

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

January 21, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. December 8, 2009, Special Meeting
 - 2. December 17, 2009, Regular Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. 2010 Budget Resolution
- E. CONSIDER COMMUNICATIONS
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT
 - 1. 2009 Fourth Quarter ~ Andover, Anoka, Coon Rapids & Ramsey
- G. OLD BUSINESS
 - 1. Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski
 - 2. Review Draft Third Generation Plan
- H. NEW BUSINESS
 - 1. LRRWMO Permit #2009-11 ~ 2010 Street Improvement Project ~ City of Anoka
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: Update on Permit #2003-07 ~ Ramsey Town Center ~ Jankowski
RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is February 18, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

JANUARY 21, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:35 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka. Absent: None.

Also present were: Deputy Treasurer Lori Yager, Anoka City Engineer Greg Lee, and Andover Alternate Bruce Perry.

AMEND AGENDA

The agenda was amended to move agenda item H.1 New Business to precede agenda item G.1 Old Business.

APPROVE MINUTES

Motion was made by Anderson, seconded by Vierzba, to approve the December 8, 2009 Special Meeting minutes and the December 17, 2009 Regular Meeting minutes. Vote: 4 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending December 31, 2009. Account balances for the period were: Checking, \$15,436.42; less permit account balance of (\$378.47), for a total balance of \$15,814.89. She advised that member city payments will be needed as soon as possible due to the low fund balance.

Yager reported that Permit #09-10 was received for Rum River Central Mountain Bike Trail on 01/19/10. She requested board members to provide information on where to send permit refunds for Permit #08-04; CVS in Anoka, and Permit #09-05; Rain for Rent in Ramsey.

There was discussion on expenses incurred to date in the preparation of the Third Generation Plan. It was noted that \$40,000 was budgeted to the Third Generation Plan. Yager will verify the total amount spent to date.

Motion was made by Haas, seconded by Vierzba, to accept the Treasurer's Report for the period ending December 31, 2009. Vote: 4 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$881.78 (services rendered in December of 2009), Barr Engineering in the amount of \$2,786.92 (services rendered in October and November of 2009), Donald H. Ahlberg in the amount of \$22.34 (permit refund), City of Ramsey in the amount of \$1,052.22 (permit refunds), City of Andover in the amount of \$297.90 (permit refund), and Anderson Dahlen in the amount of \$490.00 (permit refund).

Motion was made by Vierzba, seconded by Anderson, to authorize payment as presented and indicated above. Vote: 4 ayes, 0 nays. Motion carried.

Budget Resolution

The Board reviewed proposed Budget Resolution #2010-01.

Motion was made by Anderson, seconded by Vierzba, to adopt Resolution #2010-01. Vote: 4 ayes, 0 nays. Motion carried.

CONSIDER COMMUNICATIONS

Jankowski presented the WSB Wetland Delineation Report regarding TH47 at CR 27; County Project No. 02-596-13, noting that no action is required.

Jankowski reviewed the 08/21/09 Barr Engineering Report on Construction Methods and Best Management Practices for Pipeline Repair for Koch Pipeline Co., LP. Haas indicated he will be requesting further information, noting that the member cities are not included on the report notification list.

Jankowski reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORTS OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT

Haas presented the Year 2009 Fourth Quarter Report for the City of Andover.

Motion was made by Anderson, seconded by Vierzba, to approve the Year 2009 Fourth Quarter Report for the City of Andover, as presented. Vote: 4 ayes, 0 nays. Motion carried.

Lee presented the Year 2009 Fourth Quarter Report for the City of Anoka.

Motion was made by Haas, seconded by Vierzba, to approve the Year 2009 Fourth Quarter Report for the City of Anoka, as presented, and to authorize release of escrow for Permit #08-17, 2009 Street Renewal. Vote: 4 ayes, 0 nays. Motion carried.

Vierzba advised there are no active reports for the City of Coon Rapids.

Jankowski presented the Year 2009 Fourth Quarter Report for the City of Ramsey.

Jankowski provided an update on Permit #01-22; Ramsey Organic Dirt. He reported that the information gathered by Anderson Engineering of Minnesota, LLC, on behalf of Ramsey Organic Dirt in regard to wetland mitigation was to be provided to the Technical Evaluation Panel (TEP). Jankowski stated he emailed TEP earlier this week to verify their receipt of the information. Benjamin J. Hodapp, Environmental Services Manager at Anderson Engineering, was to set up a meeting with TEP. He has not heard if a date has been set for that meeting. Jankowski stated he will follow up with TEP on their initial reaction to the report prepared by Anderson Engineering.

Consensus was reached to include an update on Permit #01-22; Ramsey Organic Dirt on the February 18, 2010 meeting agenda.

Motion was made by Vierzba, seconded by Haas, to approve the Year 2009 Fourth Quarter Report for the City of Ramsey, as presented, and to authorize release of escrow for Permit #08-02; Ramsey Commons. Vote: 4 ayes, 0 nays. Motion carried.

OLD BUSINESS

Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski

Discussed under agenda item F.1; Reports of Officers & WAC Administration Reimbursement.

NEW BUSINESS

LRRWMO Permit #2009-11 – 2010 Street Improvement Project – City of Anoka

Jankowski reviewed the January 15, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for street and utility improvements east of Kings Lane along River Lane, Westwood Lane, Birch Street, Oakwood Drive and Elm Street in Anoka. The City will be improving the existing storm sewer by installing catch basins and routing the storm water to the Vortechnic treatment system installed in 2008 on Kings Lane at the Mississippi River. The treatment structure was designed to handle the runoff from this area. Erosion control, inlet protection, is shown to be installed at the storm water inlets.

Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the January 15, 2010 memorandum.

Motion was made by Vierzba, seconded by Anderson, to approve Permit #2009-11, 2010 Street Improvement Project, City of Anoka, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated January 15, 2010. Vote: 4 ayes, 0 nays. Motion carried.

OLD BUSINESS

Review Draft Third Generation Plan

Jankowski reviewed that at the December 17, 2009 Board meeting there was discussion that he would be preparing a draft of the Goal, Policy and Implementation sections of the Third Generation Plan to circulate to the Board members for additions and changes. He stated what he has tried to do in the Goals and Policy Sections is to identify the goals, and to refer to development standards that will be implemented or to an implementation action plan. He and Haas have discussed holding work sessions in order to complete the Plan.

The Board reviewed the comments of Melissa Lewis of BWSR, Jack Frost of Metropolitan Council, and Kate Drewry of the DNR included in the December 8, 2009 LRRWMO Special Meeting minutes. There was discussion on the following in relation to preparation of the Third Generation Plan:

- Review of whether issues raised in the recent citizen survey are addressed in the goals and policies of the Plan.
- Enforcement: LeFevere has advised that the member cities will need to amend their ordinances to specifically acknowledge their enforcement responsibility.
- Monitoring of ground water issues.
- Water management regulations: rate control, quality control and volume control.

Haas suggested the Board members review the Upper Rum River WMO and the Middle St. Croix WMO Third Generation Plans for possible format options with the LRRWMO Plan.

There was discussion on whether the preferred method for proceeding with preparation of the Plan is to authorize Obermeyer to complete the Plan for final review by the Board, taking into account the comments received by the regulatory agencies, or for the Board to make final additions and amendments to the current draft plan prior to submitting to Obermeyer for final revision. It was noted that Lewis has stressed the importance of the Plan being submitted by March 2010.

Consensus was reached that Jankowski and Haas will meet with Obermeyer tomorrow, January 22, 2010, to discuss completion of the Third Generation Plan.

OTHER BUSINESS ~ None.

ADJOURNMENT

A motion was made by Anderson, seconded by Vierzba, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 9:50 a.m.

Respectfully submitted,

Carol Hamer, Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
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MEETING NOTICE

February 18, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. January 21, 2010, Regular Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. 2010 Recording Secretary Agreement
- E. CONSIDER COMMUNICATIONS
 - 1. ACD ~ 2009 Work Results ~ Jamie Schrubon
 - 2. ACD ~ 2010 Work Proposal ~ Jamie Schurbon
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None.
- G. OLD BUSINESS
 - 1. UPDATE on Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski
 - 2. Review Draft Third Generation Plan
- H. NEW BUSINESS
 - 1. LRRWMO Permit #2009-10 ~ Rum River Central Mountain Bike Trail ~ Ramsey
 - 2. LRRWMO Permit #2004-25 ~ Kimberly Oaks ~ Andover
 - 3. LRRWMO Permit #2000-19 ~ Aztec Estates ~ Cert. of Compliance
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: Update on Permit #2003-07 ~ Ramsey Town Center ~ Jankowski
RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is March 18, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

FEBRUARY 18, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:30 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka. Absent: None.

Also present were: Deputy Treasurer Lori Yager, Anoka Public Works Director/City Engineer Greg Lee, Jamie Schurbon of Anoka Conservation District, Scott Yonke of Anoka County Parks and Recreation, Ramsey Alternate Matt Look, Andover Alternate Bruce Perry, and John Enstrom of Ramsey Organic Dirt.

AMEND AGENDA

The Agenda was approved with the following amendment: D.3. 2010 Recording Secretary Agreement was moved in the agenda to precede D.1. Treasurer's Report.

APPROVE MINUTES

Motion was made by Vierzba, seconded by Anderson, to approve the January 21, 2010, regular meeting minutes as submitted. Vote: 4 ayes, 0 nays. Motion carried.

FINANCE MATTERS

2010 Recording Secretary Agreement

The Board reviewed the proposed addendum to the Recording Secretarial Service Agreement for fiscal year 2010. It was noted that the addendum reflects no increase in rates.

Motion was made by Vierzba, seconded by Haas, to approve the 2010 Recording Secretary Agreement with TimeSaver Off Site Secretarial, Inc. Vote: 4 ayes, 0 nays. Motion carried.

Treasurer's Report

Yager presented the Treasurer's Report for the period ending January 31, 2010. Account balances for the period were: Checking, \$11,533.17; less permit account balance of (\$1,642.47), for a total balance of \$13,175.64.

Motion was made by Anderson, seconded by Vierzba, to accept the Treasurer's Report for the period ending January 31, 2010. Vote: 4 ayes, 0 nays. Motion carried.

Payment of Bills

Yager indicated that the payment of bills dated February 18, 2010 has been amended to include the Barr Engineer invoice in the amount of \$2,194.00. The invoice was received following the distribution of the meeting packet. It was noted that \$1,300.00 of the Barr Engineering invoice is for charges related to the Third Generation Plan.

Yager presented the payment of bills for TimeSaver in the amount of \$549.45 (services rendered in January of 2010), Barr Engineering in the amount of \$2,194.00 (services rendered), T.C. Field & Co. in the amount of \$125.00 (2010 Insurance), City of Anoka in the amount of \$200.00 (services rendered in December of 2009 and January of 2010), Kenney & Graven in the amount of \$346.50 (services rendered in October – December of 2009), Ramsey-Arbor Prop in the amount of \$250.00 (permit refund), CVS Pharmacy in the amount of \$354.00 (permit refund), Uppal Enterprises in the amount of \$410.00 (permit refunds), City of Anoka in the amount of \$450.00 (permit refund), and Rain for Rent in the amount of \$450.00 (permit refund).

Motion was made by Haas, seconded by Vierzba, to authorize payment as presented and indicated above. Vote: 4 ayes, 0 nays. Motion carried.

CONSIDERATION OF COMMUNICATIONS

ACD ~ 2009 Work Results ~ Jamie Schurbon

Schurbon provided an overview of the Lower Rum River Watershed Draft 2009 Results. Discussion ensued on the water quality of Round Lake, Rogers Lake, and Itasca Lake. In relation to Rogers Lake, Schurbon suggested herbicide treatment in early spring. He indicated that this would likely be resident driven and volunteered to help the residents through this process. Jankowski noted that a portion of Rogers Lake is located within the Upper Rum River Watershed Management Organization (URRWMO). He suggested that the LRRWMO and URRWMO host an association meeting with the homeowners on the lake.

Consensus was reached that Schurbon will coordinate the Rogers Lake homeowners association meeting as suggested above.

Schurbon provided an overview of the following information included in the Anoka Conservation District (ACD) 2009 Work Results: stream water quality of the Rum River; wetland hydrology; water quality improvement projects; Anoka County Geologic Atlas Work Products; LRRWMO website, LRRWMO Financial Summary, and recommendations.

Informational; no action required.

ACD ~ 2010 Work Proposal – Jamie Schurbon

Schurbon presented the proposed contract for services between the LRRWMO and ACD. He provided an overview of the draft 2010 LRRWMO Plan of Work and discussed possible cost sharing between the URRWMO, LRRWMO, Metropolitan Council and ACD for Rum River monitoring as outlined in the draft Work Plan.

The Board discussed the 2010 draft Work Plan and the proposed cost sharing, noting that the outlined LRRWMO costs of \$4,890 are similar to 2009 costs.

Motion was made by Haas, seconded by Vierzba, to approve the 2010 Contract for Services between the LRRWMO and the Anoka Conservation District. Vote: 4 ayes, 0 nays. Motion carried.

The Board discussed scheduling a special Board Meeting to discuss the Draft Third Generation Plan and requested Schurbon to be present at the meeting.

Consensus was reached to schedule a special LRRWMO Board Meeting for Monday, March 8, 2010 at 1:30 p.m. in the Committee Room of the Anoka City Hall to discuss the Draft Third Generation Plan.

Jankowski review the correspondence and notices included in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None

OLD BUSINESS

Update on Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski

Jankowski reviewed that the Technical Evaluation Panel (TEP) met on site at Ramsey Organic Dirt to review and make findings of the report prepared by Anderson Engineering, LLC on December 16, 2009 and received December 21, 2009. Jankowski reviewed the summary of the TEP Minnesota Wetland Conservation Act Findings of Fact dated 2/4/10 regarding Permit #2001-22, Ramsey Organic Black Dirt, Ramsey.

Enstrom stated his position that the subject findings of fact do not include the facts. He discussed previous meetings held on the site and stated the issues have been very close to being resolved. He has spent a lot of money on the analysis completed by Anderson Engineering, which was based on water hydrology from years back, scientific studies, aerial photographs, and soil borings, and none of this was allowed in the TEP review. He stated according to the report prepared by Anderson Engineering, the area impacted was 7,000 feet less than what was disturbed. He expressed concern that the TEP report claims 18,000 feet of impact. Enstrom expressed concern that Barr Engineering never completed any delineations or soil tests on-site. He stated there have been mistakes made on his part, and on the part of Barr Engineering, and that he would like this to be reflected by the Board.

There was discussion on Finding No. 3 included in the TEP Findings of Fact. Enstrom stated that five years ago there was a handshake agreement that the wood chip path could remain. This was never agreed to in writing and is not being included in the findings of the TEP. He further stated that Mark Jacobson and Chris Lord completed an as-built of the project in 2004 and signed

off that the sloping was correct. He questioned how an as-built approval could be granted if measuring was not done.

Jankowski reviewed the WCA recommendation as outlined in the February 12, 2010 memo from Barr Engineering on the subject permit.

Look expressed concern regarding the following statement included in the TEP Findings of Fact Summary in the February 12, 2010 Barr Engineering memo: "However, the proposed revisions to the historic wetland boundaries could not be accepted because the LRRWMO reviewed and approved the pre-project wetland delineation through formal action taken on November 21, 2002." Look stated there is question now as to whether the wetland delineation done prior to the action taken on November 21, 2002 was done accurately, and that it is logical to assume that may be the originator of some of the problems. He stated he recalls questioning the individual from Anderson Engineering on the information he used in his analysis, and it was the same information that was available prior to 2002. It appears that Barr Engineering did not use that information, which has created problems for the past ten years, and now Enstrom is in a situation where it will cost him potentially up to \$250,000 to make the argument that Barr Engineering was not 'reasonable' in their analysis. He expressed concern that it is weak position for the Board to fall back on the action taken 2002.

Jankowski pointed out that the delineation in 2002 was made by Ramsey Organics' consultant. It was reviewed by TEP through aerial photographs to determine if the delineation was reasonable, sometime between January and October of 2002. The minutes of the TEP hearing state that TEP reviewed the delineation based on the flags that were left on the site.

Look stated the impact to Enstrom is now 18,000 feet in the negative versus 8,000 in the plus. They need to be right on the mark at the end and the beginning of the project or they need to allow some fudge factor. He stated his position that the Board should conduct an RFQ for engineering services, and that this has been a ten year waste of time that begins with Barr Engineering.

Perry stated the time to challenge things would have been at the time of approval in November of 2002, rather than eight years after the fact.

Look stated mistakes have been made on both sides and there needs to be a coming together to say they are close enough. He stated his position that there seems to be an element of hair splitting being forced on this project because the Tamarack Swamp is not there any longer.

Look left the meeting at 9:51 a.m.

Motion was made by Haas to accept the TEP WCA Recommendation for Permit #2001-22, Ramsey Organic Dirt, Ramsey, and to implement the four (4) conditions as detailed in the Barr Engineering memorandum dated February 12, 2010, with the provision that the 30 calendar day timeline in Condition Nos. 1 and 2 be extended to a 60 calendar day timeline.

Jankowski suggested amending the motion to remove condition no. 4, which would come before the Board as a separate action item.

Motion seconded by Anderson.

Jankowski stated he will vote for this in order to move on with the recommendation, but would prefer that it come back to the Board prior to there being action on a replacement order for service as called for in condition no. 4. Haas noted that there is a process the applicant can go through with the Anoka Conservation District and the State if the permit reaches replacement order status.

Anderson called the question.

Vote: 4 ayes, 0 nays. Motion carried.

Review Draft Third Generation Plan

It was noted that a special board meeting has been scheduled for Monday, March 8, 2010 at 1:30 p.m. in the Committee Room of Anoka City Hall.

NEW BUSINESS

LRRWMO Permit #2009-10 ~ Rum River Central Mountain Bike Trail ~ Ramsey

Jankowski reviewed the February 11, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for the Rum River Central Regional Park Mountain Bike Trail. The mountain bike trail will consist of both 48-inch wide single track and 60-inch double track trail sections on the north half of Rum River Central Regional Park. The mountain bike trail will be approximately 3.5 miles in length and designed in accordance with International Mountain Bicycling Association and Minnesota Department of Natural Resources standards for sustainable mountain bike trails.

Obermeyer recommends that the LRRWMO approve of the permit for this project subject to three conditions as detailed in the February 11, 2010 memorandum.

Scott Yonke, Anoka County Parks and Recreation, provided an overview of the proposed Rum River Central Mountain Bike Trail and presented the construction plans for review by the Board.

It was noted that portions of the trail are close to significant waters. There was discussion on whether Anoka County Park staff will periodically inspect the trail for erosion. Yonke stated that Minnesota Off-Road Cyclists (MORC) will be responsible for maintenance of the trail and will submit reports on the walkthroughs and maintenance. Anoka County Park staff will periodically inspect the trail as well.

Motion was made by Vierzba, seconded by Haas, to approve Permit #2009-10, Rum River Central Mountain Bike Trail, Ramsey, subject to the three (3) conditions as detailed in the Barr Engineering memorandum dated February 11, 2010. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2004-25 ~ Kimberly Oaks ~ Andover

Haas reviewed the February 18, 2010 memo from Barr Engineering discussing the project history of Permit #2004-25, Kimberly Oaks in Andover. On May 19, 2005 the LRRWMO approved the Wetland Replacement Plan and Wetland Bank Plan for the Kimberly Oaks housing development. On April 1, 2005, a complete Wetland Replacement Plan and complete Wetland Bank Plan were received for this project. The permittee proposed to construct a 10-lot residential development, which resulted in the filling of 2,680 square feet of wetland for the creation of an access road. The Wetland Conservation Act (WCA) required wetland mitigation at a 2:1 replacement ratio [2,680 square feet x 2 = 5,360 square feet], which were to be accomplished on-site through the creation of 4,020 square feet of new wetland credit (NWC) and 1,340 of public value credit (PVC), in the form of stormwater ponding. In addition, the applicant proposed to create a wetland bank, to include an additional 39,508 square feet of NWC and 27,350 square feet of PVC, in the form of upland buffer.

On October 21, 2009, the applicant's agent indicated that the applicant no longer intends to pursue the wetland bank. On October 22, 2009, the Technical Evaluation Panel (TEP) conducted an on-site meeting to determine the status of the wetland replacement/wetland bank area. To date, the applicant has failed to provide information and documentation required for the TEP to consider recommending certification of the Wetland Bank Plan or wetland replacement area and has made no apparent successful attempts to control invasive vegetation within the wetland replacement area. The following is the minimum WCA requirements for wetland replacement compliance:

- A. WCA required deed forms to be signed by the landowner and applicant (if different):
 - o Declaration of Restrictions and Covenants for Site Specific Wetland Replacement proof of recording.
 - o Proof of title, showing that the landowner owns the wetland replacement area land
 - o Consent to Replacement Wetland proof of recording
 - o Affidavit of Landowners
- B. Final wetland delineation showing that the wetland replacement site is adequate in area.
- C. Attempts to control invasive vegetation, as required in the approved Wetland Replacement Plan.

On February 10, 2010, the acting applicant indicated a desire to potentially purchase wetland bank credits for the 5,360 square feet of required wetland mitigation.

The TEP recommends approval of the optional purchase of 5,360 square feet of wetland replacement credit, which will satisfy the wetland replacement mitigation requirements, with the following conditions:

- A minimum of 5,360 square feet of wetland replacement credit must be purchased from a state-certified wetland bank within Anoka County.
- Proof of the wetland bank credit purchase must be provided by April 15, 2010 or the LRRWMO will pursue enforcement action, asking the Anoka Conservation District to draft a replacement order (MN Rules 8420.0900 Subp. 3(B))

Jankowski noted it should be verified if there was a surety collected that could be used if necessary.

