



JUNE						
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## RCWD BOARD OF MANAGERS REGULAR MEETING AGENDA

Wednesday, June 11, 2025, 9:00 a.m.

Mounds View City Hall Council Chambers  
2401 County Road 10, Mounds View, Minnesota  
Virtual Monitoring via Zoom Webinar

Join Zoom Webinar:  
<https://us06web.zoom.us/j/87509318600?pwd=pVy1edBb6OhEABKsOgCBibaOYWvXbR.1>  
Passcode: 226654  
+1 312 626 6799 US (Chicago)  
Webinar ID: 875 0931 8600  
Passcode: 226654

## Agenda

### CALL TO ORDER

### ROLL CALL

### SETTING OF THE AGENDA

### APPROVAL OF MINUTES: MAY 28, 2025, REGULAR MEETING

### CONSENT AGENDA

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

#### Table of Contents-Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
25-050	Northeast Property Holdings, LLC	Columbus	Final Site Drainage Plan	CAPROC 7 items

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated June 2, 2025.*

**Water Quality Grant Program Cost Share Application (Molly Nelson)**

No.	Applicant	Location	Project Type	Eligible Cost	Pollutant Reduction	Funding Recommendation
R25-06	Tina Fitzgerald	Roseville	Raingarden	\$9,910.00	Volume: 16,209 cu-ft/yr TSS: 29.32 lbs/yr TP: 0.16 lbs/yr	75% cost share of \$9,910.00 not to exceed 75%; or \$10,000 whichever cost is lower

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD Outreach and Grants Technician's Recommendations dated June 5, 2025.*

**OPEN MIC/PUBLIC COMMENT**

*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.*

**ITEMS REQUIRING BOARD ACTION**

1. Anoka County Ditch 10-22-32 Alternative 4 (Tom Schmidt)
2. HEI Task Order 2025-013: 2025 District Wide Modeling Program Annual Updates (Nick Tomczik)
3. Check Register Dated June 11, 2025, in the Amount of \$181,806.02 Prepared by Redpath and Company

**ITEMS FOR DISCUSSION AND INFORMATION**

1. District Engineer Updates and Timeline
2. Administrator Updates
3. Manager Updates

## **APPROVAL OF MINUTES: MAY 28, 2025, REGULAR MEETING**

# DRAFT

For Consideration of Approval at the June 11, 2025 Board Meeting.  
Use these minutes only for reference until that time.

## REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, May 28, 2025

Mounds View City Hall Council Chambers  
2401 County Road 10, Mounds View, Minnesota  
and

Meeting was also conducted by alternative means  
(teleconference or video-teleconference) from remote locations

## Minutes

### CALL TO ORDER

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

### ROLL CALL

Present: President Michael Bradley, 1<sup>st</sup> Vice-Pres. John Waller, 2<sup>nd</sup> Vice-Pres. Steve Wagamon,  
Secretary Jess Robertson, and Treasurer Marcie Weinandt

Absent:

Staff Present: District Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, Project Manager  
David Petry, Program Technician Emmet Hurley (video-conference), Office Manager  
Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI) and District Attorney  
John Kolb from Rinke Noonan (video-conference)

Visitors: Brian Robinson

### SETTING OF THE AGENDA

Administrator Tomcik requested a new action item: HEI Task Order 2025-004 – East Moore Lake Stormwater  
Resilience and Water Quality Analysis.

***Motion by Manager Bradley, seconded by Manager Robertson, to approve the agenda as amended.  
Motion carried 5-0.***



## **READING OF THE MINUTES AND THEIR APPROVAL**

**Minutes of the May 12, 2025, Workshop and May 14, 2025, Board of Managers Regular Meeting. Motion by Manager Robertson, seconded by Manager Wagamon, to approve the minutes as presented. Motion carried 5-0.**

## **CONSENT AGENDA**

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests the opportunity for discussion:

### **Table of Contents-Permit Applications Requiring Board Action**

<b>No.</b>	<b>Applicant</b>	<b>Location</b>	<b>Plan Type</b>	<b>Recommendation</b>
24-076	KCR Investments LLC	Lino Lakes	Final Site Drainage Plan Land Development Wetland Alteration	CAPROC 18 items
24-085	Tyme Properties, LLC/ Alino LLC	Lino Lakes	Final Site Drainage Plan Wetland Alteration Floodplain Alteration	CAPROC 11 items

***It was moved by Manager Wagamon and seconded by Manager Robertson, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated May 20, 2025. Motion carried 5-0.***

## **OPEN MIC/PUBLIC COMMENT**

Brian Robinson, 310 Main Street, Lino Lakes, explained that he wanted to discuss the culvert crossing that was going to be replaced on the south side of their farm, adjacent to Carl Street. He noted that he had been told that the District would replace it with a smaller-sized culvert and asked if that was correct and if this type of downsizing had been done before within the District.

District Engineer Otterness stated that he and Drainage and Facilities Program Manager Schmidt had discussed this location and explained that the intent was to replace it with a 60-inch culvert, as the downstream culvert at the air park was also a 60-inch pipe. He stated that there have been instances where the District had replaced pipes with smaller pipes in cases where the pipe had been oversized. He noted that if the landowner wanted the larger pipe size, they could pay for the additional costs.

Mr. Robinson referenced the frequent references from the Board to ACSIC conditions, and this culvert was constructed with the 72-inch pipe, by his grandfather, and asked why they were not replacing it with the ACSIC conditions. He explained that his family was concerned about the downsizing of the pipe and asked the Board to take into consideration that this land had been designed to shed a large amount of water in a short amount of time. He questioned how long it might take to correct this problem if they put in the smaller culvert and it becomes a problem.

68 President Bradley asked about the distance between Mr. Robinson's culvert and the next downstream  
69 culvert.

70 District Engineer Otterness stated that the next downstream culvert is at Carl Street, which is about a few  
71 hundred yards downstream.

72 Manager Wagamon asked if this decision was made due to costs.

73 District Engineer Otterness stated that a 72-inch culvert would be a bit more expensive than a 60-inch  
74 culvert, and explained that there would also be no engineering reason to make it larger than 60 inches  
75 because of the size of the culverts downstream from it.

76 Manager Wagamon asked about the cost difference between the two sizes.

77 District Engineer Otterness explained that he did not know that information off the top of his head, but  
78 ballparked a cost of around \$40/foot.

79 Manager Waller asked if Carl Street existed when this culvert was installed in the early 1950s and how many  
80 streets there were downstream when it was built. He stated that he felt it was possible that all the new  
81 culverts that have been in downstream may be undersized and noted that engineering was done at the  
82 time this was installed.

83 President Bradley asked if anyone on the Board would like to make a motion.

84 Manager Robertson stated that she was willing to make a motion, but stressed that this was not what Open  
85 Forum was supposed to be used for. She explained that her recommendation would be to replace the  
86 pipe with the same size as the current pipe, so there would be no potential for disruption.

87 ***Motion by Manager Robertson, seconded by Manager Waller, to direct staff to replace the culvert pipe***  
88 ***referenced by Mr. Robinson with the same size as the current pipe. Motion carried 5-0.***  
89

90 President Bradley assured District Engineer Otterness that this action was not a reflection on his  
91 engineering efforts, but on the Board's efforts to complete maintenance without creating further  
92 problems.

#### 94 **ITEMS REQUIRING BOARD ACTION**

##### 95 **1. Minnesota Watershed's Request for Resolutions**

96 District Administrator Tomczik stated that Communication and Outreach Manager Sommerfeld was  
97 unable to attend today's meeting. He reminded the Board that at their May 12, 2025 workshop  
98 meeting, they had discussed several possible topics which staff had researched based on the Board's  
99 input. He stated that one topic had been identified to advance related to expanding wetland  
100 exemptions for all public drainage repairs, regardless of wetland age.  
101

***Motion by Manager Waller, seconded by Manager Bradley, to direct staff to submit the proposed resolution with attachments, Expanding Wetland Exemption for All Public Drainage Repair, to MN Watersheds.***

Manager Waller thanked the District staff and consultants who worked on this item and felt it was well written.

***Motion carried 5-0.***

**2. MPCA OSG Grant Award – Moore Lake Stormwater Resilience Analysis**

Project Manager Petry stated that in partnership with the City of Fridley, the District had applied for and was awarded the grant for East Moore Lake Stormwater Resilience and Water Quality Analysis. He noted that District Attorney Kolb had reviewed the grant agreement and had no objections.

***Motion by Manager Weinandt, seconded by Manager Robertson, to accept the \$71,000 grant from MPCA and authorize the Administrator to execute the grant agreement for the Moore Lake Stormwater Resilience Analysis project.***

Manager Weinandt commented on the importance of educational components regarding Iron Enhanced Sand Filters (IESF), related to maintenance and function.

Project Manager Petry noted that Communication and Outreach Manager Sommerfeld had been working with some partners, such as the University of Minnesota and the Fresh Water Society, to organize a workshop around the operations of IESF and stated that he would share details with the Board once it was available.

Manager Waller stated that he would agree that many cities are not up to snuff on what it takes to maintain the IESF and shared the example of Forest Lake, which did not realize that they should have a regular program of raking it in the springtime.

District Administrator Tomczik noted that this item was related to an analysis of the watershed and not specifically related to IESFs.

***Motion carried 5-0.***

**3. HEI Task Order 2025-004 – East Moore Lake Stormwater Resilience and Water Quality Analysis**

Project Manager Petry explained that this was added to the agenda to approve the task order for Houston Engineering to complete the work for East Moore Lake Stormwater Resilience and Water Quality.

*Motion by Manager Weinandt, seconded by Manager Wagamon, to approve HEI's Task Order 2025-004 East Moore Lake Stormwater Resilience and Water Quality Analysis, not to exceed \$77,000, and to authorize the District Administrator to execute the task order. Motion carried 5-0.*

**4. Check Register May 28, 2025, in the Amount of \$248,573.27 and May Interim Financial Statements Prepared by Redpath and Company**

*Motion by Manager Weinandt, seconded by Manager Robertson, to approve check register dated May 28, 2025, in the Amount of \$248,573.27 and May Interim Financial Statements prepared by Redpath and Company. Motion carried 5-0.*

**ITEMS FOR DISCUSSION AND INFORMATION**

**1. Staff Reports**

**2. June Calendar**

District Administrator Tomczik reminded the Board that tonight was the public information meeting related to ACD 53-62, Branch 5 and 6, at 6:00 p.m. in the Mounds View City Council Chambers.

Manager Waller noted that their second meeting in June was previously changed to Monday, June 23, 2025.

**3. Administrator Updates**

District Administrator Tomczik stated he attended yesterday's meeting organized by the City of Columbus related to drainage in the northern reach of ACD 10-22-32 and noted that it had included representatives from the city, the District, the DNR, the County, landowners, and consultants. He gave a brief overview of some of the topics that were discussed at the meeting and explained that the City of Columbus, based on the broadness of the topic, was intending to hold another meeting.

**4. Manager Updates**

Manager Waller reiterated that staff had done a great job with the writing for the resolution related to expanding the wetland exemption for public drainage repair, especially Outreach and Communications Coordinator Sommerfeld.

Manager Weinandt noted that Governor Walz signed the legacy budget and had bipartisan support and thanked Senators Housley, Kunesh, Marty, and Gustafson for their support.

**ADJOURNMENT**

*Motion by Manager Robertson, seconded by Manager Wagamon, to adjourn the meeting at 9:33 a.m. Motion carried 5-0.*

## CONSENT AGENDA

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

### Table of Contents-Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
25-050	Northeast Property Holdings, LLC	Columbus	Final Site Drainage Plan	CAPROC 7 items

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated June 2, 2025.*

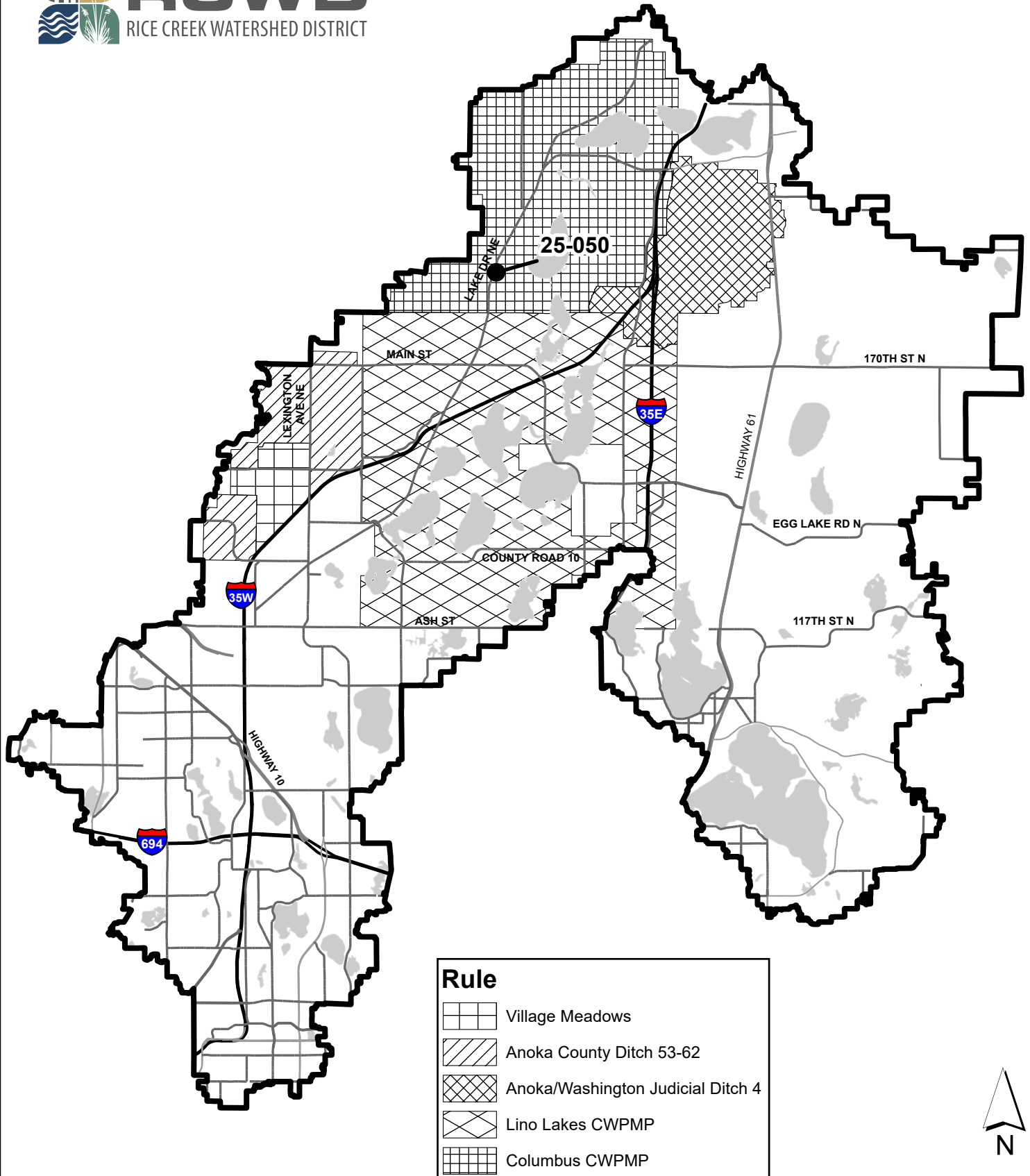
**RICE CREEK WATERSHED DISTRICT  
CONSENT AGENDA**






**June 11, 2025**

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_  
\_\_\_\_\_ to Approve, Conditionally Approve Pending Receipt  
Of Changes, or Deny, the Permit Application noted in the following Table of Contents, in  
accordance with the District Engineer's Findings and Recommendations, as contained in  
the Engineer's Findings and Recommendations, as contained in the Engineer's Reports  
dated June 2<sup>nd</sup>, 2025.

**TABLE OF CONTENTS**

<b>Permit Application <u>Number</u></b>	<b><u>Applicant</u></b>	<b>Page</b>	<b>Recommendation</b>
Permit Location Map		11	
25-050	Northeast Property Holdings, LLC	12	CAPROC



Rule	
	Village Meadows
	Anoka County Ditch 53-62
	Anoka/Washington Judicial Ditch 4
	Lino Lakes CWPMP
	Columbus CWPMP

**Permit Reviews**  
**06/11/2025 Agenda**

0 1 2 4 Miles



WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers.

Permit Application Number:

25-050

Permit Application Name:

Rybak Building Addition

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Applicant/Landowner:

Northeast Property Holdings, LLC  
Attn: Dave Rybak  
13915 Lake Drive NE  
Columbus, MN 55025  
Ph: 651-633-2221  
dave@rybakinc.com

Permit Contact:

Classic Construction  
Attn: Kristin Erickson  
18542 Ulysses Street NE  
East Bethel, MN 55011  
Ph: 763-434-8870  
Fx: 763-434-7120  
kristin@classicconstructioninc.com

Plowe Engineering, Inc.  
Attn: Mohammad Abughazleh  
6776 Lake Drive Suite 110  
Lino Lakes, MN 55014  
Ph: 651-361-8237  
moe@plowe.com

Project Name: Rybak Building Addition

Purpose: FSD – Final Site Drainage; Commercial building and parking lot addition

Site Size: 10.7± acre parcel / 0.99± acres of disturbed area; impervious area will be decreased by 3,000± SF

Location: 13915 Lake Drive NE, Columbus

T-R-S: NE ¼, Section 33, T32N, R22W

District Rule: C, D

---

Recommendation: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items:

Conditions to be Met Before Permit Issuance:

Rule C - Stormwater

1. Per Rule C.9(d), stormwater ponds must be designed to provide:
  - (3) An outlet structure capable of preventing migration of floating debris and oils for at least the one-year storm.

Rule D – Erosion and Sediment Control

2. Submit the following information per Rule D.4:
  - (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.



Administrative

3. Email one final, signed full-sized pdf of the construction plan set. Include a list of changes that have been made since approval by the RCWD Board.
4. Submit a copy of the recorded plat or easements establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature (if easements are required by the City of Columbus).
5. The applicant must submit a Draft Declaration for Maintenance of Stormwater Management Facilities acceptable to the District for proposed onsite stormwater management and pretreatment features.
6. The applicant must provide an attested copy of any and all signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.
7. The applicant must submit a cash surety of \$2,600 along with an original executed escrow agreement acceptable to the District. If the applicant desires an original copy for their records, then two original signed escrow agreements should be submitted. The surety is based on \$1,000 for 0.99 acres of disturbance, and \$1,600 for 3,233 CF of storm water treatment.

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. Provide an as-built survey of all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) to the District for verification of compliance with the approved plans before return of the surety.

Exhibits:

1. Revised plan set containing 7 sheets dated and received 5-21-2025
2. Certificate of Survey, dated 4-8-2025 and received 5-1-2025.
3. MS4 Permit application receipt, received 5-1-2025
4. Revised Stormwater Calculations, dated and received 5-28-2025, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions and soil boring logs (dated 4-22-2025).
5. Revised Stormwater Calculations, dated and received 5-21-2025, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions and soil boring logs (dated 4-22-2025).
6. Stormwater Calculations, dated 4-25-2025 and received 5-1-2025, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions and soil boring logs (dated 4-22-2025).
7. Review letter from Anoka County, dated 5-19-2025 and received 5-21-2025.

Findings:

1. Description – The project proposes to construct a commercial building addition, and a new parking on a 10.7± acre parcel located in Columbus. The majority of the parcel is impervious area. The project will decrease the impervious area by approximately 3,000± SF and disturb 0.99± acres overall. Drainage patterns will remain consistent with the parking lot and half the building addition draining west towards Lake Drive, with the other half of the building draining east. The entire property eventually drains to Crossways Lake, the Resource of Concern. The applicant has submitted a

\$3,000 application fee for a Rule C permit creating less than 5 acres of new and/or reconstructed impervious surface.

2. Stormwater – The applicant is proposing the BMPs as described below for the project:

Proposed BMP Description	Location	Pretreatment/ NURP requirement	Volume provided	EOF
Surface infiltration basin	Western property line	Grass strip	3,941± cubic feet below the outlet	909.25
NURP Pond	Eastern portion	1,430± cubic feet	1,539± cubic feet below the outlet	898.8

Soils on site are primarily HSG A/B silty sands (SM) and poorly graded sand with silt (SP-SM). Infiltration is limited by a high seasonal water table. The new/reconstructed area is 26,302± square feet. The infiltration basin is sized to treat is 1.1-inches over the new/reconstructed area flowing to the basin of 18,472± square feet for a total requirement of 1,694± cubic feet. The applicant is treating an additional 7,800± feet of existing impervious surface in lieu via the NURP pond which is governed by the NURP sizing requirement of 2.5-inches of run-off over the contributing area to the pond. Infiltration has been achieved to the extent feasible.

For the infiltration basin: Adequate pre-treatment has been provided. Drawdown is expected within 48-hours using an appropriate rate of 0.45 inches per hour. The seasonal high water table is at least of three feet below the basin. The project is not located within a DWSM area. For the NURP pond: The applicant must provide skimming per C.9(d)(3). Otherwise, the pond sizing, and outlets and overflows are consistent with the design criteria of Rule C.9(d). The applicant has treated 100% of the required impervious area. Additional TSS removal is not required. The applicant must address Storm water Conditions above. Otherwise, the applicant has met all the Water Quality requirements of Rule C.6 and the design criteria of Rule C.9.

Point of Discharge	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Lake Drive	1.9	0.1	3.3	0.4	6.7	4.8

The project is not located within the Flood Management Zone. Since the project is decreasing impervious area to the west, rates will be less than existing conditions. The applicant has complied with the rate control requirements of Rule C.7.

The applicant has complied with the freeboard requirements of Rule C.9(h).

3. Wetlands – Wetlands are located on the property, but a valid delineation does not exist for the site. Work will be limited to the previously developed portion of the property and thus the project will not impact any wetlands. The project area is located within the Zone 1 of the Columbus CWPMP boundary and is not subject to Wetland Management Corridor (WMC) requirements.
4. Floodplain – The regulatory floodplain elevation for Crossways Lake is 889.0 (NAVD 88). The project will not impact the floodplain.
5. Erosion Control – Proposed erosion control methods include silt fence, a rock construction entrance, inlet protection, stabilization blanket and rip rap. The project will disturb less than 1 acre; an NPDES permit nor a SWPPP is required. The information listed under the Rule D – Erosion and Sediment Control section above must be submitted. Otherwise, the project complies with RCWD Rule D requirements. The project does not flow to a nutrient impaired water (within 1 mile).
6. Regional Conveyances – Rule G is not applicable.

7. Public Drainage Systems – Rule I is not applicable.
8. Documenting Easements and Maintenance Obligations –Applicant must provide a draft maintenance declaration for approval, and a receipt showing recordation of the approved maintenance declaration and the drainage and flowage easements (if required).
9. Previous Permit Information – The site was originally constructed under permit 95-116. An application for the building addition was received under file 07-077 but was never constructed.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.



06/02/2025

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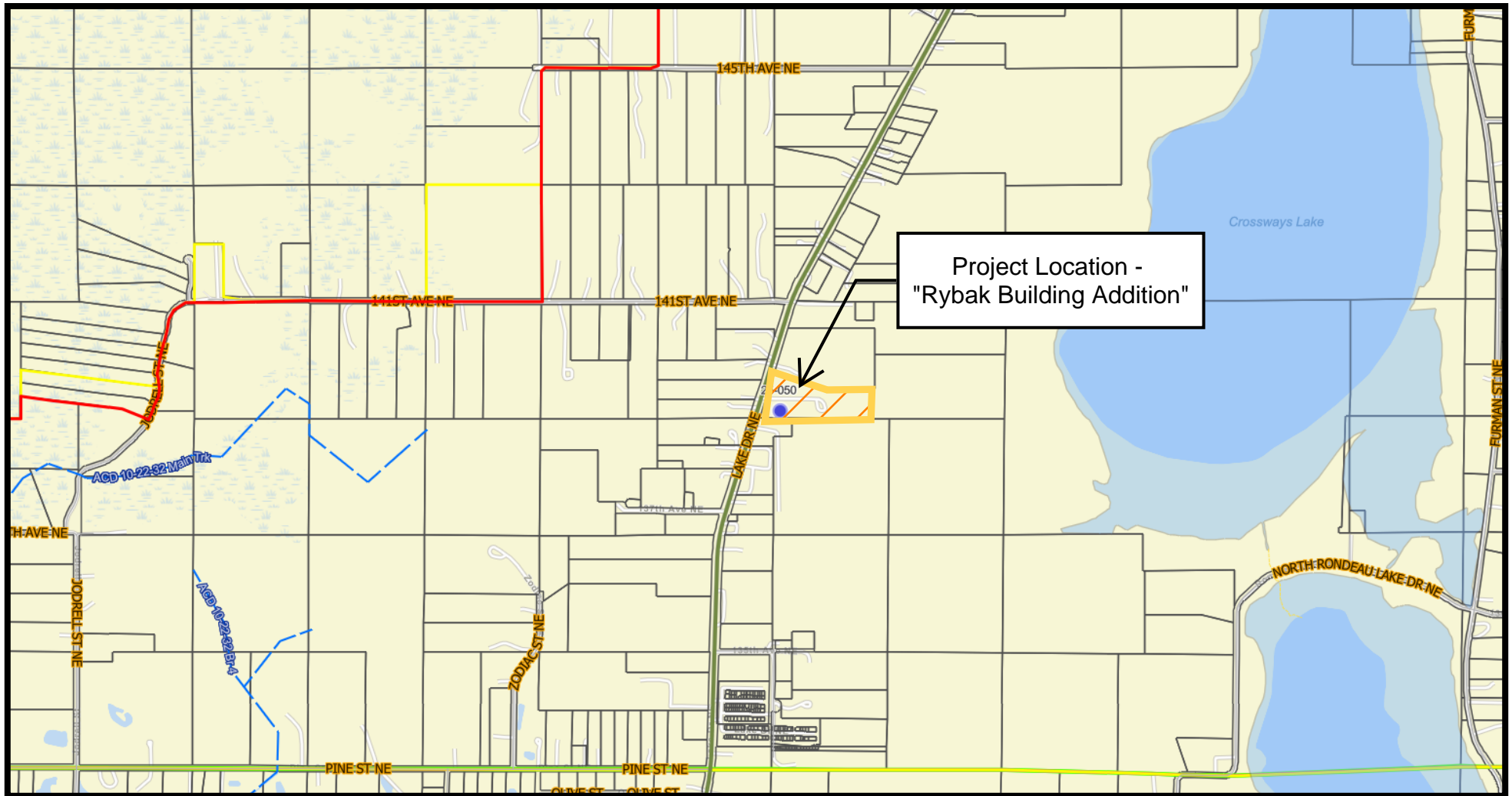
Greg Bowles, MN Reg. No 41929



06/02/2025

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Katherine MacDonald, MN Reg. No 44590

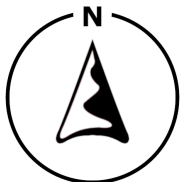


## Legend

 District Boundary

 Project Location

 Public Ditch - Open Channel







## Legend

 Project Location

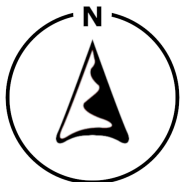
 Parking Lot

 Building Addition

 Infiltration Basin

 NURP Pond

 Drainage Arrow



**Water Quality Grant Program Cost Share Application (Molly Nelson)**

No.	Applicant	Location	Project Type	Eligible Cost	Pollutant Reduction	Funding Recommendation
R25-06	Tina Fitzgerald	Roseville	Raingarden	\$9,910.00	Volume: 16,209 cu-ft/yr TSS: 29.32 lbs/yr TP: 0.16 lbs/yr	75% cost share of \$9,910.00 not to exceed 75%; or \$10,000 whichever cost is lower

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD Outreach and Grants Technician's Recommendations dated June 5, 2025.*

# MEMORANDUM

## Rice Creek Watershed District



**Date:** June 5<sup>th</sup>, 2025  
**To:** RCWD Board of Managers  
**From:** Molly Nelson, Outreach and Grants Technician  
**Subject:** Water Quality Grant Application, R25-06 Fitzgerald Curb-Cut Raingarden

### Introduction

R25-06 Fitzgerald Curb-Cut Raingarden

- Applicant: Tina Fitzgerald
- Location: 2165 Fulham Street, Roseville
- Total Eligible Project Cost: \$9,910.00
- RCWD Grant Recommendation: \$7,432.50 (75%)

### Background

The R25-06 Fitzgerald Curb-Cut Raingarden Water Quality Grant application proposes a curb-cut raingarden installation on a residential property located in Roseville. The purpose of installing a curb-cut raingarden at this location is to treat the stormwater runoff from the property and adjacent streets through the infiltration/filtration processes of native plants before the water enters the storm sewer and ultimately to Langton Lake.

