blaine, Circle Pines, Lexington & Lino Lakes; Anoka County, Anoka Hwy Dept, Anoka Conservation District, MnDOT, BWSR, DNR, MAC, USACOE, mailed July 26, 2021

Posted notice:

RCWD website July 26, 2021
RCWD office July 26, 2021

Email notice:

To list service recipients, July 26, 2021.

17. Evidence procedural actions in this matter, including resolutions, notices and affidavits is on file with the drainage authority and is incorporated into these findings by reference.
18. Prior to the hearing the Board received comments from the Minnesota Department of Transportation (MnDOT). The comments were read into the record at the final hearing. The MnDOT comments suggested that certain stormwater and water quality management features of the Interstate 35W interchange system be exempted from water management district charges. The engineer responded by describing the performance of the features and their limited impact of relieving or reducing the hydraulic capacity demand on ACD 53-62 from impervious surface runoff within the Interstate corridor.
19. The Board received no written comments at the hearing.
20. Oral comments were received at the hearing as follows:
 - Donald Napurski appeared and asked for clarification on the scope of work and where the work would be taking place. Mr. Napurski noted that his property and structures are very close to the ditch bank and that the City "gave" him property in the past. The engineer responded by discussing the scope of repair including the removal of trees and other obstructions within the ditch and immediately adjacent to the ditch bank. The engineer noted that the majority of the work would take place within the ditch channel itself and that the majority of spoil material would be hauled to an adjacent disposal

area on publicly owned property. Other spoil material will be spread and leveled adjacent to the ditch bank. Further, the engineer noted the right of way of the ditch being that area contemplated and included (affected by) the original construction of the drainage system. Though there have been encroachments since original construction due to urbanization of a once agricultural area, the drainage authority still has a statutory requirement to inspect and maintain the drainage system. This requirement allows the drainage authority to enter, re-enter and occupy areas adjacent to the drainage system, reasonably required to carry out its statutory obligation.

- Jeremy Beltz appeared and noted a dip near his home on Lexington Avenue. Staff was unable to respond to Mr. Beltz's comment. However, further investigation reveals a dip in the road surface over a culvert under Lexington Avenue in the area described. No construction related to the repair of ACD 53-62 is planned to resolve the issue raised by Mr. Beltz.
- Chad Johnson appeared and asked about the timing and noise associated with the project. Mr. Johnson noted that he works from home and is concerned about noise interrupting his work. The engineer responded, indicating that the work will be noisy when occurring adjacent to the home. The District will make efforts to keep the owners informed of timing so they can plan for the disruption associated with the construction. Mr. Johnson asked whether trees would be replaced as part of the project. The engineer responded that trees would not be replaced. The trees being removed constitute an obstruction to the drainage system within the area contemplated and included in the original construction. There will be limited tree removal adjacent to the ditch as the majority of work is occurring from within the ditch channel. Mr. Johnson commented on the timing and frequency of repair. The engineer explained how the Board considers and sequences repairs based on inspection, need and budget. Staff noted that once repairs are completed, the Board applies a minor maintenance program to the drainage system in order to avoid future, major reconstructions of the drainage system. Mr. Johnson finally expressed concern for access to the ditch as an attractive nuisance and noted this as a problem in his neighborhood.
- Al Poncid appeared and asked for clarification on the purpose of the hearing. Mr. Poncid asked whether the District had a full-time maintenance staff. Staff noted that district employs a drainage inspector but contracts all work on the drainage systems. Mr. Poncid questioned the method by which costs of the repair were allocated, indicating the he lives on a hill and his water flows away naturally. The engineer explained the basis of Water Management District Charges related to land cover, use and runoff rates. Mr. Poncid asked whether the repair was made necessary because of upstream development. Staff responded that, in part, urbanization has created a greater demand on the drainage system but regardless of development, the drainage system still needs to be maintained. Staff further noted the application of District development rules related to stormwater management as a tool to protect the limited conveyance capacity provided by the drainage systems within the District.

- Mike Gaines appeared and asked for clarification on the spreading and leveling of spoils, noting that this has not been done well in the past. Mr. Gaines further inquired about pooling behind the spoils and who should be called if this occurs. The engineer reiterated that the majority of spoil material would be hauled to an adjacent disposal area on publicly owned property (Carl Eck Park). Other spoil material will be spread and leveled adjacent to the ditch bank. The project will be inspected as it proceeds and if issues are noticed by landowners, they should contact the District.
- Steve McChesney, City of Circle Pines Councilman, appeared and asked questions about the costs in the project. Specifically, Mr. McChesney noted @25% legal/engineering/admin costs. The engineer reiterated the process required to bring the repair to a contract and noted it as one factor impacting project costs.
- Rick Wilder, Metro Gun Club, appeared and reminded the Board of the prior challenges and settlements related to repair of ACD 53-62. The attorney described the Board's challenge in managing stormwater conveyance and development demand within the District and the limited conveyance provided by the public drainage system. Mr. Wilder asked how many properties were in the drainage area of the system and subject to charges. Staff did not have the exact number but noted that there are several thousand properties within the drainage area subject to costs of the repair. Staff noted that bids have not been received and that this hearing was prerequisite to ordering the repair and advertising for bids. Staff reiterated how drainage system repairs are funded and the program of minor maintenance following a major repair. Staff further noted that the minor maintenance program is paid from District-wide funds and not direct charges to the drainage area of the system. Mr. Wilder asked about new development and its impact on the drainage system. Staff reiterated the application of District development rules related to stormwater management as a tool to protect the limited conveyance capacity provided by the drainage systems within the District.