Motion was made by Vierzba, seconded by Anderson, to approve of the optional purchase of 5,360 square feet of wetland replacement credit for Permit #2004-25, Kimberly Oaks, Andover, subject to the two (2) conditions as detailed in the Barr Engineering memorandum dated February 18, 2010. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit 2000-19 ~ Aztec Estates ~ Cert. of Compliance

Jankowski reviewed the Certificate of Compliance for Permit #2000-19, Aztec Estates, Andover. The final report on the permit was received February 8, 2010.

Motion was made by Vierzba, seconded by Anderson, to accept the Certification of Compliance for Permit #2000-19, Aztec Estates, Andover. Vote: 4 ayes, 0 nays. Motion carried.

OTHER BUSINESS

Haas recommended that street superintendents of the member cities attend the Road Salt Symposium put on by the Local Technical Assistance Program (LTAP) and Minnesota Pollution Control Agency (MPCA) through the use of Clean Water Legacy Funds. Jankowski noted it should be ensured that street department employees of the member cities are no longer dumping salt into frozen catch basins to open them, which has been done in the past.

ADJOURNMENT

A motion was made by Anderson, seconded by Vierzba, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 10:26 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

March 18, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. February 18, 2010, Regular Meeting
 - 2. March 8, 2010, Special Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
- E. CONSIDER COMMUNICATIONS
 - 1. Wellhead Protection Plan Approval ~ City of Ramsey
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None.
- G. OLD BUSINESS
 - 1. Review Draft Third Generation Plan
- H. NEW BUSINESS
 - 1. LRRWMO Permit #2010-01 ~ East Town Center Project ~ City of Ramsey
 - 2. LRRWMO Permit #2010-02 ~ Allina Medical Clinic ~ Ramsey
 - 3. LRRWMO Permit #2010-03 ~ 2010 Street Reconstruction Project ~ City of Andover
 - 4. Review 2009 Annual Report Draft
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: Update on Permit #2001-22 ~ Ramsey Organic Dirt (April 15, 2010)
Update on Permit #2003-07 ~ Ramsey Town Center ~ Jankowski
RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is April 15, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

MARCH 18, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:30 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka. Absent: None.

Also present were: Deputy Treasurer Lori Yager, Anoka City Engineer Greg Lee, and John Enstrom of Ramsey Organic Dirt.

APPROVE MINUTES

February 18, 2010 Regular Meeting

Motion was made by Anderson, seconded by Vierzba, to approve the February 18, 2010 Regular Meeting Minutes as presented. Vote: 4 ayes, 0 nays. Motion carried.

March 8, 2010 Special Meeting

Haas requested the following corrections to the March 8, 2010 Special Meeting Minutes:

- Roll Call amended to include Anoka Alternate Russ Zastrow as present.
- Correction to spelling of *Haas* throughout the document.

Motion was made by Haas, seconded by Vierzba, to approve the March 8, 2010 Special Meeting Minutes as amended. Vote: 4 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending February 28, 2010. Account balances for the period were: Checking, \$34,722.74; less permit account balance of (\$350.07), for a total balance of \$34,372.67.

Yager reviewed that the LRRWMO requested RFP's for audit services last year and determined to continue with the current auditor. The 2009 Audit will likely begin next month, April.

Motion was made by Anderson, seconded by Vierzba, to accept the Treasurer's Report for the period ending February 28, 2010. Vote: 4 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$703.63 (services rendered in February of 2010) and Barr Engineering in the amount of \$6,321.71 (services rendered in February of 2010).

It was noted that approximately \$4,000 of the Barr Engineering bill is allocated to work on the Third Generation Plan.

Motion was made by Haas, seconded by Vierzba, to authorize payment as presented and indicated above. Vote: 4 ayes, 0 nays. Motion carried.

CONSIDER COMMUNICATIONS

Jankowski reviewed the notice to LGUs regarding the Wellhead Protection Plan for the City of Ramsey.

Informational; no action required.

Jankowski reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORTS OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None

OLD BUSINESS

Review Draft Third Generation Plan

Jankowski reported that Obermeyer has received comments from the March 8, 2010, workshop on the Draft Third Generation Plan. He will be incorporating the comments into the Draft Plan and submitting it to the regulatory agencies for review. The Ramsey City Council will likely review the Draft Plan at a workshop the first part of April.

NEW BUSINESS

LRRWMO Permit #2010-01 ~ East Town Center Project ~ City of Ramsey

Jankowski reviewed the March 15, 2010 memo from Barr advising they have received plans and a LRRWMO permit application for the construction of the East Town Center Park located within the Town Center development within Ramsey. The park area is located east of East Town Center Drive, between East Ramsey Parkway North and South and west of Ramsey Boulevard. The park is approximately 8 acres in area and was previously reviewed by the LRRWMO as part of the original Town Center development in 2005. The park consists of an open water (lined) ponding basin, amphitheater, and created wetland. Erosion control, silt fence, is shown to be installed encircling the entire park area.

Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the March 15, 2010 memorandum.

Enstrom questioned the designation of wetland in the portion of the ponding that includes a rubber mat liner for water retention. Jankowski replied that a portion is stormwater ponding and cannot be considered as wetland mitigation. The far east corner does not have a liner and is designated as wetland mitigation.

Motion was made by Haas, seconded by Vierzba, to approve Permit #2010-01, East Town Center Project, City of Ramsey, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated March 15, 2010. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2010-02 ~ Allina Medical Clinic ~ Ramsey

Jankowski reviewed the March 15, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for Allina Medical Clinic to be located in the northwest quadrant of Ramsey Boulevard and Sunwood Drive in the Ramsey Town Center of Ramsey. The site is 3 acres in surface area with a 28,500 square foot building and 143 parking stalls proposed. Surface runoff from the site is directed to a regional storm water management basin that was constructed as part of the Town Center development that provides both quantity and quality management meeting LRRWMO criteria. Erosion control, silt fence, is shown to be installed encircling the site. A rock construction dike is shown to be constructed at the entryway onto the site.

Obermeyer recommends that the LRRWMO approve of the permit for this project subject to four conditions as detailed in the March 15, 2010 memorandum.

Motion was made by Vierzba, seconded by Anderson, to approve Permit #2010-02, Allina Medical Clinic, Ramsey, subject to the four (4) conditions as detailed in the Barr Engineering memorandum dated March 15, 2010. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2010-03 ~ 2010 Street Reconstruction Project ~ City of Andover

Jankowski reviewed the March 15, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for street and utility reconstruction in the south half of the Woodland Meadows development in Andover. A mill and overlay is proposed for 172nd Avenue, Uplander Street and Circle, 174th Circle, 173rd Circle, Partridge Street and Swallow Street. The project proposes an increase in the impervious area of 0.21 acres. The existing pond south of Uplander Circle is to be increased in volume to accommodate the increase volume generated from the increase in impervious area. The existing storm sewer is to be modified to better accommodate drainage within the area. The project proposes to correct an existing erosion problem, scour hole, at the outlet of the storm sewer from Partridge Street that discharges into a Type 6 wetland, as delineated by the Anoka Conservation District. The wetland impacts are approximately 20 square feet. The WCA de minimus exemption allows up to 400 square feet of impacts to a Type 6 wetland. Therefore, the correction of the erosion

problem is allowed under the WCA de minimus exemption. Erosion control, inlet protection, is shown to be installed at the storm water inlets.

Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the March 15, 2010 memorandum.

Motion was made by Vierzba, seconded by Anderson, to approve Permit #2010-03, 2010 Street Reconstruction Project, City of Andover, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated March 15, 2010. Vote: 4 ayes, 0 nays. Motion carried.

Review 2009 Annual Report Draft

The Board reviewed the Draft 2009 LRRWMO Annual Report. It was noted that permit summaries are still to be included in the Draft Report.

Informational; no action required.

OTHER BUSINESS

Permit #2001-22 ~ Ramsey Organic Dirt ~ Ramsey

Enstrom discussed the background of delineation approvals and TEP findings in relation to Permit #2001-22, Ramsey Organic Dirt, Ramsey. He stated his position that Barr Engineering's findings are not based on fact. Enstrom stated based on the results of the measuring that has been done on the site recently, he would like the LRRWMO to write a letter to TEP stating that mistakes have been made and that the site should be reevaluated. Enstrom presented an elevation map to the Board and further discussed his concerns.

Haas stated Enstrom must respond to TEP in the required timeline. The recourse available to Enstrom at this point if he is unable to come to a resolution with TEP is to take it to the higher level. He stated he will not be changing his vote from the TEP recommendation that was voted on at the February LRRWMO meeting. A letter should be submitted to the LRRWMO if TEP determines to change its recommendation.

ADJOURNMENT

A motion was made by Anderson, seconded by Haas, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 9:12 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

SPECIAL MEETING NOTICE

March 8, 2010 – 1:30 p.m.

Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. DISCUSSION OF THIRD GENERATION PLAN
- D. ADJOURNMENT

Next regular meeting date is March 18, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

MARCH 8, 2010

CALL TO ORDER

Vice Chairman Doug Vierzba called the special meeting to order at 1:36 p.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were Steve Jankowski, Ramsey (arrived at 1:40 p.m.); Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka. Absent: None.

Also present were: Andover Alternate Bruce Perry, Anoka Alternate Russ Zastrow, Bob Obermeyer of Barr Engineering, Jamie Schurbon of the Anoka Conservation District, and Anoka City Engineer Greg Lee.

DISCUSSION OF THIRD GENERATION PLAN

Obermeyer stated the Board's previous consensus was to take a fresh start and begin a new Plan. He stated the Plan presented was taken from the Rum River Plan, incorporating the previous Lower Rum River WMO Plan. He asked if the members liked the format, if there was anything missing, what they thought of the implementation program and monetary aspects of the revised Plan.

Perry did not believe the citizen surveys should be in the Plan. He requested this be put in an appendix if it was necessary to have the surveys in the Plan.

Obermeyer presented an overview of the Plan. The Board reviewed each page of the Plan and made changes, revisions, and corrections.

Zastrow asked for clarification in the Plan as to what constitutes redevelopment. The Board members outlined how their cities defined redevelopment and if redevelopment should be addressed in detail in the Plan.

The Board requested a glossary be added to the Plan.

Schurbon indicated he would be willing to assist in setting up a citizens review board to look at the Plan.

Obermeyer stated he would make the requested changes to the Plan and get it back to the Board. He asked the Board members to e-mail further changes, if any.

Jankowski noted the City of Ramsey would have an issue with the wetland portion of the Plan. He indicated that Ramsey Councilmembers would need time to review the new Plan as it was substantially different in format than the Plan they had previously reviewed.

Haas noted somebody needed to get back to Melissa Lewis of BWSR to let her know the Board was working on the Plan.

Motion was made by Anderson, seconded by Haas, to authorize Obermeyer to finalize the Plan and the Member Cities would have 60 days to respond.

Vierzba stated the new Plan had the same information as the old Plan, but it was clearer, more defined, and in a different format.

Jankowski requested the Ramsey Council get the opportunity to look at this before it is submitted to agencies for comment. He indicated he would schedule this on a Ramsey Council Work Session agenda as soon as possible.

Anderson stated the Board had to move on this and it was important to not hold off approval because of one City.

Haas noted the Plan was essentially the same. He understood the City of Ramsey wanted further time to review the Plan, but the Board needed to keep proceeding forward.

Schurbon indicated that the agencies would also have comments and changes, so the Plan was not yet finished. He noted there would still be a 60 day review period.

Jankowski strongly requested not forwarding the Plan to the agencies at this time until the City of Ramsey had the opportunity to look at it again.

Vierzba requested any future changes to be made be sent to Obermeyer as well as all Board members.

Anderson called the question.

Vote: 3 ayes, 1 nay (Jankowski). Motion carried.

ADJOURNMENT

A motion was made by Anderson, seconded by Vierzba, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment 3:21 p.m.

Respectfully submitted,

Kathy Altman
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

April 15, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. March 18, 2010, Regular Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. 2009 Annual Audit
- E. CONSIDER COMMUNICATIONS
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT
 - 1. 2010 First Quarter ~ Andover, Anoka, Coon Rapids & Ramsey
- G. OLD BUSINESS
 - 1. Update on Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski
 - 2. Review Draft Third Generation Plan
 - 3. Review 2009 Annual Report
- H. NEW BUSINESS
 - 1. UPDATE ~ LRRWMO Permit #2010-03 ~ 2010 Street Reconstruction Project – City of Andover
 - 2. LRRWMO Permit #2010-04 ~ Ute Street Paving Project ~ City of Ramsey
 - 3. LRRWMO Permit #2010-05 ~ 2010 Street Improvement Project ~ City of Anoka
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: Update on Permit #2003-07 ~ Ramsey Town Center ~ Jankowski
RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is May 20, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

APRIL 15, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:34 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka. Absent: None.

Also present were: Deputy Treasurer Lori Yager, Anoka City Engineer Greg Lee, Andover Alternate Bruce Perry, Ramsey Mayor Bob Ramsey, and John Enstrom of Ramsey Organic Dirt.

APPROVE MINUTES

March 18, 2010, Regular Meeting

Motion was made by Vierzba, seconded by Anderson, to approve the March 18, 2010, Regular Meeting Minutes as presented. Vote: 4 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending March 31, 2010. Account balances for the period were: Checking, \$29,950.48; less permit account balance of (\$2,002.07), for a total balance of \$27,948.41.

Motion was made by Vierzba, seconded by Haas, to accept the Treasurer's Report for the period ending March 31, 2010. Vote: 4 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$718.01 (services rendered in March of 2010), League of MN Cities in the amount of \$2,277.00 (2010 Insurance), and Anoka Conservation District in the amount of \$4,890.00 (2010 Services).

Motion was made by Anderson, seconded by Vierzba, to authorize payment as presented and indicated above. Vote: 4 ayes, 0 nays. Motion carried.

Annual Audit

Yager stated the 2009 Annual Audit will begin this month, April.

CONSIDER COMMUNICATIONS

Jankowski reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORTS OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT

2010 First Quarter Reports ~ Andover, Anoka, Coon Rapids & Ramsey

Lee presented the Year 2010 First Quarter Report for the City of Anoka.

Motion was made by Anderson, seconded by Vierzba, to approve the Year 2010 First Quarter Report for the City of Anoka, as presented. Vote: 4 ayes, 0 nays. Motion carried.

Haas presented the Year 2010 First Quarter Report for the City of Andover.

There was discussion on Permit #06-08, Meadow Creek School. It was noted that this is a 2006 permit and according to policy, permits are valid for 12 months. Haas will inform the applicant that a permit extension is needed.

Motion was made by Anderson, seconded by Vierzba, to approve the Year 2010 First Quarter Report for the City of Andover, as presented. Vote: 4 ayes, 0 nays. Motion carried.

Vierzba advised there are no active reports for the City of Coon Rapids.

Jankowski presented the Year 2010 First Quarter Report for the City of Ramsey.

Motion was made by Anderson, seconded by Vierzba, to approve the Year 2010 First Quarter Report for the City of Ramsey, as presented, and to authorize release of unused escrow for Permit #08-03, St. Katherine Drexel (project not initiated). Vote: 4 ayes, 0 nays. Motion carried.

OLD BUSINESS

Update on Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski

Jankowski reviewed the history of Permit #2001-22, Ramsey Organic Dirt. He discussed that Enstrom hired Anderson Engineering, LLC to determine the amount of impact that was the net result of this project. Anderson Engineering prepared a report and met with the Technical Evaluation Panel (TEP) in January of 2010. Essentially, the issues that would determine how much mitigation is required on the site, or whether there is surplus wetland, depends on three things: 1) original delineation before the project, which in this case occurred in 2002 somewhat after the project had started; 2) delineation of where wetland exists today; 3) concern regarding the woodchip trail.

Jankowski reviewed that in January of 2010, TEP agreed with the determination of Anderson Engineering on the location of the existing wetland. However, there was a question over the original wetland; the applicant had indicated he felt the pre-project wetland was somewhat different than what was reviewed and approved in 2002.

Jankowski reviewed the February 4, 2010, TEP Findings of Fact and recommendation to the LRRWMO Board discussed at the February 18, 2010, Board meeting. Jankowski reviewed the April 8, 2010, letter from Anderson Engineering to the LRRWMO on behalf of the applicant requesting an on-site meeting by the TEP members to review the site and associated facts, reestablish and review the location of the previous wetland boundary delineation from 2002, review the current wetland delineation from November 2009, and discuss actions for moving forward in order to meet all regulatory compliance requirements. Jankowski reviewed the response from the TEP dated April 14, 2010, stating that the April 8, 2010, letter from Anderson Engineering provides no new information. The TEP response further states that altering the pre-project wetland delineation after the site has been re-graded and water table lowered is not consistent with the Wetland Conservation Act.

Jankowski noted the direction of the LRRWMO Board at the February 18, 2010, meeting was that the Anoka Conservation District is to proceed with a restoration order if the conditions outlined in the TEP recommendation were not forthcoming within 60 days. He indicated that essentially, the only action to be considered at this time is whether the Board wishes to reconsider its previous decision.

Jankowski stated the LRRWMO Board has relied heavily on the recommendations of the TEP; however, they should be somewhat careful in that they are acting as a Board in weighing things and making decisions, just as a court would view evidence. As far as the original delineation on this site, there is certain validity in saying that the Board went through the procedure, accepted the delineation, and should hold to that original delineation. However, on the other hand, if the mark was missed by a lot, it is incumbent upon the Board to look at this a second time. He asked Enstrom how large the disputed area is in comparison to the entire delineation.

Enstrom stated percentage-wise, the disputed area is a fraction of an acre of a 20 plus acre project; not even 2%. It is about 25% of the mitigation area. Enstrom stated his goal is to get this completed and done correctly. He expressed his concern regarding the previous approval of the original delineation and stressed his position on the importance of a TEP review of the engineering calculations of the site in order to resolve the dispute on the required delineation.

Ramsey expressed concern regarding the amount of staff time and money being spent on this issue. He stated there are likely personality issues involved with this. He stated common sense should be used when considering things like the woodchip trail that has been identified as a concern, yet it is an organic material. He further noted that there are trees growing in an area that was identified as wetland.

Discussion ensued regarding the request of Enstrom for an additional TEP review.

Jankowski suggested the Board consider requesting the TEP to review the small area where there is some question on the correct delineation. Haas stated he will agree to making this request of

the TEP; however, if the response is unfavorable to the applicant he will need to proceed to the next step beyond the LRRWMO Board.

Motion was made by Jankowski, seconded by Anderson to stay the restoration order on Permit #2001-22, Ramsey Organic Dirt, and to direct the Technical Evaluation Panel (TEP) to meet on-site at Ramsey Organic Dirt to investigate the area of dispute. A report from TEP is to be provided to the LRRWMO for the May 20, 2010, LRRWMO Board meeting. The applicant is to provide a map of the area to be re-evaluated. The LRRWMO Board feels there may have been an error in the original delineation and that it is important that TEP review the disputed area in order to proceed in resolving the permit. The report from TEP is to be included on the May 20, 2010, LRRWMO meeting agenda. Vote: 4 ayes, 0 nays. Motion carried.

Jankowski will contact Chris Lord of the Anoka Conservation District and/or Dennis Rodacker to request that a date be set with Enstrom for the TEP review. The LRRWMO Board will be informed of the meeting date.

Review Draft Third Generation Plan

It was noted that the Draft Third Generation Plan has been distributed for review.

Review 2009 Annual Report

The Board reviewed the 2009 LRRWMO Annual Report.

Motion was made by Haas, seconded by Vierzba, to approve the LRRWMO 2009 Annual Report. Vote: 4 ayes, 0 nays. Motion carried.

NEW BUSINESS

LRRWMO Permit #2010-03 ~ Street Reconstruction Project – City of Andover

The Board reviewed the March 31, 2010, letter from Andover Assistant City Engineer Jason Law in response to the LRRWMO Plan Review of the City of Andover Street Reconstruction Project, Permit #2010-03.

Consensus was reached that Haas will request Law to confer with Obermeyer regarding Condition No. 3 of the LRRWMO Plan Review.

LRRWMO Permit #2010-04 ~ Ute Street Paving Project ~ Ramsey

Jankowski reviewed the April 12, 2010, memo from Barr Engineering advising they have received plans and a LRRWMO permit application for bituminous surfacing and storm sewer construction of Ute Street in Ramsey. Erosion control and silt fence is shown to be installed at key location throughout the project area.

Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the April 12, 2010, memorandum.

Motion was made by Vierzba, seconded by Haas, to approve Permit #2010-04, Ute Street Paving Project, Ramsey, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated April 12, 2010. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2010-05 ~ 2010 Street Improvement Project ~ City of Anoka

Jankowski reviewed the April 12, 2010, memo from Barr Engineering advising they have received plans and a LRRWMO permit application for mill and overlay of various street lying west of State Avenue and south of Main Street including Western Street, Park Street, Fremont Street, Benton Street, Parkmont Lane, West Lane, Porter Avenue and Shaw Avenue in Anoka. Erosion control and inlet protection is shown to be installed at the storm water inlets.

Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the April 12, 2010, memorandum.

Motion was made by Haas, seconded by Vierzba, to approve Permit #2010-05, 2010 Street Improvement Project, City of Anoka, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated April 12, 2010. Vote: 4 ayes, 0 nays. Motion carried.

OTHER BUSINESS ~ None

ADJOURNMENT

A motion was made by Vierzba, seconded by Anderson, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 9:43 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

May 20, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. April 15, 2010, Regular Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. Update ~ 2009 Annual Audit
- E. CONSIDER COMMUNICATIONS
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None.
- G. OLD BUSINESS
 - 1. Update on Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski
 - 2. Update on Permit #2010-03 (Condition #3) ~ 2010 Street Project ~ Haas
 - 3. Update on Draft Third Generation Plan
- H. NEW BUSINESS ~ None.
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is June 17, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

MAY 20, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:33 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka. Absent: None.

Also present were: Deputy Treasurer Lori Yager, Andover Alternate Bruce Perry, Ramsey Alternate Matt Look, and John Enstrom of Ramsey Organic Dirt.

