REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, December 11, 2019

Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

Approved Minutes

CALL TO ORDER
President Patricia Preiner called the meeting to order, a quorum being present, at 7:00 p.m.

APPOINT ACTING TREASURER
Motion by Manager Waller, seconded by Manager Preiner to nominate Manager Bradley to serve as Acting Treasurer. Motion carried 3-0.

ROLL CALL
Present: President Patricia Preiner, 2nd Vice-Pres. John Waller, and Secretary/Acting Treasurer Michael Bradley,

Absent: Treasurer Steven Wagamon and 1st Vice-Pres. Barbara Haake (with prior notice).

Staff Present: District Administrator Nick Tomczik, Project Manager Kyle Axtell, Permit Coordinator/Wetland Specialist Patrick Hughes, and Office Manager Theresa Stasica.

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Elizabeth Henley from Smith Partners; District Drainage Attorney John Kolb from Rinke Noonan.

Visitors: Jeremy Duehr, James Arndt, Jeff Morell, Marcie Weinandt, Thomas Schmellor.

SETTING OF THE AGENDA
Motion by Manager Bradley, seconded by Manager Waller, to approve the agenda as presented. Motion carried 3-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the November 1, 2019 Board of Managers Workshop. Motion by Manager Bradley, seconded by Manager Waller, to approve the minutes as presented. Motion carried 3-0.
Minutes of the November 4, 2019 Board of Managers Meeting. Motion by Manager Bradley, seconded by Manager Waller, to approve the minutes as presented. Motion carried 3-0.

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

Table of Contents-Permit Applications Requiring Board Action

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-124</td>
<td>St. Andrew’s Lutheran Church</td>
<td>Mahtomedi</td>
<td>Final Site Drainage Plan</td>
<td>APPROVAL</td>
</tr>
<tr>
<td>19-090</td>
<td>National Land Investor LLC</td>
<td>Blaine</td>
<td>Land Development</td>
<td>CAPROC 11 items</td>
</tr>
<tr>
<td>19-096</td>
<td>Mounds View Public Schools</td>
<td>New Brighton</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 7 items</td>
</tr>
<tr>
<td>19-101</td>
<td>Troy D. Voigt-Voigt Bus Service</td>
<td>Fridley</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 6 items</td>
</tr>
<tr>
<td>19-107</td>
<td>Mounds View Public Schools</td>
<td>Mounds View</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 5 items</td>
</tr>
<tr>
<td>19-108</td>
<td>Renovation Church</td>
<td>Blaine</td>
<td>Final Site Drainage Plan</td>
<td>CAPROC 7 items</td>
</tr>
</tbody>
</table>

Permit Coordinator/Wetland Specialist Patrick Hughes noted that there is one change related to Permit 19-107 on page 47 of the packet, a new item #2: to submit the permit application with the signature of the successful bidder to the District.

It was moved by Manager Waller, seconded by Manager Bradley, to approve the Consent Agenda item for permits 18-124, 19-090, 19-096, 19-101, 19-107, and 19-108 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations dated December 3, 2019, with the amendment to Permit 19-107 on page 47. Motion carried 3-0.

STATE OF MINNESOTA
RICE CREEK WATERSHED DISTRICT
DRAINAGE AUTHORITY FOR ANOKA COUNTY DITCH 10-22-32

REPAIR HEARING: Repair of a Portion of Branch 1 of Anoka County Ditch 10-22-32

December 11, 2019
President Preiner recessed the regular Board meeting and read the following statement:
The purpose of this hearing is to receive evidence from all parties interested in the petition to repair of a portion of Branch 1 of Anoka County Ditch 10-22-32.
Please note that our proceedings this evening are being recorded and notes are being taken by our staff.

The order of business for this hearing will be as follows. First, Mr. John Kolb, the Drainage Authority’s Attorney, will explain the process which has brought us to this public hearing and the purpose of this hearing.

Following Mr. Kolb, the Watershed District’s Administrator, Mr. Tomczik, will review the notice requirements.

Following Mr. Tomczik, Mr. Otterness of Houston Engineering will review the repair report regarding Branch 1 of Anoka County Ditch 10-22-32 and present his conclusions and recommendations.

Following the engineer’s presentation, I will open the hearing for public comment. At the petitioner’s request, will invite the petitioner or his consultants to make a presentation before taking comment from other members of the public.

In making its decision, the Board must consider the engineer’s report and recommendation, the evidence presented at this hearing, conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law to determine whether the engineer’s recommended repair option is necessary for the best interests of the affected property owners and in determining which repair option will be of public utility, benefit, or welfare.