The Ramsey County Parks and Recreation Soil and Water Conservation Division (RSWCD) drafted the designs for the project and provided recommendations for a cost-share grant award which has been reviewed and approved by RCWD staff for CAC review. The project as proposed is designed to install a sump structure at the pre-existing curb opening and install a 334 sqft raingarden with a standard 6 inch ponding depth. The planting plan includes a raingarden planting and a buffer planting around the edge of the raingarden which will also have added pollinator benefit. The total treated catchment area for the project is 16,209 square feet and is 45% impervious. The estimated pollutant reductions for the proposed project are: 16,209 cu-ft/yr reduction in volume (41%), 29.32 lbs/yr reduction in total suspended solids (TSS) (41%), and a 0.16 lb/year reduction in total phosphorus (TP) (41%). The project location scored a value of 20 on the Water Quality Grant Program Screening form and is eligible for the RCWD Water Quality Grant program.

The applicant obtained 2 bids for the project:

- Light Dark Landscape: \$9,910.00
- Metro Blooms: 14,280.87

The RSWCD provided a materials cost-estimate amounting to \$12,439.25, which is higher than the lowest bid for the project. The CAC was supportive of the project and recommended it as presented. Motion carried 9-0.

### Staff Recommendation

Based on the submitted application and program guidelines, RCWD staff support the project award of \$7,432.50 not to exceed 75% of eligible project expenses of \$9,910.00.

### Staff Recommendation

RCWD's Citizen Advisory Committee and Staff recommend that the RCWD Board of Managers approve Water Quality Grant funds for R25-06 Fitzgerald Curb-Cut Raingarden.

**Request for Proposed Motion**

Manager \_\_\_\_\_ moves to authorize the RCWD Board President, on advice of counsel, to approve the Water Quality Grant Contract for R25-06 of \$7,432.50 not to exceed 75% of eligible project costs or up to \$10,000.00, whichever amount is lower, as outlined in the consent agenda and in accordance with the RCWD Staff's recommendation and established program guidelines.

**Attachments**

R25-06 Fitzgerald Curb-Cut Raingarden application documents.



# Ramsey County Soil & Water Conservation Division



**To:** RCWD Advisory Committee

**From:** Brian Olsen: Environmental Resource Specialist

**Date:** 5/20/2025

**Re:** Fitzgerald Cost Share Application

## **Project: R25-06**

2165 Fulham Street  
Roseville, MN 55113  
Curb-Cut Raingarden

**Material & Labor Estimate:** \$9,910.00

**Cost Share Request:** \$7,432.50

## **Background:**

The proposed curb-cut raingarden is located at a residential property in Roseville. The property is on a street intersection where currently the road runoff exits the street via a curb-opening and flows into the storm sewer by a surface drain. The runoff ultimately exits the storm sewer system into Langton Lake.

The proposed project is to install a sump structure at the curb opening to stop sediment, and install a raingarden surrounding the existing storm sewer inlet grate to collect and infiltrate the water before it enters the storm sewer system. It will serve to remove volume and pollutants running off of the road and surrounding landscape before it enters the storm sewer system and ultimately enters Langton Lake. It will also be planted with native species to provide pollinator resources throughout the growing season.

Total catchment area treated by the proposed project is 16,209 square feet (0.372 acres). It is 45% impervious and includes road, sidewalk, driveways, and landscape/turf grass.

## **Recommendation:**

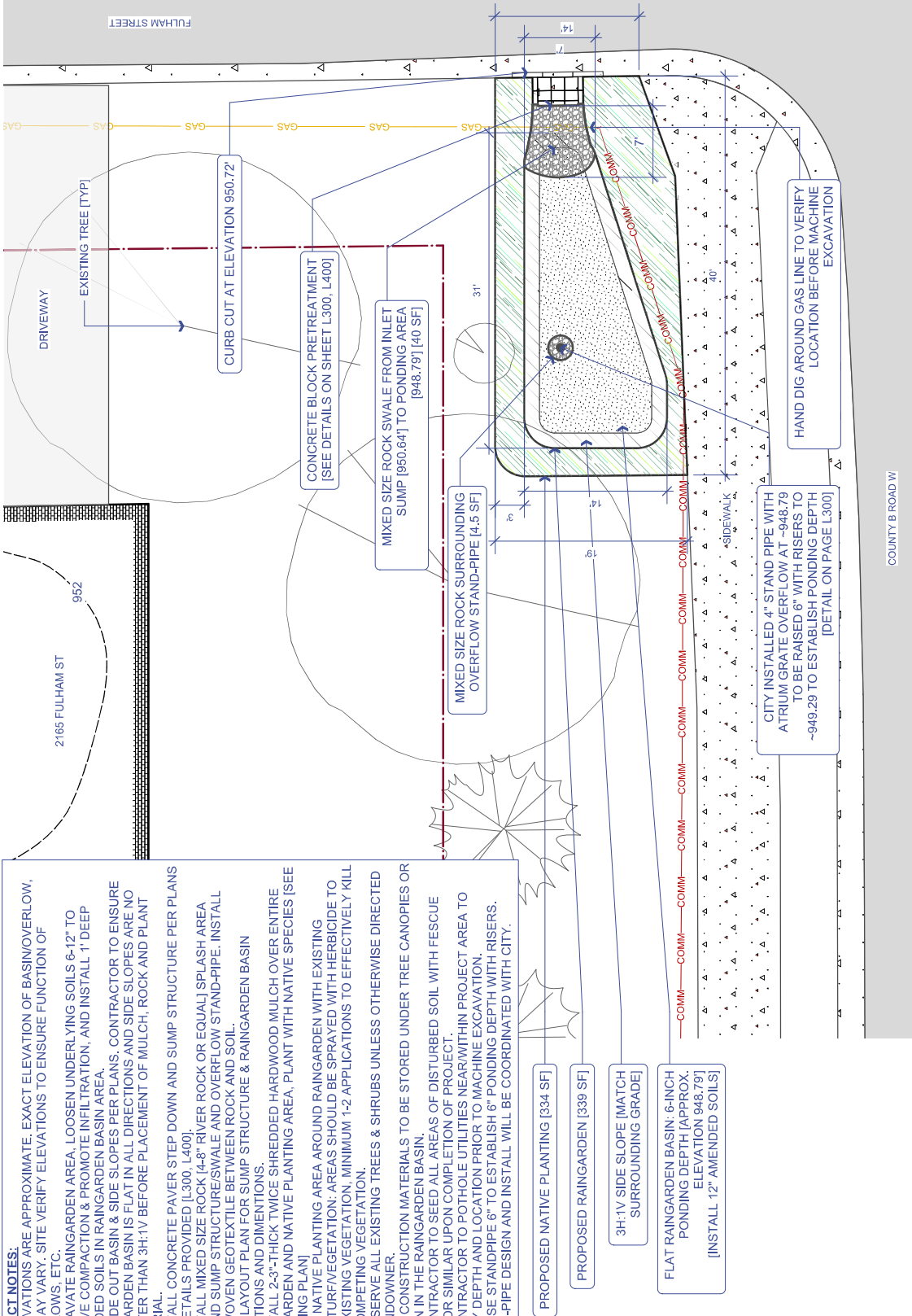
It is my recommendation that this project be awarded cost share in the amount of \$7,432.50 or 75% of the eligible project costs, whichever is less.

## **Pollution Reductions:**

	<i><b>Before</b></i>	<i><b>After</b></i>	<i><b>Reduction</b></i>	<i><b>Red. %</b></i>
Volume (cu-ft/yr)	21,100	12,484	8,616	41%
TSS (lbs/yr)	71.81	42.49	29.32	41%
TP (lbs/yr)	0.3953	0.2339	0.1614	41%



- PROJECT NOTES:**
1. ELEVATIONS ARE APPROXIMATE. EXACT ELEVATION OF BASIN/OVERFLOW, ETC. MAY VARY. SITE VERIFY ELEVATIONS TO ENSURE FUNCTION OF OVERFLOWS, ETC.
  2. EXCAVATE RAINGARDEN AREA. LOOSEN UNDERLYING SOILS 6"-12" TO REMOVE COMPACTION & PROMOTE INFILTRATION, AND INSTALL 1" DEEP AMENDED SOILS IN RAINGARDEN BASIN AREA.
  3. GRADE OUT BASIN & SIDE SLOPES PER PLANS. CONTRACTOR TO ENSURE RAINGARDEN BASIN IS FLAT IN ALL DIRECTIONS AND SIDE SLOPES ARE NO GREATER THAN 3H:1V BEFORE PLACEMENT OF MULCH, ROCK AND PLANT MATERIAL.
  4. INSTALL CONCRETE PAVER STEP DOWN AND SUMP STRUCTURE PER PLANS AND DETAILS PROVIDED [L300, L400].
  5. INSTALL MIXED SIZE ROCK [4-8" RIVER ROCK OR EQUAL] SPLASH AREA AROUND SUMP STRUCTURE/SWALE AND OVERFLOW STAND-PIPE. INSTALL NON-WOVEN GEOTEXTILE BETWEEN ROCK AND SOIL.
  6. SEE LAYOUT PLAN FOR SUMP STRUCTURE & RAINGARDEN BASIN ELEVATIONS AND DIMENSIONS.
  7. INSTALL 2-3"-THICK TWICE SHREDDED HARDWOOD MULCH OVER ENTIRE RAINGARDEN AND NATIVE PLANTING AREA. PLANT WITH NATIVE SPECIES [SEE PLANTING PLAN].
  8. FOR NATIVE PLANTING AREA AROUND RAINGARDEN WITH EXISTING LAWN/TURF/VEGETATION: AREAS SHOULD BE SPRAYED WITH HERBICIDE TO KILL EXISTING VEGETATION. MINIMUM 1-2 APPLICATIONS TO EFFECTIVELY KILL ALL COMPETING VEGETATION.
  9. PRESERVE ALL EXISTING TREES & SHRUBS UNLESS OTHERWISE DIRECTED BY LANDOWNER.
  10. NO CONSTRUCTION MATERIALS TO BE STORED UNDER TREE CANOPIES OR DRIVEN IN THE RAINGARDEN BASIN.
  11. CONTRACTOR TO SEED ALL AREAS OF DISTURBED SOIL WITH FESCUE SEED OR SIMILAR UPON COMPLETION OF PROJECT.
  12. CONTRACTOR TO POTHOLE UTILITIES NEAR/WITHIN PROJECT AREA TO VERIFY DEPTH AND LOCATION PRIOR TO MACHINE EXCAVATION.
  13. RAISE STANDPIPE 6" TO ESTABLISH 6" PONDING DEPTH WITH RISERS. STAND-PIPE DESIGN AND INSTALL WILL BE COORDINATED WITH CITY.

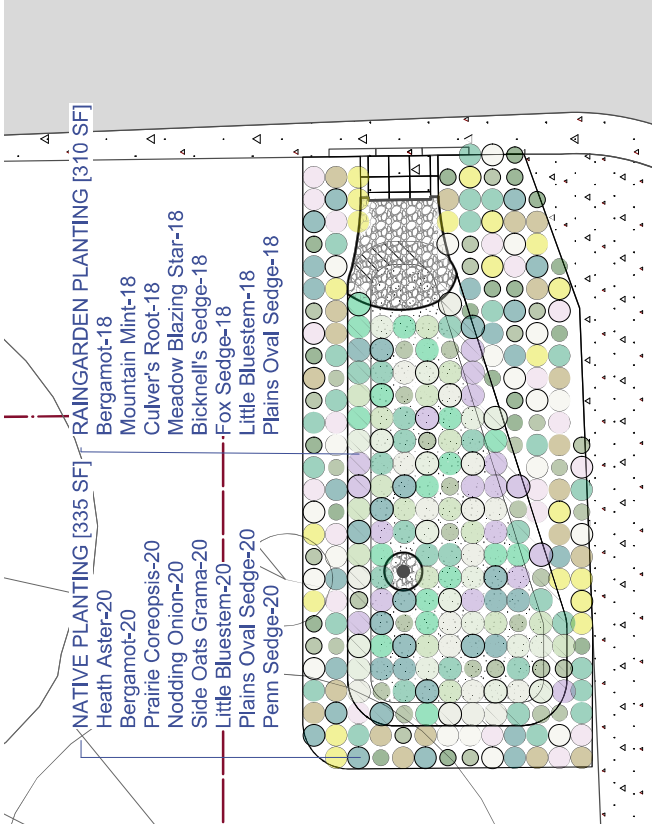


SITE PLAN

L100

**PLANTING NOTES:**

1. PLANT NATIVE SPECIES (2" PLUGS OR APPROVED EQUAL) IN GROUPS OF SAME SPECIES FOR EASY IDENTIFICATION AND WEEDING. PLANT IN GROUPS OF 3-12 OF SAME SPECIES WITH 12"-18" SPACING BETWEEN INDIVIDUAL PLANTS. DRAWING IS FOR REPRESENTATION ONLY AND IS NOT PRESCRIPTIVE.
2. SEE ATTACHED SPECIES LIST. FINAL SPECIES LIST AND QUANTITIES TO BE SUBMITTED FOR FINAL APPROVAL PRIOR TO INSTALLATION.



**RAMSEY COUNTY**  
2015 VAN DYKE STREET  
MAPLEWOOD, MN 55109  
651-266-7280  
www.ramseycounty.us

PROJECT: FITZGERALD RESIDENCE

LOCATION:  
2265 FULHAM ST.  
ROSEVILLE MN 55113

WATERSHED DISTRICT:  
RICE CREEK WATERSHED DISTRICT

DESIGNER: NICK NEYLON

DATE: 4/9/2024

REVISION: 2/11/2025

REVISION:

REVISION:

CHECKED BY: BTO

TAA:

NOTES:

-CONFIRM ANY PLAN CHANGES

WITH SWCD STAFF BEFORE

INSTALLATION.


-ORIGINAL SHEET SIZE: 11"x17"

SCALE: 1/8"=1'-0"


PLANTING PLAN

L200

PLANT SCHEDULE			
ID	Qty	Latin Name	Common Name
C16	20	Carex pensylvanica	Penn Sedge
C17	38	Carex brevoir	Plains Oval Sedge
C19	18	Carex bicknellii	Bicknell's Sedge
C32	18	Carex vulpinoidea	Fox Sedge
F8	20	Symphotrichum ericoides	Heath Aster
F12	38	Monarda fistulosa	Bergamot
F29	18	Veronicastrum virginicum	Culver's Root
F48	18	Liatris ligulistylis	Meadow Blazing Star
F50	18	Pycnanthemum virginianum	Mountain Mint
F52	20	Allium cernuum	Nodding Onion
F58	20	Coreopsis palmata	Prairie Coreopsis
G9	38	Schizachyrium scoparium	Little Bluestem
G14	20	Bouteloua curtipendula	Side Oats Grama
	304	TOTAL PLANTS	



**RAMSEY COUNTY SWCD**  
 2015 VAN DYKE STREET  
 MAPLEWOOD, MN 55109  
 651-266-7280  
 www.ramseycounty.us

**PROJECT:** FITZGERALD RESIDENCE  
**LOCATION:** 2156 FUHAM STREET  
 ROSEVILLE MN 55113  
**WATERSHED DISTRICT:** RICE CREEK WATERSHED DISTRICT  


**DESIGNER:** NICK NEYLON  
**DATE:** 4/9/2024  
**REVISION:** 2/11/2025  
**REVISION:**  
**REVISION:**  
**CHECKED BY:** BRIAN OLSEN  
**TAA:**

**NOTES:**  
 -CONTACT GOPHER STATE ONE CALL TO  
 CONFIRM UTILITY LOCATIONS PRIOR TO  
 WORK  
 -EXCAVATE WITH TRACKED EQUIPMENT  
 ONLY  
 -MAINTAIN SQUARE FEET AND DEPTH  
 -SUBSTITUTIONS TO CONSTRUCTION  
 DESIGN AND MATERIALS MUST BE  
 APPROVED PRIOR TO INSTALLATION  
 -ORIGINAL SHEET SIZE: 11'x17'

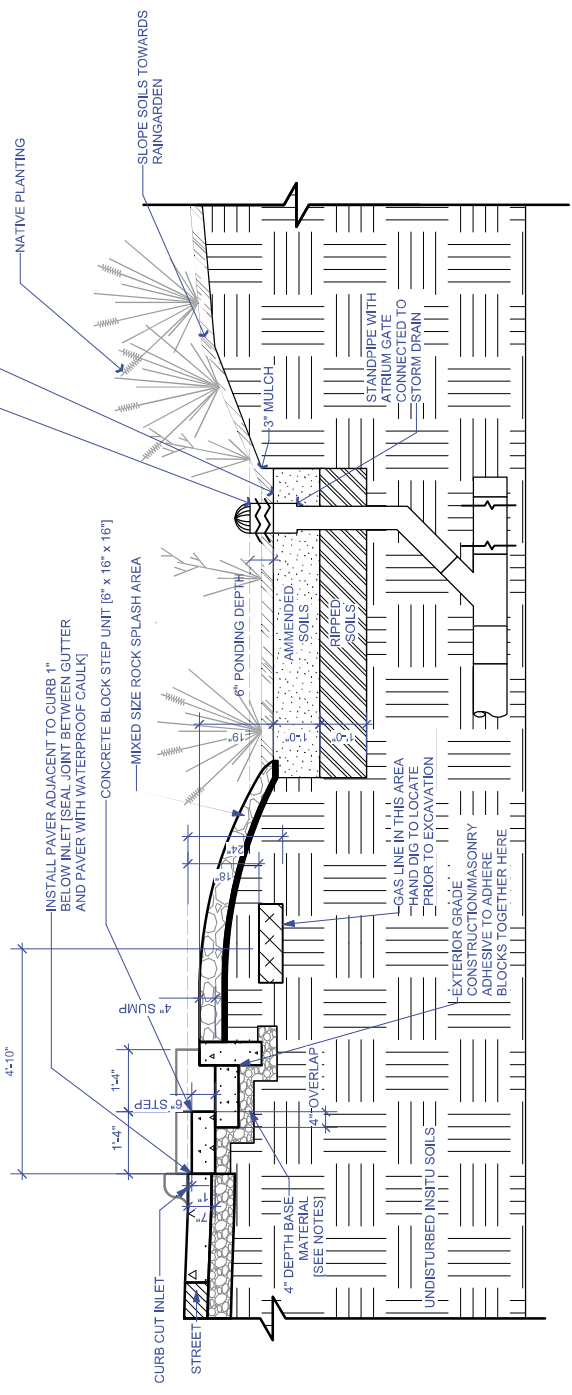
**SCALE:** 3/8" = 1'-0"

**SITE DETAILS:**  
 RAINGARDEN

**L300**

1

CURB-CUT RAINGARDEN SECTION  
Scale: 3/8" = 1'-0"



- CURB-CUT RAINGARDEN NOTES:

  - EXCAVATE RAIN GARDEN TO 1' BELOW CURENT GRADE. SCARIFY AN ADDITIONAL 6"-12" BEFORE BACKFILLING WITH AMENDED SOILS.
  - THE PLANTING MEDIUM AND MULCH SHALL BE PLACED IN SUCH A WAY AS TO LIMIT THE AMOUNT OF COMPACTION OF THE SUB-SOILS.
  - 4"-8" ROCK SWALE TO DROP 19" FROM SUMP EXIT TO BASIN LEVEL.
  - NO GEOTEXTILE TO BE USED BETWEEN NATIVE AND ENGINEERED SOILS
  - CONTRACTOR TO PROVIDE ALL GSOC LOCATIONS PRIOR TO COMPLETING ANY EXCAVATION
  - 6.6" OF RISE TO BE INSTALLED TO DRAIN TO ESTABLISH 6" PONDING DEPTH. CITY TO INSTALL RISERS





ALL ITEMS AS SPECIFIED BELOW ARE FOR REFERENCE USE ONLY

Fitzgerald Residence

2165 Fulham St.

Roseville, MN 55113

BMP Type: Curb Cut Raingarden w/ Pre-Treatment

Number of BMPs: 1 of 1

County: Ramsey  
Date: 11-Feb-25

INSTALLED MATERIALS & LABOR - CURB-CUT RAINGARDEN

Item	Qty	Unit	Unit Cost	Amount
Splash Blocks and Sump Base Material:	0.50	TON	\$ 300.00	\$ 150.00
Aggregate/Washed Sand/Pea Gravel (or equivalent)				
Concrete Splash Blocks and Sump Installation [16"x16"x6" Blocks - 13]	1.00	LS	\$ 3,500.00	\$ 3,500.00
Sod Removal; Raingarden Excavation/Grading & Soil Loosening	8.75	CY	\$ 90.00	\$ 787.50
Soil Amendment (80% Washed No.2 Sand; 20% MnDOT Grade II Compost)	8.50	CY	\$ 120.00	\$ 1,020.00
Twice Shredded Hardwood Mulch (MnDOT Type 6 Mulch)	6.25	CY	\$ 100.00	\$ 625.00
Aggregate: River Rock (Clean, washed (4-8") or equivalent)	1.50	TON	\$ 165.00	\$ 247.50
Geotex 401 (or Mirfani 140N: Non-woven geotextile, or equal)	40.00	SF	\$ 2.85	\$ 114.00
Native Perennial: 2" Plug; or equivalent	304.00	EA	\$ 6.25	\$ 1,900.00
Turf Grass/Vegetation Removal & Planting Bed Prep	334.00	SF	\$ 2.25	\$ 751.50
(turf grass, etc.) [1-2 herbicide applications minimum]				
General & Soil Disposal (use excavated soils onsite as possible before soil haul-away)	8.75	CY	\$ 45.00	\$ 393.75
Deliveries	3.00	EA	\$ 550.00	\$ 1,650.00
Mobilization	1.00	LS	\$ 1,300.00	\$ 1,300.00
			Subtotal	\$ 12,439.25

INSTALLED MATERIALS & LABOR - ADDITIONAL ITEMS AS NECESSARY

\$	-
\$	-
\$	-
\$	-
\$	-
Subtotal	\$ -

PROJECT TOTAL

Project Estimate	\$	12,439.25
: -10%	\$	11,195.33
: +10%	\$	13,683.18
Estimated WD/WMO Grant Award:		\$9,205.50
Estimated RCPR Grant Award:		\$0.00
Potential Grant Award Total:		\$9,205.50
Estimated Landowner Cost:		\$3,233.75

Soil & Water Conservation Division  
2015 Van Dyke Street  
Maplewood, MN 55109

[www.ramseycounty.us](http://www.ramseycounty.us)



**Client:** Fitzgerald Residence

**Location:** 2165 Fulham St; Roseville, MN 55113

**Date:** 2/20/2025

**Project Name:** Curb-Cut Raingarden

Item	Size	Quantity	Cost	Total
<b>Curb-Cut Raingarden</b>				
<b>Project Management:</b> on-site; materials sourcing; client communication, coordination with RCSWCD ; etc		20	\$85	\$1,700
<b>Labor:</b> site prep, removal existing veg, hand grade rain garden, install soil amendments, install sump inlet, mulch, plant, etc		40	\$55	\$2,200
<b>Splash Blocks and Sump Base Material:</b> Aggregate/Washed Sand/Pea Gravel (or equivalent)	Ton	0.5	\$100	\$50
<b>Concrete Splash Blocks for Sump:</b> 16"x16"x6" Blocks (13)		13	\$16	\$208
<b>Sod Removal; Raingarden excavation/grading &amp; Soil Loosening</b>	Cubic yard	8.75	\$80	\$700
<b>Soil Amendment:</b> 80% washed No. 2 sand; 20% MNDot Grade II Compost	Cubic Yard	8.5	\$85	\$723
<b>Mulch:</b> Twice shredded hardwood mulch	Cubic Yard	6.25	\$75	\$469
<b>Aggregate:</b> River Rock 4-8"	Cubic yard	1.5	\$120	\$180
<b>Landscape fabric for rock inlet:</b> geotex 401 or equivalent	SF	40	\$2.00	\$80
<b>Plants:</b> native Perennial 2" plug (see plant schedule below for species/counts; see note about increased native planting sq footage)	2" or 4" depending on availability	347	\$6	\$2,082
<b>Turf Grass/Vegetation Removal and planting prep</b>		425	\$1	\$425
<b>Debris dump fee - soil</b>	CY	8.75	\$65	\$569
<b>Delivery - plants, soil, mulch</b>		3	\$175	\$525
<b>Chicken wire cages:</b> protect Liatris from rabbit predation during year one (see note)		9	\$5	\$45
<b>TOTAL LABOR &amp; HARDSCAPE:</b>				<b>\$9,910</b>