APPROVE MINUTES

April 15, 2010 Regular Meeting

It was requested that the April 15, 2010 Regular Meeting Minutes be amended to reflect approval of the ~~February 18, 2010~~ March 18, 2010 Regular Meeting Minutes.

Motion was made by Vierzba, seconded by Anderson, to approve the April 15, 2010 Regular Meeting Minutes as amended. Vote: 4 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending April 30, 2010. Account balances for the period were: Checking, \$23,919.81; less permit account balance of (\$554.07), for a total balance of \$23,365.74.

Yager reported the receipt of an extension on the Letter of Credit for Permit #04-25, Kimberly Oaks. Yager expressed concern regarding the current LRRWMO fund balance of approximately \$20,000. She noted that much of the year-to-date expenditures are associated with the preparation of the Third Year Generation Plan and stressed the importance of determining an estimate on remaining expenditures associated with preparation of the Plan.

There was discussion on BWSR's response to the draft Plan and whether the BWSR recommended corrections to the Plan are all based on legislative requirements. It was noted that a major format shift of the Plan was made to accommodate BWSR recommendations, with the plan reformatted to follow the approved Upper Rum River WMO Third Generation Plan. Obermeyer will begin the necessary amendments to the draft Plan once all of the regulatory agencies have responded. Deadline for responses from the regulatory agencies is June 1, 2010.

It was noted that Barr Engineering expenses associated with completion of the Third Generation Plan should not exceed the \$40,000 estimate provided by Obermeyer.

Consensus was reached that Jankowski will discuss estimated costs for completion of the Third Generation Plan with Obermeyer. Obermeyer is to verify with Melissa Lewis of BWSR that the BWSR recommended changes to the Plan are all based on legislative requirements.

Motion was made by Haas, seconded by Vierzba, to accept the Treasurer's Report for the period ending April 30, 2010. Vote: 4 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$711.26 (services rendered in April of 2010), Barr Engineering in the amount of \$3,564.50 (services rendered in March of 2010, and Barr Engineering in the amount of \$1,814.24 (services rendered in April of 2010).

Motion was made by Anderson, seconded by Vierzba, to authorize payment as presented and indicated above. Vote: 4 ayes, 0 nays. Motion carried.

Update ~ Annual Audit

Yager stated she was informed that the auditor can no longer afford to audit the LRRWMO financials due to the requirement to obtain a special license to complete the audit. She contacted the State Auditor's Office and was informed that an annual review of the financials by an outside source is all that is necessary to meet the WMO requirements. The financial review will be included on the June 17, 2010 meeting agenda. RFP's will be prepared for the 2010 Financial Review. The cost for an annual financial review will be lower than an annual audit.

CONSIDER COMMUNICATIONS

Jankowski reviewed the May 12, 2010, letter from the Anoka County Geographic Information Systems Department inquiring about the WMO's interest in partnering with Anoka County on a Pictometry flight in 2011.

Consensus was reached that there are not funds available to partner in the project at this time.

Jankowski reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORTS OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None.

OLD BUSINESS

Update on Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski

Jankowski thanked the LRRWMO Board members that were able to visit the Ramsey Organic Dirt site on Tuesday, May 18, 2010. He listed the individuals present and provided a recap of the meeting. A letter from the Army Corp of Engineers was presented to Mr. Enstrom at the conclusion of the meeting that outlined the requirement for additional wetland credits to be prepared. Jankowski stated the main body of the meeting was a walking tour of the wetland portion in dispute. Mr. Enstrom's engineers had flagged both the 2002 delineation that was approved by the LRRWMO Board and the agreed upon existing wetland delineation completed in 2009. The discussion at the meeting focused on what methods are available to reevaluate the original delineation. It was explained that the three methods for determining wetland area are hydrology, vegetation, and soils. In the case of this particular situation, it is not currently an option to look at the ground water because the water surface elevation is now flat where there was a grade prior to the project. The only vegetation that is currently on-site that could be considered is the overstory, large tree which could be found in wetlands as well as land adjacent to a wetland. The understory vegetation could have changed due to the modified hydrology. Borings were completed that indicate there are hydric soils, which can be present in wetlands as well as land that is not designated as wetland. Jankowski stated the position of the Technical Evaluation Panel (TEP) at the May 18, 2010, meeting was that six licensed professional delineators were present at the site in 2002 to review the original delineation, and that there must be significant reason to show why that delineation is wrong before it can be reconsidered.

Enstrom stated he was handed the Army Corp of Engineers letter with findings from Tim Fell before the meeting began and he believed that Mr. Fell did not come with an open mind. Enstrom stated the purpose of the meeting was to address the area of concern around the monument and stressed his position that this area is not wetland. Enstrom expressed concern that the decision made at the May 18th meeting was based only on soil type. He outlined his position that the area of concern is not a wetland based on the vegetation and elevation. Enstrom stated his position that errors were made by Barr Engineering and that the required survey was not completed to verify the original delineation which was completed in the winter.

Discussion ensued on the 2002 delineation, verification of the delineation, and the TEP findings. Haas noted that TEP's position is that Enstrom should have raised concerns if he did not agree with the 2002 delineation verification prior to completing work on the project. At this point, there have been too many changes to the site to amend the delineation. Haas further noted that Enstrom has the ability to appeal the restoration order to BWSR.

Enstrom stated he will follow the LRRWMO decision, but that decision could bear on a lot of things happening. If he removes the woodchip trail it will save 17,000 square feet in required wetland mitigation. He will then be in compliance but will not be able to accommodate handicapped people. The VA hospital will be coming to town but they will not have a walkway to use. He stated he will be listing the names of the Board members with this vote and that he has an option where everything can be laid aside legally.

It was noted that the Board relies on TEP recommendations, and that the Board has worked with Enstrom by increasing the deadline from 30 days to 60 days and requesting an additional review by TEP.

Look stated his position that there is an issue of doubt in this situation. He stated the Board is to consider whether there is a reasonable doubt in this case due to the personality conflicts and the large overstory tree. He stated the LRRWMO Board is to use TEP recommendations but make its own decisions. If BWSR disagrees with the Board's decision it can be challenged.

Enstrom further stated his position that the required survey was not completed to verify the 2002 delineation on the site.

Consensus was reached that no further action is required by the LRRWMO Board based on the April 15, 2010 motion. The motion to Stay the Restoration Order at the April 15th meeting expires on May 20, 2010. The TEP provided a verbal report at the May 18, 2010, on-site meeting and a Department of the Army Letter of Permission was presented to Mr. Enstrom at the May 18, 2010, on-site meeting by Mr. Tim Fell of the Army Corps of Engineers.

Update on Permit #2010-03, Street Reconstruction Project ~ Andover

Haas reviewed the May 18, 2010, memo from Barr Engineering advising that they have received additional information from the City of Andover regarding Condition #3 of the LRRWMO's approval of Permit #2010-03, Street Reconstruction, Andover. The information submitted addresses and satisfies the condition.

Update on Draft Third Generation Plan

Discussed during the Treasurer's Report. Jankowski will obtain an update from Obermeyer on efforts/costs remaining to complete the Plan.

NEW BUSINESS ~ None.

OTHER BUSINESS ~ None

ADJOURNMENT

A motion was made by Anderson, seconded by Vierzba, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 9:33 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

June 17, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. May 20, 2010, Regular Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. Update ~ Cost for Completion of Third Generation Plan ~ Jankowski
 - 4. Update ~ 2009 Annual Audit
- E. CONSIDER COMMUNICATIONS
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None.
- G. OLD BUSINESS
 - 1. Update on Draft Third Generation Plan
- H. NEW BUSINESS
 - 1. LRRWMO Permit #2010-06 ~ Hawkrigde Park Reconstruction ~ City of Andover
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is July 15, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

JUNE 17, 2010

CALL TO ORDER

Acting Chairman Doug Vierzba called the meeting to order at 8:31 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were: Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka. Absent: Steve Jankowski, Ramsey.

Also present were: Deputy Treasurer Lori Yager, Andover Alternate Bruce Perry, and John Enstrom of Ramsey Organic Dirt.

APPROVE MINUTES

Motion was made by Anderson, seconded by Haas, to approve the May 20, 2010 meeting minutes as submitted. Vote: 3 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending May 31, 2010. Account balances for the period were: Checking, \$17,831.38; less permit account balance of (\$51.93), for a total balance of \$17,883.31.

Yager stated approximately \$39,000 of the \$40,000 budgeted for the Third Generation Plan has been spent to date. Vierzba noted that the agenda item later in the meeting on the Third Generation Plan will include a discussion on scheduling a workshop meeting regarding completion of the Plan.

Motion was made by Haas, seconded by Anderson, to accept the Treasurer's Report for the period ending May 31, 2010. Vote: 3 ayes, 0 nays. Motion carried.

Perry inquired about the difference of approximately \$4,000 between deposits and expenditures on Permit #2001-22, Ramsey Organic Dirt. Yager reviewed the billing dates for Permit #2001-22. Enstrom stated he has requested a meeting with Jankowski and that he has not received any invoices from the LRRWMO recently.

Consensus was reached that Jankowski will set a meeting with Enstrom to discuss the balance due for Permit #2001-22, Ramsey Organic Dirt, to be resolved by the July 17, 2010, LRRWMO Board meeting. Yager is to provide invoices and backup documentation for the meeting.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$480.58 (services rendered in May of 2010), Barr Engineering in the amount of \$1,712.00 (services rendered in April and May of 2010), and Kennedy & Graven in the amount of \$684.75 (legal services).

Motion was made by Anderson, seconded by Haas, to authorize payment as presented and indicated above. Vote: 3 ayes, 0 nays. Motion carried.

Update ~ 2009 Annual Audit

Yager stated the 2009 Annual Financial Report will be completed next week.

CONSIDER COMMUNICATIONS

Vierzba reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None.

OLD BUSINESS

Update on Draft Third Generation Plan

Vierzba stated that Jankowski has recommended holding a special workshop meeting regarding completion of the Draft Third Generation Plan.

Consensus was reached to schedule a special workshop meeting for Tuesday, June 29, 2010 at 12:30 p.m. in the Committee Room of Anoka City Hall with Obermeyer present to discuss completion of the Draft Third Generation Plan.

NEW BUSINESS

LRRWMO Permit #2010-06 ~ Hawkrigde Park Reconstruction ~ City of Andover

Haas reviewed plans for LRRWMO Permit #2010-06, Hawkrigde Park Reconstruction, City of Andover. He reviewed the June 15, 2010, memorandum from Barr Engineering advising they have received plans and a LRRWMO permit application for the reconstruction of Hawkrigde Park located west of Verdin Street between 117th Avenue NW and 181st Avenue in Andover. The existing park has a hockey rink, softball field and soccer field. The project is proposed to be constructed in four phases. Phase 1 would include mass grading of the site, construction of the soccer fields, storm sewer between the proposed ponds, gravel parking lot, hockey rink, well and irrigation system and a relocated driveway access off of Verdin Street. Phase 2 would include the construction of a bituminous trail along the north and west part of the park and construction of a warming house. Phase 3 would include concrete curb and gutter and paving of the gravel

parking lot. Phase 4 would include turn lane improvements to Verdin Street. The site is land-locked with back-t-back 100 year storm event being retained on site. Erosion control is to be installed at key locations through the park.

Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the June 15, 2010 memorandum.

Motion was made by Anderson, seconded by Vierzba, to approve Permit #2010-06, Hawkrige Park Reconstruction, City of Andover, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated June 15, 2010. Vote: 3 ayes, 0 nays. Motion carried.

OTHER BUSINESS

Enstrom stated an engineer was on site at Ramsey Organic Dirt this past week on an issue unrelated to Permit #2001-22. A hydrology report was provided from 40 years ago that proves his position about the area that could never have been wetland. Enstrom further stated that the woodchip pathway will be taken out of the site; when this is done he will have television news crews present. He stated he will be sending the invoice for removing the woodchip trail to the LRRWMO since the organization authorized the trail. He stated that the billings for the project will be unresolved until further discussion on this issue.

ADJOURNMENT

A motion was made by Anderson, seconded by Haas, to adjourn the meeting. Vote: 3 ayes, 0 nays. Motion carried.

Time of adjournment: 9:04 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

SPECIAL MEETING NOTICE

June 29, 2010 – 12:30 p.m.

Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. DISCUSS COMPLETION OF THIRD GENERATION PLAN
- D. ADJOURNMENT

Next regular meeting date is July 15, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

JUNE 29, 2010

CALL TO ORDER

Chairman Steve Jankowski called the special meeting to order at 12:45 p.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; and Todd Haas, Andover. Absent: Carl Anderson, Anoka.

Also present were: Andover Alternate Bruce Perry, Anoka City Engineer Greg Lee, and Bob Obermeyer of Barr Engineering.

DISCUSS COMPLETION OF THIRD GENERATION PLAN

Obermeyer reviewed the comments made by the different agencies in regard to the Plan, and noted that the Board would need to respond to each comment. He further explained the process for revising the Plan, and advised that not all the comments required discussion, as he could respond to those items. He began with the comments from the DNR and asked for location information from the Board in regard to certain comments. He asked that each member city send copies of its existing storm water CIP. He addressed the comments received from Anoka County and requested additional information in regard to the discussions previously held between the municipalities and the County, regarding the connectivity of ground water withdrawal and surface water.

Jankowski provided background information regarding the issue and explained the process that is followed for monitoring. Obermeyer asked that each member city provide the steps that are used for monitoring that process.

Discussed ensued regarding these processes and Obermeyer stated that he would draft language for the Plan regarding development of a volume reduction policy that would increase infiltration. He noted that most comments in the Anoka County report focused on that issue.

Jankowski advised that he would speak with the County to determine what type of information the County is looking for in regard to that issue.

Obermeyer moved on to the comments made by the City of Andover.

Haas highlighted a comment made by the Andover City Council in regard to a one acre size for permitting.

Jankowski stated he believed that issue should be placed on the list for further discussion at the second meeting, when members from Ramsey are also present. Discussion ensued regarding the aspect of the cities of Ramsey and Andover in regard to permitting. It was noted that 80 percent

of the permits are requested through those two cities, with Ramsey receiving over one-half of those permits.

Obermeyer provided possible language that could be used in the interim for this issue and clarified whether the Board would like this item to move forward to a TAC.

Jankowski stated that he believed the Board should hold another special meeting to discuss the issues that require further debate, such as this. He hoped that members from the City of Ramsey could also attend that meeting, as Ramsey has a strong opinion on that issue.

Obermeyer clarified where language could be tweaked to better address concern. He moved on to the responses from the City of Ramsey and noted he would make the suggested language change if authorized by the Board.

Obermeyer moved on to the comments from the Anoka Conservation District and asked for further clarification on one response, as to whether the Board would like to keep that item in the Plan and develop a process to address the item, or remove the item from the Plan altogether.

Jankowski suggested that section be removed from the Plan and that topics be pulled from that section and printed into the newsletter for education purposes.

Obermeyer requested additional information regarding street sweeping in each city, and it was confirmed that each city sweeps at minimum, in the spring and fall.

Obermeyer noted that most comments made in the report also have a suggested solution. He reviewed the Mn/DOT report and noted that he would be able to respond to the comments made. He then moved on to the comments made by BWSR and asked for further information regarding wetland inventory of the member cities. He confirmed that both Anoka and Andover review wetlands on a case-by-case basis, while the cities of Ramsey and Coon Rapids have existing wetland inventories. He advised of additional information that would be needed from each city, such as a map of each city showing the location of public and private wells.

Jankowski stated that within Ramsey there are several wells and noted that some residents do not even know where wells are located on their property.

Lee advised that the City of Anoka has a database with a list of properties that they suspect to have wells.

Vierzba reported that in the City of Coon Rapids, within this Watershed District, there are no wells.

Haas did not believe that the City of Andover had such a list but he would look into that item further.

Obermeyer reviewed the further comments and asked for clarification when needed.

Haas suggested that Obermeyer work on the responses that he can at this point and that the Board meet within the next two weeks to continue the discussion. He reminded the Board that the regular meeting is scheduled for July 15, 2010.

Haas indicated he had telephoned Melissa Lewis, BWSR, to determine when she would be able to attend a meeting to participate in the discussion.

Consensus was reached to schedule a special meeting on July 14, 2010, at 12:30 p.m., at the Anoka City Hall.

Jankowski noted that he would also extend an invitation to Jamie Schurbon, ACD.

Perry questioned if the regular meeting would also be held. Haas confirmed that the Board would still conduct its regular meeting on July 15, 2010, in addition to the special meeting on July 14, 2010.

ADJOURNMENT

A motion was made by Todd Haas, seconded by Doug Vierzba, to adjourn the meeting. Vote: 3 ayes, 0 nays. Motion carried.

Time of adjournment 2:25 p.m.

Respectfully submitted,

Amanda Staple
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

July 15, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. June 17, 2010, Regular Meeting
 - 2. June 29, 2010, Special Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. Update ~ Permit #2001-22, Ramsey Organic Dirt Permit Balance ~ Jankowski
 - 4. 2009 Annual Audit
- E. CONSIDER COMMUNICATIONS
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT
 - 1. 2nd Quarter 2010 Reports ~ Andover, Anoka, Coon Rapids & Ramsey
- G. OLD BUSINESS
 - 1. Status of Draft Third Generation Plan
- H. NEW BUSINESS
 - 1. UPDATE ~ Permit #2010-06 ~ Hawkrigde Park Reconstruction ~ Haas
 - 2. UPDATE ~ Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is August 19, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

JULY 15, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:36 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were: Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka (arrived at 9:10 a.m.).

Also present were: Deputy Treasurer Lori Yager, Anoka City Engineer Greg Lee, Ramsey City Engineer Tim Himmer, Ramsey Director of Public Works Brian Olson, Andover City Administrator Jim Dickinson, Ramsey Alternate Matt Look, Andover Alternate Bruce Perry, State Senator Mike Jungbauer, Barbara Harper representing Congresswoman Michele Bachmann's Office, State Representative Peggy Scott, John Enstrom of Ramsey Organic Dirt, and Ben Hodapp of Anderson Engineering.

APPROVE MINUTES

Motion was made by Haas, seconded by Vierzba, to approve the June 17, 2010 Regular Meeting Minutes and the June 29, 2010 Special Meeting Minutes as submitted. Vote: 3 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending June 30, 2010 (revised from original report included in packet to include interest). Account balances for the period were: Checking, \$16,594.60; less permit account balance of (\$196.07), for a total balance of \$16,398.53.

Motion was made by Vierzba, seconded by Haas, to accept the Treasurer's Report for the period ending June 30, 2010 as revised. Vote: 3 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$734.16 (services rendered in June of 2010), Barr Engineering in the amount of \$696.00 (services rendered in May/June of 2010), and Allan Hanson CPA in the amount of \$1,408.00 (Audit Services)

Motion was made by Vierzba, seconded by Haas, to authorize payment as presented and indicated above. Vote: 3 ayes, 0 nays. Motion carried.

Update ~ Permit #2001-22, Ramsey Organic Dirt Permit Balance ~ Jankowski

Yager indicated that each billing for Permit #2001-22 has been forwarded on to Ramsey Organic Dirt. It has been verified that the mailing address is correct and the mail has not been returned. Enstrom stated he has not received any billings recently.

Consensus was reached that Enstrom will be provided with a complete packet of detailed billing prior to the meeting end today.

2009 Annual Audit

Yager indicated that the Board has been provided with the 2009 Annual Review. RFP's will be requested for 2010 review services, which will result in more competitive prices than audit services. Yager advised that budget discussions will likely include consideration of increased city contributions in order to bring the fund balance to the recommended level. Costs associated with the Third Generation Plan have depleted the fund balance substantially. She suggested a potential fee increase of 10% to 20% may be sufficient to get the fund balance back up to the required amount. Jankowski noted another option to increasing city membership fees would be an increase to permit administrative fees. In regard to costs associated with the Third Generation Plan, he has been assured by Obermeyer that the Plan will be completed at the \$40,000 budgeted cost.

Motion was made by Haas, seconded by Vierzba, to accept the 2009 Financial Statement as presented. Vote: 3 ayes, 0 nays. Motion carried.

CONSIDER COMMUNICATIONS

Jankowski reviewed the Briggs and Morgan letter to LRRWMO Chairman Steve Jankowski dated July 8, 2010 regarding the Replacement Order issued on Permit #2001-22, Ramsey Organic Dirt. The letter discusses the woodchip trail and agricultural status of the wetland area on the subject property. Mr. Enstrom is concerned that if he removes the trail, the area will no longer be fully accessible to all people, and he may be in violation of the Americans with Disabilities Act. Mr. Enstrom requests that the mitigation calculations in the Order be corrected from a 2:1 ratio to a 1:1 ratio, as is allowed for agricultural land. The Briggs and Morgan letter states Mr. Enstrom requests that the LRRWMO consider the issues as outlined in the letter at its July 15, 2010, meeting and cause the Order to be revised consistent with his requests. Mr. Enstrom also requests that all compliance dates in the Order be extended by 60 days.

Jankowski reviewed the memorandum correspondence between himself and Attorney LeFevere dated July 9, 2010 and July 12, 2010. The correspondence concerns the Briggs and Morgan letter, whether the LRRWMO has any further jurisdiction in this matter, and the validity of the agricultural replacement ratio request. Attorney LeFevere advises that the LRRWMO has no jurisdiction over the DNR's Replacement and Restoration Order, and recommends that Mr. Enstrom comply with the Order or appeal the Order to BWSR.

Jankowski stated the Board has discussed whether the woodchip trail is considered fill to some extent; however, the 1:1 replacement is new. The 2:1 ratio was clearly stated in the adopted TEP

Finding of Facts. It was also acknowledged in Mr. Enstrom's response to the Finding of Fact by Anderson Engineering. Jankowski stated a bigger issue that needs to be resolved is whether the LRRWMO Board has jurisdiction over this matter at this point. He stated his reading of the Restoration Order is that the LRRWMO does not have jurisdiction over the Restoration Order issued by the DNR.

Look stated the Replacement Order states the enforcement authority (referring to the DNR) shall rescind this Order if the landowner obtains approval from the LRRWMO.