Would any of the Board members wish to offer any further remarks before we begin?

District Drainage Attorney John Kolb explained that tonight’s hearing is being conducted pursuant to Minnesota Statute Section 103E.715 which allows a landowner benefited by a public drainage system to petition for repair of the system. He explained that the District received the petition and determined that, at a minimum, there was need for a review of the Branch 1 system to determine whether repairs were absolutely necessary and what repairs may be warranted. He stated that the engineer performed an investigation and has created a report that is makes recommendations regarding a repair regime and the possible payment of damages for limitations of the repair. He stated that the petitioner will be making a presentation tonight with information that they would like the Board to take into consideration alongside the engineer’s report. He noted that there has been some discussion about how the District has phrased the issue on Branch 1 of ACD 10-22-32. He stated that the District has referred to it as an obstruction and in a legal sense, the engineer will point out that there are obstructions that are limiting the hydraulic efficiency Branch 1 as it was originally constructed. He explained that the District is not following the provisions of 103E.075 dealing with obstructions because the nature of the obstructions is public infrastructure that were approved by proceedings and processes outside.
of the public drainage code. He stated that the investigation is whether it is practical and feasible
to be able to repair the branch to the originally constructed grade line which would, in turn,
require elimination or alteration of the public infrastructure. He reviewed the decision standards
for the Board to consider after it has received all the evidence. He stated that staff will be
recommending that the Board continue this matter with some guidance and direction to staff so
they have the opportunity to prepare findings and an order consistent with whatever initial
findings that the Board makes tonight. He explained that a continuance will also give time for
additional deliberation consideration or attorney-client advice with regard to legal requirements
in this matter.

District Administrator Tomczik reviewed the notice that the District provided for public noticing
of the hearing was included on page 60 and 61 of the packet. He stated that the it contained the
engineer’s amended memo location along with the order that was sent to the property owners
and the political subdivisions likely to be affected by the repair on November 18, 2019. He
presented a spreadsheet that listed the property owners that were duly noticed and would likely
be affected. He stated that the District sent the letter notice order and the amended repair
memo dated November 11, 2019 to the petitioner and their representative on November 18,
2019. He stated that District e-mail noticing also happened on November 18, 2019 and explained
that the notice was also posted at the District office. He noted that the e-mail noticing document
can be found on page 59 of the packet.

District Engineer Otterness presented his report regarding the investigation of ACD 10-22-32,
Branch 1. He gave a brief overview of the activities along ACD 10-22-32, Branch 1 from 1999 to
2017. He explained that the petition by Mr. Morell states that an obstruction on Branch 1 is
impairing the function and requested that the District either correct the obstruction and return
it to “as constructed and subsequently improved condition” (ACSIC) or pay damages for loss of
benefits. He noted that the District evaluated this petition using the Public Drainage System
Maintenance/Repair Flow Chart. He stated that after working through the flow chart, HEI was
appointed by the District to investigate, evaluate, and assess the situation. He reviewed the
assessment of the drainage system and its condition and function. He noted that there is an 8-
inch watermain and an 8-inch sanitary sewer line which complicates any sort of repair that would
potentially lower the storm sewer. He stated that HEI completed an on-site survey as well as soil
probes. He presented a graphic that showed that the as constructed profile is quite a bit lower
than where the storm sewer piping is underneath Palomino Drive. He stated that there is also a
culvert that is substantially higher than the as constructed condition of the ditch under Century
Trail. He reviewed the other field investigation findings including the need to clean out a
downstream ditch and a few of the culverts. He stated that they also took a look at the wetland
conditions prior to 1999 up to now using aerial photography and concluded that the wetland
extent on the Morell property has not changed. He stated that in 2019, HEI also conducted an
investigation and analysis on possible lateral effects. He stated that they determined that the
repair to the as constructed condition could, at most, drain wetlands 130 feet from the ditch
bottom. He noted that they believe this corroborates HEI’s conclusions from the aerial review
that the ditch has very little effect on the extent of the wetlands on the property. He stated that

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Approved RCWD 12/11/2019 Board Minutes
the took a look at other factors that could be contributing to the wet conditions on the site, such as clogged and undersized driveway/field culvert, accumulated trash, and increased rainfall. He stated that they have considered 3 different alternatives for repair. He gave a brief overview of the 3 alternatives and the 100-year flood elevations. He stated that they have determined the probable cost of Alternative 1 to be approximately $5,500, Alternative 2 to be approximately $660,000, and Alternative 3 to be approximately $223,000. He stated that based on cost and the relative function provided by each alternative, they are recommending moving forward with Alternative 1.