**Notes:**

- Curb cut moved: placement of curb cut based on site visit is not consistent with design documents; this bid assumes the sump inlet will be placed adjacent to existing curb cut which will change the shape of the rain garden and increase the size of the native planting zone (from 335 sq ft to 425 sq ft); Light Dark approved these changes with Nick Neylon via phone call on 2/21 and email on 2/24 (added prairie alumroot and pussytoes to the native planting plan as a low edge species; added 7 additional little bluestem)
- Light Dark may run into issues with tree roots of the existing canopy that sits within 10 ft of the NW corner of the rain garden; will make any on-site changes necessary to accommodate roots
- Installation schedule: Light Dark will coordinate with either the city of Roseville or RCSWCD to get the sewer riser installed; Light Dark will complete all grading, sump installation, vegetation prep, and mulching prior to riser installation and will return with plants once riser is in place
- Rain garden plant schedule changes: reduced number of liatris and added some Iris for early season color; the reason for this change is due to rabbit predation on liatris as well as desire for late spring blooms; we added in a \$5/plant charge to cage some liatris to help them get established in the first season — worth the cost to ensure butterfly blooms in years 2 and beyond



## PLANTING MATERIAL

Raingarden Plant schedule: 310 sq ft

<i>Carex brevior</i> Plains Oval Sedge	3 1/2"	18	\$6	\$108
<i>Carex bicknellii</i> Bicknell's Sedge	3 1/2"	18	\$6	\$108
<i>Carex vulpinoidea</i> Fox Sedge	3 1/2"	18	\$6	\$108
<i>Schizachyrium scoparium</i> Little Bluestem	3 1/2"	18	\$6	\$108
<i>Veronicastrum virginicum</i> Culver's Root	3 1/2"	18	\$6	\$108
<i>Liatris ligulistylus</i> Meadow Blazing Star	3 1/2"	9	\$6	\$54
Small chicken wire cages to protect <i>Liatris</i> from rabbit predation		9	\$5	\$45
<i>Iris versicolor</i> Northern Blue Flag Iris		9	\$6	\$54
<i>Pycnanthemum virginianum</i> Mountain Mint	3 1/2"	18	\$6	\$108
<i>Monarda fistulosa</i> Wild Bergamot	3 1/2"	18	\$6	\$108

Native Planting Plant schedule: 425 sq ft (see note about increased size)

<i>Carex brevior</i> Plains Oval Sedge	3 1/2"	20	\$6	\$120
<i>Carex pennsylvanica</i> Common Oak sedge	3 1/2"	20	\$6	\$120
<i>Bouteloua curtipendula</i> Side Oats Grama Grass	3 1/2"	20	\$6	\$120
<i>Schizachyrium scoparium</i> Little Bluestem	3 1/2"	27	\$6	\$162
<i>Symphotrichum ericoides</i> Heath Aster	3 1/2"	20	\$6	\$120
<i>Monarda fistulosa</i> Wild Bergamot	3 1/2"	20	\$6	\$120
<i>Allium cernuum</i> Nodding Onion	3 1/2"	20	\$6	\$120
<i>Coreopsis palmata</i> Prairie Coreopsis	3 1/2"	20	\$6	\$120
<i>Heuchera richardsonii</i> Prairie Alumroot	3 1/2"	18	\$6	\$108
<i>Antennaria plantaginifolia</i> Pussytoes	3 1/2"	18	\$6	\$99



3747 Cedar Ave S  
Minneapolis, MN 55407  
651-699-2426  
metrobloomssdb.com

# Landscape Installation Proposal

Date: April 29, 2025

Client: Tina Fitzgerald

Address: 2165 Fulham Street, Roseville MN 55113

Contact: 612-386-0733, fitzytina@gmail.com

Task - Front Yard Native Planting and Rain Garden	Quantity	Unit	Cost/Unit	Total
Splash Blocks and Sump Base Material	1.00	ton	\$250.00	\$250.00
Concrete Splash Blocks & Sump Installation	1.00	lump	\$2,500.00	\$2,500.00
Soil and Sod Removal	9.00	yd <sup>3</sup>	\$137.81	\$1,240.31
Soil Amendment (80% Sand/20% Compost)	9.00	yd <sup>3</sup>	\$207.90	\$1,871.10
Double Shredded Hardwood Mulch	6.50	yd <sup>3</sup>	\$181.91	\$1,182.43
Aggregate (clean, washed rock, 2-8" FIELDSTONE)	1.00	yd <sup>3</sup>	\$333.75	\$333.75
NW6 Non-Woven Drainage Fabric	40.00	sf	\$1.38	\$55.13
Native Perennial Plants - 4" Pots (we plant 4", not 2" plugs)	304.00	each	\$7.50	\$2,280.00
Turf Grass/Vegetation Removal & Bed Prep	334.00	sf	\$5.00	\$1,670.00
General & Soil Disposal (excavated soils to be used on site if possible)	9.00	yd <sup>3</sup>	\$137.81	\$1,240.31
Deliveries	3	lump	\$200.00	\$600.00
Scope: 1) Remove existing sod and vegetation. 2) Excavate and grade raingarden. 3) Install Compacted Aggregate Base and Concrete Splash Blocks. 4) Install NW6 Non-Woven Drainage Fabric. 5) Install 2 - 6" River Rock. 6) Loosen soil and apply bioretention soils, finish grade. 7) Mulch with 3" of double-shredded hardwood mulch. 8) Plant according to the planting plan. 9) Provide care instructions. **This installation proposal does not include any concrete work (such as concrete curb cut), nor stand pipe installation and connection to storm drain. Those items are to be performed by the City of Roseville prior to installtion of the raingarden.				

Terms and conditions: If client decides to hire Metro Blooms Design + Build for landscape installation services, a contract between both parties will be signed and 50% deposit of project total is due a minimum of 2 weeks before start of work. Proposals are good for 30 days.

\*Mobilization fee covers expenses related to ordering and obtaining materials, and transportation costs.

Project Sub-total =	\$13,223.03
Mobilization fee* =	\$1,057.84

Project Total =	<b>\$14,280.87</b>
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3747 Cedar Ave S  
Minneapolis, MN 55407  
651-699-2426  
metrobloomsdb.com

## PROFESSIONAL SERVICES PROPOSAL & CONTRACT

Issue Date: April 29, 2025

This Proposal is made as of the signed date below, between the Client and Metro Blooms Design + Build for Installation Services as provided herein.

### CLIENT INFORMATION

Client: Tina Fitzgerald  
Address: 2165 Fulham Street, Roseville MN 55113  
Contact: 612-386-0733, fitzytina@gmail.com

### METRO BLOOMS DESIGN + BUILD INFORMATION (CONTRACTOR)

Jennifer Ehlert, [jennifer@metroblooms.org](mailto:jennifer@metroblooms.org), 919-624-1216

## SCOPE OF SERVICES

### Proposed Services

#### 1.1 Standard of Care

Landscape Architectural Services shall be performed with care and diligence in accordance with the professional standards appropriate for a project of the nature and scope of this Project. Services include: design, project management, construction management, and installation of new plantings and features according to landscape planting plan and proposal.

#### 1.2 Scope of Services

Services to be provided under this Agreement are detailed in attached proposal. **This proposal is good for one week.**

#### 1.3 Payment Terms

Total estimated project cost is \$14,280.87. **50% of total estimated cost, \$7,140.44, is due to Metro Blooms Design + Build upon contract signing.** Remainder due upon project completion and invoicing by Metro Blooms Design + Build. A 3% processing fee will be added to the total for credit card payments. Please visit <https://metrobloomsdb.com/pay-invoice/> to pay with a credit card. Please mail checks to:

- Metro Blooms Design + Build  
3747 Cedar Ave S  
Minneapolis, MN 55407

*We strive to provide accurate estimates for our clients. Acknowledging that the price of materials may increase before your installation, we reserve the right to increase our bid by up to 10% based on current cost of materials and labor at time of installation. Any changes will be presented to the Client for approval prior to moving forward with the work. Our prices include an installed price and represent the cost of materials and labor, unless noted otherwise.*

*Metro Blooms Design+Build is a for-profit company owned by the nonprofit Metro Blooms. We offer financial support and core programmatic services to meet the shared mission, vision and values of Metro Blooms. A portion of our profit goes towards Metro Blooms nonprofit, to support our community-based programming. If you'd like to further support Metro Blooms' work, you can make a donation at [metroblooms.org](https://metroblooms.org)*

#### **1.4 Changes to Approved Services**

Supplemental Services are beyond the scope of the basic Scope of Services, and when requested in writing by the Client, shall entail additional compensation beyond the Compensation stated in accordance with Metro Blooms Design + Build rates (see attached proposal).

#### **1.4 Schedule of Performance**

Estimated start: August/September 2025. The Client's signature on this Agreement and payment of 50% contract price shall be the basis for Metro Blooms Design + Build to begin providing services for the Project. Due to factors out of our control, such as weather, we do not guarantee specific dates of service. Contractor will notify Client at least 3 days prior to Project installation.

#### **1.5 Access**

Client grants Contractor and any subcontractors hired to complete Project activities access to their property for the duration of this agreement.

#### **1.6 Pathogen & Invasive Species Awareness and Contingency**

Client will inform Metro Blooms Design + Build immediately if aware of noxious pathogens or invasive species of concern at project site. Client understands that Metro Blooms Design + Build will not transport soil off the project site if noxious pathogens or invasive species of concern, including Jumping Worms, are found to be present. In such cases Metro Blooms Design + Build will do our best work with the Client to develop alternative solutions to keep soil on site. However, the client understands that if no suitable alternative is agreed upon by Client and Metro Blooms Design + Build the project may be unable to continue.

Client understands that, due to the nature of the work, Metro Blooms Design + Build cannot guarantee zero risk of pathogen or invasive species contamination during performance of service. Metro Blooms Design + Build follows reasonable best practice protocols to reduce the risk of pathogen and invasive species transfer. Client will hold Metro Blooms Design + Build harmless should they discover garden pathogens or invasive species on project site.

By signing below, Client agrees to the terms and conditions that apply to the services selected. By signing you acknowledge that you are authorized to act on behalf of the Client and authorize Metro Blooms Design + Build to begin project activities.

---

*Client Signature*

---

*Date*

**Article 1 - Agreement**

1.1 The agreement between Contractor and Client consists of these Terms and Conditions and the accompanying Project Agreement (the "Agreement"). The Agreement is the entire agreement and supersedes all prior agreements. The Agreement may be modified only in a writing signed by Contractor and Client.

1.2 "Contractor" and "Client" include their officers, employees, and subcontractors.

1.3 Conflicting or additional terms are not part of the Agreement unless Contractor and Client accept the terms in writing.

**Article 2 – Contractor's Responsibilities and Rights**

2.1 Contractor will perform the Services and furnish the materials described in the Project Proposal at the Property. Contractor will have no duty to perform other services or furnish other materials.

2.2 If the Project involves digging or dirt removal, to locate public utilities at the site, Contractor will contact Gopher State One Call at least 48 hours before starting the Project.

2.3 In performing the Services, Contractor will use the degree of care and skill ordinarily exercised by reputable members of Contractor's profession practicing under similar circumstances in the same locality.

2.4 Contractor will have no duty to supervise or coordinate with other contractors Client engages, unless Contractor accepts the duty in writing.

2.5 Contractor will retain title to Project materials until Contractor completes the Project and Client accepts the completed Project. Contractor will own any surplus materials.

2.6 Contractor will complete the Project as quickly and as reasonably as possible. Factors such as weather and soil conditions may lengthen the installation process or postpone the estimated start or completion dates. Consequently, Contractor does not guaranty start or completion dates.

2.7 Client will provide access to the site. Contractor will store materials and equipment at the site during the Project. Contractor will access the site by the most direct route or as otherwise specified by Client. It is normal for Contractor's work to cause some damage to the site even when Contractor exercises due care. Contractor will make reasonable repairs designed to minimize, but may not eliminate, damage caused by storage and access.

2.8 Contractor may engage subcontractors for the Project. Subcontractors will carry commercial general liability insurance and workers compensation coverage to comply with state law and other requirements associated with the Project.

2.9 During the Project, Contractor will carry commercial general liability insurance and workers' compensation insurance to comply with state law and other requirements associated with the Project.

2.10 Contractor will convey clear title to the materials to Client. Contractor warrants that, upon completion of the Project, the Project will be free from defects in material and workmanship.

2.11 Metro Blooms Design + Build will offer one-time only replacement of any tree, shrub, evergreen, woody vine, or perennial that has died within one (1) year from the date of installation, provided the plant was planted by a Metro Blooms Design + Build staff member and has been cared for as instructed and not mistreated. Metro Blooms Design + Build will not replace plants planted by volunteers, killed by animals, insects, mechanical damage, neglect, natural disasters or other reasons over which Metro Blooms Design + Build has no control. This warranty does not cover annuals, seeds, bulbs, roses and non-winter hardy plants. Any repairs/replacements made to any installation after expiration of the warranty will be made at Client's expense. Any repairs made to any installation by any party other than Metro Blooms Design + Build voids any warranties offered by Metro Blooms Design + Build. THE WARRANTIES IN THIS SECTION ARE IN LIEU OF ALL OTHER WARRANTIES, WHETHER ORAL, WRITTEN, EXPRESS, OR IMPLIED.

2.12 Metro Blooms Design + Build takes care to protect existing landscaping during project installation but is not liable for any immediate or future damage to existing trees or other landscaping.

**Article 3 – Client's Responsibilities and Rights**

3.1 Client will provide Contractor with site information and data that may affect the Services. That includes the location of any private utilities or installations such as irrigation systems, invisible pet fencing, and other private utilities and installations that may interfere with or be damaged by the completion of the Project. Client will mark any private utilities and installations at least 24 hours before Project work begins. Client and Client's insurer will be responsible for any damage to Contractor, Contractor's employees, equipment or materials resulting from any unmarked or mismarked private utility or installation. In addition, Client will hold harmless and indemnify Contractor from claims, damage, loss and expense arising

from Client's failure to disclose or locate private utilities or installations as required by this Section.

3.2 If the Project requires the approval of any third party, Client will obtain the approval before Contractor begins the Project. Approvals may be required from third parties such as homeowner's associations, management companies and mortgagees. Client will establish all survey or property boundary lines on the site. The items in this Section 3.2 will be Client's responsibility except to the extent Contractor agrees in writing to be responsible for items. If Client fails to complete items it is required to complete under this Section 3.2, Contractor will not be responsible for resulting consequences or damages.

3.3 Client will disclose information regarding site contamination to Contractor.

3.4 Client grants Contractor the following rights: (a) to take pictures, video and make written accounts of the Project for promotional purposes; (b) to place a yard sign on the Property during and for 30 days following completion of the Project; and (c) to plot Project data on web-based mapping applications.

#### **Article 4 – Reports and Records**

4.1 Contractor's reports, notes, calculations, other documents, computer software and data generated or used by Contractor to provide the Services are, and will remain, Contractor's property; Contractor grants to Client a nonexclusive license to use the property in connection with the Project. Client may not transfer to others or use property licensed by Contractor to Client for another purpose without Contractor's written approval.

4.3 If you do not pay for Contractor's services in full, Contractor may retain undelivered work and you agree to return Contractor's work you possess or control.

4.4 Contractor may discard or return to Client, in Contractor's discretion, data, reports, photographs, documents and other materials provided by Client or others unless, within 15 days of the Project completion date, Client gives Contractor written instructions to store or transfer the materials at Client's expense.

#### **Article 5 – Compensation**

5.1 Estimated Costs are based on available information and Contractor's professional judgment. Actual costs will be determined from completing the Project and may exceed Estimated Costs. For budgeting, Contractor recommends that Client include a contingency for costs in excess of Estimated Costs. Any changes resulting in a 10% increase in price or more because of a change in the design or Contract, must be made in writing and agreed upon by both parties.

5.2 Client will notify Contractor of billing disputes within 15 days after receipt of an invoice. Client will pay undisputed amounts upon receipt of the invoice. Beginning 30 days after an invoice date, interest will accrue and be payable on the unpaid balance at the rate of 1.5% per month, or at the maximum rate allowed by law if less.

5.3 Client's obligation to pay for the Services is not contingent on financing, governmental or regulatory agency approval, permits, the outcome of litigation, completion of a project, receipt of payment from another, or any other contingency.

5.7 If the Project is delayed by factors beyond Contractor's control, or if Project conditions or the scope or amount of work change, or if changed labor union conditions result in increased costs, decreased efficiency, or delays, or if the standards or methods change, Contractor will notify Client and pursue an equitable adjustment of the compensation.

#### **Article 6 - Disputes, Damage, and Risk Allocation**

6.1 The parties will first seek to resolve disputes through negotiation and mediation. For a period of 30 days after a dispute arises, the parties will engage in negotiation that may include meetings attended by the parties' representatives. If a dispute is not resolved through negotiation, the parties will submit the matter to mediation. If the dispute is not resolved through mediation, either party may commence litigation in the state and federal courts located in Hennepin County, Minnesota. If a dispute involves a party's failure to pay an undisputed amount to the other party, the creditor may commence litigation without engaging in negotiation or mediation.

6.2 Neither party will be liable for special, incidental, consequential, or punitive damages including, but not limited to, those arising from delay, loss of use, loss of profits or revenue, loss of financing commitments or fees, or the cost of capital.

6.3 Contractor's liability under this Agreement shall not exceed the total Project price.

6.4 The prevailing party in litigation will be entitled to recover the costs and expenses it incurs in the litigation, including reasonable attorney's fees.

6.5 Minnesota law governs this Agreement. Contractor and Client waive trial by jury.

## Article 7 - General Indemnification

7.1 Contractor will indemnify and hold Client harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by Contractor's negligent acts or omissions or the negligent acts or omissions of persons for whom Contractor is legally responsible. Client will indemnify and hold Contractor harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by Client's negligent acts or omissions or the negligent acts or omissions of persons for whom Client is legally responsible.

7.2 To the extent it may be necessary to indemnify either of us under Section 7.1, you and we expressly waive, in favor of the other only, any immunity or exemption from liability that exists under any worker compensation law.

7.3 Client agrees to indemnify Contractor against losses and costs arising out of claims of patent or copyright infringement as to any process or system that is specified or selected by Client or by others on Client's behalf.

## Article 8 - Miscellaneous Provisions

8.1 Contractor will provide a certificate of insurance upon Client's request.

8.2 Contractor and Client, for themselves and their insurers, waive all claims and rights of subrogation for losses covered by their respective insurance policies.

8.3 Neither party will assign or transfer any interest, claim, cause of action, or right against the other. Neither party will assign or otherwise transfer or encumber any proceeds or expected proceeds or compensation from the Project or Project claims to any third person, whether directly or as collateral or otherwise.

8.4 Either party may terminate this Agreement, with or without cause, upon 14 days' written notice given to the other party. Upon termination, Client will pay Contractor's labor and materials costs through the termination date plus the price of custom-ordered products. If Client attempts to terminate this Agreement without giving Contractor a termination notice, in addition to the termination charges stated above, Client will pay Contractor 15% of the Project cost.

8.5 If part of this Agreement is deemed invalid or illegal, all other parts shall remain in effect.

8.6 **PRE-LIEN NOTICE: THIS NOTICE IS TO ADVISE YOU OF YOUR RIGHTS UNDER MINNESOTA LAW (MINN. STAT. §514.011) IN CONNECTION WITH THE IMPROVEMENT TO YOUR PROPERTY.**

**(A) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS.**

**(B) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.**

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## **ITEMS REQUIRING BOARD ACTION**

1. Anoka County Ditch 10-22-32 Alternative 4 (Tom Schmidt)



# MEMORANDUM

## Rice Creek Watershed District



**Date:** June 4, 2025  
**To:** RCWD Board of Managers  
**From:** Tom Schmidt, Drainage & Facilities Manager  
**Subject:** Anoka County Ditch 10-22-32 Alternative #4

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### **Introduction**

This agenda item is for the Board to act on Alternative #4 for Anoka County Ditch 10-22-32 (ACD 10-22-32), located north of Pine Street.

### **Background**

The Board directed the investigation of Alternative #4 at its June 14, 2023, meeting. At the Board workshop on June 9, 2025, staff and engineers discussed Alternative #4 (ACSIC Option) for ACD 10-22-32, located north of Pine Street, with the Board. Staff are seeking a decision from the Board on Alternative #4. The matter has ongoing landowner, municipal, and county interest; a definitive decision will provide staff with clarity on the Board's position regarding the approach to future management of this section of the public drainage system.

One of the components of Alternative #4, the lowering of the culvert at West Pine Street, has Wetland Conservation Act approval by the Board and is anticipated to be completed as maintenance by the close of 2025.

### **Staff Recommendation**

Staff are seeking the Board's action on Alternative #4 (ACSIC Option).

### **Attachments**

- HEI September 3, 2024, Memo ACD 10-22-32 Repair Alternative 4 Update on Regulatory Engagement
- ACD 10-22-32 Reference Materials
  - HEI January 23, 2023, ACD 10-22-32 Evaluation of Maintenance Alternatives
  - RCWD April 26, 2023, Board Approved Minutes Excerpt (Public Meeting: ACD 10-22-32 Evaluation of Maintenance Alternatives)
  - HEI May 23, 2023, ACD 10-22-32 Summary of Comments Received and Next Steps
  - RCWD June 14, 2023, Board Approved Minutes Excerpt (Board acts to develop Alternative #4)

# Technical Memorandum

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**To:** Nick Tomczik, Administrator  
Rice Creek Watershed District

**Cc:** Tom Schmidt

**From:** Chris Otterness, PE

**Subject:** ACD 10-22-32 Repair Alternative 4  
Update on Regulatory Engagement

**Date:** September 3, 2024

**Project #:** R005555-0332

## INTRODUCTION

The purpose of this memorandum is to summarize findings on the feasibility of proposed repairs to Anoka County Ditch (ACD) 10-22-32, specifically “Alternative 4” identified in the January 23, 2023 memorandum *Anoka County Ditch 10-22-32 Evaluation of Maintenance Alternatives*. On June 14, 2023, the RCWD Board of Managers directed staff to develop maintenance Alternative #4 by:

1. Identifying and quantifying regulatory requirements
2. Assessing the feasibility of the proposed alternative in light of the regulatory requirements; and
3. Engaging with municipal partners, DNR, and other regulatory land use and road authorities as necessary to evaluate the feasibility of maintenance Alternative #4.

## BOARD CONSIDERATION OF REPAIRS<sup>1</sup>

The Board’s consideration of repair options for ACD 10-22-32 involves several requirements of the drainage code and other law. Repair and maintenance obligations under the drainage code require the Board to consider whether “the repairs recommended are necessary for the best interests of the affected property owners”. (103E.705 and .715). Affected property owners include all owners of property benefitted by the drainage system and responsible for costs of the drainage system.

The Board must also consider “conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law in determining whether the project will be of public utility, benefit, or welfare”. (103E.015, subd. 2).

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<sup>1</sup> The introductory comments in this section were provided by the District’s drainage attorney.

"Public welfare" or "public benefit" includes an act or thing that tends to improve or benefit the general public, either as a whole or as to any particular community or part, including works contemplated by [the drainage code], that drain or protect roads from overflow, protect property from overflow, or reclaim and render property suitable for cultivation that is normally wet and needing drainage or subject to overflow. (103E.005, subd. 27).

The phrase, "other material matters as provided by law" implicates environmental policies and procedures of the state. One requirement, in particular, is the least impact alternative requirement found in the Minnesota Environmental Policy Act (MEPA), statutes chapter 116D. No state action significantly affecting the quality of the environment shall be allowed, nor shall any permit for natural resources management and development be granted, where such action or permit has caused or is likely to cause pollution, impairment, or destruction of the air, water, land or other natural resources located within the state, so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its air, water, land and other natural resources from pollution, impairment, or destruction. (116D.04, subd. 6).

Another material consideration is the State's water policy -- it is in the public interest to preserve the wetlands of the state to conserve surface waters, maintain and improve water quality, preserve wildlife habitat, reduce runoff, provide for floodwater retention, reduce stream sedimentation, contribute to improved subsurface moisture, enhance the natural beauty of the landscape, and promote comprehensive and total water management planning. (103A.202).

Finally, in considering the scope and extent of repair, the courts recognize additional considerations and obligations. Drainage Authorities have an obligation to maintain ditches in a manner consistent with the policies established by the legislature in various environmental laws.

A clear articulation of this obligation was provided by the Court of Appeals in case brought by McLeod County, in its capacity as drainage authority, against the Minnesota Department of Natural Resources.

The Minnesota Supreme Court has stated: Once a ditch system is established, the order creating it constitutes a judgment in rem. \* \* \* Thereafter, every owner of land who has recovered damages or been assessed for benefits has a property right in the maintenance of the ditch in the same condition as it was when originally established. *Fischer v. Town of Albin*, 258 Minn. 154, 156, 104 N.W.2d 32, 34 (Minn.1960) (quoting *Petition of Jacobson v. Kandiyohi County*, 234 Minn. 296, 299, 48 N.W.2d 441, 444 (1951)).

Thus, the landowners have a right to have the ditch maintained, and it is the [drainage authority] that must undertake the maintenance. However, as a political subdivision of the

state, the [drainage authority] has a greater duty than does a private individual to see that legislative policy is carried out. As a creature of the state deriving its sovereignty from the state, the [drainage authority] should play a leadership role in carrying out legislative policy. *County of Freeborn v. Bryson*, 309 Minn. 178, 188, 243 N.W.2d 316, 321 (Minn.1976). Therefore, when the [drainage authority] undertakes the maintenance of a ditch, pursuant to statute, “it must do so in a way that is consistent with the objectives of the statute and other announced state policies.” *Kasch v. Clearwater County*, 289 N.W.2d 148, 151 (Minn.1980).