21. In general response to comments about timing and process of the repair and why it has been so long since work was done, the Board notes its process for inspecting, scheduling and budgeting major repairs like this as part of a multi-year process under procedures initiated by the Board in the early 2000s. The Board notes the magnitude of need with the District as a whole and the systematic approach the Board is taking to the repair of the many ditches under its jurisdiction.

22. Following the public comment, the President closed the public comment portion of the hearing and invited manager discussion of the proposed repair, cost allocation and charges.

23. Following Board discussion, the Board adopted a resolution directing staff to prepare findings and an order consistent with the proceedings, including responses to all comments received through the public comment process; that the draft findings and order be written to affect the repair of the main channel of ACD 53-62 according to the engineer's

recommendation (Technical Memorandum, as amended, dated May 11, 2021) and to establish water management district charges according to the charge analysis and recommendation (Technical Memorandum, dated June 2, 2021); and that the hearing be recessed hearing to the Board's regular meeting on September 8, 2021, at 9:00 a.m., or by adjournment to an appropriate time on the Board's agenda, at which meeting the Board will consider findings and an order for the proposed repair and establishment of water management district charges. The motion passed by unanimous vote of the managers (Manager Bradley, excused).

24. The engineer's recommended repair alternative, contained in the Technical Memorandum, as amended, dated May 11, 2021, provides for the restoration of beneficial drainage within the drainage area of the system, minimizes adverse environmental impacts and creates environmental enhancements.
25. A repair, consistent with the engineer's recommended repair, will restore predicable drainage efficiency within the drainage area of the system to support current beneficial land uses and future stormwater management demands.
26. The engineer's recommended repair is consistent with the District's Watershed Management Plan and represents the least environmentally damaging practicable alternative.
27. The engineer's recommended repair, contained in the Technical Memorandum, as amended, dated May 11, 2021, is designed to occur within the area contemplated and included in the original proceedings to establish ACD 53-62 and, therefore, no additional right of way or access interests are necessary to perform the proposed repair.
28. The proposed repair of the main channel of ACD 53-62, according to the engineer's recommendation, will be conducive to public health, will promote the general welfare of the District and within the drainage area of the system, complies with the Watershed Management Plan, is in the best interest of the drainage system and the lands draining thereto and otherwise complies with the requirements of state statute.

ORDER

- A. The Board of Managers orders implementation of the repair of the main channel of ACD 53-62 consistent with the engineer's recommended repair, contained in the Technical Memorandum, as amended, dated May 11, 2021, and consistent with the capital improvement program contained in the District's Watershed Management Plan.
- B. The Board of Managers orders the allocation of costs for the repair of the main channel of ACD 53-62 in a manner consistent with the staff's recommendation as contained in the Technical Memorandum, dated June 2, 2021.

- C. The portion of repair cost related to repairing and reconstructing the City of Circle Pines' stormwater outfalls will be allocated to the City. Staff is directed to initiate coordination with the City to determine whether the work will be performed and paid for by the City under its own contract or whether the work will be incorporated into the bid and contract for repair, paid for as part of the project and reimbursed from the City by addition to its Water Management District Charges.
- D. The Board of Managers approves imposition of Water Management District Charges for the repair of the main channel of ACD 53-62 as defined in the Watershed Management Plan and as outlined in the Technical Memorandum, dated June 2, 2021. A copy of the charge breakdown by parcel is attached hereto.
- 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.
- F. The Board of Managers further authorizes expenditures for the repair of the main channel of ACD 53-62 and the collection of revenues consistent with this order.

The question was on the adoption of the Resolution and there were 5 yeas and 0 nays as follows:

	Yea	Nay	Absent	Abstain
WALLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WEINANDT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PREINER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution passed.

Marcia Weinandt
 Marcia Weinandt, Secretary

Dated: September 8, 2021

* * * * *

I, Marcia Weinandt, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 8th day of September, 2021.



Marcia Weinandt, Secretary

10:00 Enhanced Street Sweeping Initiative – Prioritization Study

MEMORANDUM
Rice Creek Watershed District



Date: March 29, 2024
To: RCWD Board of Managers
From: Molly Nelson, Outreach and Grants Technician; Kendra Sommerfeld, Communications and Outreach Manager
Subject: Enhanced Street Sweeping Initiative- Prioritization Study

Introduction

This item proposes discussion and consideration of a RCWD street sweeping initiative, future related task order and potential program development.