Jankowski stated his understanding is that that the LRRWMO Board would determine if an exemption, such as an agricultural exemption, is allowed if Mr. Enstrom were to make this request. However, the Briggs and Morgan letter requests that the Board direct a revision of the Order.

Look replied that the letter from Mr. Enstrom is likely his communication to the Board.

There was discussion on whether the LRRWMO application form allows for an exemption request.

Look stated for the record, according to the Restoration Order, the LRRWMO can contact the enforcement authority, which is the DNR, and have the Order rescinded.

Haas indicated he would like Attorney LeFevere to provide a formal response to the above position stated by Look.

There was discussion on what determines eligibility for agricultural exemption under the Wetland Conservation Act.

Look indicated he would like the Board to be provided with further clarification on the statute in relation to agricultural status

Enstrom stated the Briggs and Morgan letter was written in good faith to get things moving along in order to meet the deadline included in the Restoration Order, and it has been two days on the end of the LRRWMO Board. The letter identifies Steve Jankowski of the LRRWMO as the contact person. This puts all the responsibility on this Board, and there has been no response to the letter.

Jankowski noted that the letter was received by email Friday afternoon and the paper copy was not received until yesterday.

State Senator Mike Jungbauer requested that Chairman Jankowski participate in the Permit 2001-22 (Ramsey Organic) discussion. Mr. Jungbauer first started off by indicating his frustration with the process along with making inappropriate comments about the LRRWMO board. He stated his position that what the Board could do is allow Mr. Enstrom to submit his exemption request today.

Ben Hodapp, Anderson Engineering, distributed a letter dated July 14, 2010, from Mr. Enstrom to Steve Jankowski and the LRRWMO Board, with attached exhibit showing the area of the

wetland impact, trail and mitigation areas created on the subject property, and a breakdown of the various replacement ratios of 2:1, 1.5:1 and 1:1.

Anderson arrived at 9:10 a.m.

There was additional discussion on the position stated by Mr. Enstrom that the subject property is agricultural use.

Ms. Barbara Harper, representing Congresswoman Michele Bachmann's office, suggested the Board stay the Restoration Order for 30 days to allow sufficient time for Mr. Enstrom to prepare the exemption application.

Jankowski noted that the timeline for response once an exemption application is submitted is 60 days.

Senator Jungbauer stated Mr. Enstrom is not requesting an exemption; he is asking the LRRWMO to view the Wetland Conservation Act the way it is written. He stated the 1:1 ratio is not an exemption from the Wetland Conservation Act.

There was additional discussion on whether the LRRWMO has the authority to rescind the Restoration Order.

Look stated the issue is whether this Board will accept the letter from Briggs and Morgan as the communication from Mr. Enstrom. Senator Jungbauer noted Mr. Enstrom has also submitted the map of mitigation numbers with his letter to the Board dated July 14, 2010.

Enstrom stated in the July 14th letter he recites the law. He stated he is trying to do this by the law, and that if they go by the law with 1:1 mitigation he has more than the required mitigation. He suggested the LRRWMO can "close the books" today or they can continue with the 2:1 ratio which, in his opinion, is against the law. He stated his offer to the LRRWMO that he will split the difference between the 2:1 ratio and the 1:1 ratio. He will pay the 1.5:1 ratio and pay for 8,500 square feet in wetland credits.

Motion was made by Anderson, seconded by Haas, to accept an offer from Ramsey Organic Dirt, Permit #2001-22, to fulfill wetland replacement requirements by a 1.5 to 1 ratio in the amount of 8,526 square feet, including the woodchip pathway. The acceptance of the offer is contingent upon approval by LRRWMO Attorney LeFevere.

Look stated his position that there is more legal basis to accept a 1:1 ratio than to compromise on a 1.5:1 ratio. Andover City Administrator Dickinson advised that the underlying interpretation of the above motion would be a .5 exemption based on the current Restoration Order.

There was discussion on whether TEP will become involved with the motion to accept the offer by Ramsey Organic Dirt on the wetland mitigation. Olson stated there is no need for TEP to become involved, as TEP is actually working for the LRRWMO. The DNR is already involved through the Restoration Order and BWSR will be involved if there is an appeal process.

Anderson requested that Enstrom note the past due balance for Permit #2001-22. Enstrom stated for the record that he was not contacted by Jankowski to discuss the balance due on the permit, which had been the consensus of the Board at the June 17, 2010, LRRWMO meeting.

Vote: 4 ayes, 0 nays. Motion carried.

Consensus was reached that Olson will draft an email to Vice Chair Vierzba requesting that the WMO attorney clarify whether the Board possessed the authority to undertake the action taken by the Board.

Look requested that the Board be provided with clarification on the law as it relates to what is designated as fill, vegetation, etc. in regard to the woodchip trail on the property. It was noted that according to the above motion, Mr. Enstrom will be paying for mitigation of wetland credits from the woodchip trail, and that the clarification requested by Look should not be necessary unless another agency disagrees with the action taken by the Board.

Jankowski reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT

2nd Quarter 2010 Reports ~ Andover, Anoka, Coon Rapids & Ramsey

City of Anoka Year 2010 Second Quarter Report not available ~ tabled to the August 19, 2010 meeting.

City of Andover Year 2010 Second Quarter Report not available ~ tabled to the August 19, 2010 meeting.

Vierzba advised there are no active reports for the City of Coon Rapids.

Jankowski presented the City of Ramsey Year 2010 Second Quarter Report. Release of escrow is requested for Permit #2008-11, Alpine Park; Permit #2008-16; Permit #2009-09; JBT Machining / QDP Technologies.

Jankowski and Himmer discussed the history and current status of Permit #2003-07, Ramsey Town Center. There is currently an issue associated with wetland credits to be resolved with the permit. Himmer explained that the LRRWMO is currently holding a \$200,000 bond to ensure replacement of the wetlands that had been primarily completed, which the permittee no longer owns. Due to the availability of credits, the City of Ramsey has proposed purchasing non-Corp certified credits that are outside of the County but within the watershed to address the deficient banking impacts. However, TEP has indicated that the credits must be within both the watershed and the County. Himmer stated this is not a city permit, but the City is trying to move forward in cleaning things up. The City Council has requested staff to investigate putting the LRRWMO bond towards completion of the permit. Ramsey is looking for consensus from the Board or direction to TEP on how to proceed in resolving the issue of wetland credits. There is a sense of

urgency in the process in order to move forward with construction on the project.

Motion was made by Haas, seconded by Anderson, to request TEP to consider the proposal submitted by the City of Ramsey for Permit #2003-07, Ramsey Town Center, and to provide a unified response as soon as possible. Vote: 4 ayes, 0 nays. Motion carried.

Motion was made by Vierzba, seconded by Anderson, to approve the Year 2010 Second Quarter Report for the City of Ramsey, as presented, and to authorize the return of remaining escrow for the following permits: Permit #2008-11, Alpine Park; Permit #2008-16; Permit #2009-09; JBT Machining / QDP Technologies. Vote: 4 ayes, 0 nays. Motion carried.

OLD BUSINESS

Status of Draft Third Generation Plan

Jankowski noted the special meeting that had been scheduled for yesterday to discuss the Draft Third Generation Plan was cancelled.

Consensus was reached to reschedule the special meeting to discuss the Draft Third Generation Plan for the week of July 26, 2010, with Obermeyer and Schurbon present. Haas will coordinate the date and time of the meeting. The meeting agenda will also include the TEP recommendation on Permit #2003-07, Ramsey Town Center if available.

NEW BUSINESS

Update ~ Permit #2010-06 ~ Hawkrigde Park Reconstruction ~ Haas

It was noted that this permit was approved at the June 17, 2010 Board meeting.

Update ~ Permit #2001-22 ~ Ramsey Organic Dirt ~ Jankowski

Discussed under the *Communications* portion of the agenda.

OTHER BUSINESS ~ None.

ADJOURNMENT

A motion was made by Anderson, seconded by Vierzba, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 10:05 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

SPECIAL MEETING NOTICE

July 26, 2010 – 12:30 p.m.

Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. DISCUSS COMPLETION OF THIRD GENERATION PLAN
- D. RECEIVE TEP PANEL RECOMMENDATION OF PERMIT #2003-07
RAMSEY TOWN CENTER
- E. ADJOURNMENT

Next regular meeting date is August 19, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

JULY 26, 2010

CALL TO ORDER

Chairman Steve Jankowski called the special meeting to order at 12:30 p.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka. Absent: None.

Also present were: Andover Alternate Bruce Perry, Bob Obermeyer of Barr Engineering, Anoka City Engineer Greg Lee, Jamie Schurbon of the Anoka Conservation District (ACD), and Melissa Lewis of BWSR.

The Board agreed with the request of Haas to add an item, Other Business, to the agenda.

DISCUSS COMPLETION OF THIRD GENERATION PLAN

Obermeyer referred to the comments from the Anoka Conservation District, and stated that he believed the comments were straight forward and he would work with Jamie Schurbon to draft the suggested language. He asked if the Board would like to discuss the comments regarding the permitting process and explained the issues that had been brought forward regarding the proposed process.

Anderson commented that the ten acre size was proposed because of the feelings from the City of Ramsey and advised that the Board was unsure if that would be accepted.

Jankowski stated that he would continue to support the size of ten acres, with two exceptions and explained those situations. He explained that when the WMO was created there was very little staff to review the projects but the organization has changed significantly since that time. He reported that 70 permits have been completed in the City of Ramsey since 2004, not including the projects that were not completed, and questioned if the Board really wants to have the permits reviewed more in depth.

Haas believed that the size should be set at one acre, and advised that those are the feelings of the Andover City Council as well.

Perry commented that this method is less restrictive, not more restrictive.

Lee confirmed that one acre would also be the preferable size for the City of Anoka.

Jamie Schurbon, ACD, commented that one acre is a more consistent method, and also has an impact on water quality as most projects are going to be closer to one acre than ten acres.

Melissa Lewis, BWSR, agreed with the comments made by Schurbon and commented that for a developer the plan should be clear, and the trigger that requires permitting is easily recognizable. She also believed that the standards should be clear when a trigger is activated. Lewis suggested moving some items in the Plan so a developer could easily find the information.

Haas confirmed that Obermeyer was going to add the permitting information to the appendix section of the Plan for easy access.

Jankowski commented that he has not received comments from developers or city staff that the Plan is difficult to follow.

Lewis commented that the application is not included in the Plan, nor is the other information that could be beneficial.

Haas advised that the Board discussed changing the joint powers agreement to give the WMO the authority should a member city not follow the regulations of the WMO.

Obermeyer referred to a section of the Plan that lays out the step-by-step instructions for developers, as well as another section that reviews the regulations.

Schurbon agreed that it would be helpful to include that information in an appendix, as even though the information is included in the Plan, it would be clearer if that information were put together in an easy to follow section of the Plan.

Jankowski commented that out of the 70 permits he referenced earlier, at least 30 of those permits were just the formality of issuing the permit and questioned if that cost should be cut out and whether the WMO needed to review those permits.

Motion was made by Anderson, seconded by Haas, to change the proposed permitting threshold size to one acre.

Vierzba stated that originally he was willing to go to ten acres, but now after hearing comments from the other cities he would favor the one acre size. He believed the change would mostly affect Andover and Ramsey.

Jankowski commented that a lot of the permit review is unnecessary and is costing someone money.

Vote: 3 ayes, 1 nay (Jankowski). Motion carried.

Obermeyer moved the discussion onto the comments received from BWSR. He noted that some of the comments were housekeeping related but advised that he did have questions regarding the terminology. He referred to the conflict resolution comments and questioned how a dispute between a member city and the WMO would be handled.

Lewis stated that she did review the joint powers agreement and although most of the agreement is compliant, she had commented on the additional items that would need to be included. She believed that those items should be revised and included prior to the Plan being submitted to

ensure that the WMO has the authority to enforce the Plan. She suggested that the Board agree on compliance items prior to discussion with the Attorney so that he would know what type of agreement to draft.

Schurbon explained the authority that is given to a WMO by State statute and the joint powers agreement could reference that statute but would also list the steps that would be followed should a member city become noncompliant.

Obermeyer advised that all of the member cities would need to agree to the joint powers agreement as well.

Jankowski agreed that the current language in the compliance section of the joint powers agreement is not very specific and could be reviewed by legal counsel.

Lewis provided different aspects of noncompliance and advised that the WMO would need to address those types of noncompliance, rather than using a blanket statement.

Obermeyer referred to the comments made by BWSR in regard to ditches and confirmed the County and City jurisdictions. He discussed the comments regarding funding and noted that he did have the CIP's from member cities, with the exception of Anoka. He agreed that language should also be included regarding grants and the ability to apply for grants.

Jankowski questioned how much matching funds would be required from member cities. Schurbon advised that most grants require a match of 25 to 50 percent from a member city, and most of those projects are in the area of tens of thousands of dollars, compared to the cost-share projects that are given to residents at a cost of \$1,000 to \$2,000. Lewis confirmed that a city can apply for some grants on their own, while some grant funds are only available to a WMO or WD.

Anderson stated that he believed it would be beneficial to include the language in the Plan so that the WMO would not be limiting itself.

Vierzba referenced the comments from the City of Ramsey regarding wetland buffers and Best Management Practices (BMPs).

Schurbon advised that the WMO should identify the standards to provide direction for the TEP discussion.

Haas commented on a process ongoing with the Coon Creek Watershed District regarding changes to the ground water and wetlands.

Obermeyer stated that he would work with Schurbon on the above reference comment responses, and would then respond to the comments made by each agency and revise the Plan. The revised Plan would be sent out again to each agency for comments.

RECEIVE TEP PANEL RECOMMENDATION OF PERMIT #2003-07 RAMSEY TOWN CENTER

Jankowski stated that background information had been provided to the Board at a previous meeting regarding the problems that had occurred during the development of the Ramsey Town Center, and briefly summarized the issues. He noted that the City now owns the land and is

proposing to complete the mitigation of the two wetlands and then purchase the remaining wetland credits from the bank. He advised that the TEP is now discussing what type of credits to purchase and noted that a recommendation has not been made at this time. He advised that the previous developer had put up a bond, which is being held by the WMO, to ensure that the wetland mitigation is completed. Jankowski presented a draft letter that he would like the WMO to issue to request a plan and schedule for mitigation, and the intention to call the bond if a schedule is not received. He advised that he had spoken with legal counsel and was advised that the WMO should provide the developer with the opportunity to complete the work prior to the calling of the bond.

Haas suggested sending the letter via certified mail so that receipt would be acknowledged.

Vierzba questioned if the bond was going to be valid since the developer is not in business. Jankowski advised it is a cash bond, compared to a performance bond, and therefore should be valid.

Motion was made by Anderson, seconded by Vierzba, to authorize the draft letter to be composed on WMO letterhead and sent to the identified party. Vote: 4 ayes, 0 nays. Motion carried.

OTHER BUSINESS

Haas stated at the last meeting the State Senator had mentioned that the WMO does not exist and wanted to clarify that BWSR does recognize the WMO. Melissa Lewis of BWSR confirmed that and BWSR does recognize the WMO does exist. She suggested that additional items be included in the joint powers agreement, such as who can be a member of the Board should one of the current members resign.

Haas stated that members should have been made aware, prior to the last meeting, who would be in attendance so that the LRRWMO's legal counsel could have been present as well to address the issues and comments that had been made.

Further discussion ensued regarding a WCA application and that the Enstrom's wetland specialist representative is well aware of where the required forms can be found on the BWSR website and should have mentioned this during the Enstrom discussion.

ADJOURNMENT

A motion was made by Anderson, seconded by Vierzba, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment 1:55 p.m.

Respectfully submitted,

Amanda Staple
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

August 19, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA - REVISED

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. July 15, 2010, Regular Meeting
 - 2. July 26, 2010, Special Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. Update ~ Permit #2001-22, Ramsey Organic Dirt Permit Balance ~ Jankowski
- E. CONSIDER COMMUNICATIONS
 - 1. East Bethel Wastewater Collection System
 - 2. MnPCA ~ Reissue NPDES & SDS
 - 2. U of M ~ Household Ecosystem Project
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT
 - 1. 2nd Quarter 2010 Reports ~ Andover & Anoka
- G. OLD BUSINESS
 - 1. UPDATE ~ Permit #2001-22 ~ Ramsey Organic Dirt Replacement Plan
 - 2. UPDATE ~ Permit #2003-07 ~ Ramsey Town Center ~ Jankowski
 - 3. Status of Draft Third Generation Plan
- H. NEW BUSINESS ~ None
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is September 16, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

AUGUST 19, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:32 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were: Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka (arrived at 8:33 a.m.).

Also present were: LRRWMO Attorney Charlie LeFevere of Kennedy & Graven, Deputy Treasurer Lori Yager, Anoka Engineering Technician Russ Zastrow, Ramsey City Engineer Tim Himmer, Andover City Administrator Jim Dickinson, Ramsey Alternate Matt Look (arrived at 8:41 a.m.), Andover Alternate Bruce Perry, Lynda Peterson of BWSR, State Senator Mike Jungbauer, Barbara Harper representing Congresswoman Michele Bachmann's Office, John Enstrom of Ramsey Organic Dirt, Attorney Paul Hemming of Briggs and Morgan, and Ben Hodapp of Anderson Engineering, Coon Rapids resident Brad Johnson.

AMEND AGENDA

The agenda was amended as follows: Correction to Agenda Item C1 ~ ~~June~~ July 15, 2010, Regular Meeting; Correction to Agenda Item C2 ~ ~~June~~ July 26, 2010, Special Meeting; Agenda Item F1 moved up in the agenda to follow Agenda Item C2; Addition of Agenda Item H2: Update ~ Permit #2003-07 ~ Ramsey Town Center; Agenda Items H1 & H2 moved up in the agenda to precede Agenda Item D1; Agenda Items E1, E2 and E3 moved up in the agenda to precede Agenda Item D1.

APPROVE MINUTES

July 15, 2010, Regular Meeting

The following corrections were requested to the July 15, 2010 Regular Meeting Minutes:

- Roll Call to include State Representative Peggy Scott
- Inclusion in the minutes regarding Senator Jungbauer's comments on the validity of the LRRWMO.

Consensus was reached to table approval of the July 15, 2010 Regular Meeting Minutes to the September 16, 2010 Board meeting.

July 26, 2010, Special Meeting

Motion was made by Vierzba, seconded by Haas, to approve the July 26, 2010 Special Meeting Minutes as submitted. Vote: 4 ayes, 0 nays. Motion carried.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT

2nd Quarter 2010 Reports ~ Andover & Anoka

Zastrow presented the City of Anoka Year 2010 Second Quarter Report.

Motion was made by Vierzba, seconded by Haas, to approve the Year 2010 Second Quarter Report for the City of Anoka, as presented. Vote: 4 ayes, 0 nays. Motion carried.

City of Andover Year 2010 Second Quarter Report not available ~ tabled to the September 16, 2010 Board meeting.

NEW BUSINESS

Update ~ Permit #2001-22 ~ Ramsey Organic Dirt Replacement Plan ~ Jankowski

Jankowski noted the receipt of the Briggs & Morgan letter to the LRRWMO Board dated August 18, 2010, stating Enstrom's intent to submit a complete replacement plan application which will include a request for a 1:1 replacement ratio.

Mr. Paul Hemming, Briggs & Morgan, clarified that an agriculturally based ratio will be used in the replacement plan; however, the August 18, 2010 letter did not specify a 1:1 or 1.5:1 ratio.

Jankowski requested Attorney LeFevere provide an overview of the process associated with the replacement plan application.

LeFevere reviewed that the DNR has issued an order requiring Ramsey Organic Dirt to purchase wetland credits or submit a complete replacement plan. The August 9, 2010 LRRWMO letter by Mark Jacobson states that the wetland replacement plan application submitted by Enstrom is incomplete. In addition there is a question regarding the appropriate replacement ratio, as the Technical Evaluation Panel (TEP) had concluded in its findings that the project does not qualify for the 1:1 replacement ratio. LeFevere advised that the recommendation from Barr Engineering is that the TEP report be accepted. However, this would not be his recommendation at this time. LeFevere advised that he would regard the report as advice from TEP as to their opinion about the legal arguments raised, and the facts and evidence presented, and that they did not feel the agricultural ratio was appropriate based on the information received. However, additional information was presented to TEP yesterday. LeFevere noted that the August 18, 2010 letter from Briggs & Morgan requests that the LRRWMO Board approve the 1:1 ratio. He advised that he considers this premature and would recommend waiting until a complete application has been submitted at which time to consider the advice from TEP. An alternative request in the subject letter is that this be decided as part of the replacement plan which will be submitted, which is entirely appropriate.

Mr. Hemming stated they would like an answer today that an agricultural ratio can be used, otherwise they will be forced to submit a replacement plan not knowing whether the number they are discussing will be approved. The alternative request was if the Board is not prepared to make that decision today, to have it decided in connection with the complete replacement plan in which they will utilize an agricultural based ratio. The replacement plan will be submitted for approval before the month expires.

Look arrived at 8:41 a.m.

Jankowski inquired about the timeframe associated with preparing the replacement plan. Mr. Ben Hodapp, Anderson Engineering, replied that the timeframe will depend on the approach Mr. Enstrom would like to take to provide mitigation. A bit more effort will be required to provide the engineering for on-site mitigation.

Haas inquired if the applicant has met with the Army Corps of Engineers (ACOE) regarding the replacement ratio. He noted the ACOE letter appears to be quite adamant on the 2:1 replacement ratio. Mr. Hemming replied that they have not met with the ACOE to discuss the contents of the letter. The intent is to go to the ACOE following the completion of the replacement plan application at this level. He expressed disagreement that the Wetland Conservation Act requires a 2:1 ratio.