The supreme court has stated that Aldo Leopold's “ ‘land ethic simply enlarges the boundaries of the community to include \* \* \* the land.’ ” *In re Application of Christenson*, 417 N.W.2d 607, 615 (Minn.1987) (quoting *Bryson*, 309 Minn. at 189, 243 N.W.2d at 322). The court has reaffirmed that the state's environmental legislation had given this land ethic the force of law, and imposed on the courts a duty to support the legislative goal of protecting our state's environmental resources. Vanishing wetlands require, even more today than in 1976 when *Bryson* was decided, the protection and preservation that environmental legislation was intended to provide. *Id.* Thus, the county has an obligation to maintain the ditch in a manner consistent with the policies established by the legislature in the Act.

*McLeod Cnty. Bd. of Com'rs as Drainage Authority for McLeod Cnty. Ditch No. 8 v. State, Dept. of Natural Resources*, 549 N.W.2d 630, 633–34 (Minn.App.,1996)

In the process of applying all of the above considerations and obligations, courts have concluded that the drainage authority, has discretion to determine the manner in which the ditch will be maintained – including the scope and extent of repair. *Slama v. Pine Cnty.*, No. A07-1091, 2008 WL 1972914 (Minn. Ct. App. May 6, 2008).

In reviewing this memorandum, the Board is strongly encouraged to consider the utility of any proposed action in the context of the above considerations and obligations.

#### ALTERNATIVE 4 COMPONENTS

Maintenance Alternative #4 includes three components:

- a) Lowering of the culvert under Pine Street at the ACD 10-22-32 Main Trunk;
- b) Lowering of the culverts at a driveway west of Jodrell Street (referred to as “137<sup>th</sup> Ave.”); and
- c) Lowering of the culverts at Jodrell Street.

Lowering of the 137th Ave. culverts and Jodrell Street culverts requires regulatory engagement with the Minnesota Department of Natural Resources (DNR) since the culverts serve as the runout for public waters basins and thus changes at the culverts have the potential to impact these basins. Lowering of the Pine Street culvert does not have the potential to impact public waters but does have the potential to impact wetlands regulated under the state Wetland Conservation Act (WCA) and RCWD Rule F.

A memorandum dated October 31, 2023 by Houston Engineering, Inc. (HEI) provided an update on regulatory coordination complete to that date. Since then, additional coordination has occurred including RCWD application for a wetland replacement plan under WCA and DNR review of potential impacts to public waters.

This memorandum describes information gathered for addressing the Board-directed actions and points of consideration when evaluating the viability of maintenance options including balancing benefit and function versus cost and impact.

## **PINE STREET CULVERT**

HEI completed a field delineation of wetlands along ACD 10-22-32 Main Trunk from Pine Street to 137<sup>th</sup> Ave. in September 2023. RCWD staff submitted the delineation report to the local government unit (LGU) in October 2023 for concurrence review. The technical evaluation panel (TEP) concurred with the delineation and RCWD approved the application.

HEI then prepared a wetland replacement plan which was submitted by RCWD staff to the LGU on May 17, 2024. The replacement plan includes mitigating 1.018 acres of wetland impact by withdrawing 2.036 acres of wetland credits from the Browns Preserve wetland bank. During the comment period, DNR staff provided correspondence indicating that rare plants have been identified within the vicinity of the project, and that a rare plant survey would be required.

The proposed work is entirely within the roadway and ditch which are exempt from endangered species permitting requirements per Minnesota Statute 84.0895 subd. 2(a)(1). The associated wetland drainage does not have the potential for a rare plant takings. Therefore, a rare plant survey is unnecessary and is not a reasonable use of public dollars. RCWD staff and its consultants are in discussion with DNR to address their concerns. The RCWD as LGU will then consider the wetland replacement plan prior to proceeding with culvert lowering. RCWD staff intends to complete this work once the replacement plan is complete and as soon as lowered water levels are conducive to the work.

## **137TH AVE. AND JODRELL STREET CULVERTS**

### ***DNR ENGAGEMENT***

RCWD and HEI staff have had multiple interactions with DNR staff including meetings and exchanges of information (including modeling with additional detail) to inform DNR's consideration of the Alternative 4 repair and associated Public Waters regulation. DNR summarized its review within a letter dated July 10, 2024 (attached). The following is a summary of DNR's conclusions from this letter and other DNR correspondence related to this matter:

- A Letter of Permission from the DNR is required to complete the lowering of the 137<sup>th</sup> Ave. and Jodrell Street culverts as described in Alternative 4.

- A Letter of Permission will only be granted if the repair plan includes actions by the RCWD to mitigate impacts to the public waters.
- The state statute and rules are not prescriptive on how “impact” is to be evaluated for the proposed lowering of the culverts, and due to the rarity of such requests DNR does not have policy or substantial case history on the quantification of impacts. For this repair, DNR has considered the extent of inundation from the 2-, and 10-year rainfall events under existing and proposed (repaired conditions). Based on the model data and comparison to available storage, DNR has predicted 7.3 acres of impacts to wetlands resulting from Alternative 4.
- Likewise, state public waters laws are not specific on how public waters are to be mitigated. However, DNR staff has indicated that a starting point for mitigation is to utilize WCA requirements, though they may consider alternative mitigation approaches. Under WCA requirements, impacts to wetlands at this location would require replacement at a 2:1 ratio, or 14.6 acres in total. This could potentially be mitigated using the District’s Browns Preserve wetland bank.
- As impacts within a public water are predicted to exceed 1 acre, an Environmental Assessment Worksheet (EAW) would be required. The responsible government unit (RGU) for considering the EAW could either be the District or DNR. Prior to proceeding with development of an EAW, the DNR recommends a meeting for concurrence on process and which entity is best situated to serve as RGU.

#### ***COSTS AND IMPACTS OF LOWERING 137<sup>TH</sup> AND JODRELL STREET CULVERTS***

A Preliminary Opinion of Probable Construction Cost (POPCC) was developed for the recommended repairs and is included as **Appendix B. Table 1** displays a summary of project costs.

**Table 1: Anticipated Costs for Lowering 137<sup>th</sup> and Jodrell St. Culverts**

Category	Cost
Construction	\$80,000
Construction Engineering	\$25,000
EAW	\$25,000
Rare species survey	\$20,000
DNR Regulatory coordination	\$20,000
Legal/staff time	\$5,000
<b>Total</b>	<b>\$175,000</b>

1. Notes on Cost  
Construction cost includes salvaging of four culverts, reinstalling the culverts, and extending the culverts to match the road slope. Also includes curb and gutter replacement, road pavement restoration, turf restoration, and traffic control
2. Engineering cost includes plan development, staking, and contract management.

3. EAW costs include cultural resource review, EAW text preparation, and response to comments.
4. DNR regulatory coordination includes preparation of a request for letter of permission; accompanying justification, and one meeting with DNR staff

In addition to these monetary costs, the work may require up to 14.6 credits of banked wetland credits from the District's Browns Preserve wetland bank. These credits cost roughly \$12,000 per acre to generate, though the present-day value of the credits is likely substantially greater as the cost of developing wetland banks continues to rise. Market value of wetland credits in the north metro is as high as \$100,000 / acre. Based on this range of credit cost, the value of the wetland credits needed for the lowering of these culverts ranges from \$175,000 to \$1,400,000.

Note that the cost estimate includes a rare species survey (which likely will be a required component of an EAW and/or DNR approval) but does not include the cost of a rare species taking permit (which may or may not be required depending on where and what type of rare species are identified).

### *BENEFITS OF LOWERING 137<sup>TH</sup> AND JODRELL STREET CULVERTS*

Lowering the 137<sup>th</sup> St. and Jodrell St. culverts consistent with Alternative 4 will restore drainage function in the ACD 10-22-32 Main Trunk as close as possible to the condition as it was originally constructed in 1898 (as constructed and subsequently improved condition – ACSIC), noting that climatic variations and land use has placed additional burdens on the system that did not exist at the time of original establishment.

However, this work is not anticipated to convert wetland into non-wetland or significantly change the potential uses of adjacent lands. The peak water levels for the 2- and 10-year rainfall events on the properties potentially affected by the lowering of these culverts is wholly contained within a designated Public Water (see **Figures 1 and 2**). As such, most modifications to these lands that would enable a different land use would require a permit from the DNR. Further, given the position of these wetlands within a much larger wetland complex, numerous other complexities exist that make modification of these lands for a different land use expensive and improbable. As such, it is unlikely that any significant changes to land values or uses will result from the lowering of these culverts.

### *EVALUATING COST VS. BENEFIT*

As noted in the drainage attorney's comments at the beginning of this memorandum, Minnesota Statute 103E identifies that Drainage Authorities must consider both monetary cost and environmental impacts in evaluating drainage system projects and repairs. Section 3.2.1 of RCWD's Watershed Management Plan also identifies the weighing of multiple factors in repairs, indicating that repairs "must plan for the current and future need of municipalities to use the public drainage system while considering and weighing other resource issues and needs." Further, the Plan states, "This means that a repair depth, in some cases, may be less than the ACSIC; or that the public drainage system may coexist within or adjacent to municipal stormwater management features."

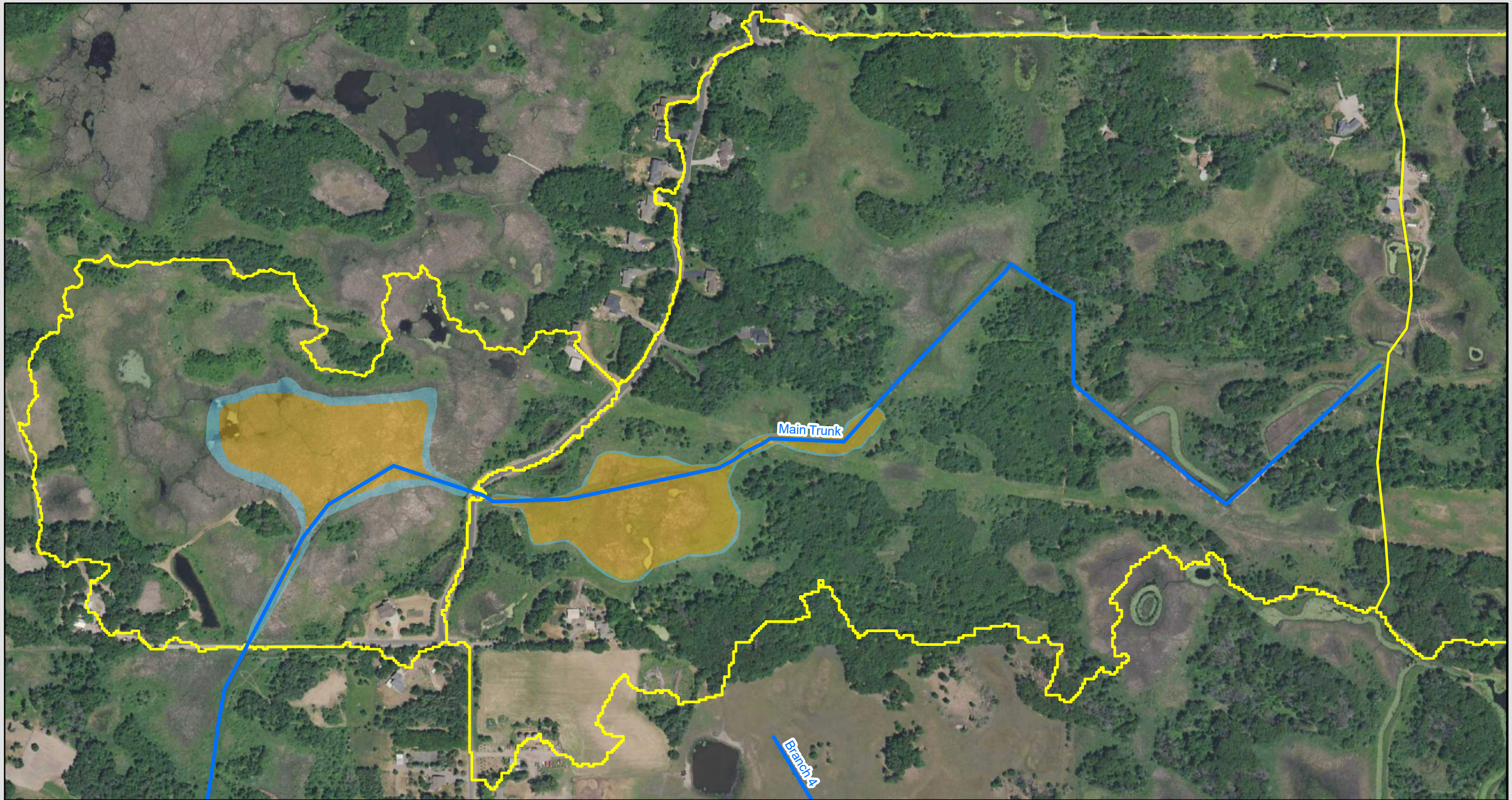


In an ideal scenario, the feasibility of a project or other work would be evaluated by simply monetizing the benefits and costs and determining if there is a positive economic value that results. However, economic benefits and costs can be challenging if not infeasible to monetize for many types of projects. One of these types is drainage restoration on lands not in agricultural production. There is an intrinsic value of having predictable, efficient drainage that can perform for a variety of climatic and hydrologic conditions.

One frame of reference that is useful for decision making is to compare the costs and qualitative benefits of similar types of work that have been successfully completed. Only one District repair effort (Judicial Ditch 4) has required a similar amount of wetland mitigation (also 14.6 acres): The JD 4 repairs requiring this mitigation created a predictable, efficient outlet for agricultural land and a municipality where one did not exist previously; provided significant decrease in 2- and 10-year flood elevations over miles of the drainage system; and substantially increased the efficiency of the system. Other District repair efforts each have required less than 3 acres of wetland mitigation and had multiple miles of restoration in system efficiency for agricultural and/or urban landscapes.

Conversely, the proposed lowering of 137<sup>th</sup> St. and Jodrell St. culverts will only have an impact on the lands immediately upstream of each roadway crossing, on lands that are currently wetland and will continue to be wetland if the repairs are completed. The work will not improve the predictability of the system as an outlet, but rather will have its primary effect of lowering water levels in portions of wetland, designated as public waters, during dry weather periods. Although there is intrinsic value in having a lower outlet, it is far less valuable than restoration of efficiency and predictability, particularly when the land affected will not be made viable for agricultural or land development use as a result of the work.

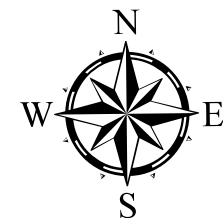




### Legend

- ACD 10-22-32
- Catchments
- Alt. 4 2-yr Flood Pool
- Existing Conditions 2-yr Flood Pool

0 0.13 0.25 0.5 Miles

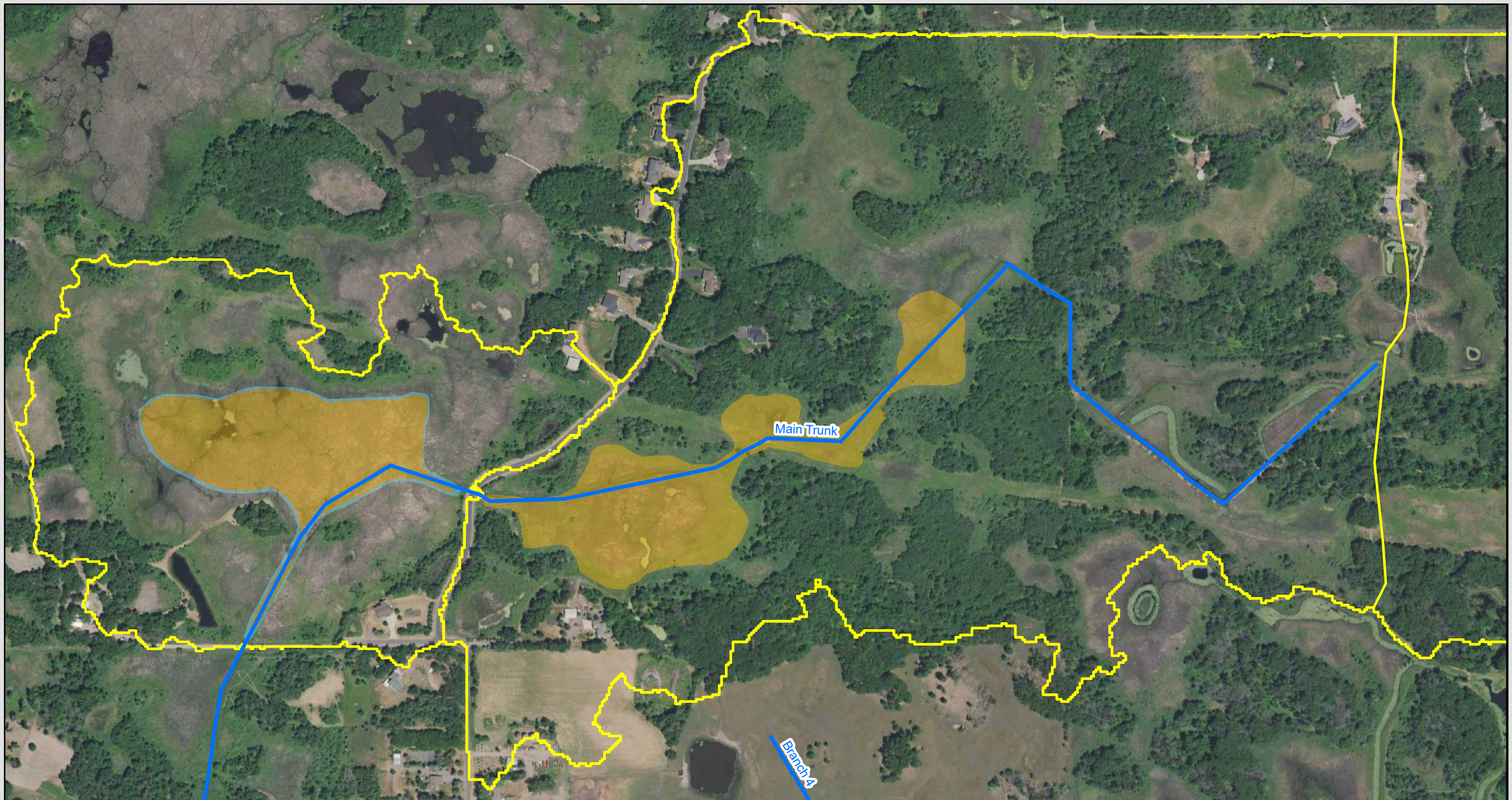


## Figure 1 - 2-yr Flood Extent

Scale: AS SHOWN	Drawn by: CJC	Checked by: BTZ	Project No.: 5555-0333	Date: 8/22/2024	Sheet:
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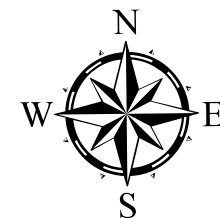




## Legend

- ACD 10-22-32
- Catchments
- Alt. 4 10-yr Flood Pool
- Existing Conditions 10-yr Flood Pool

0 0.13 0.25 0.5 Miles



## Figure 2 - 10-yr Flood Extent

Scale: AS SHOWN	Drawn by: CJC	Checked by: BTZ	Project No.: 5555-0333	Date: 8/22/2024	Sheet:
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**Anoka County Ditch  
10-22-32  
Reference Materials**

# Technical Memorandum

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**To:** Nick Tomczik; Rice Creek Watershed District Administrator  
**From:** Bret Zimmerman, PE  
Cait Caswell, EIT  
**Through:** Chris Otterness, PE  
**CC:** Tom Schmidt, RCWD  
Ashlee Ricci, RCWD  
**Subject:** Anoka County Ditch 10-22-32 Evaluation of Maintenance Alternatives  
**Date:** January 23, 2023  
**Project:** 5555-0321

## INTRODUCTION

The purpose of this project is to evaluate potential alternatives to restore drainage capacity to a portion of Anoka County Ditch (ACD) 10-22-32, specifically those portions of the Main Trunk upstream (north) of Pine Street (see **Figure 1**). In 2021, the Rice Creek Watershed District (RCWD) completed a review of the As-Constructed and Subsequently Improved Condition (ACSIC) of ACD 10-22-32 north of Pine Street, which culminated in a reestablishment of the public drainage system record per Minnesota Statue 103E. The ACSIC review and associated survey indicated that three road crossings utilize culverts higher than the ACSIC grade. In addition, a pipeline managed by Flint Hills Resources / Minnesota Pipeline is just below the ACSIC grade (creating maintenance challenges), and another pipeline managed by Northern Natural Gas is a location of chronic beaver activity.

Per the RCWD drainage management flowchart, observed isolated deficiencies in capacity along the public drainage systems are addressed through evaluation of minor maintenance alternatives. To understand the benefit, cost, and feasibility of maintenance approaches, HEI evaluated several maintenance alternatives for restoring drainage capacity in this location. These alternatives were modeled, with peak water levels compared at critical locations along the drainage system. This report will summarize these results, along with performance, cost, and regulation considerations, and provide a recommendation for maintenance.

## ALTERNATIVES AND MODELING

### *Modeling Approach*

The analysis was performed using XPSWMM (v. 2019.1.3) hydrologic modeling software. All models used the Curve-Number (CN) hydrologic theory, which estimates runoff volumes based on the combination of rainfall input, soil type, and land use at any given location. Hydrologic parameters in all alternatives remain identical, so any changes are directly related to the changes in elevation and/or capacity of drainage system components. The modeling completed for this analysis is short-duration based analysis according to the 24-hour storm. As with all of the District's hydrology/hydraulics models, it does not account for subsurface flow through soil or other long-term hydrologic changes.

### *Alternative 1 – Existing Conditions*

The existing conditions model assumes ACSIC grade in the ditch (including at the two pipeline crossings that have shallow cover) and that culverts are at elevations taken during recent survey in 2020 and 2021. This model was created as a baseline to compare the effectiveness/value of all other alternatives. Note that “existing conditions” along ACD 10-22-32 have changed substantially in the last 10 years as repairs and minor maintenance have been completed along the entire drainage system.

### *Alternative 2 – Pre-pipeline Hump Cleanout*

The pre-pipeline hump cleanout model assumes ACSIC grade in the ditch, culverts at surveyed elevations, and a 2.5-foot-tall hump in the ditch to represent a beaver dam that existed at the Northern Natural Gas pipeline prior to the 2021 maintenance completed at this location by the RCWD. The field crossing culvert at station 275+03, the northernmost culvert, was also modeled at the size and elevation it was prior to the 2021 maintenance activity. This model was created to evaluate the hydraulic impact of this recent maintenance effort with respect to other alternatives.

### *Alternative 3 – Permitted Grade*

The permitted grade model assumes ACSIC grade in the ditch and lowers Pine Street to ACSIC grade. The culverts at 137th Ave are both lowered to the permitted grade established in the 2015 DNR Public Waters Work Permit. All other crossings remain at their surveyed elevations, including Jodrell Street. This alternative is intended to represent the maximum maintenance to ACD 10-22-32 that can be completed without additional regulatory approvals from the DNR.

### *Alternative 4 – Full ACSIC*

The full ACSIC model assumes ACSIC grade in the ditch and lowers the Pine Street, 137<sup>th</sup> Ave and Jodrell Street culverts to ACSIC grade. All other crossings remain at their surveyed elevations. This is intended to represent a full restoration of drainage system capacity to ACD 10-22-32 to the ACSIC.

### *Alternative 5 – Full ACSIC with Additional Capacity*

The full ACSIC with additional capacity model assumes ACSIC grade in the ditch, lowers the Pine Street, 137<sup>th</sup> Ave and Jodrell Street culverts to ACSIC grade and adds an additional 24-inch HDPE culvert at all crossings. The purpose of this alternative is to evaluate whether increasing size/number of culvert crossings under any of the roadways will significantly change peak flooding elevations.

## RESULTS

Modeling results for each of the five alternatives are provided in **Tables 1 and 2** for the 2-year rainfall (2.7 inches) and 10-year rainfall (4.1 inches), respectively. Peak water surface elevations are reported at seven different locations, each of which is upstream of an existing culvert crossing (see **Figure 1**).

From the modeling results, we can derive the following conclusions:

- The recent maintenance completed in 2021 drastically lowered peak water surface elevations upstream of the Northern Natural Gas pipeline crossing (up to 2-feet). No other maintenance on the public drainage system has the ability to significantly lower peak water surface elevations in this location.
- Lowering the culvert at Pine Street will substantially lower peak water levels on lands between 137<sup>th</sup> Ave and Pine Street (up to 1.3 feet)
- Lowering the 137<sup>th</sup> Ave. culvert to the previously permitted grade (Alternative 3) will reduce the peak water surface elevation by 0.3-0.4 feet between 137<sup>th</sup> Ave. and Jodrell Street and by 0.1 – 0.2 feet just upstream of Jodrell Street. Although this decrease will not substantially affect/enhance adjacent land use, lowering these culverts does provide a nominal increase in capacity and the cost is relatively low.
- Lowering the 137<sup>th</sup> Ave. culverts and Jodrell Street culverts to the ACSIC grade will further lower peak elevations from 137<sup>th</sup> Ave to just upstream of Jodrell Street by 0.4-0.7 feet (compared to the Permitted Grade alternative). The benefit of this lowering of peak water elevation is relatively minimal, for a couple of reasons:
  - The decrease in peak water surface elevation extends only to approximately the Northern Natural Gas pipeline crossing. Upstream of the pipeline, these modifications have no discernable effect.
  - The land adjacent to the portion of the ditch affected by the Full ACSIC alternative consists of wetlands. The modeled peak flood events rise up out of the banks of the ditch, but not significantly higher than the grade variations within the wetland. As such, the difference in flood extent in this location for any alternative cannot be discerned when mapped. Further, the flooded areas (most of which are public waters) will remain wetlands under all alternatives due to the high water table in the area and lateral inflows. Therefore, there does not appear to be any significant flood extent change or land use value provided by this alternative
- Increasing the number or size of culverts under any of the crossings has no significant effect on peak flood elevations.