Background

Street sweeping is a non-structural stormwater best management practice implemented by cities as a source removal method to remove sediment nutrients, total solids, chlorides, and other pollutants from downstream receiving waters and improve water quality. Enhanced street sweeping methods improve upon existing practices by targeting the best times of the year to sweep, sweeping frequency, and high priority areas to remove pollutants from storm sewer systems or structural BMPs. In recent years, Minnesota researchers have identified targeted enhanced street sweeping as a more effective pollutant removal method than basic street sweeping and have advanced methodologies to support local governments in creating programs to implement enhanced street sweeping plans. District staff have met internally across programs to discuss the benefits of incorporating street sweeping into the District’s efforts for water quality improvement and flood mitigation. There is agreement that this initiative will be beneficial for water resources and partnerships within the District.

The City of White Bear Lake Public Works Department contacted RCWD Staff on February 1st, 2024, for consideration of funding support to supplement street sweeping efforts in the areas of the city located within the District boundary. RCWD Staff also met with the City of Blaine March 22, 2024, to discuss implementing enhanced street sweeping efforts in the city. District staff contacted neighboring organizations who have implemented such programs to better understand the process involved in identifying what areas to target and defining program guidelines. The first step identified is to conduct a prioritization study of the District to understand areas of high priority, frequency of sweepings, and funding recommendations. Staff would work with Houston Engineering to develop a task order to complete the study to determine the feasibility of enhanced street sweepings across the District. The task order results to be utilized in response to support the City of White Bear Lake, City of Baine, and other cities across the District on enhanced street sweeping as a stormwater best management practice. This initiative under the recommendations from the study may develop into a pilot program.

Staff Recommendation

Staff recommend conducting an enhanced street sweeping prioritization study under task order with Houston Engineering to determine priority areas. Staff will present a task order to the Board for its consideration.

Request for Board Consensus

Staff are requesting Board consensus to return with task order to proceed with a District-wide enhanced street sweeping prioritization study to potentially implement an enhanced street sweeping program and



MEMORANDUM
Rice Creek Watershed District

to respond to White Bear Lake, Blaine, and support other cities interests in improving street sweeping practices.

Attachments

Example Street Sweeping Initiative Info Sheet by Comfort Lake Forest Lake Watershed District



Comfort Lake-Forest Lake Watershed District Forest Lake Enhanced Street Sweeping Planning, Implementation, & Results

The Comfort Lake-Forest Lake Watershed District (CLFLWD) partnered with the City of Forest Lake to develop and implement an Enhanced Street Sweeping Plan that is protecting the health of our local lakes, the durability of area infrastructure, and saving taxpayer dollars.

Project Name:
Forest Lake Enhanced Street Sweeping

Project Location:
Forest Lake
Management
District



Project Sponsors:

- Comfort Lake-Forest Lake Watershed District (CLFLWD)
- City of Forest Lake
- Rice Creek Watershed District (RCWD)

Target Waterbodies:
Comfort, Forest, Shields, Keewahtin,
and Clear Lakes

Project Timeline:
Ongoing Practice

Financials:

Plan Development	
Clean Water Fund Grant	\$36,000
CLFLWD Match	\$9,000
Total Budget	\$45,000
Sweeper Purchase & Implementation	
Clean Water Fund Grant	\$220,000
City Match	\$35,250
CLFLWD Match	\$19,415
RCWD Match	\$8,085
Total Budget	\$282,750

Contact:
Mike Kinney, District Administrator
(651) 395-5855
michael.kinney@clflwd.org
www.clflwd.org



City of Forest Lake's regenerative air street sweeper

Plan Development:

In 2017 the CLFLWD received a \$36,000 Clean Water Fund (CWF) grant to develop an Enhanced Street Sweeping Plan for the City of Forest Lake to optimize phosphorus removal. Phosphorus is a nutrient found in organic material such as leaves and grass clippings that can lower the water quality of our local lakes and rivers.



Implementation:

In 2018 the City of Forest Lake, with support from the CLFLWD and the Rice Creek Watershed District, received a \$220,000 Clean Water Fund grant to purchase a regenerative air sweeper and begin implementation of the Enhanced Street Sweeping Plan.

Results:

The City of Forest Lake drains to five significant lakes: Forest, Shields, Keewahtin (formerly Sylvan), Comfort, and Clear Lake. Throughout the implementation process, the CLFLWD partnered with the City of Forest Lake and the University of Minnesota to track the total solids, sediment, and nutrients recovered through the enhanced street sweeping program. The results of this tracking have found the enhanced street sweeping program to be one of the most cost-effective strategies for improving lake water quality with an estimated cumulative phosphorus load reduction to all five lakes of 309 pounds per year. One pound of phosphorus has the potential to support up to 500 pounds of algae growth.

In addition to significant water quality improvements to the target lakes, this project is improving city streets and reducing long-term maintenance costs for municipal stormwater facilities. The cost of program implementation is likely equally offset by stormwater maintenance savings, resulting in a net sum zero cost.



This project is the recipient of the 2022 City of Excellence Award from the League of Minnesota Cities. Learn more at lmc.org