LeFevere advised that there should be discussion on what procedure this will follow; however, this is not something to be decided today. It appears from the current information that TEP and the applicant are not in agreement in terms of the appropriate ratio. After the complete application is processed and comes back to the Board a decision will need to be made. That decision can be appealed to BWSR by a member of TEP or the applicant. BWSR will not accept the appeal unless there is a full administrative record of proceedings. If it appears that there will be this sort of fundamental disagreement, the Board may want to schedule a more formal procedure with a hearing and all parties given the opportunity to present evidence. The record of proceedings will be presented to BWSR for review.

Jankowski asked if BWSR looks at the differences as being irreconcilable. Ms. Lynda Peterson, BWSR, replied not at this point with the ratio.

State Senator Mike Jungbauer stated at the July Board meeting this group made a motion to accept a 1.5:1 plan that Enstrom proposed, and they knew this would take it out of the hands of this Board. This was only subject to the attorney saying the Board had the authority to accept that. He stated they were aware it would have then moved to the ACOE or that someone could file an appeal. He stated he has made contact with members from TEP and the DNR. He further stated it seems that the Board has not dealt with the motion to get with the LRRWMO attorney on whether the Board has authority to accept that plan.

LeFevere commented when parties have a number of issues that will have to be decided by a public body, they would like to have them all decided one at a time; however, most of the time courts and administrative proceedings do not work that way. He pointed out that if the 1:1 ratio were to go all the way through the process and be rejected it would need to start all over again. LeFevere advised that he was informed by Jim Haertel of BWSR that there is not a procedure for

a decision to be made at this level that could be appealed and be binding. LeFevere stated his advice is to handle this all at once with a complete application, processed in accordance with the Wetland Conservation Act. The decision can then be appealed.

Senator Jungbauer stated his position that the motion made at the July 16, 2010 Board meeting should be brought back on the table and rescinded. He stated the legal opinion was not sent out in a written document. LeFevere replied that his understanding of the motion as that the Board wanted to approve a 1.5 replacement ratio provided he gave the opinion they had the authority to do that. He has advised Chair Jankowski that the Board does not have that authority. The motion was appropriate in that it was contingent on something that did not occur.

Senator Jungbauer stressed that the motion was contingent upon a legal opinion and that he would like that opinion in writing. He stated there is a way in the statute to dissolve this Board, which he would like to do if it does not have the authority after all this time they have spent on Mr. Enstrom. He stated of all the complaints he receives in his office, this watershed is in the top five. If this Board does not have the authority to do the things they are trying to do to help them along, there is no reason to have this Watershed Board, and public funds should not be wasted with this type of Board. He stated he has been very open in that he does not think the members of this Board are legal based upon the statute. He wants to be sure that either there is some responsibility this Board can take or that it operates within the framework that every other public board operates under. He reiterated his position that the motion should be rescinded if the Board was provided with information that says the motion is not acceptable.

Jankowski stated that the information on the legality of the LRRWMO Board will be provided to Senator Jungbauer. He redirected the discussion back to the issue at hand in relation to the replacement plan application for Ramsey Organic Dirt.

Look stated he is concerned that this LGU does not have the authority to make this decision, and that other agencies are decision makers over the top of this Board. He stated if this Board is a matter of redundancy, the City of Ramsey may not have an interest in continued membership. He stated the City of Ramsey does not need to dedicate its staff time to have this Board trumped any time by an outside agency. He questioned whether the LRRWMO has authority to make this decision or whether the other agencies are trumping the power of this LGU. LeFevere stated this body is the LGU and not only has the authority, but the responsibility to make a decision on the replacement plan when it is received. That decision will include a decision on a proper replacement ratio. The decision must be made in a process that follows the Wetland Conservation Act. He stated just like every other LGU, the LRRWMO cannot trump the Wetland Conservation Act. It can be frustrating to have multiple jurisdictions looking at an application, but it is necessary to go through the process. The decision can be appealed once that process is over.

Ms. Barbara Harper, representing Congresswoman Michele Bachmann's office, requested clarification regarding the authority of the LRRWMO Board, TEP, DNR and BWSR. LeFevere explained that the DNR and BWSR are not appointed by this Board. TEP was created by the legislature to make sure there is some oversight of the LGU's administration of the Wetland Conservation Act. TEP does not answer to this body. The TEP members represent their agencies which have the right to appeal if they do not think this body is doing its job correctly. In a sense, TEP is advisory to this body but is not subordinate to this body.

Ms. Harper requested further clarification as to the influence of TEP if the LRRWMO Board were to accept the 1:1 replacement ratio. LeFevere explained that a member of TEP, the DNR or BWSR could appeal the decision of the LRRWMO Board.

Ms. Peterson provided an overview of the process once the replacement plan application is submitted. She advised that the Board can make its decision according to the recommendation of TEP or it can make its own decision, but there must be a reason not to be in agreement with the TEP recommendation. She stated the decision of the Board could be appealed by a landowner, members of the public, or a member of TEP.

Ms. Harper questioned if TEP would appeal a decision of the Board if it is not in agreement with the TEP recommendation. Ms. Peterson stated the TEP recommendation is based on rule and an appeal would be made if the Board's decision does not follow the rule.

Look stated one of the key sticking points has been a woodchip trail that was a handshake agreement with the engineering firm per Mr. Enstrom. He expressed his opposition to the handling of this application with handshake agreements not being followed through and mistakes that have been made, and the applicant being required to purchase wetland credits ten years after the process began.

Mr. Hemming indicated that Enstrom would like to speak regarding the woodchip trail. Jankowski stated that discussion on the woodchip trail would best be held at the administrative hearing, and that the meeting today is not for the discussion of technical matters.

Mr. Hemming stated he would like it to be clear in the meeting minutes that Mr. Enstrom was not given the opportunity to speak to the subject of the woodchip trail. Mr. Enstrom's comments would be related to the handshake agreement that occurred a number of years ago.

Senator Jungbauer stated it should also be clear on the record that the DNR enforcement action on this case has been 100% controlled by this Board. This Board has the ability to rescind what it requested the DNR to do and is 100% in control of that order.

Ms. Peterson stated that the DNR is the enforcement authority. The replacement order states that the order can be rescinded or the deadline extended upon the submittal of a complete application. The DNR is able to rescind that order and will do what the LGU and TEP agree to.

Jankowski requested legal counsel regarding the appropriate action of the Board today. LeFevere stated he does not believe it is fair to say that the DNR will never take enforcement action no matter what the LGU does. It sounds like the DNR is willing to take into consideration the process before the LGU on this replacement plan. An alternative approach has been allowed that the applicant could submit a complete application for the replacement plan. He advised that an option available to the Board would be to authorize the Chair to send a letter informing the DNR that it has been represented to the Board that a complete application will be submitted by the end of August and that upon receipt of a complete application the Board intends to process the application within the requirements of the Wetland Conservation Act.

Motion was made by Vierzba, seconded by Anderson, to authorize Chair Jankowski to send a letter informing the DNR that it has been represented to the LRRWMO Board that a complete replacement plan application for Permit #2001-22, Ramsey Organic Dirt, will be submitted by the end of August 2010, and that upon receipt of a complete replacement plan application the Board intends to process the application within the requirements of the Wetland Conservation Act. Vote: 4 ayes, 0 nays. Motion carried.

Mr. Brad Johnson, citizen of Coon Rapids, requested information on the standard for a review on any appeal. LeFevere replied that there would be a hearing before the BWSR Dispute Resolution Commission with a recommendation made to the full BWSR Board. He would expect that since BWSR would not be hearing live testimony they will give deference to this body's determination as to matters of credibility.

Mr. Enstrom stated 34 days have been wasted since the last meeting and they have gotten nowhere. He expressed concern that he has lost his legal rights to appeal this process because the last day he could send an appeal was the day of the July LRRWMO Board meeting and this Board's inaction. He stated two days after that was his last day to appeal to BWSR, so he has lost that right to appeal also. They are now asking that the ACOE extend the order to get this restoration order done to September 30, 2010, but September 20, 2010 is the date the DNR has ordered that it be seeded. He stated he does not want to be thrown in jail due to the incompetence of this Board. He believed that he had made a generous offer last month to get this moving along and he would like to see something happen from this Board to get this resolved. He stated he cannot get an accurate restoration order without the actual definition cleared up because he does not know the goal that must be obtained. He stated he cannot come up with a plan without knowing whether the woodchip trail is legal or not.

Jankowski informed Mr. Enstrom that the process must be followed.

Himmer inquired about the timeframe if an application is submitted by the end of the month. Ms. Peterson replied there is a 15 day mandatory review once the complete application is submitted before it can be reviewed by the LGU.

Mr. Hemming requested that TEP provide an indication a bit before the 15 day review period if they believe a hearing will be needed.

Look stated much of what needs to be accomplished could be done with a 1:1 ratio based on agricultural status, and that he would challenge this Board to think long and hard about the 1:1 ratio. He stated Mr. Enstrom's farm is agricultural status and has been taxed under agricultural status. He stated this Board can accept a 1:1 ratio or a 1.5:1 ratio, and it can be challenged by whoever would like to challenge it.

Jungbauer recommended that the Board members study the Wetland Conservation Act. He stated there is openness in the way the people use the open water wetland as well as the agricultural status.

Update ~ TEP Recommendation of Permit #2003-07, Ramsey Town Center

Jankowski reviewed the discussions held at the July 15 and July 26, 2010 Board meetings regarding Permit #2003-07, Ramsey Town Center. He stated there is an agreement with TEP on a proposal made by the City of Ramsey. He has had discussions with TEP and will be confirming by letter the purchase of credits in various areas. He hopes to have a formal letter before the Board at the September 16, 2010 meeting. Jankowski stated the second issue that was brought up regarding this issue is that the LRRWMO received a bond for replacement of the wetland. The letter to Glen Rehbein Excavating, Inc. that was authorized at the July 26, 2010 Board meeting has been issued. The letter requests a schedule for the completion of all wetland mitigation be created within 30 days. Jankowski stated it is believed by the City of Ramsey that the developer is out of business. In order to keep this moving, they would like to follow up with a letter to the bonding company as soon as possible after the 30 day period. A letter has been prepared and reviewed by LeFevere. He requested the Board consider authorization that the letter be sent on August 30, 2010 if a response has not been received by the developer.

Motion by Haas, seconded by Anderson, to authorize submittal of the above referenced letter to the bonding company on August 30, 2010 if a response is not received by Glen Rehbein Excavating, Inc, as outlined above. Vote: 4 ayes, 0 nays. Motion carried.

OLD BUSINESS

Status of Draft Third Generation Plan

LeFevere and the Board discussed the following issues in relation to completion of the Third Generation Plan:

JPA (current expiration of the JPA is 2015): It was noted that staff will no longer be able to serve on the Board when the current members retire due to legislative requirements. There was discussion on whether to include a goal in the Plan regarding the transition of the Board membership. LeFevere advised that the Board may want to consider facilitating meetings with representatives from the member cities to look at amendments/extension of the JPA starting approximately 12 to 18 months prior to the JPA expiration date. He advised on the model of a Technical Advisory Commission (TAC) which has been successful in other WMO's. It was noted that there is nothing in the current JPA that would prevent the creation of an advisory group to the organization or requesting comment from various organizations/individuals. LeFevere further advised that the Board may determine that certain types of applications can be approved at a staff level and certain projects need to come to this body. There is nothing in the JPA that prevents the Board from setting up these types of procedures. ***Consensus was reached that the JPA is not to be amended at this time.***

Enforcement: ***Consensus was reached that the Plan is to include language to reflect that the member cities are required to meet the requirements established by the LRRWMO, and that the local plans will be reviewed to ensure this is done.***

Consensus was reached that LeFevere is to discuss the appropriate enforcement language with Obermeyer to be included in the Plan.

Dickinson left the meeting at 10:13 a.m.

Consensus was reached that LeFevere is to attend future LRRWMO Board meetings until the situation with Ramsey Organic is resolved.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending July 31, 2010. Account balances for the period were: Checking, \$13,757.07; less permit account balance of (\$3,393.72), for a total balance of \$17,150.79.

There was discussion on the status of billings related to Permit #2001-22, Ramsey Organic Dirt, and the impact to the budget if the billings are not paid.

Motion was made by Anderson, seconded by Vierzba, to accept the Treasurer's Report for the period ending July 31, 2010. Vote: 4 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$730.74 (services rendered in July of 2010), Barr Engineering in the amount of \$1,973.68 (services rendered in June/July of 2010), Kennedy & Graven in the amount of \$1,240.33 (legal services), City of Anoka in the amount of \$600.00 (services rendered in February – July of 2010), City of Ramsey in the amount of \$928.50 (permit refunds), and QDP & JBT Alliance in the amount of \$530.00 (permit refund).

Motion was made by Vierzba, seconded by Anderson, to authorize payment as presented and indicated above.

There was discussion about billings that will be coming through for legal services in relation to Permit #2001-22, Ramsey Organic Dirt.

Consensus was reached that legal billings associated with Permit #2001-22, Ramsey Organic Dirt, are to be charged against the permit.

Vote: 4 ayes, 0 nays. Motion carried.

Yager expressed concern regarding the current fund balance. She stated following the payment of the approved bills the fund balance will be approximately \$10,000 with approximately \$6,000 owed to the LRRWMO in relation to Permit #2001-22, Ramsey Organic Dirt. She inquired whether the delinquent billings for Permit #2001-22 are able to be sent to a collection agency.

There was discussion on LRRWMO policy in regard to delinquent billings being sent to collection agencies. Yager noted that the City of Anoka has a policy in place regarding collection agencies, and that the Deputy Treasurer service is provided by the City of Anoka. She indicated it may be necessary to request additional funds from the member cities due to the low

fund balance. Discussion ensued on the fund balance and anticipated expenditures remaining in 2010.

Consensus was reached to direct Yager to review policies of the LRRWMO and the City of Anoka in regard to collection agencies for additional discussion at the September 16, 2010 Board meeting, and to direct Yager to determine the appropriate funding to be requested from the member cities for the remainder of 2010 to be considered at the September 16, 2010 Board meeting.

CONSIDER COMMUNICATIONS

East Bethel Wastewater Collections System / MNPCA ~ Reissue NPDES & SDS/ U of M ~ Household Ecosystem Project

Jankowski reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

OTHER BUSINESS ~ None.

ADJOURNMENT

A motion was made by Vierzba, seconded by Jankowski, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 10:42 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

September 16, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. July 15, 2010, Regular Meeting
 - 2. August 19, 2010, Regular Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. Collection of Outstanding Permit Balances
 - 4. Member City Contribution for 2010
- E. CONSIDER COMMUNICATIONS
 - 1. DNR ~ Mississippi River Corridor Critical Area Rulemaking Project
 - 2. PCA ~ Extension of Public Notice ~ East Bethel Reclamation Facility
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT
 - 1. 2nd Quarter 2010 Reports ~ Andover
- G. OLD BUSINESS
 - 1. UPDATE ~ Permit #2001-22 ~ Ramsey Organic Dirt Replacement Plan
 - 2. UPDATE ~ Permit #2003-07 ~ Ramsey Town Center ~ Jankowski
 - 3. Status of Draft Third Generation Plan
- H. NEW BUSINESS
 - 1. Wetland Delineation Report ~ CR 57 & Alpine Drive
 - 2. Wetland Boundary/Type Review Request ~ Frauenshuh Commercial Real Estate Group ~ Ramsey ~ Jankowski
 - 3. LRRWMO Permit #2010-07 ~ Seventh Day Adventist Church ~ Andover
 - 4. LRRWMO Permit #2010-08 ~ Anoka Covenant Church ~ Anoka
 - 5. LRRWMO Permit #2010-09 ~ 151st Avenue, 152nd Avenue & Fluorine Street Paving Project ~ Ramsey ~ Jankowski
 - 6. LRRWMO Permit #2010-10 ~ Alpine Drive/Roanoke Street Project ~ Jankowski
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is October 21, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

SEPTEMBER 16, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:35 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were: Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka.

Also present were: LRRWMO Attorney Charlie LeFevere of Kennedy & Graven, Deputy Treasurer Lori Yager, Ramsey City Engineer Tim Himmer, Ramsey Alternate Matt Look (arrived at 8:58 a.m. and left at 10:00 a.m.), Andover Alternate Bruce Perry, Lynda Peterson of BWSR, Barbara Harper representing Congresswoman Michele Bachmann's Office, John Enstrom of Ramsey Organic Dirt, Attorney Paul Hemming of Briggs and Morgan, and Ben Hodapp of Anderson Engineering.

AMEND AGENDA

The agenda was amended as follows: Agenda Item H3 ~ LRRWMO Permit #2010-07 ~ Seventh Day Adventist Church ~~~Anoka~~ Andover

APPROVE MINUTES

July 15, 2010, Regular Meeting

Motion was made by Vierzba, seconded by Anderson, to approve the July 15, 2010 Regular Meeting Minutes as submitted. Vote: 4 ayes, 0 nays. Motion carried.

August 19, 2010, Regular Meeting

Motion was made by Haas, seconded by Vierzba, to approve the August 19, 2010 Regular Meeting Minutes as submitted. Vote: 4 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending August 31, 2010. Account balances for the period were: Checking, \$8,410.25; less permit account balance of (\$2,543.72), for a total balance of \$10,953.97.

Motion was made by Anderson, seconded by Vierzba, to accept the Treasurer's Report for the period ending August 31, 2010. Vote: 4 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$720.83. She stated an invoice from Barr Engineering in the amount of \$1,677.10 was received yesterday and will be included in the October authorization of bills.

Motion was made by Haas, seconded by Vierzba, to authorize payment as presented an indicated above. Vote: 4 ayes, 0 nays. Motion carried.

Collection of Outstanding Permit Balances

The Board reviewed and discussed outstanding permit balances and the Joint Powers Agreement (JPA) in relation to collection of outstanding permit balances. It was noted that the JPA does not specifically state how to address nonpayment.

Yager suggested that moving forward the Board may want to estimate permit costs, as the current \$750 application fee may not be adequate for projects that are substantial in nature. Jankowski noted there may be an obligation to increase the permit fees on issues involving wetlands, but prior to receiving the application it is not known how large the project will be. He suggested creating a schedule to include the \$750 permit application fee with an additional fee if there will be wetland impacts.

Consensus was reached on the following outstanding permits:

- *Jankowski will contact the Ramsey Finance Department regarding the \$2,077.25 outstanding balance billed to the City of Ramsey for Permit #2003-07.*
- *Jankowski will contact Green Valley Greenhouse regarding the \$2,751.43 outstanding balance for Permit #2006-21.*
- *Action regarding the \$5,526.24 outstanding balance associated with Ramsey Organic Dirt, Permit #2001-22, will be determined based on the applicant's payment action following the Board's discussion and decision on the applicant's Replacement Plan Application (Agenda Item G1).*

Member City Contribution for 2010

Yager indicated if the outstanding permit balances related to Permit Nos. 2003-07, 2006-21 and 2001-22 are collected the additional member city contribution for 2010 may not be necessary.

Consensus was reached to include discussion on the member city contribution for 2010 on the agenda of the October 21, 2010 Regular Board Meeting.

CONSIDER COMMUNICATIONS

DNR ~ Mississippi River Corridor Critical Area Rulemaking Project

Jankowski reviewed the DNR correspondence regarding public informational meetings scheduled on the Mississippi River Corridor Critical Area Rulemaking Project.

Informational; no action required.

PCA ~ Extension of Public Notice ~ East Bethel Reclamation Facility

Jankowski reviewed PCA correspondence regarding the extension of public notice comment period on the East Bethel Reclamation Facility.

Informational; no action required.

Jankowski reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT

2nd Quarter 2010 Reports ~ Andover

Haas presented the City of Andover Year 2010 Second Quarter Report. Return of escrow is requested for the following completed projects: #2004-06 ~ Country Oaks West; #2004-25 ~ Kimberly Oaks; #2010-03 ~ Street Reconstruction Project (Woodland Meadows South Half).

Motion was made by Vierzba, seconded by Anderson, to approve the Year 2010 Second Quarter Report for the City of Andover, as presented, and to authorize the return of escrow to the following projects: Permit #2004-06 ~ Country Oaks West; Permit #2004-25 ~ Kimberly Oaks; Permit #2010-03 ~ Street Reconstruction Project (Woodland Meadows South Half). Vote: 4 ayes, 0 nays. Motion carried.

Look arrived at 8:58 a.m.

OLD BUSINESS

UPDATE ~ Permit #2001-22 ~ Ramsey Organic Dirt Replacement Plan

The Board and those present reviewed the TEP Findings of Fact on Permit #2001-22 ~ Ramsey Organic Dirt Replacement Plan. Peterson reviewed the history and discussed the TEP Findings of Fact for Permit #2001-22. She outlined the position of TEP that the site does not qualify for the agricultural replacement ratio.

Mr. Paul Hemming, Briggs and Morgan Attorney representing Mr. Enstrom, stated there is an appeal process for whichever side is not satisfied with the decision of the Board, and that the applicant would like a decision on the Ramsey Organic Dirt Replacement Plan application. Mr.

Hemming reviewed Minnesota Rule 8420.0522 and stated the subject site in whole is agricultural in status which is outlined in the August 18, 2010 letter submitted on behalf of the applicant. Mr. Hemming stated if the specific use of the impacted area is to be looked at, it should look at how the area is used today, rather than historically. He stated the area is used as horticultural, which is classified as agricultural land according to Minnesota Rule 8420.011, subd. 6. Mr. Hemming stated his opposition to TEP's argument that the pre-project use of the land specific to the impact must be agricultural. He stated in addition, even if they look at the pre-project use of the site, there is plenty of evidence that the specific impact area is agricultural. He stated his position that the area was forested pre-project, and that managing the forest would meet the definition of agricultural use under the status of "silviculture" according to Minnesota Rule 8420.0105, subparagraph 2a. He stated whether looking at the broader land to determine agricultural status, looking at the use today, or the historical use, the applicant has submitted evidence of the agricultural use of the land.

Vierzba stated in regard to the discussion on the 1.5:1 ratio, his understanding of the law is that the agricultural ratio would be 1:1. Mr. Ben Hodapp of Anderson Engineering explained that the 1:1 ratio would be allowed if the applicant is able to mitigate with the same wetland types that have been impacted. The applicant acknowledges that this cannot be done, hence the 1.5:1 ratio.