**Table 1 – Peak water surface elevations during a 2-year rainfall event**

2 year	Location 1 Sta. 275+03 Field Crossing		Location 2 Sta. 264+79 Field Crossing		Location 3 Sta. 230+16 Jodrell St		Location 4 Sta. 216+00 137 <sup>th</sup> Ave <sup>[1]</sup>		Location 5 Sta. 204+54 Field Crossing		Location 6 Sta. 190+65 Field Crossing		Location 7 Sta. 185+90 Pine St	
	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>
Alt 1. Existing Conditions	901.0	---	900.8	---	900.4	---	900.3	---	899.5	---	899.5	---	899.5	---
Alt 2. Pre-pipeline Hump Cleanout	902.6	1.6	902.6	1.8	900.4	0.0	900.3	0.0	899.5	0.0	899.5	0.0	899.5	0.0
Alt 3. Permitted Grade	901.0	0.0	900.8	0.0	900.2	-0.2	899.9	-0.4	899.2	-0.3	898.9	-0.6	898.3	-1.2
Alt 4. Full ACSIC	901.0	0.0	900.8	0.0	899.5	-0.9	899.3	-1.0	899.3	-0.2	898.9	-0.6	898.3	-1.2
Alt 5. Full ACSIC with Additional Capacity	900.9	-0.1	900.8	0.0	899.5	-0.9	899.3	-1.0	899.2	-0.3	898.7	-0.8	898.2	-1.3

**Table 2 – Peak water surface elevations during a 10-year rainfall event**

10 year	Location 1 Sta. 275+03 Field Crossing		Location 2 Sta. 264+79 Field Crossing		Location 3 Sta. 230+16 Jodrell St		Location 4 Sta. 216+00 137 <sup>th</sup> Ave <sup>[1]</sup>		Location 5 Sta. 204+54 Field Crossing		Location 6 Sta. 190+65 Field Crossing		Location 7 Sta. 185+90 Pine St	
	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>	WSE <sup>[2]</sup>	Diff. <sup>[3]</sup>
Alt 1. Existing Conditions	902.1	---	901.7	---	900.8	---	900.6	---	900.1	---	900.0	---	900.0	---
Alt 2. Pre-pipeline Hump Cleanout	904.1	2.0	903.0	1.3	900.8	0.0	900.6	0.0	900.0	-0.1	900.0	0.0	899.9	-0.1
Alt 3. Permitted Grade	902.1	0.0	901.7	0.0	900.7	-0.1	900.3	-0.3	899.5	-0.6	899.5	-0.5	898.9	-1.1
Alt 4. Full ACSIC	902.1	0.0	901.7	0.0	900.2	-0.6	899.9	-0.7	899.9	-0.2	899.6	-0.4	899.0	-1.0
Alt 5. Full ACSIC with Additional Capacity	901.8	-0.3	901.7	0.0	900.2	-0.6	899.7	-0.9	899.7	-0.4	899.5	-0.5	899.2	-0.8

[1] Permitted Grade at 137<sup>th</sup> Ave is 899.60

[2] Peak Water Surface Elevation Upstream of Crossing

[3] Change Relative to Existing Conditions

## RECOMMENDATION

Based on the analysis, the maintenance activities on ACD 10-22-32 providing the greatest impact to drainage system capacity are the continued maintenance of grades at the two pipeline crossings and the lowering of the Pine Street culvert. The RCWD should continue to monitor and maintain the open channel regularly and take actions to control the beaver populations, particularly at the two pipeline crossings. We recommend the RCWD proceed with repairs to lower the culvert under Pine Street. This will require a review of potential wetland impacts under the Wetland Conservation Act and may require a mitigation plan. This will also require coordination with the Cities of Columbus and Lino Lakes as joint road authorities.

Additionally, the culverts under 137th Ave should be lowered to the previously permitted elevation. Although the incremental decrease in water surface elevation is relatively small, there is minimal cost and regulatory engagement required to complete this action.

The analysis revealed no significant benefit or necessity of lowering 137th Ave and Jodrell Street culverts to ACSIC grade. Lowering these culverts to ACSIC grade would have no measurable reduction in flooding extent and will not affect the landowner's ability to modify their use of this land. Construction cost for lowering the Jodrell Street culvert would be substantially greater than any of the other maintenance activities, and feasibility and cost of obtaining regulatory approval from the DNR is uncertain.

The two pipeline crossings of the upper portion of ACD 10-22-32 (Flint Hills Resources pipeline between Pine Street and 137<sup>th</sup> Ave. and Northern Natural Gas pipeline east of Jodrell Street) are both lower than the as-constructed grade of ACD 10-22-32. Though they do not project into the ditch bottom, they have historically impacted maintenance of the public drainage system in multiple ways:

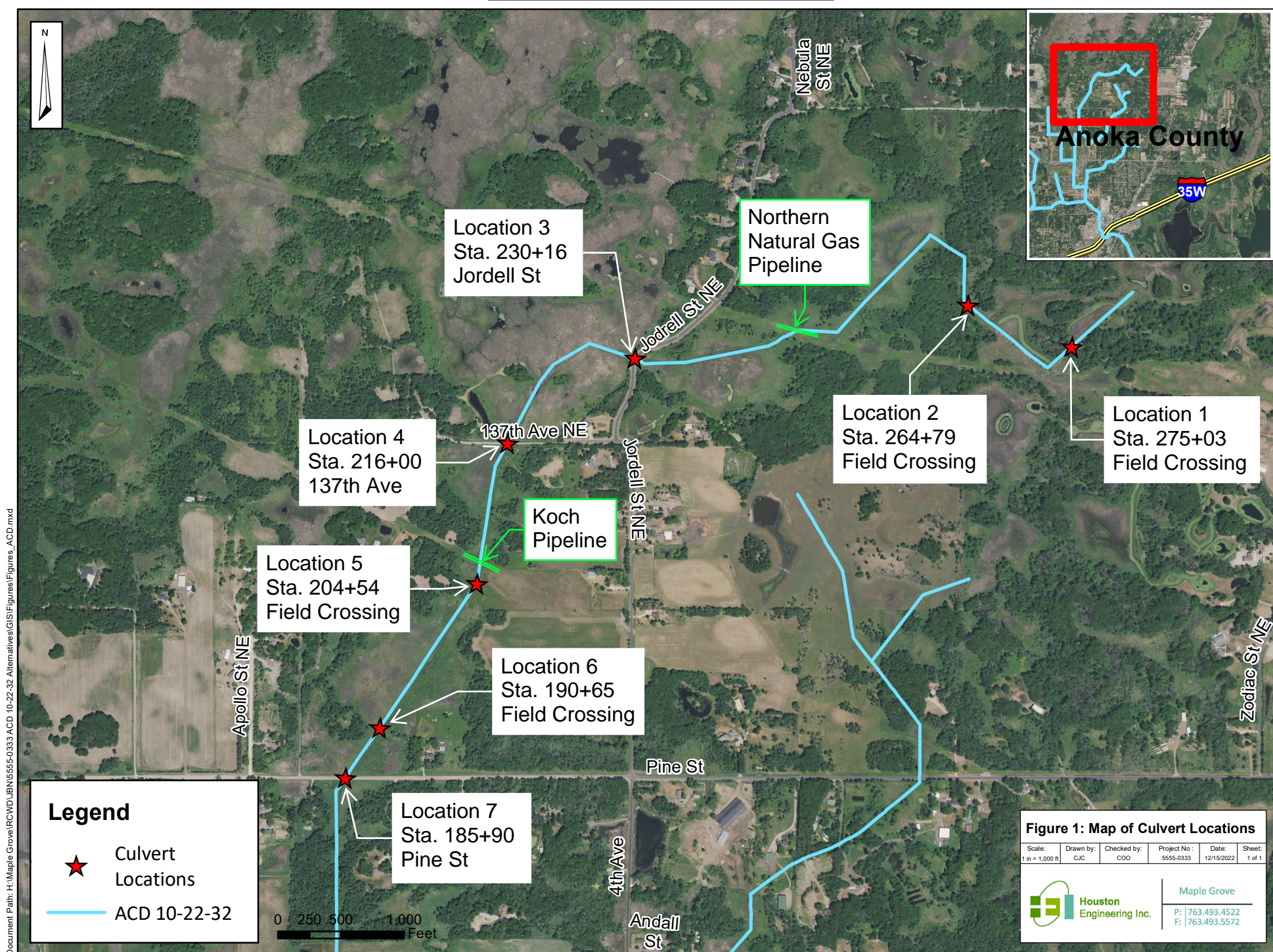
1. Cleanout of the ACD 10-22-32 ditch over each pipeline location has at times been disallowed by pipeline representatives citing pipeline safety guidelines. However, recent cleanout over the Northern Natural Gas pipeline crossing occurred successfully under the authorization and observation of pipeline representatives.
2. Work scheduling in these locations is subject to the availability of pipeline representatives to be onsite. This has delayed the initiation of work in these areas by weeks or even months, and has prevented timely response to observed deficiencies.
3. The elevated hump/berm providing cover over the pipeline on either side of the ditch creates an attractive location for beaver damming efforts. This requires more frequent inspection and maintenance than other portions of the District's public drainage systems.



The preferred solution to these maintenance issues is the lowering of the pipeline. However, due to the significant expense and impact of lowering a pipeline, and given that the pipelines in these locations are not projecting into the original ditch bottom, other near term solutions should be pursued. We recommend continued engagement with the pipeline companies to clarify process, responsibilities, and timeframes when addressing needed maintenance at these and other pipeline crossings in the RCWD.



# ACD 10-22-32 Alternatives



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# RCWD April 26, 2023, Board Approved Minutes Excerpt (Public Meeting: ACD 10-22-32 Evaluation of Maintenance Alternatives)

## **PUBLIC MEETING: ANOKA COUNTY DITCH 10-22-32 EVALUATION OF MAINTENANCE ALTERNATIVES**

Manager Wagamon stated after careful research into this issue, he has decided not to recuse himself from this matter and clarified that he had spoken with both District Attorney Smith and District Attorney Holtmann who were in support of this decision. He stated that he also contacted a private attorney and his analysis was that he was under no obligation to recuse himself from this matter and District Attorney Smith was comfortable with this because it was an informed decision.

District Administrator Tomczik stated that there has been a lot of interest in this topic and clarified that this is a public information meeting. He noted that some of the communications that have come to the District include terms that are in Statute and discussion needs to be careful about those and what the term means to the District as a governing entity of the public drainage system. He suggested care with the acronyms that are used during the meeting. He clarified that the District, as drainage authority, is not currently under drainage proceeding and this is a public information meeting.

Drainage Inspector Schmidt gave an overview of the background of the ACD 10-22-32 system and shared a brief history of the maintenance and management efforts over the last 17 years or so. He reviewed the acronym ACSIC and explained that it meant As Constructed and Subsequently Improved Condition and noted that it represents the as-built condition and the maximum depth and cross section of a public drainage system repair. He noted that the drainage authority is not required to repair to the ACSIC depth, and alternative repair depths are common in many parts of the State. He gave a brief explanation on why a drainage authority may elect for an alternative repair depth. He reviewed the system performance and original design and noted that it was not designed to facilitate rapid run-off for large events. He explained that it was designed for a 2 year storm event which limits the drainage authority's ability to go beyond that in a repair because the idea is to return it to the original function that it was designed for. He explained that the topography is flat and not conducive to natural drainage. He noted a communication sent by a resident prior to the construction of Jodrell Street indicating that temporary flooding was common in the area. He reviewed the various maintenance and management efforts and their outcomes including accelerated system flow, beaver dam removal, cleaning, and culvert replacements/modifications. He noted that he feels it is important to remember that the ACSIC profile, has been adopted.

District Engineer Otterness gave an overview on the maintenance alternatives for ACD 10-22-32. He stated that they were asked to begin this study based on continued landowner concerns regarding the function of the system, including the capacity and grade. He stated that they had completed a field survey in 2021 which indicated that there was relatively little sediment in the ditch. He reiterated that the District has been doing maintenance on the system for about the last 15 years and there are portions that have been cleaned out multiple times which has also involved excavating sediment out to the bottom, or hard pan of the open ditch. He noted that they found through their study that the culverts at 3 of the road crossings are higher than the as

built ditch grade. He stated that maintenance over and near the pipeline crossings continues to be a concern due to beaver activity that the District has been managing through trapping. He explained that they have proposed a study that would evaluate alternatives to drainage management in order to further restore drainage function. He gave an overview of Alternative 1 – maintain existing conditions; Alternative 2 – pre-pipeline hump cleanout; Alternative 3 – permitted grade; Alternative 4 – full ACSIC; and Alternative 5 – full ACSIC with additional capacity. He stated that in order to conduct this analysis, they utilized the District-wide modeling and evaluated 2 year and 10 year rainfall events. He reviewed the results they found in their report and outlined the comparison between existing conditions and each of the alternatives that were modeled. He noted the regulatory considerations that were part of the study of the alternatives as well as past challenges related to coordination with pipeline representatives. He reviewed value, cost and feasibility for a few of the options for Board consideration. He explained that their recommendation is to continue coordination with the road authorities to lower the Pine Street Culvert; reset the 137<sup>th</sup> culvert to the permitted grade; found that Jodrell Street is not substantively obstructing the public drainage system; that the road authority may elect to lower or increase capacity of culverts under the streets; and continue frequent inspections and maintenance of pipeline crossings, including beaver management.

Manager Weinandt asked if she was correct that ACD 10-22-32 was consolidated in 2015 and in doing so it meant that all the finances that were charged into each of the systems was them in one pot. She asked when they talk about work in the northern section, whether that meant that the payment for any work that occurs there is charged to the entire drainage system. She asked if the work that has been done previously had been at the 60/40 proportions.

Drainage Attorney Kolb stated that the consolidation of ACD 10-22-32 took place prior to 2015 and believes it was around 2010. He explained that at that time, none of the systems had functional financial accounts, so part of the consolidation process included a discovery and determination and adoption of functional alignments, profiles, capacities, and the consideration of how future expenditures and construction/repair costs on the system would be handled. He stated that, at the time, the Board established, with the consent of the local municipalities, a water management district for the watershed area of the newly consolidated drainage system. He stated that within the construct of the water management district charge system, the Board acknowledged that there was a historical impediment created by a lack of maintenance and some of those types of things. He explained that the Board adopted, as a matter of policy, a process to allocate costs between the water management district charge and ad valorem taxes which is what they are addressing in the 60/40 split. He noted that the major repairs that occurred to the portions of ACD 10-22-32 south of Pine Street were funding by the water management district charge throughout the entire watershed area of the consolidated system and apportioned by the ad valorem tax. He stated that future costs have been limited to ad valorem collected funds under the District's minor maintenance program. He noted that if there was a major reconstruction of a portion of ACD 10-22-32 north of Pine Street, as discussed, the Board would still have to make a decision about how it wanted to handle those costs. He explained that if it did become a major reconstruction, the likely outcome would be a recommendation from staff

to reinitiate the watershed management district charge for a percentage and allocate a percentage of costs to the ad valorem.

President Bradley noted that he wants to make sure that the questions and responses from the City of Lino Lakes are part of the record. He asked what the ditch bottom elevation would be at Jodrell under ACSIC and noted that he thought he had previously been told it was 898.5.

District Engineer Otterness stated that he does not have that information in front of him and would have to check the records to verify.

President Bradley asked if he could tell him what the ACSIC elevation would be at the permitted location at 137<sup>th</sup> Avenue.

District Engineer Otterness noted that he also did not know that elevation without checking the records.

President Bradley asked if he knew whether the permitted elevation at 137<sup>th</sup> Avenue was higher or lower than the ACSIC at Jodrell.

District Engineer Otterness stated that he believes that it is higher.

President Bradley noted that to him this shows that even if it is repaired, there will always be a pinch point at 137<sup>th</sup> Avenue because the ACSIC is higher at that point.

District Engineer Otterness stated that the permitted elevation of the culvert at 137<sup>th</sup> Avenue would be a little higher than what the ACSIC elevation at Jodrell would be.

Manager Waller expressed appreciation to District Administrator Tomczik for the reminder to be careful in the use of acronyms. He noted that there may be plans and records that show it was a different elevation but there has been an ACSIC adopted which is the permitted elevation that has been considered by the DNR and noted that the District does not have the authority to override the DNR. He noted that the culvert at 137<sup>th</sup> Avenue is going to be lowered back to the permitted elevation because a frost heave has pushed it up. He stated that it does not necessarily mean that what may have been in the past is the ACSIC.

President Bradley asked if Alternative 4 would lower 137<sup>th</sup> Avenue culvert below the current permitted level.

District Engineer Otterness stated that was correct and would lower it below the current permitted elevation.

Manager Weinandt asked about 137<sup>th</sup> and asked if it was a private crossing.

District Engineer Otterness stated that it is a driveway but the maps label it as 137<sup>th</sup> Avenue.

Manager Weinandt asked if it was considered part of the ditch system.

District Engineer Otterness explained that the driveway crosses the drainage system but is not a component of the drainage system.

Manager Weinandt asked if lowering it would be the responsibility of the private property owner or if it would be the ditch system's responsibility.

District Administrator Tomczik stated that the District's position on crossings is that the 'crosser' is responsible for their crossing and having it align with the public drainage system, however, in situations where there has been past District communications about the elevation and the size of the culvert to parties alternatives considered. He explained that the District has departed from that practice and has participated in the payment for those adjustments. He stated that for this culvert, they would need to take a look at the record and see what was communicated to the landowner.

President Bradley opened the meeting for public comment.

Mike Kettler, Civil Engineer, Sunde Engineering, stated that he was asked by Perry Wagamon to study the alternatives developed by the District as they relate to his property which is upstream of the Jodrell crossing. He explained that originally his property did not drain to ditch that is being discussed and noted that the natural drainage was towards what is now the Jodrell Street alignment. He noted that it was just because of the Jodrell Street construction that his drainage pattern changed to be directed to that existing ditch profile. He stated that part of the construction of Jodrell Street was a requirement from the Army Corps of Engineers to not impound water behind that roadway. He stated that he believes that the higher original culvert crossing of Jodrell Street essentially conflicted with that Corps requirement of impounding water and was essentially providing a pond behind the Jodrell Street crossing. He explained that Mr. Wagamon has witnessed significant flooding over a period of time on his property to his home, structures, septic, and other useable areas. He stated that he studied the alternatives that the District has presented and felt the modeling by District Engineer Otterness provided a lot of great information. He stated that it is very flat and would hesitate to even call it a ditch because it is essentially ponding water behind a lot of culvert crossings, which are storm sewer crossings. He stated that he believes it makes sense to provide in this model a 100 year storm event analysis and feels that would be beneficial information to see the relationship it would have to upstream flooding. He stated that he thinks for a 100 year storm event there would be a difference in water elevations behind the culvert crossings and asked that the District compare those flood elevations with some critical elevations on the Perry Wagamon property. He explained that Mr. Wagamon is essentially sitting in a landlocked area and feels that makes it a bit more relative to provide a 100 year storm event for an analysis and not just general pipe sizing in the District. He stated that he thinks all the alternatives that were presented are very well played out and thinks

Alternative 4 with some amendments, such as the 100 year event information, the Jodrell Street crossing, and making the pipe large enough to not flood upstream structures. He stated that it would basically either be amending Alternative 4 or creating a new Alternative 6. He stated that they feel lowering Jodrell down to the spirit of the Corps permit down to the original ditch bottom and not ACSIC in order to give Mr. Wagamon the condition that existed prior to the construction of Jodrell Street, which he believes was the intent of the Corps of Engineers. He explained that he believed this approach would be better suited for upstream flooding. He reiterated that he thought the model and the report given by District Engineer Otterness was very thorough but believes the other items should be considered for Mr. Wagamon's property.

President Bradley asked if he was correct that the Army Corps of Engineers was telling the city how it would build a road.

Mr. Kettler stated that he believed the jurisdiction of the Corps was some conditions on how they would allow the street construction when it took place.

President Bradley stated that the Board is here today to talk about how they are going to repair and maintain a ditch. He explained that part of that is that downstream will have effects on a particular road which means working within the city. He stated that they will not order the city in this proceeding to set culverts which would happen later in the process when the city comes to the District with a permit request because then they will have a proposal for the size of the culverts and those kinds of details. He noted that if the District did choose Alternative 4, they would not, as part of today's process, determine what the city would do as part of their responsibility as the road authority.

Drainage Attorney Kolb stated that this statement was correct to the extent that the road authority has separate and independent authority and planning jurisdiction over actions that would be taken to ensure that in the construction of its roadways is not causing an adverse condition and also to design the road and any hydraulic features of the road for the protection and integrity of both the road base and the traveling public.

President Bradley stated that it was also his understanding that whether or not the District using the 100 year rainfall event is not relevant to repair and maintenance of the ditch and is relevant to what the road authority will do with its culverts that cross out ditch. He noted that this would again be a separate proceeding. He stated that the information shared by Mr. Kettler is very important to the Board, but reiterated that today they were just trying to determine the elevation of the ditch. He stated that his question earlier about the original elevation of the ditch at 898.5 was relevant because he was looking at Mr. Kettler's drawing where he proposed it at 897.5, which is one foot lower than Alternative 4. He asked if Mr. Kettler had done any studies to see what impact that one foot difference would have.

Mr. Kettler stated that they have not done any studies and explained that his intent was not to recreate District Engineer Otterness' model because they think it is accurate, but would ask that the District plug in some different elevations and different storm events.

President Bradley explained that when the Board walks out of the room today he did not think they would have addressed the 100 year rainfall event or the bridge issue, but assured Mr. Kettler that he was not being ignored or that this information would not be considered if they adopt Alternative 4.

Perry Wagamon, stated that he has heard a lot of things today that he feels make a lot of sense regarding ditch cleaning. He stated that what does not make sense to him is that he lived in his home for 25 year prior to this road being constructed and had no flooding issues. He stated that the trees on his property that were killed by the flood were 40-50 years old. He stated that he does not think there is a question that when they built the road, it flooded, killed the trees, and ruined his home. He stated that he came to the District when the road was built and they were putting in the culvert. He explained that he had reported that a neighbor had told him that they were putting the culvert in 3 feet too high and requested help to take care of the flooding problem. He stated that they promised to do that and mentioned cleaning up ACD 10-22-32. He noted that he did not come to the District and ask them to clean ACD 10-22-32 because he did not know what that was, he just knew that his land was flooding. He reiterated that his land was not flooding prior to the road being built but did after it was built and the culvert was placed too high. He stated that he thinks it is obvious why his land was flooding and did not believe it should take a 15-20 year ditch cleaning process in order to take care of the problem. He stated that, to him, it would be common sense to go lower the culvert to the as constructed condition. He stated that if that would have been done, his land would not have been flooded, his property would not have been destroyed, and his trees wouldn't be dead. He stated that he feels this is a lot more simple than this group is trying to make it. He reiterated that he has never requested that any kind of kind of ditch cleaning be done and simply asked to have relief from the flooding. He expressed frustration that the expectation is that the Board would believe that it took them 15 years to figure out that there was a beaver dam over the pipeline and get it cleaned out. He stated that it was not a beaver dam and was a 2.5 foot obstruction that continued for 50-100 feet on either side of the pipeline. He explained that he mentioned that as an example of how much they can believe of what is being shared today.

Manager Wagamon asked if he could ask questions.

President Bradley clarified that he could ask questions as a Manager, but not as a son.

Mr. Wagamon stated that, in his opinion, there has to be some kind of nefarious reasons that they did not want to lower the culvert 3 feet.



President Bradley explained that the city had sent the District a letter outlining their position with regard to this situation and asked if there was a representative of the city who would like to place that into the record.

Kevin Bittner, Bolton & Menk, explained that he was also the appointed City Engineer for the City of Columbus. He stated that had provided the letter to the District and wanted to reiterate that, as a city, they are very supportive of activities that maintain the ditch systems within the city because they are very critical to their drainage. He stated that as it has been noted, Columbus is a very flat community so maintaining the ditches are critical. He stated that regarding the alternatives that were shared, from a technical perspective and his evaluation, he would support Alternative 4, but noted that they are open to consideration of other alternatives if other information comes forward. He noted that there was a statement from the presentation regarding lowering Jodrell culverts not measurably changing flood extent in upstream properties. He stated that he would agree with that from the perspective of the model, but when it comes to the event itself, he can see where the profiles may not change considerably based on the elevation of the culverts, but he thinks this is really a problem with saturation levels after the event is over. He stated that he believes at that point it acts less like a ditch and ends up being pools behind culverts and would say that the culverts play a really big part in controlling the saturation level and lowering them to the ASCIC level would be very beneficial.

Janet Hegland, Columbus City Council, stated that she has attended a few meetings and has learned a tremendous amount and understands the District has done a lot of work trying to solve this problem. She stated that the letter presented by Mr. Bittner reflect the position of the Columbus in terms of their interests, but noted that she had heard this morning that there is additional information and additional perspectives that may be considered. She stated that it would be very reassuring to the City of Columbus if that information was considered as part of the selection of the alternatives. She stated that the District has done a lot to try to solve this problem and it has been tremendously frustrating for Columbus to have residents have repeated flooding events and not get relief. She stated that the attempts that they have tried thus far, have not solved the problem. She stated that it may have kept them ahead of the development and increased pressure on the ditch system to handle storm water run-off, but it has not solved the problem. She stated that if it requires taking another meeting or two in order to look at the alternative perspectives and additional information and incorporate that into the selection process, that would offer some assurance to Columbus.

Manager Waller stated that he received a huge packet of information this morning from Mr. Wagamon and asked if Mr. Wagamon wanted this information to be added into the record.

Mr. Wagamon stated that he would like the information he submitted dated April 25, 2023 to become part of the official record. He explained that he had put this packet together because he did not think the Board had all the information they needed in order to vote on this issue.

President Bradley asked Ms. Hegland what other information she felt was available other than the information submitted by Mr. Kettler and Mr. Wagamon.

Ms. Hegland stated that she was referring to the information presented by Sunde Engineering. She clarified that she was asking the Board to consider the additional information as part of their alternative selection process.

President Bradley stated that it will be considered in part of their decision making process.

Ms. Hegland stated that what she heard from Sunde was something he referred to as Alternative 6 or that it be considered Alternative 4, with modifications.

Manager Weinandt stated that she believed the additional considerations as indicated, would happen with the District talks to the city about Jodrell and that would include some additional modeling on the 100 year event.

President Bradley stated that, for example, if Alternative 4 is selected, that adopts the ACSIC that this Board has previously approved as the goal and noted that the additional issues of what to do with Jodrell's ability to pass water and the additional question of whether they will or will not be successful in getting the DNR to cooperate.