Jeremy Duehr, Fredrickson and Byron, introduced himself and stated that he was here representing Mr. Morell. He noted that prior to being an attorney, he was a wetland scientist and has completed hydrology studies within Rice Creek Watershed District. He stated that they have also brought along a soil scientist, Jim Arndt, who will be giving the bulk of their presentation. He stated that this situation is complex and the watershed has changed dramatically over time. He stated that their goal is to work with the District to understand the issues and try to figure out an equitable and fair solution.

James Arndt, 10515 Maryland Road, Bloomington, stated that he is retired and is currently working for Mr. Morell. He stated that his history with this property actually goes back to 1996 when they were doing the wetland delineation hydrology study for Century Farms. He explained that he was involved in the hydrology studies through 1999. He noted that he did the wetland delineation that was reviewed and approved by the District in 2015. He gave an overview of his analysis on what is there now versus what was there in 1999. He stated that the floodplain in Alternative 1, does not really exist or match reality, and is basically fictional. He stated that they disagree with District Engineer Otterness’ conclusion that there have been no impacts to the wetlands on the property. He noted that there are several important modifications to the catchment that have constructed immediately adjacent to Mr. Morell’s property that have completely revised the surface water flow and increased the wetland extent. He stated that these things were not considered in District Engineer Otterness’ report and they believe that they should be taken into consideration. He stated that he has a PhD in soil science and worked for 35 years as a wetland scientist. He shared examples of floodplain comparisons for the area where Century Farms is currently located. He stated that one thing that has not been discussed is the unmitigated floodplain fill that was done by the 6th addition. He stated that he also believes the topography of the area should be taken into consideration and not just the land use modeling.

He shared a comparison of the old and new floodplain modeling information. He reviewed some of the conditions found in the area in 1998 from a hydrology study that he initiated. He reviewed some of the information in the District Engineer’s report regarding the increased surface water and ponding. He explained why they disagree with the District Engineer’s report regarding there being no effect on wetlands. He stated that they believe the hydrologic modifications essentially turned Branch 1 from a drainage feature into a stormwater pond and conveyance. He stated that they believe this provides a base level control for replacement wetlands and inadvertently for all water features on the Morell property. He noted that they believe Branch 1 is maintained in hydrology in and near the ditch and on the Morell property as designed and controlled by Branch
1 inverters and the surface water management plan. He stated that they believe the fill of pre-existing drainageways for Robinson Drive is a dam that dramatically increases surface flooding and wetland extent on the Morell property. He stated that in order to accurately evaluate the impacts on Mr. Morell’s property, he feels it is essential that the pre-1999 floodplain be accurately modeled using the pre-1999 topography and land use to account for the effects of the unmitigated floodplain associated with the 6th addition. He reiterated that they believe the wetlands have been significantly altered. He stated that if the Board selects Alternative 1, it needs to evaluate all alternatives for the potential development on the property before the damages can be evaluated.

Mr. Duehr stated that they are looking for the invert and tee pee to be removed and that damages be considered that include the floodplain impacts, impacts on the wetlands, as well as the overall wetness and lack of usability on Mr. Morell’s property on a consistent basis.

Jeff Morell stated that he needs the invert to be removed because it really changed his whole life. He stated that he didn’t do anything to anyone and his land is absolutely worthless because of this situation.

Manager Bradley asked how many acres were affected.

Mr. Morell stated that it is 8 acres that he bought in 1987 and another 5 acres in 1988.

Manager Bradley asked how Mr. Morell hoped to use the land in the future.

Mr. Morell answered that he would like to develop it and had a plan for 22 homes to be built there. He stated that the city wants it developed as medium density housing.

Manager Bradley asked about the no net loss application.

Mr. Duehr stated that the 2015 wetland delineation is not a complete and accurate representation of the wetlands on the property.

Manager Bradley stated that he does not understand the argument that if the District removed the teepee and lowered the ditch by 2.5 feet it undoes the damage caused by the neighbors.

Mr. Arndt stated that it is actually a gestalt, so you cannot really separate the ditch function from the storm water ponding function that was developed on the 6th addition. He stated that Mr. Morell is locked out of the regulatory process from doing anything productive on his property because he can’t develop it and he can’t do a mitigation bank.