Jankowski inquired about the case history of BWSR with regard to specific area use versus the general parcel. Peterson replied that there is not a lot of case history. The intent of the law is to prevent the loss of wetlands. The intent is to be site specific as to where the impacts occur, and this is how the law is applied in the entire United States. She stated if entire parcels were to be classified there would be much more agricultural drainage, filling, and reduction of wetlands.

Jankowski noted that the purpose of the law was no-net loss in wetlands, but the 1.5:1 ratio on this site would not result in a net loss of wetlands. Peterson replied that the bigger picture is statewide, not this specific parcel.

Discussion ensued on the TEP findings and the position outlined above by Mr. Hemming in relation to the Ramsey Organic Dirt Replacement Plan application, including the issues of no-net loss in wetlands, agricultural status, and the 1.5:1 ratio.

LeFevere commented on the following disputes related to the subject application:

Time of agricultural use: TEP has taken the position that it is not the current use, it is the use at the time of impact that must have been agricultural. He agrees with that opinion, in part because the regulation defines agricultural use as including both pasture and hayland products which are both defined with harvesting or use for those purposes in six of the last ten years. The regulation does not discuss future use. The requirement for a future use of agricultural is not before the Board today.

What land is looked at in the agricultural determination: Looking at the larger parcel there is no dispute that it is agricultural, but the position of TEP, which he agrees with, is that the agricultural use must have been in the impacted area, not the larger parcel. This is subject to interpretation.

Agricultural means with respect to the use of the impacted areas: Assuming the law requires that the agricultural use must have been the impacted areas, the question is what use was made of

those impacted areas, and whether some part of that area was used for agricultural purposes. He stated he is not sure he fully understands the historical use of those specific areas.

LeFevere stated in regard to silviculture, the definition is the management of forest trees. However, the term silviculture is not included in the definition of agricultural which is what the ratio is based on. LeFevere advised that the definition of agricultural land is included in the TEP report. The question is whether the Board is satisfied that the impacted area was used for agricultural purposes. The Board can conclude that the application should be approved if it interprets the regulation to mean that agricultural land is determined as some larger parcel and not just the impacted area.

Anderson noted at a previous meeting, a motion was made to agree to the 1.5:1 ratio subject to the LRRWMO Attorney's review. He questioned whether the Board is able to agree to this type of compromise with this application without setting precedent for other landowners in the State. LeFevere replied that the Board's action would not set precedent for the State or the Board. However, the LRRWMO Board as the LGU administers the Wetland Conservation Act and does not have the authority to compromise. The same results would be met if the Board were to conclude as a matter of fact and law that this land meets the agricultural land status.

Vierzba noted the Board approved the 1.5:1 ratio subject to the LRRWMO Attorney's review as a compromise. It has been made clear today that this ratio would not be a compromise, but would be the allowed ratio if the land is considered agricultural. He stated he believes this site is agricultural according to the intent of the law.

Motion by was made by Anderson, seconded by Vierzba, that the LRRWMO Board interpret the Ramsey Organic Dirt site as agricultural land, and to approve the Ramsey Organic Dirt Replacement Plan Application for Permit #2001-22 at a 1:5:1 ratio. Vote: 3 ayes, 0 nays, 1 present (Haas). Motion carried.

LeFevere advised that the decision on the Ramsey Organic Dirt Replacement Plan should be mailed to the landowner and affected parties.

Consensus was reached that Jankowski will work with staff to draft and distribute the letter of notification on the LRRWMO Board decision regarding the Ramsey Organic Dirt Replacement Plan for Permit #2001-22.

Look stated he has been clear about his dislike of appointees from the standpoint of responsibility to the public. His hope is that this case can be "put to bed" with terms of the final outcome. He stated one option that Enstrom has on the table is the woodchip trail, which is a pervious trail. He stated once the credits are paid for, Enstrom will be able to do what he would like with the trail. He believes it would be beneficial for the Board to attempt to format a requirement in an agreement with Enstrom that the trail is not to be changed from the woodchip form.

UPDATE ~ Permit #2003-07 ~ Ramsey Town Center ~ Jankowski

Jankowski reviewed the history of Permit #2003-07, Ramsey, Town Center. The project was first approved in late 2003 and revised plans were approved in mid-2004. Since that time, the

City of Ramsey has taken possession of the site following the bankruptcy of Ramsey Town Center, LLC. The City of Ramsey is proposing to complete approximately 70 percent of the planned on-site wetland replacement with the remainder proposed through purchase of available wetland bank credits. The City of Ramsey proposes to purchase 105,602 square feet of wetland bank credits from an existing wetland bank account in the Rum River major watershed in Kanabec County.

The Board reviewed the September 15, 2010 TEP Findings of Fact for Permit #2003-07 ~ Ramsey Town Center. The TEP Findings of Fact state:

1. The City of Ramsey has made reasonable efforts to maximize on-site wetland replacement on-site, constituting approximately 70 percent of the requirement replacement.
2. Reasonable efforts have been made to obtain wetland bank credits within the project watershed.
3. The proposed wetland replacement reasonably meets the siting requirements of the Wetland Conservation Act.

Motion was made by Anderson, seconded by Haas, to accept the September 15, 2010 TEP Findings of Fact for Permit #2003-07, Ramsey Town Center, Ramsey. Vote: 4 ayes, 0 nays. Motion carried.

Look left the meeting at 10:00 a.m.

Himmer requested clarification as to whether the motion to approve the TEP Findings of Fact for Permit #2003-07 includes approval of the amendment to the Ramsey Town Center Wetland Replacement Plan.

Motion was made by Haas, seconded by Vierzba, to approve the amendment to the Ramsey Town Center Wetland Replacement Plan for Permit #2003-07, Ramsey Town Center, Ramsey. Vote: 4 ayes, 0 nays. Motion carried.

Himmer asked if there has been any response on the bond issue associated with the subject permit. Jankowski replied that the certified letter was returned as undeliverable from Glenn Rehbein, Inc. A letter was sent on August 25, 2010 to the bonding company requesting their response within 30 days.

Status of Draft Third Generation Plan

Haas stated Obermeyer has talked with LeFevere who is providing language to incorporate into the Draft Third Generation Plan. Obermeyer will be completing the Plan with the necessary revisions.

Consensus was reached to include discussion on the Draft Third Generation Plan on the agenda of the October 21, 2010 LRRWMO Board Regular Meeting.

LeFevere left the meeting at 10:06 a.m.

NEW BUSINESS

Wetland Delineation Report ~ CR 57 & Alpine Drive

The Board reviewed the WSB & Associates, Inc. Wetland Delineation Report on the CR 57 & Alpine Drive Project, County Project No. 02-596-11.

Consensus was reached that Jankowski will contact Dennis Rodacker of the Anoka Conservation District to request that he review and reply to WSB & Associates, Inc. on the Wetland Delineation Report on the CR 57 & Alpine Drive Project, County Project No. 02-596-11.

Wetland Boundary/Type Review Request ~ Frauenshuh Commercial Real Estate Group ~ Ramsey ~ Jankowski

The Board reviewed the August 16, 2010 application letter from Frauenshuh Commercial Real Estate Group for wetland boundary/type review, and the September 8, 2010 Anoka Conservation District letter from Dennis Rodacker recommending LRRWMO approval of the wetland delineation at the location of Section 20 and 29 Township, Range 25W, Ramsey.

Motion was made by Vierzba, seconded by Anderson, to approve the wetland delineation requested by Frauenshuh Commercial Real Estate Group for the location of Section 20 and 29 Township, Range 25W, Ramsey, as recommended in the Anoka Conservation District letter dated September 8, 2010. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2010-07 ~ Seventh Day Adventist Church ~ Andover

Haas reviewed the September 10, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for the parking lot reconstruction for Anoka Seventh Adventist Church located at 15036 Round Lake Boulevard N.W. in Andover. Surface runoff from the parking lot is to be conveyed by propose storm sewer to a storm water management basin to be constructed on-site. The basin provides both water quantity and quality control meeting the LRRWMO storm water management requirements. The outlet from the basin is shown to discharge to Round Lake. The invert of the outlet pipe is to be constructed above the shown ordinary high water elevation of Round Lake therefore an MDNR permit is not required. Erosion control, silt fence, is shown to be installed at the limits of construction and a rock filter dike at the entryway onto the site from Round Lake Boulevard.

Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the September 10, 2010 memorandum.

Motion was made by Vierzba, seconded by Anderson, to approve Permit #2010-07, Seventh Day Adventist Church, Andover, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated September 10, 2010. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2010-08 ~ Anoka Covenant Church ~ Anoka

Jankowski reviewed the September 14, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for the parking lot reconstruction for Anoka Covenant Church located at 752 Grant Street in Anoka. Surface runoff from the parking lot is to be conveyed to a storm water management basin to be constructed on-site. The basin provides both water quantity and quality control meeting the LRRWMO storm water management requirements. The outlet from the basin is shown to discharge to the south and east from the site. Erosion control, silt fence, is shown to be installed at the limits of construction. Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the September 14, 2010 memorandum.

Motion was made by Vierzba, seconded by Haas, to approve Permit #2010-08, Anoka Covenant Church, Anoka, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated September 14, 2010. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2010-09 ~ 151st Avenue, 152nd Avenue & Fluorine Street

Himmer reviewed the plans for Permit #2010-09, 151st Avenue, 152nd Avenue, & Fluorine Street.

Jankowski reviewed the September 14, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for street reconstruction and drainage improvements of 151st Avenue, 152nd Avenue and Fluorine Street in Ramsey. The proposed storm sewer system will provide a high level piped outlet for an existing "land-locked" storm water basin located to the west of Helium Street. All work proposed is within existing right-of-way or easement areas. Erosion control, silt fence, is shown to be installed at the key location throughout the project site. Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the September 14, 2010 memorandum.

Motion was made by Haas, seconded by Vierzba, to approve Permit #2010-09, 151st Avenue, 152nd Avenue, & Fluorine Street, Ramsey, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated September 14, 2010. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2010-10 ~ Alpine Drive/Roanoke Street Project ~ Jankowski

Jankowski reviewed the September 10, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for the construction of a 10 foot wide bituminous trail along Alpine Boulevard from Armstrong Boulevard westerly 5235 feet. The trail crosses an existing cross culvert at approximately Station 46+90. The plans show grading/filling of the roadway side slope to accommodate the trail. A field verification of this area by a wetland scientist is required to ensure that impacts within a wetland area are not proposed. Erosion control is to be installed at "key" locations to minimize material from leaving disturbed areas. Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the September 10, 2010 memorandum.

Motion was made by Vierzba, seconded by Anderson, to approve Permit #2010-10, Alpine Drive/Roanoke Street Project, Ramsey, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated September 10, 2010. Vote: 4 ayes, 0 nays. Motion carried.

OTHER BUSINESS

Kelsey Round Lake Park Native Restoration Project

Haas provided an overview of the City of Andover's application to restore Kelsey Round Lake Park through the DNR Conservation Partners Legacy Grant.

Jankowski reviewed the draft letter dated September 10, 2010 from the LRRWMO Board stating support of the Kelsey Round Lake Park Native Restoration Project.

Motion was made by Anderson, seconded by Vierzba, to authorize Jankowski to issue the September 10, 2010 letter of support for the City of Andover's application to restore Kelsey Round Lake Park through the DNR Conservation Partners Legacy Grant. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Technical Advisory Committee

Haas suggested the Board begin discussions on forming a Technical Advisory Committee (TAC) in accordance with the Third Generation Plan. He suggested a definition of the member cities roles in the formation of the TAC be prepared for presentation to the city councils of the member cities. Haas volunteered to contact Dennis Rodacker of the Anoka Conservation District and/or Melissa Lewis of BWSR for input on methods used by other watershed districts to form similar committees.

Consensus was reached to include a discussion on forming the LRRWMO Technical Advisory Committee on the agenda of the October 21, 2010 LRRWMO Regular Board Meeting.

ADJOURNMENT

A motion was made by Anderson, seconded by Vierzba, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 10:27 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

October 21, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. September 16, 2010, Regular Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. Update on Outstanding Permit Balances:
 - Permit #2003-07 ~ City of Ramsey ~ Jankowski
 - Permit #2006-21 ~ Green Valley Greenhouse ~ Jankowski
 - Permit #2001-22 ~ Ramsey Organic Dirt ~ Yager
 - 4. Member City Contribution for 2010
- E. CONSIDER COMMUNICATIONS
 - 1. Wetland Review ~ Mississippi Regional Park ~ Ramsey
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT
 - 1. 3rd Quarter 2010 Reports ~ Andover, Anoka, Coon Rapids & Ramsey
- G. OLD BUSINESS
 - 1. Consideration of letter to Ramsey Organic regarding compliance with Replacement Plan
 - 2. Wetland Delineation Report ~ CR 57 & Alpine Drive
 - 3. Update on Permit #2010-10 ~ Alpine Drive Trail - Jankowski
 - 4. Discuss Draft Third Generation Plan
- H. NEW BUSINESS
 - 1. LRRWMO Permit #2010-11 ~ The Residence at The COR ~ Ramsey
 - 2. LRRWMO Permit #2010-12 ~ Suite Living ~ Ramsey
 - 3. Discuss Forming LRRWMO Technical Advisory Committee (TAC)
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is November 18, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

OCTOBER 21, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:35 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were: Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; and Bruce Perry, Andover Alternate. Absent: Todd Haas, Andover and Carl Anderson, Anoka.

Also present were: Deputy Treasurer Lori Yager, Ramsey City Engineer Tim Himmer, Anoka City Engineer Greg Lee, Jamie Schurbon of Anoka Conservation District, John Enstrom of Ramsey Organic Dirt, and Steven Sabraski of Landform Engineering Company.

APPROVE MINUTES

September 16, 2010, Regular Meeting

Motion was made by Perry, seconded by Vierzba, to approve the September 16, 2010 Regular Meeting Minutes as submitted. Vote: 3 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending September 30, 2010. Account balances for the period were: Checking, \$12,766.97; less permit account balance of (\$349.43), for a total balance of \$12,417.54.

Yager provided a brief overview of the Budget 2011 Analysis, noting it has been forwarded to the member cities for approval.

Motion was made by Vierzba, seconded by Perry, to accept the Treasurer's Report for the period ending September 30, 2010. Vote: 3 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$773.38 (services rendered in September of 2010), Barr Engineering in the amount of \$1,677.10 (services rendered in July/August of 2010), and Barr Engineering in the amount of \$1,377.56 (services rendered in August/September of 2010).

Motion was made by Vierzba, seconded by Perry, to authorize payment as presented and indicated above. Vote: 3 ayes, 0 nays. Motion carried.

Update on Outstanding Permit Balances

- Permit #2003-07 ~ City of Ramsey

It was noted that payment has been made on Permit #2003-07 with a remaining balance due of \$216.00.

- Permit #2006-21 ~ Green Valley Greenhouse & Permit #2001-22 ~ Ramsey Organic Dirt

Jankowski informed the Board that approximately \$2,000 of the \$2,751 balance due for Permit #2006-21, Green Valley Greenhouse, is associated with Kennedy & Graven charges related to enforcement discussions. He requested discussion from the Board as to whether these sorts of charges should be charged to the applicant, or whether it is the cost of doing business on the part of the LRRWMO. He noted there will likely be similar issues with the outstanding balance for Permit #2001-22, Ramsey Organic Dirt.

Yager advised that historically the LRRWMO has always charged any fees related to a permit, including attorney and engineering fees, against the permit.

Jankowski noted that in the case of Green Valley Greenhouse there were discussions regarding enforcement procedures; however, there was a fair amount of insight as to what the organization needed to do to address enforcement in the Third Generation Plan as well. He stated the City of Ramsey Finance Director has indicated that primarily the city ends up picking up the cost in similar situations that require involvement by the city attorney, such as noncompliance with a conditional use permit.

Yager stated this is also the procedure followed by the City of Anoka with a city attorney budget that is levied for. In the case of the LRRWMO, this procedure would require an adjustment in how the organization budgets or consideration of raising the administrative fee for the permit process to cover some of those costs.

Jankowski suggested a survey of the administrative fees charged by other watershed organizations.

Yager indicated she would be able to provide a recommendation in November which would be prior to approving the 2011 Budget. She advised that if the Board determines to move in this direction a resolution should be adopted stating that the LRRWMO will absorb attorney associated costs necessary for permit resolution.

Jankowski inquired about the amount of the Ramsey Organic Dirt invoices associated with attorney costs. Yager stated she will provide the figures at the November Board meeting.

Enstrom stated his concern regarding billings charged against Permit #2001-22 by Barr Engineering. Jankowski clarified that the Board will consider eliminating the legal billings associated with Permit #2001-22. He stated if Enstrom has any specific billings from Barr Engineering that he feels are incorrect he is to state his case on each specific bill. He inquired about the possibility of a partial payment on the account balance. Enstrom stated his concerns regarding costs incurred due to the requirement to purchase wetland credits, the requirement for

signed affidavits, and engineering bills. He reiterated his concerns regarding billings from Barr Engineering and suggested the LRRWMO request Barr Engineering to provide a credit for some of the work they have done.

Consensus was reached to direct Yager to provide a recommendation at the November 18, 2010 Board meeting on amending the LRRWMO billing procedure in relation to legal costs and administrative fees. Information is to be provided on billing amounts associated with attorney billings in order to determine the costs that would be absorbed by the Board.

Member City Contribution for 2010

Yager indicated that based on the current fund balance and anticipated expenditures, additional member city contributions for 2010 should not be necessary.

CONSIDER COMMUNICATIONS

Wetland Review ~ Mississippi Regional Park ~ Ramsey

Jankowski reviewed the correspondence from Hakanson Anderson regarding the Mississippi Regional Park Wetland Review.

Informational; no action required.

Jankowski reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT

3rd Quarter 2010 Reports ~ Andover, Anoka, Coon Rapids & Ramsey

City of Andover Year 2010 Third Quarter Report not available ~ tabled to the November 18, 2010 Board meeting.

Vierzba advised there are no active reports for the City of Coon Rapids.

Lee presented the City of Anoka Year 2010 Third Quarter Report. Return of escrow is requested for the following completed projects: #2009-17; W. Main Street Reconstruction #2009-11; 2010 Street Renewal; #2010-05; 2010 Street Surface Improvement Project.

Motion was made by Vierzba, seconded by Perry, to approve the Year 2010 Third Quarter Report for the City of Anoka, as presented, and to authorize the return of escrow to the following projects: #2009-17; W. Main Street Reconstruction #2009-11; 2010 Street Renewal; #2010-05; 2010 Street Surface Improvement Project. Vote: 3 ayes, 0 nays. Motion carried.

Enstrom complimented the City of Anoka on the quality of the West Main Street Reconstruction Project.

Jankowski presented the City of Ramsey Year 2010 Third Quarter Report.

Motion was made by Vierzba, seconded by Perry, to approve the Year 2010 Third Quarter Report for the City of Ramsey, as presented. Vote: 3 ayes, 0 nays. Motion carried.

OLD BUSINESS

Consideration of Letter to Ramsey Organic Regarding Compliance with Replacement Plan

Jankowski reviewed the October 21, 2010 LRRWMO letter to Ramsey Organic Dirt regarding Compliance with the Replacement Plan for Permit #2001-22. He noted that the letter sets a deadline for providing documentation on the recording of deed restriction, as well as a deadline to provide evidence of purchase of wetland credits. The letter also states the requirement for a wetland replacement plan amendment application if the wood chip trail is to be removed.

Motion was made by Vierzba to authorize the LRRWMO Chair to send the above referenced letter dated October 21, 2010 to Ramsey Organic Dirt regarding compliance with the Replacement Plan for Permit #2001-22.

There was discussion on whether to remove the following sentence included in the subject letter: "If the Corps has not approved your application prior to December 21, 2010, you may request an extension by the LRRWMO of the deadlines set forth in this letter."

Consensus was reached not to remove the above sentence from the letter.

Motion seconded by Jankowski. Vote: 3 ayes, 0 nays. Motion carried.

Wetland Delineation Report ~ CR 57 & Alpine Drive

Jankowski reviewed the October 14, 2010 letter to the LRRWMO from the City of Ramsey regarding Permit #2010-10, Alpine Drive Trail Project. On September 16, 2010 the LRRWMO Board approved the above permit for this project contingent on the five standard conditions plus the requirement that the area to be filled near trail station P 47+00 be evaluated to determine whether this area is wetland and subject to the provision of the Wetland Conservation Act.

Jankowski reviewed the October 12, 2010 Alpine Trail Wetland Delineation Report prepared by Dennis Rodacker of the Anoka Conservation District. He explained that in response to the finding that the area requiring fill is a Type 1 seasonally flooded wetland, the City of Ramsey has surveyed the delineated area and has determined that the project would require the filling of 197 square feet of Type 1 wetland. The City of Ramsey is submitting an application for a de minimis exemption for this fill.

Motion was made by Vierzba, seconded by Perry, to accept the Alpine Trail Wetland Delineation as outlined in the Anoka Conservation District Alpine Trail Wetland Delineation Report dated October 12, 2010. Vote: 3 ayes, 0 nays. Motion carried.

Update on Permit #2010-10 ~ Alpine Drive Trail – Jankowski

Jankowski reviewed the Barr Engineering memorandum dated October 20, 2010 advising they have received and reviewed the Joint Application Form for Wetland Projects (Joint Application) for the Alpine Drive Trail project dated October 14, 2010 and the Alpine Trail Wetland Delineation Report (Wetland Delineation Report) prepared by the Anoka Conservation District dated October 12, 2010. Jacobson advises that the Wetland Delineation Report appears to accurately describe the presence of wetlands in the area of the project evaluated. A total of 179 square feet of wetland fill is proposed within a Type 1 wetland for extension of a culvert under the proposed trail. Reasonable avoidance alternatives have been provided documenting that the impacts are unavoidable. The area of proposed wetland fill meets the provision of the de minimis exemption, M.R. 8420.0420, Subp. 8(3), either part (a) or part (c) depending on whether or not the area is within a shoreland wetland protection zone, which could not be immediately verified. Therefore, the activity as proposed, appears to meet the exemption standards of the Wetland Conservation Act.