Manager Waller stated that his understanding is that this is a public meeting to receive information and not necessarily to make a redetermination at this time. He stated that he wants to make sure that Columbus has presented all of the information that they want to present to the Board. He stated that Ms. Hegland made a statement that 'she had become aware of additional information' and would like to clarify that all of the information that she was aware of had been entered into the record.

Ms. Hegland stated that was correct.

Roger Nase, 6636 141<sup>st</sup> Avenue NE, Columbus, explained that this property is adjacent to the Wagamon property. He stated that they have 20 acres in that location and noted that he had also submitted a letter to the District. He stated that in wet years, they see a flow of water coming from the large pond at the Wagamon's that then flows onto his property behind the pole barn and noted that it can stay for a significant period of time. He stated that they have also had about 10 mature trees that have died. He expressed concern that the water level could be higher in year with heavier rainfall and make its way to the pole barn. He stated that he appreciates the effort and study that has been put into resolving this issue. He asked if the hump over the pipeline had already been removed or if it was just proposed.

District Engineer Otterness stated that the hump was removed a few years ago.

Mr. Nase stated that the property directly to the south of them had two 40 acre plots that were converted into commercial industrial property from residential property. He stated that in the last request for a CUP, they were permitted to allow 12-15 acres of the 30 acre plot to be impervious which was scheduled to flow into a pond, however the pond was at 904-906 in elevation and the wetland delineation line is right around 905-906 which means the pond will be full in the spring. He stated that if there was a large rain, their concern was that water would flow from the impervious surface and go toward the pond, but because it would be full it would then spill over onto his property and the Wagamon's property and exacerbate the problems that they are already seeing. He asked that Board to keep this in mind as they look at possibly having more water that could flow into the area.

Manager Waller asked for clarification on where Mr. Nase's property is located in relation to Mr. Wagamon's.

Mr. Nase gave a description of his property location in relation to Mr. Wagamon's and the impervious surface area he was referencing.

President Bradley noted that the material submitted by Mr. Nase would be included within the official record.

Scott Robinson, 8179 4<sup>th</sup> Avenue, Lino Lakes, stated that his property is directly south of this area and noted that he felt that drainage rights were property rights which give an intrinsic value to the property. He asked if there was representation from the City of Lino Lakes also present at today's meeting because they mentioned a culvert on Pine Street and asked if there was a proposed size that the cities want to install.

District Engineer Otterness explained that the cities had not yet proposed anything to the District for replacement. He stated that for the purposes of evaluation, they assumed that they would either reinstall the same pipe that is there or construct a new one at the same size, but a lower elevation. He noted that he believed the current pipe size was 24 inches.

Mr. Robinson asked if that would go to the ACSIC level or to the official profile of the ditch because those are two different things.

District Engineer Otterness stated that there is no official profile here but there is an ACSIC and that is the baseline for the District's management of the system.

Mr. Robinson asked if the District was aware that there are areas of the watershed that the ACSIC level is not the official profile and is not the maintained level of the ditches.

District Engineer Otterness noted that there has historically been an extensive amount of private modification of the public drainage system throughout the system. He noted that as Drainage Inspector Schmidt had noted earlier the District identified a functional alignment and profile

445 through the drainage system back when they did the original development of repair efforts in  
446 2011-2012. He stated that when the District completed the lowering of culverts and  
447 maintenance of the ditch to that functional profile, that profile now best replicates the ACSIC for  
448 that downstream area. He reiterated that this was heavily modified over the years from what  
449 the original establishment of the drainage system was.

450  
451 Mr. Robinson stated that was correct but there were also surveys done of the ditch from south  
452 of the center of Section 6 which is a half mile south of Pine Street all the way down to the lake.  
453 He stated that there have been core samples done and they know the ditch was dug deeper at  
454 one time than what it was being maintained at now. He stated that his larger question is whether  
455 the Board decides to put in ACSIC upstream from them, what the effects will be on the water  
456 coming down to him when they are not doing to the ACSIC level below them and through them.

457  
458 President Bradley stated that the District had received those exact questions from Lino Lakes and  
459 have responded in writing which will be included in the record. He asked District Engineer  
460 Otterness if he would summarize that response for Mr. Robinson.

461  
462 District Engineer Otterness stated that it is important to note that lowering the culvert will not  
463 change the volume of water that is getting downstream and the same volume would be traveling  
464 despite the elevation of the Pine Street culvert. He stated that there may be some minor change  
465 in the flow that occurs for certain rainfall events but those will be minor and from the  
466 management of the drainage system, and the District has the right to manage to that ACSIC.

467  
468 Mr. Robinson asked if the District's hands were tied by the Corps of Engineers and the DNR.

469  
470 Drainage Attorney Kolb clarified that he would modify the comments made by District Engineer  
471 Otterness that they have the authority to do that, subject to regulation.

472  
473 Mr. Robinson referenced a 10 year rain event and stated that he knows their back fields will be  
474 flooded because the downstream culverts are not adequate enough to handle it. He stated that  
475 if they put in a 48 inch culvert or two -24 inch culverts on Pine Street, they will be flooded. He  
476 stated that he feels there is no way that it will not flood because they are downstream and their  
477 culverts are smaller.

478  
479 President Bradley stated that the District will deal with the size of the culverts as they proceed  
480 with implementation. He stated that District Engineer Otterness has indicated that there is  
481 no intent, at this point in time, in making the culverts larger.

482  
483 Mr. Robinson stated that he understood that but wanted to know if it was the District's testimony  
484 that they had done the study on downstream and have determined that they can take the water  
485 and that it will have no adverse effects.

District Engineer Otterness stated that they have done extensive modeling throughout the public drainage system in the area of study that they are looking at. He stated that they did not specifically look at modeled flood elevations for each alternative going all the back downstream, but based on what they have done in studies of other areas of the drainage system, the effects of lowering a culvert on Pine Street compared to the hydraulics a mile or two downstream, the changes are minor.

Manager Waller explained that an ACSIC already exists which is pretty much the permitted grade on Alternative 3. He stated that the only culverts that they are talking about lowering is to that ACSIC level. He stated that the District is accepting information about the possibility that there may be some change to it. He stated that as stated by District Engineer Otterness they are talking about keeping the culvert the same size, but lowering it to the profile that has already been adopted by the Board. He stated that the other Alternatives that have the word ACSIC in there, he feels are confusing.

Mr. Robinson stated that in a perfect world you would be able to say that the ACSIC is the official profile and have it maintained at that level. He stated that if the Board is doing to take the position that they will try to lower it to the ACSIC level, he would like to see that done District-wide and have it put down to the level where the ditches have been dug to.

Ron Moss, Tatonka Real Estate Advisors, stated that almost all of the discussion thus far today has been about the area north of Pine Street and he is representing a party who has property just south of Pine Street. He stated that this individual has 80 acres that they would like to sell and noted that it was platted back in 1980 as Pine Oaks Addition. He explained that at the time it was platted all the land was dry and right now, a reasonable amount of it is wet and he believes it is related to the topic being discussed today. He stated that they would like to sell it and have a potential buyer but the dryness of the land will have a great effect on the value of the land. He stated that he believes the decisions the Board makes will impact property owners south of Pine Street as well.

Manager Waller asked for more details on the location of the 80 acres he was referencing.

Mr. Moss referenced a map he brought with him and indicated the location of the 80 acres his client owns.

Mr. Wagamon expressed concern that, as he listens to the discussion, that this will go another 15 years in discussions about cleaning the ditch. He asked if that meant he would have to wait another 15 years with his property flooded to deal with the obvious reason for its flooding.

President Bradley stated that the time table would be determined by the DNR.

Mr. Wagamon asked if the Corps of Engineers would have the authority to change that and explained that they are the ones that permitted this.

530  
531 President Bradley stated that he did not believe the District was in a position to comment on that  
532 process at this time. There being no additional comments, he closed the public meeting portion  
533 of the proceedings.

534  
535 Drainage Authority Attorney Kolb asked to put a few things into context for the Board prior to  
536 them making a motion in order to frame their decision making. He stated that it is very important  
537 for the Board to receive all the comments that were shared today in order to better inform their  
538 decision. He stated that it is important to note that the Board is seated for a decision regarding  
539 ACD 10-22-32 as the drainage authority for that public drainage system and are limited in what  
540 they can do. He stated that they have been presented with a series of repair alternatives and  
541 their impact. He noted that one of the things to consider is that there is a threshold decision  
542 under the drainage code regarding repairs and that is if they are necessary and are they in the  
543 best interest of the land owners that utilize the drainage system. He stated that one important  
544 consideration is the purposes for which ACD 10-22-32, which is now a consolidated system, were  
545 originally constructed. He stated that the drainage system was not constructed to support  
546 industrial, commercial, residential development and was constructed to support agricultural uses  
547 where they were made more possible or improved by the construction of the system. He stated  
548 that when the Board listens today about a problem, he thinks it is fair to recognize that the  
549 problem is multi-faceted and the Board only has the authority to address one portion of that  
550 problem which is the function of this drainage system. He stated that its authority is not to fix a  
551 flooding problem that is caused by other things because that requires other proceedings and  
552 other regulatory approvals and possibly petitioned requirements for projects and other actions  
553 which is not before the Board at this time. He reiterated that what is in front of the Board at this  
554 time is the condition of this public drainage system and how they would proceed to meet the  
555 maintenance obligation/requirements of this ditch. He stated that the District believes the  
556 repairs are probably necessary given the fact that there are facts to indicate that there are known  
557 obstructions or impediments to the efficiency of the system. He explained that it is also  
558 important to note what constitutes a repair and noted that it is defined in the drainage code as  
559 'to restore as nearly as practicable the originally constructed or subsequently improved hydraulic  
560 efficiency'. He stated that means sizing of culverts matters, grade lines of the ditch matter,  
561 geometric configurations matter, because they all contribute to hydraulic capacity. He stated  
562 that this Board has previously considered an abundance of data and information and has  
563 determined an ACSIC condition that included alignment, grade, configuration, hydraulic capacity  
564 of culverts and crossings. He noted that he had misspoken earlier when he gave the date of 2015  
565 and noted that it was brought into Statute in 2013 and was the exact same processes that were  
566 used in determining an official profile or ACSIC hydraulic efficiency/capacity south of Pine Street  
567 and was further modified with the statutory process that resulted in the adoption of the ACSIC  
568 north of Pine Street. He stated that this represents the maximum extent to which you can  
569 reconstruct this ditch and still call it repair. He stated that if the District exceeds that by increasing  
570 hydraulic capacity, that would be considered 'improvement' which can only be accomplished  
571 through a petitioned process. He stated that if the District deepens the ditch beyond the ACSIC,  
572 as it has been established, that would also be considered an improvement, which requires a

petitioned process. He stated that when the engineer outlines Alternative 4, repair to the ACSIC, that is the maximum the District can do and anything beyond that would constitute an improvement to the system and would require a separate petitioned process as well as all the other involved regulatory processes. He noted one other consideration that the Board must give is that in any work on the ditch, including a repair, is consideration of the conservation of soil, water, wildlife, and natural resources and has to incorporate concepts found in the Minnesota Environmental Policy Act. He stated that the landowners cannot force the District to go head to head with the DNR in a fight over whether something should be approved or not. He stated that if the Board would decide that they want to repair back to ACSIC, that begins a whole separate process and they have to go see if they can get a permit to do this work. He stated that if a permit cannot be obtained, and that results in an impediment to the drainage rights of the individual land owners, the District is not obligated to vindicate that right for the landowners. He stated that even if the Board makes a decision that they want to proceed with Alternative 4, they may be prevented from doing that because they cannot get the regulatory approvals to do so. He noted that when they are considering repair to one portion of the drainage system, it is not considered in isolation which addresses the comments shared by Mr. Robinson and others. He stated that what the Board is trying to do is thread a very small needle and are trying to get to the point where they have restored the most beneficial drainage in the greatest interest of all of the competing interests. He explained that when the public comes in and talks about a problems, the Board may not be able to solve that particular problem and may only be able to address one aspect of that problem. He stated that there were comments shared that asked the Board to repair to the original ditch bottom and not the ACSIC but the Board has determined that the ACSIC which was adopted by the Board is the original ditch bottom unless there is compelling evidence that is contrary to what they had previously considered that would show that the prior decision was palpably wrong. He clarified that he wanted to manage expectations from both the Board and the public about what the Board can actually do in today's proceedings.

President Bradley thanked Drainage Authority Kolb for this clarification and explained that he had been trying to let the witnesses know that some of the things they were concerned about would be decided later. He noted that they have not had a chance to review the information that came in today and believes that if, for example, the Board adopts Alternative 4, it would be not preclude them from doing that because they would be setting a policy to set it to the ACSIC, which is the ditch bottom.

Manager Robertson stated that her understanding is that the Board was not asked to make any sort of legislative action today and was to simply hold a public information meeting in order to hear feedback from the other parties. She stated that she did not think the Board had been asked to 'do something' today. She stated that she thinks it is obvious that something needs to be done, but she does not want to do something for the sake of doing it.

Manager Wagamon stated that he agreed.

615 Manager Robertson stated that there is cause and effect here and explained that she doesn't  
616 want to do one thing and then end up, for example, flooding the Robinson property. She stated  
617 that government is not perfect, does not move fast, nor do they always get it right. She stated  
618 that she feels they have to be cautious in this instance and not act rashly. She stated that she did  
619 not believe that they had even specifically identified what the District's objectives are before they  
620 attempt to even make a decision. She stated that she thinks making a motion at this point would  
621 be irresponsible and explained that she sees what has happened today as one step of a multi-  
622 step process.

623  
624 Manager Waller stated that he did not come here to make any decisions other than to accept the  
625 information. He noted that he agreed with the earlier statement made by President Bradley that  
626 today should mark the cut off for new information. He stated that he personally needs time to  
627 ruminate over the new information that was submitted. He stated that he would suggest that  
628 the Board simply close the public meeting and move on.

629  
630 ***Motion by President Bradley, seconded by Manager Waller to close the record related to the***  
631 ***consideration of ACD 10-22-32 Evaluation of Maintenance and Repair Alternatives now that***  
632 ***the Board had received public comment and additional documentation, and direct the District***  
633 ***Engineer to review the additional information and provide a summary to the Board of the***  
634 ***relevance of the information.***

635  
636 Manager Wagamon stated that since there is not going to be a debate regarding a decision, he  
637 can hold the comments he had planned to make earlier in the meeting.

638  
639 ***Motion carried 5-0.***

640  
641 District Administrator Tomczik stated that he would estimate that this item could be brought  
642 back before the Board in a month.

643  
644 Manager Wagamon stated that the information being turned in is very different than what the  
645 District Engineer is saying. He stated that the engineer that spoke on behalf of the people today  
646 has a different opinion and has a lot of facts to back up that opinion. He noted that he did not  
647 understand why the District Engineer would end up being the one who makes a decision on what  
648 is correct when there are dueling engineering opinions.

649  
650 President Bradley stated that neither engineer would decide what is right or wrong and explained  
651 that determination would be made by the Board.

652  
653 District Administrator Tomczik stated that he believed that Houston Engineering, after reviewing  
654 the information, will have a technically responsive position for the Board and noted that he  
655 believes they will be able to address the concern raised by Manager Wagamon.



# Technical Memorandum

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**To:** Nick Tomczik  
Rice Creek Watershed District

**Cc:** Tom Schmidt  
John Kolb

**From:** Chris Otterness PE

**Subject:** Anoka County Ditch 10-22-32  
Summary of Comments Received and Next Steps

**Date:** May 23, 2023

**Project:** R005555-0333

## INTRODUCTION

On April 26, 2023, the Rice Creek Watershed District (RCWD) held a public information meeting to discuss alternatives for restoring drainage function on a portion of Anoka County Ditch (ACD) 10-22-32 north of Pine Street in the City of Columbus. At this meeting, the RCWD received commentary and questions from several landowners (including municipalities) and their representatives. One landowner (Perry Wagamon) provided paper documentation for consideration of maintenance/repair alternatives.<sup>1</sup> In addition, the RCWD received written comments from landowners prior to and following the public information meeting.

The purpose of this memorandum is to summarize the information and comments received, provide engineering responses (as appropriate) and identify how the information may be considered with respect to a decision on further management of ACD 10-22-32 in this location. The memorandum also will recommend next steps in proceeding forward with a management alternative.

## COMMENT SUMMARY

Written comments were submitted by eleven individuals, including landowner, cities, and their representatives. **Table 1** tabulates the comments, along with a technical response regarding engineering considerations related to the comment. Comments from the 4/26/23 Board meeting are quoted directly from the approved meeting minutes.

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<sup>1</sup> These documents are supplemental to documents received from Mr. Wagamon during a 2021 proceeding to reestablish the public drainage system record.

Table 1 – Written Comments and Engineering Responses.

ID	Comment	Engineering Response
<b>Mike Kettler, P.E., Sunde Engineering; 4/18/2023 Letter to Perry Wagamon (comments 1-10) and 4/26/23 Board Meeting (comments 11-12)</b>		
MK.01	The goal of the Watershed District is to establish a recommendation on how to best restore the drainage capacity of the ditch, referred to by Anoka County as ditch 10-22-32. The restoration will in turn alleviate flooding on the Wagamon Property and neighboring parcels of land.	The RCWD is tasked, both under its Watershed Management Plan and under Minnesota Statute (M.S.) 103E, to inspect and maintain its drainage systems. Although this maintenance facilitates the use of the system as an outlet, it cannot eliminate all flooding on the landscape.
MK.02	In reviewing the above materials, we are concerned that the analysis of flooding elevations with respect to the downstream Jodrell Street culvert crossing elevations was reviewed against the as-constructed and subsequently improved condition (ACSIC) with is higher than the ditch profile that existed prior to the construction of Jodrell Street as indicated in the profile drawings. There is no doubt the higher elevation of the current ditch contributes to higher water levels upstream of the ditch such as on the Wagamon Property and neighbor properties.	The ACSIC grade is <u>lower</u> than the ditch profile that existed prior to the construction of Jodrell Street. Two to three feet of sediment has been removed from the ditch bottom during repair activities in the last 12 years.
MK.03	To restore water levels to the condition that previously existed, we believe that the ditch profile needs to be part of the solution. We don't believe that the profile should have been raised as part of the adjacent road construction even if wetland mitigation were to be required as a result.	The construction of Jodrell Street did not change the elevation of the ditch, but rather placed a culvert above the ACSIC grade. The RCWD has since cleaned out the ditch to the ACSIC and cannot lawfully clean lower than that as a maintenance activity.
MK.04	Additionally, the culvert crossing on Jodrell Street and the soil correction that took place for the Jodrell Street construction as it crosses the ditch are wrong and have caused serious flooding problems for the Wagamon property and neighboring properties. When you built your home around 1982, the runoff from your property did not drain to the ditch. It was only as a result of the construction of Jodrell Street in 2003, in which the street acted as a dam for the surface water runoff that cause your previous drainage pattern to become altered and re-directed to the ditch. This is	As RCWD does not manage groundwater, we have not evaluated the historic effects of Jodrell Street's construction on subsurface flow.

ID	Comment	Engineering Response
MK.05	Exhibit A depicts a modified ditch profile that was changed by the Watershed Engineers to be higher than the elevation of the original ditch that dates back more than 100 years.	HEI has identified the ACSIC grade, replicating the condition of the ditch as it was originally constructed, based on significant field data collection. This grade was adopted by the Board as a matter of record.
MK.06	Exhibit A also shows a cross-section of Jodrell Street thru the ditch. The culvert was constructed as part of the roadway crossing to pass runoff under the street. However, it was erroneously not placed at the bottom of the ditch profile, but rather approximately 3' above the bottom of the ditch making the ditch grade irrelevant as the water levels now are controlled by the elevated culvert height, which further increased the upstream flooding on the Wagamon Property and neighboring	Correct – the developer of the project installed the Jodrell Street culvert at roughly the elevation of the existing sediment in the ditch at the time of construction, which was approximately 2.2 feet above the original ditch bottom.
MK.07	Poor soils were encountered under the proposed Jodrell Street alignment which necessitated significant soil correction during construction. Some 60' of compacted material was placed below the pavement section in order to stabilize the road. IN addition to the surface water flooding, this action trapped the flow of groundwater and raised the water table higher on the Wagamon property and neighboring properties causing severe damage to structures, septic systems, and the killing of hundreds of 50-60 year old oak trees and other valuable trees during freeze and thaw cycles due to saturated soils. These soils had not been saturated before the compacted material was installed under the new street.	As RCWD does not manage groundwater, we have not evaluated the historic effects of Jodrell Street's construction on subsurface flow.
MK.08	Attached Exhibit B depicts a proposed culvert crossing Jodrell Street at the bottom of the ditch instead of 3' above it, which would considerably reduce high water levels behind it and the flooding on the Wagamon Property and neighboring properties.	The profile identified in Exhibit B is considered an "improvement" under the drainage statute. Under M.S. 103E, a drainage authority cannot complete maintenance that is deeper or provides a greater capacity than the as-constructed and subsequently improved condition. The profile indicated in Exhibit B is also lower than downstream infrastructure which would negate most of its effectiveness in further draining this region.

ID	Comment	Engineering Response
MK.09	<p>Finally, in our opinion and as stated in the RCWD Stormwater Management Rule C the storm even for flood protection should be established is the 24-hour, 100-year rainfall event (7.12") and not simply rainfall events of 2-year and 10-year probabilities. The larger storm events will yield higher peak flood elevations and correctly change what an appropriate recommended solution to the flooding situation needs to be. It will require a larger, but necessary scope of work than what is being considered in the January 31, 2023 Memorandum. Proposed changes will be more in line with what we are outlining in Exhibit Bs. We would encourage the District's model to use this storm event to establish a better cost benefit recommendation.</p>	<p>Under the drainage statute, the RCWD cannot increase the size of the drainage system beyond what it was originally constructed (less than a 10-year rainfall event). However, RCWD can and has evaluated road culverts for their ability to pass a 100-year rainfall event without flooding upstream structures. RCWD has modeled and mapped the 100-year flood event along ACD 10-22-32 under existing conditions. We are unaware of structures adjacent to this portion of the public drainage system that are potentially inundated by the 100-year floodplain, and thus did not evaluate the 100-year rainfall for the alternatives. If potential structural flooding locations are identified, the RCWD can consider additional analysis for relief of 100-year flooding under one of its other programs.</p>
MK.10	<p>In our opinion, we believe there is a solution (see paragraphs 7 and 8) that will eliminate flooding on the Wagamon Property and neighboring property. This should be the goal even if the scope of work and permits needed to accomplish this has to broaden out from the analysis and options presented by the Watershed District in their January 31, 2023 memorandum.</p>	<p>Although there are activities, both in RCWD's role as Drainage Authority and through its other programs, that can be completed that alleviate some surface water issues in this vicinity, it should be noted that it is infeasible to eliminate all water pooling on these properties.</p>



ID	Comment	Engineering Response
MK.11	<p>Mike Kettler, Civil Engineer, Sunde Engineering, stated that he was asked by Perry Wagamon to study the alternatives developed by the District as they relate to his property which is upstream of the Jodrell crossing. He explained that originally his property did not drain to ditch that is being discussed and noted that the natural drainage was towards what is now the Jodrell Street alignment. He noted that it was just because of the Jodrell Street construction that his drainage pattern changed to be directed to that existing ditch profile. He stated that part of the construction of Jodrell Street was a requirement from the Army Corps of Engineers to not impound water behind that roadway. He stated that he believes that the higher original culvert crossing of Jodrell Street essentially conflicted with that Corps requirement of impounding water and was essentially providing a pond behind the Jodrell Street crossing. He explained that Mr. Wagamon has witnessed significant flooding over a period of time on his property to his home, structures, septic, and other useable areas. He stated that he studied the alternatives that the District has presented and felt the modeling by District Engineer Otterness provided a lot of great information. He stated that it is very flat and would hesitate to even call it a ditch because it is essentially ponding water behind a lot of culvert crossings, which are storm sewer crossings.</p>	<p>Noted. RCWD was not the permitting authority for the construction of Jodrell Street and thus does not have the authority to enforce the conditions established by the permits issued at that time.</p>

ID	Comment	Engineering Response
MK.12	<p>He stated that he thinks for a 100-year storm event there would be a difference in water elevations behind the culvert crossings and asked that the District compare those flood elevations with some critical elevations on the Perry Wagamon property. He explained that Mr. Wagamon is essentially sitting in a landlocked area and feels that makes it a bit more relative to provide a 100-year storm event for an analysis and not just general pipe sizing in the District. He stated that he thinks all the alternatives that were presented are very well played out and thinks Alternative 4 with some amendments, such as the 100-year event information, the Jodrell Street crossing, and making the pipe large enough to not flood upstream structures. He stated that it would basically either be amending Alternative 4 or creating a new Alternative 6. He stated that they feel lowering Jodrell down to the spirit of the Corps permit down to the original ditch bottom and not ACSIC in order to give Mr. Wagamon the condition that existed prior to the construction of Jodrell Street, which he believes was the intent of the Corps of Engineers. He explained that he believed this approach would be better suited for upstream flooding. He reiterated that he thought the model and the report given by District Engineer Otterness was very thorough but believes the other items should be considered for Mr. Wagamon's property. Mr. Kettler stated that they have not done any studies and explained that his intent was not to recreate District Engineer Otterness' model because they think it is accurate but would ask that the District plug in some different elevations and different storm events.</p>	See response to Comment MK.09
<b>Kirby Becker, landowner: 4/12/23 email to RCWD</b>		
KiB.01	<p>What land use was input into the model runs? Was it existing or future land use? If only existing, It would be nice to see results with a full 20-year build (i.e., counties, cities, townships) for each model run alternative (less Alt 1).</p>	<p>Existing land use was used for this report. The RCWD has previously completed future land-use modeling in this location. as part of other water management efforts. This modeling is relevant to municipal stormwater planning and for other District programs, but not so for the public drainage authority in completion of its drainage system maintenance decisions.</p>



ID	Comment	Engineering Response
KiB.02	<p>Why were alternatives only modeled at 2.7" and 4.1" rainfalls? "There has been a shift in recent decades for more significant rainfall events. Minnesota has seen 16 mega-rains, but 11 of these 16 events have been in the most recent 22 years (2000 through 2021), compared to five confirmed events in the 27 years from 1973 through 1999. Put another way, these major rainfall events have been over 2.5 times more common during the first few decades of the 21st century than they were during the last few decades of the 20th century. Although it is difficult to assess the statistical significance of that increase, we do know that these observations are consistent with observed increases in the frequency and intensity of heavy rainfall events at historical observing stations, and also are consistent with the expectation that Minnesota and the Upper Midwest will receive more precipitation, and more precipitation from large events opens in a new browser tab, in response to increasing global temperatures and increased available moisture for passing storm systems."</p> <p>(<a href="https://www.dnr.state.mn.us/climate/summaries_and_publications/mega_rain_events.html">https://www.dnr.state.mn.us/climate/summaries_and_publications/mega_rain_events.html</a>)</p>	<p>Alternatives were modeled for the current 2-year and 10-year rainfall depths as defined by NOAA's Atlas 14, consistent with RCWD program administration. Minnesota has experienced more high-intensity rainfalls in recent years. Some of this has been accounted for already in the Atlas 14 rainfall depths. NOAA has not updated rainfall frequency data since Atlas 14, and utilizing alternative depths would be arbitrary for the purpose of the RCWD maintenance effort.</p>
KiB.03	<p>Were downstream ditches, storage/retention ponds, and water flows modeled to determine impacts if upstream culverts were increased in size or lowered?</p>	<p>The entire ACD 10-22-32 system, down to its outlet at Marshan Lake, is included in the model. Focus on the study was critical locations upstream of maintenance locations, as the function and utility of the drainage system downstream will not be affected by lowering culverts.</p>
KiB.04	<p>Were the cities of Columbus and Lino Lakes coordinated with during the selection and modeling of alternatives (prior to)?</p>	<p>No. The RCWD Engineer and staff recommended alternatives to be evaluated (from a technical basis) to the RCWD Board, which the RCWD Board approved. When the Board makes a management decision, it will consult with the Cities regarding next steps.</p>

ID	Comment	Engineering Response
KiB.05	What is the expense and impact of lower a pipeline? Did the pipeline companies provide a cost to lower and description of impact? If not, I would suggest removing this language from memo.	We cannot provide an estimated expense – that can only be provided by a pipeline company, and we have not received that information. Due to very low tolerances for deflection, lowering a pipeline a few feet can require modification of the pipeline up to a half mile in either direction. It is this understanding (and prior experience in working with pipeline companies regarding other lowering efforts) that is the basis of this statement.
KiB.06	What are the expense/costs for alternatives 3, 4 and 5? Aside from the hydraulic modeling impacts, It would be nice to understand costs for each alternative in the near and long-term including the cost to "lower the culvert under Pine Street".	The costs for constructing these alternatives was not in the scope of this analysis. The regulatory costs of each alternative are not well understood and will require the expenditure of additional District investment in order to more accurately understand the relative cost.
KiB.07	This is the last paragraph of the memo. The last part of sentence one states "other near term solutions". Is this is reference to recommendations outlined on page 5 of 7, or are there other near term solutions not identified and included in the memo? If not, what would those solutions be?	These solutions include regular inspection of the crossing sites, beaver dam removal, beaver trapping, and coordination with the pipeline companies for maintenance activities.
KiB.08	Additionally, both Columbus and Lino Lakes should also be listed in the last sentence for continued partner/stakeholder engagement. While I understand the need to coordinate with the pipeline companies, it's also important to ensure both cities are kept in the loop and ensure the best interests of their residents.	The last sentence was intended simply to reflect the coordination necessary at the pipeline crossing sites. The RCWD has, and will continue to, coordinate with the Cities in the intersection of the ditch system with City infrastructure (i.e., public roadways) and with landowner engagement. The Cities have been invited to the public information meeting on April 26, and we look forward to further engagement with them.
Diane Hankee, City of Lino Lakes, in an email dated April 20, 2023 (comments 1 and 2) and in a Zoom chat window during the April 26, 2023 Public Meeting (comment 3)		



ID	Comment	Engineering Response
DH.01	As you know, when RCWD lowered the culvert under Pine St. to the east, some of our residents felt as though it created issues downstream in Lino.	We are aware of some of these concerns, including the perception that "we are getting more water." However, the hydrology does not bear that concern out. Lowering the culvert has a minimal effect on downstream runoff delivery. In addition, it is important to note that the RCWD is obligated to maintain the entire drainage system (including portions upstream and downstream of these landowners, and the baseline for that maintenance is the as-constructed condition. The effort to lower the Pine Street culvert on Branch 4 was intended to restore that condition.
DH.02	We will need some understanding of the impacts downstream.	No impacts downstream are intended from the maintenance work considered in Houston Engineering's memo. Again, the culvert elevations will not change the capacity or burden on the downstream system, and maintenance here is consistent with maintenance in other parts of the system, including that already completed downstream several years ago
DH.03	How does the flood elevation change impact downstream in Lino Lakes. Can you provide a map showing the pre and post project floodplain in the Lino Lakes? for the flood alternates that were ~-1'	None of the alternatives is anticipated to have a significant effect on flood elevations in Lino Lakes, as the capacity of the public drainage system is not being changed. No floodplain mapping was completed downstream of Jodrell Street.
<b>Kevin Bittner, Columbus City Engineer, in a letter dated April 19, 2023 (Comments 1-3) and testimony at 4/26/23 Board Meeting (comment 4)</b>		
KeB.01	In general, the Mayor and City Council, as well as city staff, are very supportive of maintenance and improvement activities on all the ditch systems within the city limits and those outside of the city that provide a positive drainage benefit to the city. Given its flat topography, effective drainage systems are critical to maintaining the integrity of existing residential and commercial properties as well as providing mechanisms for future development within the city.	Agreed and noted. Please note comment KeB02 below with regard to the term "improvement."

ID	Comment	Engineering Response
KeB.02	In regard specifically to ACD 10-22-32, we are very supportive of improvements that provide relief to properties that have experienced high saturation levels over the past 20 years, due to numerous factors that are at play. The City also recognizes that the RCWD is the authority for this system and controls the decision-making process for any improvement.	Under MS 103E, the term “improvement” is specific to deepening or enlarging the drainage system. RCWD cannot lawfully initiate an “improvement” in this sense. However, understanding that Mr. Bittner’s the use of the term “improvement” here is intended to be synonymous with repairs, then the statement would be correct. It is important to note that road authorities are ultimately responsible for decision-making related to roadway culverts along the drainage system, though the District can order modification to these culverts if they are determined to be an obstruction.
KeB.03	From a technical viewpoint, in my review of the alternatives that are laid out in Houston Engineering’s Technical Memorandum dated January 23, 2023, I’m of the opinion that Alternative 4 would provide the maximum benefit to the city and its property owners.	Noted.
KeB.04	Kevin Bittner, Bolton & Menk, explained that he was also the appointed City Engineer for the City of Columbus. He stated that had provided the letter to the District and wanted to reiterate that, as a city, they are very supportive of activities that maintain the ditch systems within the city because they are very critical to their drainage. He stated that as it has been noted, Columbus is a very flat community so maintaining the ditches are critical. He stated that regarding the alternatives that were shared, from a technical perspective and his evaluation, he would support Alternative 4, but noted that they are open to consideration of other alternatives if other information comes forward. He noted that there was a statement from the presentation regarding lowering Jodrell culverts not measurably changing flood extent in upstream properties. He stated that he would agree with that from the perspective of the model, but when it comes to the event itself, he can see where the profiles may not change considerably based on the elevation of the culverts, but he thinks this is really a problem with saturation levels after the event is over. He stated that he believes at that point it acts less like a ditch and ends up being pools behind culverts and would say that the culverts play a really big part in controlling the saturation level and lowering them to the ASCIC level would be very beneficial.	Noted

ID	Comment	Engineering Response
<b>Roger and Sherri Nase, landowners, in a letter dated April 24, 2023 (Comments 1 and 2) and testimony at 4/26/23 Board Meeting (Comment 3)</b>		
RSN.01	We want to express our concerns regarding the high water levels that flow from the large swamp (noted below) onto our property flooding the trees behind and to the East of our pole building. Standing near the property line we could see the current in the water running from the swamp on Perry Wagamon's property onto our property. We have had about 10 trees that were in water that eventually died and many others that may die if it continues to flood. This is not a problem every year but on wet years the water really backs up in that region and doesn't seem to drain down. The ditches probably need to be cleaned back to their original depth to restore the drainage. Ditches naturally fill in as sediment deposits or bog plugs them up. They need maintenance to prevent flooding.	The ditches have been cleaned out to the original depth in recent years. Minimal sediment currently exists in the ditch. However, as the commenter notes, ditches do experience sedimentation and other blockages, and RCWD staff remains vigilant in inspecting the drainage system and maintaining it as blockages occur.
RSN.02	When we looked at the culverts at Jodrell Street they were not at the ditch bottom, which is contributing to the problem by increasing the water level from where it was before the road was built.	The original culvert under Jodrell Street was at the elevation of sediment in the ditch bottom when it was constructed. However, as the ditches have been cleaned out to the original grade, the culvert is now substantially higher than the current ditch bottom.
RSN.03	Mr. Nase stated that the property directly to the south of them had two 40 acre plots that were converted into commercial industrial property from residential property. He stated that in the last request for a CUP, they were permitted to allow 12-15 acres of the 30 acre plot to be impervious which was scheduled to flow into a pond, however the pond was at 904-906 in elevation and the wetland delineation line is right around 905-906 which means the pond will be full in the spring. He stated that if there was a large rain, their concern was that water would flow from the impervious surface and go toward the pond, but because it would be full it would then spill over onto his property and the Wagamon's property and exacerbate the problems that they are already seeing. He asked that Board to keep this in mind as they look at possibly having more water that could flow into the area.	Noted
<b>Tim and Helen Kessler, landowners, in an email dated April 24, 2023</b>		

ID	Comment	Engineering Response
THK.01	We have lived in Lino Lakes since 1986 on Main Street. Back in about 2006 there was discussion on the Blanding Turtle in Anoka County and the fact it was endangered. My wife and I express wishes that in all you do, you also consider this turtle habitats, if you still see it as threatened.	Blanding’s turtles are listed as “threatened” by the Minnesota Department of Natural Resources (DNR). As the RCWD is aware of multiple sightings of these turtles in Columbus and Lino Lakes, it has taken precautions to avoid inadvertent takings of the species during ditch maintenance, including educating equipment operators.
<b>Clark Robinson, landowner: 4/26/23 letter to RCWD</b>		
CR.01	As a landowner within this drainage system my question is, has the ACSIC been applied to entire 10-22-32 system, or just in the areas north of Pine St.?	An ACSIC has been determined for the entire system. For the portions of the system south of Pine Street, the ACSIC is consistent with the Functional Grade identified in the 2011 Historical Review
CR.02	Has every culvert from Main St. south been checked to see if the culvert is set at the level that would match the ACSIC level?	Yes – every culvert has been verified for consistency with the ACSIC grade.
CR.03	In other words, if the ditch has been improved to a lower level than the original profile, shouldn’t all the culverts/obstructions be lowered to match the bottom of the ditches?	Excavation of the ditch by private landowners outside of a public drainage proceeding is <u>not</u> considered to be part of the as-constructed and subsequently improved condition
<b>Perry Wagamon, landowner: Paper documentation provided to the Board on 4/26/2023 (Comment 1) and testimony at the 4/26/23 Board meeting (Comments 2 and 3)</b>		
PW.01	See <b>Appendix A</b> for summary of documentation provided	The documentation provided by Mr. Wagamon details observed historic hydrologic conditions and a partial history of water management decisions near Jodrell Street by the RCWD, City of Columbus, Coon Creek Watershed District, DNR, and Corps of Engineers.

ID	Comment	Engineering Response
PW.02	<p>Perry Wagamon, stated that he has heard a lot of things today that he feels make a lot of sense regarding ditch cleaning. He stated that what does not make sense to him is that he lived in his home for 25 year prior to this road being constructed and had no flooding issues. He stated that the trees on his property that were killed by the flood were 40-50 years old. He stated that he does not think there is a question that when they built the road, it flooded, killed the trees, and ruined his home. He stated that he came to the District when the road was built and they were putting in the culvert. He explained that he had reported that a neighbor had told him that they were putting the culvert in 3 feet too high and requested help to take care of the flooding problem. He stated that they promised to do that and mentioned cleaning up ACD 10-22-32. He noted that he did not come to the District and ask them to clean ACD 10-22-32 because he did not know what that was, he just knew that his land was flooding. He reiterated that his land was not flooding prior to the road being built but did after it was built and the culvert was placed too high. He stated that he thinks it is obvious why his land was flooding and did not believe it should take a 15-20 year ditch cleaning process in order to take care of the problem. He stated that, to him, it would be common sense to go lower the culvert to the as constructed condition. He stated that if that would have been done, his land would not have been flooded, his property would not have been destroyed, and his trees wouldn't be dead. He stated that he feels this is a lot more simple than this group is trying to make it. He reiterated that he has never requested that any kind of kind of ditch cleaning be done and simply asked to have relief from the flooding.</p>	Noted
PW.03	<p>He expressed frustration that the expectation is that the Board would believe that it took them 15 years to figure out that there was a beaver dam over the pipeline and get it cleaned out. He stated that it was not a beaver dam and was a 2.5 foot obstruction that continued for 50-100 feet on either side of the pipeline.</p>	<p>It is correct that a portion of the obstruction was remnant cover placement by the pipeline owner (NNG) when the pipeline was installed. RCWD initially cleaned off a portion of this cover material to the extent that the on-site pipeline representative would allow. Beaver dams were then built on top of the remaining hump and subsequently removed by RCWD multiple times. In 2021, RCWD in coordination with NNG representative was able to remove the remainder of the hump down to the ACSIC grade.</p>



ID	Comment	Engineering Response
<b>Janet Hegland, Columbus City Council Member, in testimony at 4/26/23 Board Meeting</b>		
JH.01	<p>Janet Hegland, Columbus City Council, stated that she has attended a few meetings and has learned a tremendous amount and understands the District has done a lot of work trying to solve this problem. She stated that the letter presented by Mr. Bittner reflect the position of the Columbus in terms of their interests, but noted that she had heard this morning that there is additional information and additional perspectives that may be considered. She stated that it would be very reassuring to the City of Columbus if that information was considered as part of the selection of the alternatives. She stated that the District has done a lot to try to solve this problem and it has been tremendously frustrating for Columbus to have residents have repeated flooding events and not get relief. She stated that the attempts that they have tried thus far, have not solved the problem. She stated that it may have kept them ahead of the development and increased pressure on the ditch system to handle storm water run-off, but it has not solved the problem. She stated that if it requires taking another meeting or two in order to look at the alternative perspectives and additional information and incorporate that into the selection process, that would offer some assurance to Columbus.</p>	Noted
<b>Scott Robinson, landowner, in testimony at 4/26/23 Board Meeting</b>		
SR.01	<p>Scott Robinson, 8179 4<sup>th</sup> Avenue, Lino Lakes, stated that his property is directly south of this area and noted that he felt that drainage rights were property rights which give an intrinsic value to the property. He asked if there was representation from the City of Lino Lakes also present at today's meeting because they mentioned a culvert on Pine Street and asked if there was a proposed size that the cities want to install</p>	<p>The Cities have not proposed an alternative size. The alternatives evaluated utilizing the same size pipe, with exception of Alternative 5.</p>
SR.02	<p>Mr. Robinson asked if that would go to the ACSIC level or to the official profile of the ditch because those are two different things. Mr. Robinson asked if the District was aware that there are areas of the watershed that the ACSIC level is not the official profile and is not the maintained level of the ditches.</p>	<p>The RCWD does not manage to an "official profile." Rather, it manages to the ACSIC alignment, grade, and cross-section. In most of the system, the ACSIC is the same as the "Functional Profile" indicated in the 2011 Historic Review.</p>



ID	Comment	Engineering Response
SR.03	Mr. Robinson stated that there were also surveys done of the ditch from south of the center of Section 6 which is a half mile south of Pine Street all the way down to the lake. He stated that there have been core samples done and they know the ditch was dug deeper at one time than what it was being maintained at now. He stated that his larger question is whether the Board decides to put in ACSIC upstream from them, what the effects will be on the water coming down to him when they are not doing to the ACSIC level below them and through them.	We are unaware of core samples that would indicate that the grade of the ditch as it was originally constructed and subsequently improved via drainage proceedings is lower than the ACSIC grade recognized by the District. Lowering the Pine Street culvert will not increase the burden on the downstream system nor change its capacity.
SR.04	Mr. Robinson asked if the District's hands were tied by the Corps of Engineers and the DNR.	The District has the authority to maintain the drainage system pursuant to M.S. 103E, but is likewise subject to other local, state, and federal laws.
SR.05	Mr. Robinson referenced a 10 year rain event and stated that he knows their back fields will be flooded because the downstream culverts are not adequate enough to handle it. He stated that if they put in a 48 inch culvert or two -24 inch culverts on Pine Street, they will be flooded. He stated that he feels there is no way that it will not flood because they are downstream and their culverts are smaller.	The District does not intend to increase the capacity of the Pine Street culvert.
SR.06	Mr. Robinson stated that wanted to know if it was the District's testimony that they had done the study on downstream and have determined that they can take the water and that it will have no adverse effects.	No increase in water volume will occur downstream as a result of any of the proposed alternatives, and thus the burden on the system will not be increased by the alternatives. That said, other factors including climatic changes have increased the frequency of higher magnitude rainfall events. The RCWD is limited in its ability to address the climatic changes through its role as drainage authority but has and will continue to address these changes through other District programs.

ID	Comment	Engineering Response
SR.07	Mr. Robinson stated that in a perfect world you would be able to say that the ACSIC is the official profile and have it maintained at that level. He stated that if the Board is doing to take the position that they will try to lower it to the ACSIC level, he would like to see that done District-wide and have it put down to the level where the ditches have been dug to.	The RCWD has completed prior comparisons of the ACSIC grade on ACD 10-22-32 to existing road/field crossings and has replaced and/or lowered the culverts where crossings have been determined to be an obstruction.
Ron Moss, Tatanka Real Estate Advisors, in testimony at 4/26/23 Board Meeting		
RM.01	Ron Moss stated that almost all of the discussion thus far today has been about the area north of Pine Street and he is representing a party who has property just south of Pine Street. He stated that this individual has 80 acres that they would like to sell and noted that it was platted back in 1980 as Pine Oaks Addition. He explained that at the time it was platted all the land was dry and right now, a reasonable amount of it is wet and he believes it is related to the topic being discussed today. He stated that they would like to sell it and have a potential buyer but the dryness of the land will have a great effect on the value of the land. He stated that he believes the decisions the Board makes will impact property owners south of Pine Street as well.	The referenced property is located upstream of Branch 2 of ACD 10-22-32 and is in no way impacted by the proposed alternatives upstream of Pine Street. However, we understand the concerns, which are consistent with concerns raised by a prior owner of the property, which are unrelated to the condition of the ACD 10-22-32 drainage system. We are unaware of disrepair on Branch 2 that has cause the chronic drainage issues on the subject property.



## CONSIDERATION OF COMMENTS AND DOCUMENTS WITH RESPECT TO ENGINEER'S TECHNICAL REVIEW

Written comments and additional documents are not in conflict with the technical findings summarized in the Houston Engineering, Inc. (HEI) memorandum dated January 23, 2023 regarding maintenance alternatives for ACD 10-22-32 north of Pine Street. However, a few of the comments suggested additional analysis be completed within the report, as follows:

- Comment MK.05 and MK.08 suggest an alternative repair profile (denoted as Exhibit B in the Mike Kettler letter) and recommend its consideration. This profile is considered an “improvement” under M.S. 103E. Improvements cannot be initiated by the RCWD. Therefore, we do not recommend its evaluation at this time.
- Comment MK.06 suggests modeling the alternatives utilizing the 100-year rainfall event. Although the alternatives can readily be modeled using higher rainfalls than evaluated in the report, doing so will provide limited value in determining the ditch’s ability to convey its design capacity (which is less than a 10-year rainfall event).
- Comment KiB.01 suggests modeling the alternatives under future land use conditions. Note that the drainage system was designed for land use as existed it existed in 1898, and maintenance/repair of the drainage system is limited to the capacity as it was originally constructed.
- Comments DH.02 and DH.03 request mapping and assessment of impacts downstream in Lino Lakes. It is important to note that none of the alternatives envision an increase in capacity of the drainage system from its originally established/constructed condition. The downstream portions of the drainage system were designed to accommodate the flow from the upstream portions of the system.

We can complete one or more of these suggested additional analyses upon request from the Board of Managers. However, at this time it does not appear that the results of such analysis would be pertinent to the Board’s decision regarding repair approach.

## CONSIDERATION OF COMMENTS AND DOCUMENTS WITH RESPECT TO BOARD DECISION ON REPAIR APPROACH

In considering maintenance/repair of the public drainage system, the RCWD as drainage authority under 103E and as a watershed district under 103D evaluates several factors, including but not limited to the value of the work to the landowners served by the system; the value of the work to the general public; the cost of the work, potential environmental effects, and prioritization of District efforts. The public comments provided touched on most of these factors. General themes of the comments included:



- Desire to maximize the efficiency of the drainage system, as reflected in Alternative 4. Multiple reasons cited for the critical nature of the drainage system condition, including “very flat” topography in the community and a lack of grade in the original construction of the ditch.
- Concern regarding compromising of downstream capacity and of ecological resources. These concerns have been addressed in the response to comments above.
- Requests for additional analysis of rainfall events. This is discussed in detail in the previous section of this report. The commentors did not indicate how this analysis would factor into decision-making by the Board.
- Detail on prior hydrology conditions and decision making by water management authorities (RCWD, Coon Creek Watershed District, City of Columbus, DNR, US Army Corps of Engineers). These conditions and decisions were in part directly related to the ACD 10-22-32 system and in part to other factors such as development construction. Although this history cannot be modified by current decisions, it may inform the value placed on quantified and/or observed incremental changes in performance of the drainage system in this region.

Although the hydrologic effects of the repair alternatives have been quantified within the 1/23/23 engineer’s report, the value of these changes, and the prioritization of these repairs within the RCWD’s overall public drainage system maintenance program, is subjective and can be informed by the verbal and written comments received. We recommend the Board weigh this information with respect to the factors outlined above in making a decision regarding a repair approach.

## NEXT STEPS

We recommend the RCWD proceed with the following steps in addressing drainage concerns on ACD 10-22-32 north of Pine Street:

1. Board of Managers to approve a motion to direct staff to proceed with implementation of a specified alternative from the 1/23/23 engineer’s report (either Alternative 3 or 4), subject to and dependent upon applicable regulations.
2. RCWD staff to coordinate with City staff regarding the approach and roles in executing subsequent actions in implementation of the preferred alternative.
3. If Alternative 4 is selected, RCWD staff to make formal application to DNR for lowering of the Jodrell Street and 137<sup>th</sup> Avenue culverts to the ACSIC grade. This step may include a coordination meeting with the DNR and potentially development of additional materials to support an application.
4. RCWD to complete an investigation of the wetland complex potentially affected by the lowering of the Pine Street culvert (including a wetland delineation) and make either a no-loss or wetland mitigation application to the LGU.

Depending on the outcomes of Steps (3) and (4), RCWD and Cities to develop plans and implement construction of culvert lowering projects.



APPENDIX A – SUMMARY OF DOCUMENTS RECEIVED FROM PERRY WAGAMON 4/26/23.

ID	Title	Author	Date	Notes	Relevance to ACD 10-22-32
PW_11	Sunde Memo and Cover Letter	Mike Kettler - Sunde Engineering	4/18/2023	See detail in Table 1	Recommended management
PW_12	1099-MISC Tax Statement	Precision Landscape and	2010	1099 Tax Statement for Sale of Wood Chips	Historic hydrologic conditions
PW_13	Cover Letter for Document Submittal	Perry Wagamon	4/25/2023	Cover letter for document attachments	Historic management decisions
PW_14	Excerpt from EOR Repair Report	EOR		Excerpt of profile analysis along current Main Trunk	Historic management decisions
PW_15	Tree Analysis Report	Paul Kujawa - Metro Tall	2016	Report on investigation of tree stands on Perry Wagamon property.	Historic hydrologic conditions
PW_16	Excerpt of Meeting Minutes	Coon Creek Watershed	7/14/2003	Highlighted excerpt of CCWD meeting minutes	Historic management decisions
PW_17	DNR field map/notes	Judy Davidson - DNR	3/20/1981	Notes from DNR staff regarding wetlands on Perry Wagamon property	Historic hydrologic conditions
PW_18	ACD 32 cut sheets	Anoka County Engineer	1898	Cut of cut sheets from 1898 design documents for ACD 32 Branch 15 (now ACD 10-22-32 Main Trunk near Jodrell St.)	Historic design
PW_19	ACD 10-22-32 Profile	Greg Graske - EOR	2/16/2007	Excerpt of EOR Repair Report indicated profile analysis along Main Trunk	Historic management decisions
PW_20	Carlos Avery Estates Field Inspection Notes	Unknown	5/14/2003	Notes from inspection of plat construction, indicating standing water along a road	Historic hydrologic conditions
PW_21	Completed ACD 10-22-32 Work Activities	Unknown	Unknown	Map and narrative indicating work completed on ACD 10-22-32 north of pine street prior to 2015	Historic management decisions
PW_22	Anoka County Protected Waters Map	DNR	Unknown	Excerpt from Anoka County Protected Waters map	Historic hydrologic conditions
PW_23	Property History Narrative	Perry Wagamon	4/11/23	Narrative on history of conditions at Perry Wagamon property	Historic hydrologic conditions
PW_24	Letter regarding HEI map dated 1/18/21	Perry Wagamon	6/10/21	Opinion on ACSIC grade determined by RCWD Engineer and prior RCWD management decisions	Historic management decisions
PW_25	Property History Narrative	Perry Wagamon	7/16/2021	Narrative on history of conditions at Perry Wagamon property up to construction of Jodrell St.	Historic hydrologic conditions
PW_26	Letter regarding ACSIC grade	Perry Wagamon	4/9/2022	History on ACD 10-22-32 management grade and relevance to ACSIC	Historic management decisions
PW_27	Summary of Events	Perry Wagamon	10/25/2016	Summary of water management activities related to portion of ACD 10-22-32 on Wagamon property	Historic management decisions

ID	Title	Author	Date	Notes	Relevance to ACD 10-22-32
PW_28	Cover Letter – DNR information	Perry Wagamon	Unknown	Cover letter sending historic DNR field inspection data	Historic hydrologic conditions
PW_29	COE Permit – Carlos Avery Estates	UW Army Corps of Engineers	8/6/2003	COE permit for discharge of fill in wetlands at Carlos Avery Estates. Excerpts highlighted regarding culvert sizing conditions	Historic management decisions
PW_30	Misc. correspondence related to COE permit	Multiple	2003	Miscellaneous correspondence between COE and local landowners regarding hydrologic effects of the construction of Carlos Avery Estates	Historic management decisions

## RCWD June 14, 2023, Board Approved Minutes Excerpt (Board acts to develop Alternative #4)

145 timeline of potentially doing alum treatments in 2024. He cautioned that he did not want  
146 to present this as a certain timeline.