Jankowski explained that the City of Ramsey would like LRRWMO approval of the wetland fill based on the de minimis exemption in order to proceed with the project.

Motion was made by Vierzba, seconded by Perry, to approve of the wetland fill for Permit #2010-10, Alpine Drive Trail, based on the de minimis exemption as outlined in the October 20, 2010 Barr Engineering memorandum. Vote: 3 ayes, 0 nays. Motion carried.

Discuss Draft Third Generation Plan

Jankowski noted that Obermeyer has been preparing responses to comments from the regulatory agencies regarding the Third Generation Plan. He indicated he will contact Obermeyer regarding the status of the Plan.

NEW BUSINESS

LRRWMO Permit #2010-11 ~ The Residence at the COR ~ Ramsey

Himmer provided an overview of The Residence at the COR Project in Ramsey, LRRWMO Permit #2010-11.

Jankowski reviewed the October 15, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for the construction of a multi-story apartment building to be located adjacent to the Ramsey municipal parking ramp in the Ramsey Town Center development. The site is 3 acres in surface area with mass grading completed as part of the Ramsey Town Center development. Storm water management is to be provided within the existing infrastructure constructed as part of the Ramsey Town Center. Erosion control is to be installed to minimize material from leaving disturbed areas. A rock filter dike is

to be constructed at the entryway onto the site from Sunwood Drive. Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the October 15, 2010 memorandum.

Motion was made by Vierzba, seconded by Perry, to approve Permit #2010-11, The Residence at The COR, Ramsey, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated October 15, 2010. Vote: 3 ayes, 0 nays. Motion carried.

LRRWMO Permit #2010-12 ~ Suite Living ~ Ramsey

Himmer provided an overview of the Suite Living Project in Ramsey, LRRWMO Permit #2010-12.

Jankowski reviewed the October 15, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for the construction of a multi-story assisted living building and associated parking to be located to the west of the proposed The Residence at the COR in the Ramsey Town Center development. The site is 1.9 acres in surface area with mass grading completed as part of the Ramsey Town Center development. Storm water management is to be provided within the existing infrastructure constructed as part of the Ramsey Town Center. Erosion control is to be installed to minimize material from leaving disturbed areas. A rock filter dike is to be constructed at the entryway onto the site from Sunwood Drive. Obermeyer recommends that the LRRWMO approve of the permit for this project subject to five conditions as detailed in the October 15, 2010 memorandum.

Motion was made by Vierzba, seconded by Perry, to approve Permit #2010-12, Suite Living, Ramsey, subject to the five (5) conditions as detailed in the Barr Engineering memorandum dated October 15, 2010. Vote: 3 ayes, 0 nays. Motion carried.

Discuss Forming LRRWMO Technical Advisory Committee (TAC)

Schurbon presented the ACD proposal for facilitating the 16-month process to form the LRRWMO Technical Advisory Committee (TAC).

Discussion ensued on the following in relation to the ACD proposal and forming the TAC:

- Forming the TAC has been identified as a goal in the Third Generation Plan
- In the past, BWSR has considered the addition of the TAC as a major plan amendment
- Cost of the proposal / limited budget funds: Billing would be in installments: 1) First billing amended from the proposal to February 1, 2011; 2) Second installment after the committee meetings have been completed; 3) Third installment following completion of the BWSR process. It was noted that the third billing may not occur until 2012.
- BWSR requirement to have a process in place to establish a Citizen Advisory Committee (CAC)

Consensus was reached to include continued discussion on forming a LRRWMO Technical Advisory Committee (TAC) and the ACD proposal to facilitate the process on the agenda of the November 18, 2010 Board Meeting.

OTHER BUSINESS

None.

ADJOURNMENT

A motion was made by Perry, seconded by Vierzba, to adjourn the meeting. Vote: 3 ayes, 0 nays. Motion carried.

Time of adjournment: 10:09 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

November 18, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

REVISED AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. October 21, 2010, Regular Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. Recommendation on Billing Legal and Administrative Fees
- E. CONSIDER COMMUNICATIONS
 - 1. MPCA ~ Regional Reclamation/Reuse Center ~ East Bethel, Mn
 - 2. MPCA ~ Birchwood Terrace Mobile Home Park ~ Wyoming, Mn
 - 3. ACD ~ New Office Address
- F. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT
 - 1. 3rd Quarter 2010 Reports ~ Andover
- G. OLD BUSINESS
 - 1. Discuss Draft Third Generation Plan
 - 2. Discuss Forming LRRWMO Technical Advisory Committee (TAC)
 - 3. LRRWMO Permit #2003-07 ~ Ramsey Town Center ~ Consider Application for Withdrawal of Wetland Credits from Wetland Bank
- H. NEW BUSINESS
 - 1. LRRWMO Permit #2010-14 ~ Legacy Christian Academy ~ Ramsey
 - 2. LRRWMO Permit #2010-15 ~ Ramsey Medical Building ~ Ramsey
- I. OTHER BUSINESS
- J. ADJOURNMENT

Items under postponement: RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is December 16, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

NOVEMBER 18, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:30 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were: Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka.

Also present were: Deputy Treasurer Lori Yager, Bruce Perry, Andover Alternate, Ramsey City Engineer Tim Himmer, Anoka City Engineer Greg Lee, Jamie Schurbon of Anoka Conservation District, Melissa Lewis of BWSR, and Johns Enstrom of Ramsey Organic Dirt.

AMEND AGENDA

The agenda was amended as follows: Agenda Item G2 was moved up in the agenda to precede Agenda Item G1.

APPROVE MINUTES

October 21, 2010, Regular Meeting

Perry assumed voting status as Andover's representative for the meeting minutes.

Motion was made by Perry, seconded by Vierzba, to approve the October 21, 2010 Regular Meeting Minutes as submitted. Vote: 3 ayes, 0 nays, 1 present (Anderson). Motion carried.

Haas resumed voting status as Andover's representative.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending October 31, 2010. Account balances for the period were: Checking, \$10,439.27; less permit account balance of (\$491.89), for a total balance of \$9,947.38.

Motion was made by Vierzba, seconded by Anderson, to accept the Treasurer's Report for the period ending October 31, 2010. Vote: 4 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$756.80 (services rendered in October of 2010), Barr Engineering in the amount of \$1,608.00 (services rendered in September/October of 2010), and Kennedy & Graven in the amount of \$6,491.48 (legal services rendered).

Discussion ensued on Kennedy & Graven billings. Yager indicated that the Kennedy & Graven billings will be broken out more clearly for the Board's review.

Motion was made by Vierzba, seconded by Anderson, to authorize payment as presented and indicated above. Vote: 4 ayes, 0 nays. Motion carried.

Recommendation on Billing Legal and Administrative Fees

Yager informed that in regard to legal and administrative fees, the largest outstanding balances are held by Permit #2001-22, Ramsey Organic Dirt in the amount of \$7,932.83, and Permit #2006-21, Green Valley Greenhouse in the amount of \$2,752.00. She noted that the Ramsey Organic Dirt portion of the current Kennedy & Graven bill is \$3,547.50. She further noted that the balance remaining on the Green Valley Greenhouse account would be \$0.57 if the legal fees are waived. Yager stated the philosophy brought forward at the October 21, 2010 Board meeting regarding a possible amendment to the LRRWMO billing procedure in relation to legal costs and administrative fees would be a change in procedure, and that this change is being driven by Ramsey Organic Dirt and Green Valley Greenhouse. She suggested consideration by the Board of whether the City of Ramsey should have been more involved in these projects with the member city paying the legal costs, or whether the costs should be absorbed by the LRRWMO.

Jankowski commented that this would require a review of individual bills. He stated in the case of Green Valley Greenhouse there were conversations between the City Attorney and the LRRWMO Attorney in regard to prosecution, local ordinances, etc., and that the City of Ramsey incurred legal expenses in relation to this permit.

Haas stated the position of the City of Andover is that the outstanding legal billings pertaining to Green Valley Greenhouse and Ramsey Organic Dirt should be absorbed by the City of Ramsey. He stated it has always been the intent that the individual cities are responsible to ensure that the projects are being done according to permit requirements.

Vierzba stated his position that the legal billings pertaining to Green Valley Greenhouse should be absorbed by the City of Ramsey, as each member city is responsible for ensuring that the requirements of the permit are followed through. However, Ramsey Organic Dirt legal fees were a result of the necessity for legal counsel due to Ramsey Organic Dirt challenging the findings of fact, and that Ramsey did not fail to do anything in this situation.

Jankowski stated his position that the permit granted to Green Valley Greenhouse was a LRRWMO permit.

Discussion ensued on whether the responsibility of legal fees falls on the member cities or the LRRWMO. It was noted that a review of the JPA is necessary for clarification on the responsible party for outstanding legal fees.

Anderson suggested that the Board members request an opinion on this subject from the city managers and city attorneys. He noted that when a city finds that a property owner is not doing what needs to be done on a property the city will step in and do what is required and assess the costs against the property. He questioned if this is an approach that could be used in this type of situation. Yager replied that the LRRWMO cannot assess properties, but the assessment could be done by the member cities.

Jankowski noted that an amendment to the JPA to state that the member cities will take on the responsibility to assess properties when directed by the LRRWMO would require an amendment of the JPA by the member cities. He suggested that moving forward the Board may want to consider allocating the increased costs associated with legal fees to wetland permits which seems to be the source of the large legal balances.

Discussion ensued on the LRRWMO Annual Budget. It was noted that the projected budget has been distributed to the member cities, and that the *Programs and Activities* costs allocated in the Draft Third Generation Plan will approximately double the member city fees in the projected budget.

Yager recommended that each Board member discuss where the increased *Programs and Activities* costs can be absorbed in the budgets with the Finance Department of the member cities.

Schurbon volunteered to review the Draft Third Generation Plan and provide the Board with an estimate on Anoka Conservation District (ACD) charges to complete tasks outlined under *Programs and Activities*, noting that that this may reduce the anticipated increase in the budget. Vierzba noted that it was also discussed at the October 21, 2010 Board meeting that the ACD billings associated with the Technical Advisory Committee (TAC) could be staged.

Anderson suggested scheduling a meeting with Board members, the LRRWMO attorney, member city attorneys, and member city administrators to resolve the issue of billings associated with legal fees.

Yager clarified that the total amount of outstanding legal billings related to Ramsey Organic Dirt and Green Valley Greenhouse is approximately \$12,000.

Lewis suggested that in addition to discussing the current outstanding legal fees, the Board may want to have additional discussion at the meeting to clarify the process related to legal fees for the future.

Consensus was reached to schedule a Special LRRWMO Board meeting with Board members, Attorney LeFevere, member city administrators, and member city attorneys present to resolve the issue of billings for current outstanding legal fees associated with Green Valley Greenhouse and Ramsey Organic Dirt, and to clarify the process related to legal fees for the future. Tentative meeting date: December 10, 2010 at 2:00 p.m.

CONSIDER COMMUNICATIONS

MPCA ~ Regional Reclamation/Reuse Center ~ East Bethel, MN

MPCA ~ Birchwood Terrace Mobile Home Park ~ Wyoming, MN
ACD ~ New Office Address

Jankowski reviewed the above communications, noting they do not require action.

Informational; no action required.

Jankowski reviewed the correspondence and notices contained in the Chair's Folder, noting they do not require action.

Informational; no action required.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT

3rd Quarter 2010 Reports ~ Andover

Haas presented the City of Andover Year 2010 Third Quarter Report.

Jankowski suggested that future quarterly reports include information on whether the projects involve wetland mitigations.

Motion was made by Anderson, seconded by Vierzba, to approve the Year 2010 Third Quarter Report for the City of Andover. Vote: 4 ayes, 0 nays. Motion carried.

OLD BUSINESS

Discuss Forming LRRWMO Technical Advisory Committee (TAC)

Schurbon advised on potential costs savings of approximately \$3,000 to the Anoka Conservation District (ACD) proposal for facilitating the 16-month process to form the Technical Advisory Committee (TAC). He indicated that the cost savings would bring the cost of the proposal down to approximately \$11,900.

Haas stated his support of approving the formation of the TAC. He noted that Schurbon has requested that a representative of the Board attend the TAC meetings.

Motion was made by Anderson, seconded by Vierzba, to approve and accept the Anoka Conservation District proposal to form the LRRWMO Technical Advisory Committee (TAC) as presented by Schurbon, and to appoint Haas to represent the LRRWMO at the TAC meetings.

Jankowski noted that the payment schedule would need to be amended from the original proposal as the LRRWMO does not receive member city assessments until February.

Schurbon suggested an amendment to the motion that the first payment be due no sooner than February 28, 2011.

The motion on the floor was amended to include a requirement that the first payment to ACD will be no sooner than February 28, 2011. Vote: 4 ayes, 0 nays. Motion carried.

Discuss Draft Third Generation Plan

The Board reviewed the Draft Third Generation Plan.

Haas noted that Obermeyer has requested that storm sewer maps from the member cities be submitted as soon as possible in order to distribute the Plan.

Motion was made by Haas, seconded by Vierzba, to move approval of the 45 Day Review of the Draft Third Generation Plan and authorization for Obermeyer to distribute the Plan to the regulatory agencies for review, with the member cities to provide storm sewer maps to Obermeyer by the end of the week.

Lewis stated the date of the Third Generation Plan 60-Day Review was June 1, 2010. There is a requirement that a public hearing should be held no sooner than 30 days, and no later than 45 days, after that review period. She pointed out that the LRRWMO is beyond this requirement at this point. In addition, the LRRWMO is behind on the requirement that a response to the comments be submitted within 30 days of the 60-Day Review. She requested Schurbon to include a TAC schedule when providing her with the Plan.

The motion was amended to schedule the required public hearing on the Third Generation Plan 60-Day Review for the December 16, 2010 Regular Board meeting. The public hearing is to be advertised two weeks prior and one week prior to the public hearing.

Lewis advised that the 45-Day Review is also submitted to state agencies and the Metropolitan Council for additional comments. Following this review the Board is to make final changes and submit the Plan to BWSR for a 90-Day Review. BWSR staff makes its recommendation to the subcommittee of the BWSR Board which provides a recommendation to the full BWSR Board. A representative of the LRRWMO Board is requested to attend the BWSR subcommittee meeting to present the Plan.

Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2003-07 ~ Ramsey Town Center ~ Consider Application for Withdrawal of Wetland Credits from Wetland Bank

Jankowski discussed the background information on Permit #2003-07, Ramsey Town Center, Ramsey. He reviewed the verification from BWSR that the requested wetland is available for withdrawal and requested that the Board consider authorization of his signature as the LGU Chair on the application for withdrawal of wetland credits from the wetland bank related to LRRWMO Permit #2003-07.

Motion was made by Haas, seconded by Vierzba, to authorize the signature of Chair Jankowski on the application for withdrawal of wetland credits from the wetland bank for LRRWMO Permit #2003-07, Ramsey Town Center, Ramsey. Vote: 4 ayes, 0 nays. Motion carried.

NEW BUSINESS

LRRWMO Permit #2010-14 ~ Legacy Christian Academy ~ Ramsey

Jankowski indicated that Obermeyer has requested additional information on this application. The project will not be constructed until 2011.

Motion was made by Haas, seconded by Vierzba, to table LRRWMO Permit #2010-14, Legacy Christian Academy, Ramsey, due to incomplete application. Vote: 4 ayes, 0 nays. Motion carried.

LRRWMO Permit #2010-15 ~ Ramsey Medical Building ~ Ramsey

Jankowski reviewed the November 12, 2010 memo from Barr Engineering advising they have received plans and a LRRWMO permit application for the construction of the Ramsey Medical Building to be located in the northeast quadrant of the intersection of Sapphire Street N.W. and Civic Center Drive in Ramsey. The proposed 21,800 square foot building is located within the Ramsey Town Center development. The plans show that the proposed on-site storm sewer is to connect to the existing infrastructure in Civic Center Drive. Storm water management, quantity and quality, is provided within existing regional facilities constructed as part of The Ramsey Town Center project. Erosion control, silt fence, is to be installed encircling the site and a rock filter dike is to be constructed at the entryway onto the site from Civic Center Drive. Obermeyer recommends that the LRRWMO approve of the permit for this project subject to four conditions as detailed in the November 12, 2010 memorandum.

Motion was made by Anderson, seconded by Vierzba, to approve Permit #2010-15, Ramsey Medical Building, Ramsey, subject to the four (4) conditions as detailed in the Barr Engineering memorandum dated November 12, 2010. Vote: 4 ayes, 0 nays. Motion carried.

OTHER BUSINESS

Jankowski announced that he will no longer be employed with the City of Ramsey as of the end of 2010. He stated he hopes to stay active in the community and has enjoyed working with the LRRWMO Board members.

ADJOURNMENT

A motion was made by Anderson, seconded by Haas, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 10:03 a.m.

Respectfully submitted,

Carol Hamer, Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

MEETING NOTICE

December 16, 2010 - 8:30 a.m. - Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVE MINUTES
 - 1. November 18, 2010, Regular Meeting
- D. FINANCE MATTERS
 - 1. Treasurer's Report
 - 2. Payment of Bills
 - 3. Recommendation on Billing Legal and Administrative Fees
- E. PUBLIC HEARING ON THIRD GENERATION LRRWMO PLAN
- F. CONSIDER COMMUNICATIONS
- G. REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None
- H. OLD BUSINESS
 - 1. Discuss Formation of Technical Advisory Committee
 - 2. Discuss Transfer of Wetland Replacement Responsibilities for Permit #2003-07 (Ramsey Town Center) to the City of Ramsey
- I. NEW BUSINESS
 - 1. LRRWMO Permit #2010-13 ~ CSAH 116 Reconstruction ~ Anoka & Ramsey
 - 2. LRRWMO Permit #2010-14 ~ Legacy Christian Academy ~ Ramsey
- J. OTHER BUSINESS
- K. ADJOURNMENT

Items under postponement: RFPs ~ Legal, Engineering & Accounting (after 3rd Gen. Plan adoption)
Permit #2001-07 ~ Kelsey Round Lake Park (extended to 2012)

Next regular meeting date is January 20, 2011 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

DECEMBER 16, 2010

CALL TO ORDER

Chairman Steve Jankowski called the meeting to order at 8:30 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were: Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka.

Also present were: Deputy Treasurer Lori Yager, Bruce Perry, Andover Alternate, Ramsey Director of Public Works/Principal City Engineer Brian Olson, Anoka City Engineer Greg Lee, Bob Obermeyer of Barr Engineering, Jamie Schurbon of Anoka Conservation District, Jim Haertel of BWSR, John Enstrom of Ramsey Organic Dirt, and Ben Hodapp of Anderson Engineering.

AMEND AGENDA

The agenda was amended as follows: Agenda Item E was moved up in the agenda to precede Agenda Item C1.

PUBLIC HEARING ON THIRD GENERATION PLAN

Obermeyer stated the 60 Day Review Draft of the Third Generation Plan has been sent to the government review agencies. Comments have been received. Based on the 60 Day Review the 45 Day Review Draft has been submitted to the review agencies. Three comments have been received on the 45 Day Review Draft. BWSR has indicated that for the 45 day timeframe to commence a written response to the 60 Day Review comments must be prepared. This response has been prepared and sent to the review agencies. Copies of the response have been submitted to the Board members today.

Obermeyer stated for this past year the Third Generation Plan has been on the Board meeting agendas for discussion purposes from the general public and any government agencies. He believes the organization is well within the legal aspects as far as notification and receiving comments. Obermeyer stated all the comments on the Plan that have been received to date have been addressed.

Jankowski opened the public hearing and called for any public comment on the Draft LRRWMO Third Generation Plan.

Enstrom stated his position that individuals that serve on the watershed board, including this organization and statewide, should be required to pass a test and hold a certification. The individuals should know wetland laws and the laws of the land.

Haertel pointed out that members of the legislature, city council members and county board members make more important decisions and are not required to take a test. Olson pointed out that the LRRWMO Board receives recommendations from the Technical Evaluation Panel.

Motion was made by Anderson, seconded by Haas, to close the public hearing. Vote: 4 ayes, 0 nays. Motion carried.

APPROVE MINUTES

November 18, 2010, Regular Meeting

The following correction was requested to the November 18, 2010 Regular Meeting minutes: Page 3, paragraph 2, first sentence: "...would require a ~~an~~ review amendment of the JPA..."

Motion was made by Perry, seconded by Vierzba, to approve the November 18, 2010 Regular Meeting Minutes as amended. Vote: 4 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending November 30, 2010, revised from the original Treasurer's Report included in the LRRWMO meeting packet. Account balances for the period were: Checking, \$3,452.25; less permit account balance of (\$9,118.13), for a total balance of \$5,665.88.

Yager reviewed that direction at the December 10, 2010 Special Board meeting was that the LRRWMO would absorb the legal costs for Permit #2001-22, Ramsey Organic Dirt, and Permit #2006-21, Green Valley Greenhouse. With this revision, the outstanding receivable for Permit #2001-22 is \$2,215.39. The outstanding receivable for Permit #2006-21 is approximately 69 cents and will be written off.

Enstrom stated that the outstanding balance for Permit #2001-22 will be paid before the close of business today.

Motion was made by Anderson, seconded by Vierzba, to accept the Treasurer's Report for the period ending November 30, 2010. Vote: 4 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$1,077.61 (services rendered in November of 2010), Barr Engineering in the amount of \$3,157.00 (services rendered in September/October of 2010), and Jabbs Development in the amount of \$286.25 (permit refund).

Motion was made by Vierzba, seconded by Haas, to authorize payment as presented and indicated above. Vote: 4 ayes, 0 nays. Motion carried.

Recommendation on Billing Legal and Administrative Fees

Yager distributed the recommended amendment to member city contributions. The amendment includes an additional \$15,000 in 2010 member city contributions to cover legal costs associated with Permit #2006-21, Green Valley Greenhouse, and Permit #2001-22, Ramsey Organic Dirt. In addition, approximately \$6,000 has been included in the 2011 budget for implementation of the Third Generation Plan.

Discussion ensued on the following options to address potential increased legal fees in the future: 1) sliding permit fees; 2) nonrefundable administrative fee on permits affecting wetlands; 3) escrow fee on permits affecting wetlands.

Olson noted that often small projects by residents who do not understand the wetland laws become more time intensive for staff than large development projects that impact a significant amount of wetlands.

Consensus was reached that Obermeyer is to provide examples of costs associated with previous permits affecting wetlands for the members to review.

Motion was made by Vierzba, seconded by Anderson, to amend the 2010 Budget as presented.

Jankowski stated there will be discussion later in the agenda regarding costs associated with developing the Technical Advisory Committee. He stressed the importance of the organization building up its fund balance. Due to these issues he will vote in support of this motion.

Vote: 4 ayes, 0 nays. Motion carried.

Consensus was reached to direct Yager to bill the member cities according to the 2010 Revised Budget and increased membership dues as presented.

CONSIDER COMMUNICATIONS ~ None.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None.

OLD BUSINESS

Discuss Formation of LRRWMO Technical Advisory Committee (TAC)

Jankowski noted that forming the LRRWMO Technical Advisory Committee (TAC) was discussed at the December 10, 2010 Special Meeting. It was suggested at that time that city engineers may form their own TAC.

Haertel advised that the LRRWMO Third Generation Plan does not include policies for rate and volume control as is required by MN Rule 8410. He stated since these policies are not included in the Plan it appears that the organization is looking for approval of the Plan without the rate and volume control policies. BWSR then looks for a commitment from this organization to

develop those volume and rate control policies. He advised that a TAC limited to city engineers is not an option for this particular component of the Plan. The proposal outlined by the Anoka Conservation District (ACD) is acceptable to him. He stressed that the organization will not be given another year to have the Plan approved.

Obermeyer indicated that rate control is included in the Plan; however, volume control is not. It is written in the Plan that this will be an objective of the TAC to provide this Board with recommendations.

Discussion ensued on limiting the TAC to city engineer membership and on the ACD proposal for formation of the TAC. There was discussion on the policies related to volume, wetland buffers, and water quality standards that are required to be included in the Third Generation Plan. It was noted that the intent is to come to a consensus on the policies through the TAC.

It was noted that membership of the TAC will likely consist of the member city engineers and representatives of BWSR, MPCA, Anoka County, ACD, and Army Corp of Engineers. MnDOT has also requested to participate in the TAC.

Olson requested clarification as to the composition of the TAC voting members. Schurbon indicated that the TAC will operate through a consensus approach with dissenting opinions also presented to the Board. He stated a recommendation on staff members from each member city are also needed for representation on the TAC.

Consensus was reached that Schurbon is to proceed with the ACD Proposal to form the LRRWMO Technical Advisory Committee to address the issues of volume and wetland standards as approved at the November 18, 2010 Board meeting.

Perry stressed the importance of completing the Third Generation Plan. Haertel advised that in order for the Plan to be approved a commitment is needed that the TAC is in place with a timeline for items to be taken care of. Once the Plan is approved it can be amended to include TAC recommendation on the required policies.

Discuss Transfer of Wetland Replacement Responsibilities for Permit #2003-07 (Ramsey Town Center) to the City of Ramsey

Jankowski reviewed the history of the transfer of wetland replacement responsibilities for Permit #2003-07, Ramey Town Center, to the City of Ramsey. There is an agreement between the bond company and the City of Ramsey that the bond company will pay the LRRWMO \$59,000 in fulfillment of the bond on the subject site. There would also need to be an additional agreement between the LRRWMO and the City of Ramsey that Ramsey take on all the wetland responsibilities. The City of Ramsey would then receive the \$59,000 as work is completed and would be responsible for establishing the wetland that has been started, as well as purchasing the remaining wetland credits due. No action is being requested at this time. The City of Ramsey would like to have approval of the agreements included on the January Board meeting agenda.

Informational; no action required.

NEW BUSINESS

LRRWMO Permit #2010-13 ~ CSAH 116 Reconstruction ~ Anoka & Ramsey

Obermeyer advised that Barr Engineering has received plans and a LRRWMO permit application for the reconstruction of CSAH 116 from Germanium Street in Anoka to Basalt Street in Ramsey. The total project length is 1.4 miles. The project proposes grading, bituminous surfacing, curb and gutter and retaining walls. The project also proposes 3.6 acres of wetland impacts. The TEP has met to discuss the wetland fill/mitigation plan and has preliminarily agreed with the wetland fill/mitigation plan. Additional information is being requested from the MDNR regarding potential impacts to Blanding's Turtles. The project information was received on December 9, 2010.

Obermeyer advised that because the finding of fact has not been approved by TEP and because the project documentation has just been received, he recommends that the item be continued until the January Board meeting.

Consensus was reached to continue LRRWMO Permit #2010-13, CSAH 116 Reconstruction, Anoka & Ramsey, to the January 20, 2011 Board Meeting.

LRRWMO Permit #2010-14 ~ Legacy Christian Academy ~ Ramsey

Obermeyer advised that Barr Engineering has received plans and a LRRWMO permit application for the construction of the Legacy Christian Academy Campus to be located west of Armstrong Boulevard NW and north of Bunker Lake Boulevard extended in Ramsey. The site is 137 acres in area. The project proposes a new school, K-12, and athletic complex including football field, baseball field, softball fields, tennis courts, soccer fields, and basketball courts. The review was started and Barr Engineering was then contacted December 3, 2010 by Troy Gamble, Anderson Engineering of Minnesota, stating that the project was going to be redesigned and that they should not spend additional time reviewing the plans that had been submitted. Mr. Gamble was informed that a letter or email requesting the permit be withdrawn was required because of the 60-day review period. The project was continued at the November LRRWMO Board meeting. Anderson Engineering was contacted on Monday, December 13th regarding the status of the withdrawal request. Anderson Engineering informed them on Tuesday, December 14th that the developer wanted to proceed with the plans as submitted. Anderson Engineering was informed that there was not sufficient time to review the project and prepare a review letter to the LRRWMO Board by this meeting date.

Obermeyer advised he recommends that the LRRWMO formally, by motion, extend the review period by 60 days to be in compliance with Minn. State Statute 15.99.

Motion was made by Vierzba, seconded by Anderson, to extend the 60 day review timeline for an additional 60 days for Permit #2010-14, Legacy Christian Academy, Ramsey. Vote: 4 ayes, 0 nays. Motion carried.

OTHER BUSINESS

Wetland Mitigation ~ Permit #2001-22, Ramsey Organic Dirt

Jankowski stated that Enstrom is attempting to purchase wetland credits to fulfill the wetland mitigation requirements for Permit #2001-22, Ramsey Organic Dirt. The wetland certification requirements form must be signed by the LRRWMO.

Enstrom presented the Board with the documentation on the purchase of wetland credits.

Consensus was reached to authorize Jankowski to sign the wetland certification requirements form for Permit #2001-22, Ramsey Organic Dirt, on behalf of the LRRWMO.

End of Term on LRRWMO Board ~ Chairman Jankowski

The Board Members thanked Jankowski for his years of service on the LRRWMO Board.

Consensus was reached to include Election of Officers as the first item on the January 20, 2011 LRRWMO Board Meeting agenda.

ADJOURNMENT

A motion was made by Haas, seconded by Vierzba, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment: 9:39 a.m.

Respectfully submitted,

Carol Hamer
Administrative Secretary

**LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION
ANDOVER - ANOKA - COON RAPIDS - RAMSEY
2015 FIRST AVENUE, ANOKA, MN 55303**

SPECIAL MEETING NOTICE

December 10, 2010 – 2:00 p.m.

Committee Room - Anoka City Hall

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. DISCUSS BILLING FOR CURRENT OUTSTANDING LEGAL FEES ASSOCIATED WITH GREEN VALLEY GREENHOUSE AND RAMSEY ORGANIC DIRT
- D. DISCUSS THE FUTURE OF THE LRRWMO
- E. ADJOURNMENT

Next regular meeting date is December 16, 2010 – at 8:30 a.m.

**** PLEASE POST **
PUBLIC WELCOME TO ATTEND**

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

DECEMBER 10, 2010

CALL TO ORDER

Chairman Steve Jankowski called the special meeting to order at 2:00 p.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were Steve Jankowski, Ramsey; Doug Vierzba, Coon Rapids; Todd Haas, Andover; and Carl Anderson, Anoka. Absent: None.

Also present were: Andover Alternate Bruce Perry, Anoka Manager Tim Cruikshank, Anoka and Andover Attorney Scott Baumgartner, Andover City Manager Jim Dickinson, Ramsey Alternate Matt Look, Ramsey Mayor Bob Ramsey, Ramsey Manager Kurt Ulrich, Ramsey Attorney William Goodrich, Ramsey Director of Public Works Brian Olson, LRRWMO Attorney Charlie LeFevere, Anoka Finance Director/LRRWMO Deputy Treasurer Lori Yaeger, and Jim Haertel of BWSR.

DISCUSS BILLING FOR CURRENT OUTSTANDING LEGAL FEES ASSOCIATED WITH GREEN VALLEY GREENHOUSE AND RAMSEY ORGANIC DIRT

Jankowski summarized the reason for the special meeting and advised of the outstanding legal costs. He provided background information on previous discussions and the opinions of members thus far regarding the outstanding legal fees. He stated that because of the difference in opinion between the Board members, it was decided to invite the City Attorneys to gain additional comments and input.

LeFevere stated that normal legal fees would range annually from \$300 to \$500. He explained that three large projects have offset those costs greatly this year including the Ramsey Town Center, Green Valley Greenhouse, and Ramsey Organic Dirt.

Olson stated that the City of Ramsey had paid the fees for the Ramsey Town Center.

Jankowski stated that typically any attorney fees for a project are billed to the specific project, and advised that in some of those cases the applicants have not paid the outstanding legal fees.

Goodrich questioned if the other two projects (Green Valley Greenhouse / Ramsey Organic Dirt) had been billed. Jankowski confirmed that those two projects had been billed but advised that the applicants had not yet paid the fees.

Cruikshank confirmed that the reason for the meeting and this discussion is because these two businesses have not paid their fees.

Ramsey questioned if the State should be paying for these fees, as the rules of the State were implemented. He provided documentation he felt supported that request.

Haertel stated that he did not believe that the State would reimburse for that type of fee, nor would BWSR.

LeFevere stated he believed that specific State statute only applied to the Wetland Conservation Act. Haertel was also familiar with the Wetland Conservation Act statute and believed that the comments made by Mr. LeFevere were correct.

Cruikshank confirmed that the legal fees are unpaid and outstanding.

Jankowski stated that the bills had not been paid by the applicant but the legal fees had been paid by the WMO. He advised that the applicants had been billed many times without response or payment. He stated that the number of times the LRRWMO has had significant legal fees in the past is relatively small, and noted the current terms of the joint powers agreement of the LRRWMO.

Look referenced the third generation plan and the effect that becoming more restrictive than State statute would have on the liability of the LRRWMO. He stated that many times in the case of Ramsey Organic there were disagreements between the member cities which caused additional legal fees. He questioned how these types of fees could be avoided in the future and whether the LRRWMO should be more restrictive than the State requirements.

Cruikshank confirmed that the decision that caused additional legal fees was a decision made by the Board and not the City of Ramsey.

Goodrich questioned if the vote had been split.

Look stated that he was unsure of the outcome of the vote but noted that a settlement had been accepted and forwarded to other agencies for approval. He questioned if the other agency that may have challenged the settlement should then be liable.

Vierzba explained that the LRRWMO did accept a settlement and was then advised that the TEP did not agree with those findings or accept the settlement.

Jankowski stated that the reason for the meeting is not to discuss Ramsey Organic but to discuss outstanding legal fees and a method for dealing with this issue in the future.

Olson stated that no one is "pointing fingers" at each other, and noted that when a decision is made by the organization, a member city should not be solely liable for the fees.

Dickinson stated that if a decision is made by the Board it is then a Board decision and the Board is liable. He advised that if the applicant challenges a decision, that applicant should then be liable. He believed that because the applicant chose to move forward, the applicant should be liable and collection should move forward. He questioned if a judgment could be filed against the applicant.

LeFevere stated that Ramsey Organic could be used as an example of what decisions the Board would need to make.

Cruikshank stated that if the Board is liable for legal fees it could be an incentive in the future to work things out sooner rather than later.

Look stated that he did not believe State law could be compromised.

Ramsey stated that the LRRWMO is supposed to enforce State law, and questioned if when a violation occurs would it be more efficient to turn the matter over to the State for further pursuit so that the LRRWMO would not be liable for the fees.

LeFevere stated that he did not believe that the application signed by Ramsey Organic would be enough of an agreement to take the applicant to court for collection of the legal fees.

Haas confirmed that there are outstanding engineering costs associated in addition to unpaid legal fees for Ramsey Organic.

Cruikshank questioned if there is assumed liability on behalf of the applicant; in the case that the pursuit of a challenge is negative he believed that the applicant would be liable for those legal fees.

Baumgartner advised that terms can be built into a document which provide for that type of liability and believed that is what was missing from the application for the LRRWMO.

LeFevere explained two options that cities choose to use for permitting processes. He advised that larger cities split the administration costs between all applicants and charge a flat fee, while smaller cities have charged all fees specific to that permit, such as consulting and administration costs, to the applicant. He explained that it is often hard to collect legal fees from an applicant once a permit is denied.

Look stated that he believed there is value in comparing the third generation plan to the State statute to determine if the plan is more restrictive than State law, as additional liability could be held against the LRRWMO if the plan is more restrictive. He believed that the permit language should also be reviewed to determine if a clause could be built in which would specify contractual liability. He also suggested that the option of turning violations over to the State be reviewed.

LeFevere confirmed that the LRRWMO is the LGU for all the member cities with the exception of Coon Rapids. He questioned who would become the LGU should the LRRWMO choose not to be the LGU.

Haertel advised that if the LRRWMO chose not to be the LGU the member cities would then have the option to become the LGU. He advised that if the member city were to deny that option some services would be provided through another agency but a wetland moratorium could then be enacted and no change to wetlands would be allowed.

LeFevere brought forward another issue for the Board to discuss regarding the level of liability that Coon Rapids should have since that city pays their own fees as LGU. He explained that the LRRWMO has very little legal authority and the rules and regulations established by this agency are then adopted and implemented by the member city. He advised that the member city would have more enforcement authority than the LRRWMO.

Olson confirmed that the city would become the LGU for the WCA but noted that would only solve half of the issue before the Board as engineering fees are also outstanding.

Baumgartner questioned if something would be built into the joint powers agreement which would reimburse the member city for enforcement of the regulations of the LRRWMO.

LeFevere explained that it is the responsibility of the member cities to adopt and implement the rules and regulations of the LRRWMO and enforcement would also fall to the member city under their ordinances.

Cruikshank stated that a provision exists in the JPA which addresses this issue and read aloud from the JPA.

LeFevere advised that there has not been any litigation at this point. He explained that in the past ten years there have been minimal cases similar to this and advised that is why the issue had been brought forward, as there have recently been these three large projects.

Baumgartner stated that he believed the applicant should assume the risk and responsibility in pushing the project forward, as the applicant would be the one to gain direct benefit.

Haertel advised that a higher escrow or performance bond could be charged up front to cover the cost but noted that there would always be an odd situation in which even the higher escrow or performance bond would not cover. He advised that in that odd situation the agency would normally pay the outstanding fees from their administration fund. He advised that a sliding fee could be charged based on the project.

Olson stated that he did not believe anyone disagreed with the fact that the applicant should be liable and questioned the best method of collection should the fees exceed the amount of the permit.

Look suggested removing the language of escrow and changing that language to a fee. He advised that if a fee of \$750 were charged up front and the total fee were not used for the project, the LRRWMO could then save the remainder of that fee for the case in which the project fees exceed the original \$750.

Dickinson advised that he sat on the Board of an LGU and in that case an escrow of \$5,000 was charged.

Baumgartner stated that there are only a handful of projects which cause a problem and believed that a balance should be reached between not scaring applicants away but yet ensuring that the WMO is not left holding the balance of unpaid fees. He suggested the use of a bond, which would not scare away applicants with small projects but would ensure that there are not unpaid fees.

Olson confirmed that a fee of \$750 could be charged up front and for larger projects an additional bond of \$5,000 would be required.

Dickinson advised that a fee table could be developed which could be based on acreage or something similar.

Jankowski confirmed that the method going forward would be to change the fee structure based on the size and type of the project. He questioned how the Board would like to deal with the outstanding fees and the collection of the unpaid fees.

Vierzba believed that a bond would cover project-related costs but was unsure that legal fees would be eligible for collection under a bond.

LeFevere stated that if the obligation is stated, the Board could accept a letter of credit, escrow, or a bond to secure all possible fees.

Ulrich confirmed that the WMO may not be able to pursue legal action against the applicant because of a lack of documentation, or contractual obligation in that regard. He stated that the first line of action would be to file judgment if possible, but believed that since the Board approved the action, the Board may be liable.

LeFevere confirmed that he did not believe it was likely that a judgment would be possible. He advised that the attorney's fees had pretty much been paid at this point, but noted that the Commission does not have the type of money it would normally have if these additional costs did not have to be paid out through the Commission.

Yaeger advised that the balance is low and believed that additional funds would need to be gathered from member cities.

Dickinson referenced the JPA and the provision provided within for payment of this type and allocation to the member cities. He stated that rather than recreating something he believed the JPA should be followed.

Ulrich confirmed that the WMO would just be collecting the budget deficit from the member cities at this time.

Cruikshank stated that the City of Ramsey did not become aggressive in these matters and clarified that it was a Board decision and felt the Commission should therefore be responsible.

Yaeger confirmed that she would expense the legal fees against the Commission and then allocate to the member cities according to the budget needs through January 31, 2011.

LeFevere questioned if the Board would like him to review the possibility to pursue judgment against the applicants and estimated work time of approximately one hour.

Vierzba believed that challenging the applicants would not solve anything. He believed that the Commission should just move forward and cut the loss.

LeFevere stated that the next step would be to review the rules and regulations to ensure that this situation is protected against in the future, as well as amendment of the fee structure.

Ulrich questioned the current budget deficit. He confirmed that cost would be over and above what would normally be paid in 2011.

Yaeger estimated the total the budget deficit at approximately \$15,000.

It was the consensus of the LRRWMO Board to review the rules and regulations of the Commission and to amend the fee structure.

DISCUSS THE FUTURE OF THE LRRWMO

Haas discussed the third generation plan and new State laws. He asked Haertel to provide additional information in that matter and specific to the water resource plan.

Haertel confirmed that the legislature has taken a more active role in water management and noted that the new regulations would also be required. He stated that a performance evaluation would need to be conducted each year. He stated that over the years BWSR has seen JPA WMOs in larger numbers and explained that has changed and there are not nearly the number of JPA WMOs now that there had been in the past. He advised that in some cases the County has taken over that responsibility or Watershed Districts have expanded. He advised that the trend has been in that direction but noted that JPA WMOs have every right to exist. He acknowledged the additional responsibilities that would come down from the State. He noted that for a Watershed District the land needs to be contiguous but does not have to follow hydrologic boundaries.

Ulrich confirmed that the Watershed District has special taxing authority that shows up separate from the City. He questioned if the Watershed District is an elected body. Haertel advised that the Board of a Watershed District is appointed by the County.

Haas advised that BWSR would be requiring additional responsibilities of the WMO, such as the formation of a Technical Advisory Committee (TAC), which would be an estimated cost of \$12,000 to the WMO. He advised that the Committee would begin to meet in January and noted that the current budget does not support that item.

Olson confirmed that every other Watershed District or WMO has a TAC. Haertel advised that has been a requirement since 1995.

Haas highlighted some of the other issues that had been brought forward and would need to be addressed through the TAC.

Dickinson questioned if the cost would need to incur immediately or whether that cost could be budgeted.

Vierzba noted that the Anoka Conservation District (ACD) has agreed to stretch the balance out along a period of 18 months.

LeFevere provided an alternative formation of a TAC that would be more cost effective and may cost only staff time.

Haas advised that the ACD would bring forward the issues that would need to be addressed and make recommendations to the TAC. He advised of the support that the ACD would provide. He stated that Melissa Lewis, BWSR, has allowed an extension at this time but explained that could be taken away and BWSR would then make the decision of what to do with the LRRWMO.

Olson confirmed that the three tasks that need to be clarified could be done with the alternative TAC.

Haertel stated that once the additional information is completed and submitted, BWSR would review the plan for approval.

Yaeger proposed to amend the 2011 budget to cover the costs necessary to move forward with the TAC costs that complete the necessary steps.

Haertel advised that if the TAC is not laid out as the Watershed District regulations specify, BWSR would need to approve the alternative TAC.

LeFevere provided examples of other WMOs that do not include those other outside agencies in their TAC.

Haas stated that those options for TAC should be further discussed at the next meeting, as it would make more sense to choose the less costly method.

Jankowski confirmed that item would be added to the agenda for further discussion at the next meeting.

Dickinson questioned if the cities should investigate the other options, such as joining or becoming a Watershed District.

Anderson stated he believed that option would be reviewed when the Anoka Dam needs to be replaced, as the City of Anoka could not fund that replacement on its own.

Dickinson agreed that triggers should be set in place that would alert the Commission as to when the jump would need to be made.

It was the consensus of the LRRWMO Board to further discuss the formation of a Technical Advisory Committee as an agenda item at the next meeting.

ADJOURNMENT

A motion was made by Anderson, seconded by Vierzba, to adjourn the meeting. Vote: 4 ayes, 0 nays. Motion carried.

Time of adjournment 3:40 p.m.

Respectfully submitted,

Amanda Staple, Administrative Secretary