147 ***Motion carried 5-0.***

### 148 **3. Peterson Companies, Inc. Final Pay Request Long Lake Fish Barrier**

149 Lake & Stream Program Manager Kocian explained that this item was related to the final  
150 pay request for the Lake Johanna carp barrier. He reviewed photos that were taken at  
151 the site as part of the Long Lake/Lino Chain of Lakes Carp Management Program. He  
152 noted that Houston Engineering had surveyed the completed structure, compared it to  
153 the drawings they had produced, and found elevations and dimensions to be within  
154 acceptable tolerances. He noted that the District had received Watershed Based  
155 Implementation Funding Grant which meant that 90% of this cost of this project was paid  
156 for by that program.

157  
158 ***Motion by Manager Weinandt, seconded by Manager Waller, to approve final payment,***  
159 ***including release of retainage, to Peterson Companies for the Johanna Creek Fish Barrier***  
160 ***project, in the amount of \$5,487.50. Motion carried 5-0.***  
161

### 162 **4. Anoka County Ditch 10-22-32 Evaluation of Maintenance Alternatives Board Direction**

163 Public Drainage Inspector Schmidt stated that the Board had held a special workshop on  
164 June 5, 2023 to discuss the comments and submitted information in consideration of  
165 maintenance alternatives. He stated that the Board arrived at a general consensus for  
166 Alternative #4 and the next step in the process would be for the Board to direct staff  
167 toward final development of that alternative. He noted that included in the packet was a  
168 proposed motion, but noted that, based on advice from Drainage Attorney Kolb, that  
169 motion had been slightly modified and that language had been handed out to the Board  
170 prior to the meeting.

171  
172 District Administrator Tomczik noted that the differences in the motion language is largely  
173 a distinction between investigating and developing the alternative verses direct  
174 implementation.

175  
176 ***Motion by Manager Weinandt, seconded by Manager Bradley, to direct staff to develop***  
177 ***maintenance Alternative #4 (ACSIC Option) for ACD 10 22 32 north of Pine Street by:***

178 ***1. Identifying and quantifying regulatory requirements;***

179 ***2. Assessing the feasibility of the proposed alternative in light of the regulatory***  
180 ***requirements; and***

181 ***3. Engaging with municipal partners, DNR, and other regulatory, land use, and***  
182 ***road authorities as necessary to evaluate the feasibility of maintenance***  
183 ***Alternative #4.***

184  
185 President Bradley noted that Alternative #4 includes lowering the level of Jodrell Road  
186 and 137<sup>th</sup> Street culverts to the previously established ACSIC that was approved by the  
187 Board.

188  
189 Manager Waller stated that just because the Board has chosen this framework, it does  
190 not mean that this is the last profile that could be adopted by the Board. He explained  
191 that he sees this as a beginning in order for things to move forward and see what the  
192 DNR, Army Corps of Engineers, and the City of Columbus may have to say. He stated that  
193 in his opinion, this action does not eliminate possible adjustments to the ACSIC in the  
194 future.

195  
196 Manager Robertson stated that she has had additional dialogue with staff throughout the  
197 last week and explained that what she shared with them was her frustration that does  
198 not seem to be a finality to the issues that the residents have if the District hangs their  
199 hat on Alternative #4. She asked what type of cost is incurred with Alternative #4 and if  
200 moving forward with this alternative limits the District to the things identified within the  
201 motion. She asked if it was open to interpretation or to be modified. She stated that she  
202 understands that this is a long standing issue that has a lot of emotion surrounding it, but  
203 noted that she felt that everybody wants to come in and find the right solution. She  
204 explained that she did not want there to be bad feelings amongst the parties engaged in  
205 this and noted that she also did not want to move forward with a 'band-aid' type solution  
206 because she wants finality. She questioned what 'engage with municipal partners' meant  
207 and if merely sending an e-mail would fulfill that obligation rather than sitting down and  
208 really get into the 'weeds' of the issue. She reiterated that this action feels very vague to  
209 her and does not feel like an actual solution.

210  
211 District Administrator Tomczik stated that the District is acting as the Public Drainage  
212 Authority in this instance and are contemplating and addressing the obligations of the  
213 District specific to that authority. He stated that it may or may not result in an outcome  
214 that satisfies landowners or the municipalities. He explained that it is the District's belief,  
215 through the engineer's modeling, that alternative 4 will improve drainage. He stated that  
216 in the past, the District generally took regulatory positions at 'face value', that these  
217 matters were not surmountable by the District. He stated that this motion would direct  
218 staff to take those actions, to ask the questions because until the regulatory questions  
219 are asked, they do not know what the extent of the DNR's response and further the  
220 associated potential cost of what is being asked of the District to demonstrate. He stated  
221 that it is possible that they will just issue the District a permit, but it could also be a long,  
222 entrenched discussion where staff would return to the Board and ask for further  
223 guidance.

224  
225 President Bradley noted that he had previously asked the question about cost as well and  
226 the answer he received was that the upfront costs are those of the lawyers and engineers.  
227 He stated that responding to the DNRs questions start at approximately \$50,000 and go  
228 up which would become the cost of repair. He noted that there could be things like  
229 mitigation that they do not know the costs for and could be substantially more. He stated

that until the questions are asked, they cannot dig down and get the answers to the specific questions about cost.

Manager Robertson asked if the District would assume the cost of repair or if landowners would be assessed for those costs.

President Bradley stated that the current position is that repairs are a maintenance and valorem expense.

Manager Wagamon explained that he would abstain from discussion on this item but would like to ask a question. He stated that Columbus has a CWPMP and if he understood what he was reading correctly, that would override the other statute. He stated that stated that they do not have the mitigate for wetlands and asked if that was germane to this discussion.

Drainage Attorney Kolb stated that if there is a CWPMP that has been adopted by the LGU, the terms of it, by rule, would replace some of the specific requirements of the WCA. He noted that would only apply to consideration of mitigation required under the WCA and would not displace mitigation requirements that might be required under the Public Waters law.

Manager Wagamon stated that he thinks the District should take a look at their CWPMP to ensure what is in it.

District Administrator Tomczik stated that is part of the outcome of what is proposed in the motions. He stated that he would say this has been considered to some extent already. He stated that north of Pine Street will be a WCA consideration and is modified by a Board adopted and BWSR approved CWPMP. He stated that as Drainage Attorney Kolb stated, it does not apply to public waters and does not replace Federal wetland law.

Manager Waller stated that the emphasis today is primarily on drainage law under Chapter E, but the complaint heard throughout this entire proceeding has been about flooding, so there are other pieces that are important. He stated that he hopes the existing language is broad enough to allow these things to be considered as well. He reiterated that he did not see this action as a final step but as a step forward that will then be adjusted.

District Administrator Tomczik explained that the intent of engaging with the partners is broadly to see if there is any additional information or local authority that may assist in having the DNR, as the public waters authority, to come into alignment with the District's analysis. He stated that the District, through HEI, has studied Jodrell and noted that information is available to Columbus to collaborate with the District as it advances their storm water management.

Manager Waller stated that he specifically was thinking about the drainage that comes off of Jodrell from the north.

President Bradley stated that if this is passed, at a minimum, the city will be looking at lowering the culvert on Jodrell and will have the opportunity to consider the size and the comments from the public about 100-year rainfalls.

***Motion carried 3-1-1 (Manager Robertson opposed) (Manager Wagamon abstained).***

**5. Houston Engineering, Inc. Task Order No. 2023-003, Anoka County Ditch 53-62 Branches 5 & 6 Repair Report**

Public Drainage Inspector Schmidt stated that per the Board's prioritization of repairs to the drainage system, the next set to be repaired are Branches 5 and 6 of ACD 53-62.

***Motion by Manager Weinandt, seconded by Manager Bradley, to authorize the Board President to execute HEI Task Order 2023-003 to complete a repair report for portions of (ACD53-62), including Branches 5 and 6 and associated laterals, for an amount of \$82,200.00. Motion carried 5-0.***

**6. US Sitework, Inc. Partial Pay Request #6 Anoka County Ditch 53-62 Main Trunk Repair Project**

District Administrator Tomczik noted that Public Drainage Inspector Ricci was out in the field, so he would be handling this item. He reminded the Board that there was an incident with equipment at this site, but the work should be up and running by June 19, 2023, and explained that substantial completion is expected by July 13, 2023. He stated that this is a later time frame and will require a Change Order which is currently in process. He noted that city stormwater work will begin on July 5, 2023, and staff will engage with Circle Pines' staff.

***Motion by Manager Waller, seconded by Manager Wagamon, to approve US Sitework, Inc.'s pay request #6 as submitted and certified by the District Engineer and directs staff to issue a payment in the amount of \$4,928.13. Motion carried 5-0.***

**7. U.S. Geological Survey Joint-Funding Agreement-Streamgage on Rice Creek in Mounds View**

Lake & Stream Program Manager Kocian stated that he was seeking approval for a joint funding agreement between the District and the U.S. Geological Survey (USGS) for a streamgage that they operate on Rice Creek. He stated that the District has been partnering with the USGS since 2008 and explained that the data provided is very valuable and reviewed some of the ways that the District utilizes the data. He noted that the annual and total costs were outlined in page 58 of the packet.



## **ITEMS REQUIRING BOARD ACTION**

2. HEI Task Order 2025-013: 2025 District Wide Modeling Program  
Annual Updates (Nick Tomczik)

# MEMORANDUM

## Rice Creek Watershed District



**Date:** June 5, 2025  
**To:** RCWD Board of Managers  
**From:** Nick Tomczik, Administrator  
**Subject:** Houston Engineering Task Order 2025-013 – 2025 District Wide Modeling Program Annual Updates

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### **Introduction**

Rice Creek Watershed District maintains a District Wide Modeling Program (DWMP). Annually, the District maintains the DWMP, this is that task order.

### **Background**

The District DWMP is a foundational tool in the completion of District work. The District annually maintains the RCWD's products focused primarily on maintaining information needed by the hydrology and hydraulic models. The DWMP maintenance debugs issues and maintains accuracy of the tool. The program also includes assistance to cities in efforts for Federal Emergency Management Agency (FEMA) to utilize the best information available regarding flood risk and its incorporation into FEMA maps. The effort this year includes a lake level frequency analysis of Howard Lake and a conversion of modeling software utilized for Upper Rice Creek Direct Drainage area and Anoka County Ditch 25.

### **Staff Recommendation**

Staff support the maintenance and updates to the DWMP as well as lake level frequency analysis and software conversion.

### **Proposed Motion**

Motion to approve and authorize board President to sign Houston Engineering Task Order 2025 – 013, 2025 District wide modeling program annual updates.

### **Attachment**

Houston Engineering Task Order 2025 – 013

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## SCOPE OF SERVICES



Task Order No. 2025-013  
Rice Creek Watershed District



### 2025 District Wide Modeling Program Annual Updates

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#### RCWD Administrative Information:

Account No.: 35-04  
Account Name: DWMP Annual Updates

**Houston Engineering Project No.:** R005555-0368

#### Task Order Purpose:

The purpose of this task order is to provide maintenance of the RCWD's products developed through the District Wide Modeling Program (DWMP) for the 2025 calendar year and to assist the District in technical support to its partner Cities in utilizing the District Wide Model. These products were originally completed in 2011 and updated annually since then, including a major update in 2019/2020 completed in conjunction with the DNR and FEMA. The products include a variety of GIS data, input data, and results from hydrology, hydraulic, and water quality models. This task order is focused primarily on maintaining information needed by the hydrology and hydraulic models but also includes some time working with partner cities in utilizing the District Wide Model in their floodplain manager roles. Tasks will be performed according to the RCWD District Wide Model Update Procedure (see Attachment A).

#### Professional Services Rendered:

HEI intends to provide the following professional services during the completion of this Task Order:

1. Permit staff (both HEI and RCWD) are responsible for identifying changes to subwatershed boundaries, public drainage systems, and road and bridge structures authorized by a RCWD permit. A set of fields in the permit database (MS4Front) is used to flag permits that include these changes. Annually specific information on these permits is to be provided to Bret Zimmerman.
2. HEI staff are responsible for identifying changes to subwatershed boundaries, public drainage systems, and road and bridge structures resulting from projects completed by the District Engineer.
3. RCWD staff are responsible for identifying changes to subwatershed boundaries, public drainage systems, and road and bridge structures, authorized through a District funded project or as completed by other consultants.
4. Cities with Level 2 permitting authority are responsible for identifying changes to regional stormwater management not requiring an RCWD permit.
5. Changes identified by RCWD & HEI staff and Level 2 cities will be logged in a spreadsheet and accumulated for revision. This spreadsheet will be located in the

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## SCOPE OF SERVICES



Houston Engineering Inc.

Task Order No. 2025-013  
Rice Creek Watershed District



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### 2025 District Wide Modeling Program Annual Updates

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Model Library. Actual model modifications will occur as part of future model use. Subwatershed boundary changes will be reviewed to determine whether they materially affect the current model.

6. The models will be executed, and remapping will occur to reflect subwatershed boundary changes and changes to structures.
7. Throughout the year, model de-bugging is required. Additional detail may be added to the model(s) to facilitate permit analysis which required de-bugging and confirmation of results throughout the model. In some instances, this time is more appropriate to be considered model maintenance than pre-permit application assistance.
8. While Task 1 includes soliciting staff for changes to incorporate into the models, there are several known changes and/or surveys that occurred prior to 2024 that will be incorporated. The known changes include:
  - Additional model detail from 2025 survey on RCD 1 downstream of Marsden Lake
  - Catchment boundary revisions near RCD 4 / Little Johanna
9. There are two lakes that are due for an updated lake level frequency analysis as detailed in the DWMP Update Procedure (Attachment A). Lakes with fewer than 30 years of historical data are to be updated every 5 years and lakes with greater than 30 years of historical data need updating every 10 years. Lakes requiring an updated frequency analysis include: Howard Lake and Marshan Lake. Marshan only has one water level reading since 2000. The frequency analysis for Marshan will not be updated.
10. The Upper Rice Creek Direct Drainage model and the ACD 25 model will be converted to the XP-SWMM modeling software and GIS geodatabase organization structure. The current models are in the InfoSWMM modeling software. The InfoSWMM software is being phased out and the conversion is necessary. All other RCWD InfoSWMM models were converted to XPSWMM as part of the 2019/2020 DNR FEMA modeling updates.

#### **Deliverables:**

The deliverables for the Task Order consist of a maintained Model Library and updates to model output data on the District's GIS web applications.

#### **Schedule and Compensation:**

HEI recommends a budget in the amount of **\$35,200** for engineering services described within this task order. HEI shall not exceed this amount for the completion of this work without prior authorization. Services will be performed as needed from January 1, 2025, through

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## SCOPE OF SERVICES



Task Order No. 2025-013  
Rice Creek Watershed District



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### 2025 District Wide Modeling Program Annual Updates

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December 31, 2025. An update to the DWMP, including republishing floodplain mapping and flood elevations to the Districts GIS viewers will be completed by **11/1/2025**.

#### Assumptions:

The estimated compensation for the execution of the tasks identified within the "Professional Services Rendered" section of this Task Order is based upon the following assumptions:

1. Information related to subwatershed boundary changes and structures obtained from permit reviews completed by the RCWD will be forwarded to the District Engineer.
2. Modeling will require approximately 12 hours of debugging results from issues brought forward by District staff or permit applicants.

#### SIGNATURES:

The services described by this Task Order are being provided in accordance with the Professional Services Agreement between the Rice Creek Watershed District and Houston Engineering dated May 14, 2008, as amended and extended. This **Task Order** shall be effective **June 1, 2025** as authorized by the signatures of representatives of the Rice Creek Watershed District and Houston Engineering, Inc.

#### Rice Creek Watershed District

By: \_\_\_\_\_

Name: Nick Tomczik

Title: Administrator

Date: \_\_\_\_\_

#### Houston Engineering, Inc.

By: 

Name: Chris Otterness

Title: District Engineer

Date: June 2, 2025

## ATTACHMENT A

### RCWD District Wide Model Update Procedure

The following is an outline for a working policy for updating the DWMP products

#### General Policies

1. Working copies of the model will be kept in “working copy” folder in the District Wide Modeling Library
2. All work done according to RCWD standards.
3. “Official” models will be model kept in District Wide Modeling Library
4. Only “Official” District Wide Modeling Products will be distributed external to the District
  - a. A fully-executed license agreement must be received prior to distribution of model files
  - b. Model results and GIS data do not require a license agreement prior to distribution
5. Prior to the working model becoming the “official” model, will go through internal QA / QC
  - a. Check “calibration” (e.g., if Rice Creek chain of lakes check against frequency analysis)
  - b. Use tolerance to assess magnitude of change (e.g.,  $\pm 0.25$  feet)
    - i. Tolerance would have to be cumulative through time
    - ii. If more than tolerance make sure work is double checked

#### Schedule of Updates

1. Working Models will continue to be updated throughout the year, as necessary / needed.
2. “Official” District Wide Modeling Products will be updated at the following schedule:
  - a. Official Hydraulic Models (HEC-RAS & SWMM):
    - i. Once per year for model changes that affect peak flood elevations 0.5’ or less
    - ii. Immediately following QA/QC review for model changes that affect peak flood elevations more than 0.5’
  - b. Official floodplain polygons:
    - i. Update once per year for drainage systems with “major” change
    - ii. Update entire watershed polygon once every three years
  - c. Lake frequency analysis
    - i. Update lake level analysis within 2 years of the occurrence of a highest-known-exceedance event on a given lake
    - ii. Update frequency analysis every 5 years for lakes with a record 30 years or less
    - iii. Update all frequency analyses every 10 years
  - d. Official water quality (P8) models
    - i. Update once per year for drainage system with a “major” change (likely a substantial change in storage e.g. Hansen Park)
    - ii. Update every five years for drainage system under substantial development

#### Procedure for Annual Updates

1. District Engineer will prepare a task order each January for annual model updates. The schedule for the update will be indicated within the task order.



## ATTACHMENT A

2. Modeling Lead will email RCWD permit staff lead, HEI permit staff lead, HEI project staff, and Level 2 municipalities (those taking on administration of RCWD rules) to obtain data that may potentially be added to the model. The email will specify the following:
  - i. when the annual update is planned to occur,
  - ii. information needed (see “Data Requested Annually” below),
  - iii. to whom and by when the information is to be provided,
  - iv. a request to specify any items requiring additional review by modeling staff
3. Modeling Lead shall anticipate a one-month response period for receipt of data. However, reminders should be provided two weeks following the initial request, and weekly thereafter until a response is received.
4. Completed Official Modeling Products shall be republished as follows:
  - a. Modeling Lead shall complete brief descriptions of the model names and purpose within the Model File Description Table; and
  - b. Updating the Model Status Table, documenting when changes were made and by who,
  - c. Subwatershed boundary changes and structure changes **shall be provided to GIS Lead** for uploading to RCWD Viewers,
  - d. Updated detailed nodes, approximate nodes, and cross sections is to be published in the RCWD GIS viewers,
  - e. 100-yr floodplain mapping, completed during projects, is to be published in the RCWD GIS viewers, both public and internal. **(project staff provide info to GIS Lead).**

### **Data Requested Annually for Purposes of District Wide Model Update**

- Known changes in the RCWD hydrologic boundary (> 5 acres) resulting from flow redirection
- Change in location, size or geometry of crossings of public drainage systems and named watercourses (i.e. Rice Creek, Hardwood Creek, Clearwater Creek)
- Modifications to public drainage systems
- Regional BMPs
- Permits known to affect RCWD mapped floodplains by more than 0.1’ vertically
- Newly surveyed / resurveyed structures along public drainage systems, or along any system conveying runoff from greater than 100 acres
- Newly created detailed models (must be in XP-SWMM format using RCWD standards)  
(Note: Permits that meet any of these criteria should be indicated as such in the “Modifications” section of the Review Status tab in the RCWD Permit Database)

### **Format of Data (provided in a spreadsheet)**

- General Location
- Description of Work (include scale of project i.e. acreage)
- Type (from categories above)
- Permit number (if applicable)
- Status as of December 31 (permitted but not built, under construction, completed)
- Public Drainage System (if applicable)

### **ITEMS REQUIRING BOARD ACTION**

3. Check Register Dated June 11, 2025, in the Amount of \$181,806.02 Prepared by Redpath and Company

**Rice Creek Watershed District****Check Register****May 29, 2025 - June 11, 2025****To Be Approved at the June 11, 2025 Board Meeting**

<b>Check #</b>	<b>Date</b>	<b>Payee</b>	<b>Description</b>	<b>Amount</b>
26493	06/11/25	Anoka County	Computer Software	\$1,000.00
26494	06/11/25	City of Mounds View	Professional Services	300.00
26495	06/11/25	Hugo's Tree Care Inc.	Contracted Services	40,950.00
26496	06/11/25	Lake Management, Inc.	Contracted Services	20,965.18
26497	06/11/25	Sally Mollman	Mini Grant-Construction	500.00
26498	06/11/25	Olson's Sewer Service, Inc.	Contracted Services	19,242.67
26499	06/11/25	Outdoor News	Publications	85.00
26500	06/11/25	Emily Palmer	Mini Grant-Construction	335.91
26501	06/11/25	Ramsey County	Professional Services	68.00
26502	06/11/25	Rinke Noonan	Legal Expense	9,443.80
26503	06/11/25	Rymark	Professional Services	3,155.46
26504	06/11/25	Safeguard	Office Supplies	217.94
26505	06/11/25	Stantec Consulting Services Inc.	Contracted Services	2,203.18
26506	06/11/25	Greg Stigen	Mini Grant Construction	500.00
26507	06/11/25	Timesaver Off Site Secretarial	Professional Services	397.50
26508	06/11/25	Winnick Supply, Inc.	Construction	68.04
Payroll	06/15/25	June 15th Payroll (estimate)	June 15th Payroll (estimate)	40,583.70
EFT	06/19/25	Card Services-Elan	May/June Credit Card	1,185.35
EFT	06/11/25	Comcast	Telecommunications	334.89
EFT	05/28/25	Per Mar Security Services	Professional Services	(0.95)
EFT	06/11/25	ELFIGS	International Wire-Professional Serv.	12,800.00
EFT	06/11/25	Wex Bank	Vehicle Fuel	762.95
EFT	06/11/25	Xcel Energy	Telecommunications	17.38
EFT	06/11/25	Xcel Energy	Telecommunications	34.09
EFT	06/10/25	US Bank Equipment Finance	Equipment Lease	669.32
EFT	06/15/25	Internal Revenue Service	6/15 Federal Withholding (estimate)	13,722.03
EFT	06/15/25	Minnesota Revenue	6/15 State Withholding (estimate)	2,462.00
EFT	06/15/25	Empower Retirement	6/15 Deferred Compensation	1,060.00
EFT	06/15/25	Empower Retirement	6/15 Roth IRA	190.00
EFT	06/15/25	Health Equity	6/15 HSA	453.83
EFT	06/15/25	PERA	6/15 PERA (estimate)	8,098.75
<b>Total</b>				<b><u><u>\$181,806.02</u></u></b>

## **ITEMS FOR DISCUSSION AND INFORMATION**

1. District Engineer Updates and Timeline



## District Engineer - Monthly Project Report May 2025 Rice Creek Watershed District



Date Prepared:  
Prepared by:

3-Jun-25  
C. Grandbois

Project Name	Task Order Manager	Estimated Budget	Cost to Date	Remaining Budget	Project Complete / Transfer Funds?	Estimated Progress Based on Work Completed	Percentage of Budget Utilized	Within Budget? (Y/N)	District Billed for Exceedence of Budget? (Y/N)	Initial Target Completion Date	Items of Interest / Concern
RCD 4 Final Plans/Specs, Bidding and Construction Management	Adam Nies	\$68,000	\$62,425	\$5,575	N	95.0%	91.8%	Y	N/A	31-Dec-24	The contractor has completed major work items. Project will be closed out in spring once vegetation establishment has been confirmed. RCWD has awarded work for a 2nd phase to stabilize selected bank areas.
GIS and Ditch Records Maintenance; DrainageDB Annual Subscription	Brian Fischer	\$16,000	\$7,205	\$8,795	N	41.7%	45.0%	Y	N/A	31-Dec-25	Drainage records are being added to DrainageDB on a quarterly basis.
MS4Front Annual Subscription and Implementation Services	Brian Fischer	\$16,000	\$1,414	\$14,586	N	41.7%	8.8%	Y	N/A	31-Dec-25	We continued to make updates on an as-requested basis.
Enhanced Street Sweeping Initiative	Rachel Olm	\$29,000	\$31,464	(\$2,464)	Y	100.0%	108.5%	N	N	31-Dec-24	HEI has prepared a draft policy document for District staff review
2024 District Wide Modeling Program Annual Updates	Bret Zimmerman	\$30,900	\$34,945	(\$4,045)	Y	100.0%	113.1%	N	N	1-Nov-24	Remapping is complete
ACD 53-62 Branches 5 & 6 WMD Charge Development	Adam Nies	\$10,000	\$10,714	(\$714)	Y	100.0%	107.1%	N	N	1-May-25	The WMD charge memo is complete
ACD 15 Outlet Overflow Feasibility Study	Greg Bowles	\$7,500	\$10,586	(\$3,086)	N	95.0%	141.1%	N	N	1-Jun-25	A memo reviewing alternatives is nearly complete
East Moore Lake Stormwater Resilience and Water Quality Analysis	Adam Nies	\$77,000	\$103	\$76,898	N	0.0%	0.1%	Y	N/A	1-Feb-26	HEI will begin this project with a kick-off meeting of stakeholders

Values in red are either potential budget concerns or changes in schedule.

The "overage" for those projects shown as "over budget" is not billed to the District. The cost to date column reflects HEI's actual internal cost. Projects are considered within budget if  $\pm 5\%$ .

**District Engineer**  
**Monthly Progress Report (Actual & Estimated Progress)**  
**Through May 2025**