President Preiner stated that she would like to see this continued in order for more research to be done.
District Drainage Attorney Kolb stated that staff had anticipated that the Board would like to have additional time to look deeper into this issue and proposed a resolution to continue the hearing. He stated that if there is additional analysis and research that the Board would like done, it can also be referred back to the District Engineer in addition to continuing the hearing. He asked that as the Board deliberates that they keep in mind the question of what the evidence demonstrates regarding the public utility benefit and welfare of the repair options provided by the District Engineer and which of the three options best supports those considerations. He stated that he would also like the Board to consider which repair option is necessary for the best interest of the affected property owners.

President Preiner stated that she would like to hear from the District Engineer to rebut or explain the differences between his report and that of the petitioner.

Manager Bradley stated that the problem is the cost of the preferred alternative from Mr. Morell is quite high, so unless damages are that same point, it may be better to buy the property outright. He stated that he thinks this needs to be further evaluated and also evaluate alternative damages.

District Drainage Attorney Kolb stated that his understanding of the alternative for damages is a cost of restoring conditions on the Morell property from a regulatory standpoint and, in particular, floodplain in comparison of repairing to the ACSIC versus leaving those two obstructions in place. He stated that they looked at what the difference would be on the Morell property and what the cost would be to cure it. He reminded the Board that the District Engineer’s opinion is that the only difference is that there is a modified flood elevation. He explained that even if the culvert and the teepee were lowered, there would still be a floodplain that Mr. Morell would have to mitigate for that is not caused solely by the obstructions. He stated that if this property was not wetland prior to the obstruction, then all wetland signatures on the property would be considered incidental to the obstruction and the Wetland Conservation Act would not apply to those areas, the way it is currently written. He stated that the issue of whether or not there were wetlands there is not what is in front of the Board tonight. He stated that the District Engineer threw out the information that was irrelevant and took into consideration the difference in condition today if the teepee were taken out or kept in place. He stated that he understands that the Board received additional data tonight that they want to mull over and consider its relevance. He recommended that the Board look at the options for repairs first and then move on to consider damages.

Manager Bradley stated that he would like to know if there is something the District Engineer is missing in terms of asking what would happen to this land if the 2.5 feet of fill was removed. He asked if there would be any value to the District in actually creating a holding pond in this area. He stated that he doesn’t have any answers, but is just trying to get creative. He reiterated that he does not have any answers, just additional questions and likes the idea of extending and continuing this hearing in order to allow for further analysis and a chance for some creative thinking.
Manager Waller stated that there has been a lot of information presented and would like to move forward without picking an alternative.

President Preiner asked District Administrator Tomczik about a possible date to bring this back before the Board.

District Administrator Tomczik stated that because of the amount of information that will need to be gone over, he would think the earliest it could come back before the Board would be late February or early March. He stated that there will be a number of workshops before this meeting where information can be shared and the Board can share their feedback on how they would like to proceed.

President Preiner asked if those types of discussions can happen at a workshop since this is in a hearing stage or whether the Board would have to wait for the next public hearing date to start the discussion.

District Drainage Attorney Kolb stated that the Board’s deliberation can occur over the course of months at meetings and will take place at an open meeting unless there is a purpose for a closed meeting. He stated that if the Board is receiving any additional data, for example, if the District Engineer changes his report, or if the Board is ready to make a decision, that would have to be presented at a continued public hearing.

Manager Bradley stated that he thinks the Board is looking for creative solutions rather than just spending money and encouraged all parties to work toward that goal.

Motion by Manager Waller, seconded by Manager Bradley, to continue the hearing to the regular Board meeting on March 11, 2020 at 9:00 a.m. or by adjournment to appropriate time on the Boards agenda at which time the Board will consider findings and an order proposed repair of Branch 1 of the ACD 10-22-32  Motion carried 3-0.

Mr. Arndt stated that Mr. Morell and Mr. Duehr are not looking for this to become some sort of adversarial situation. He stated that Mr. Morell is looking for some assistance from the District as the regulatory authority over drainage and storm water to help him resolve the current issues on his property. He stated that the goal is to cooperate and collaborate and make this a win/win and not have everybody spend a huge amount of money or time.

OPEN MIKE – LIMIT 12 MINUTES. Any RCWD resident may address the Board in his or her individual capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

None.
ITEMS REQUIRING BOARD ACTION


President Preiner stated the next agenda item is an opportunity for public comment on the District’s 2020 budget and levy. On September 11, 2019, the board of managers adopted resolution 2019-23. This resolution set the District’s 2020 budget at $8,186,939 and approved an ad valorem property tax levy of $5,181,376. The difference between the approved budget and the tax levy, which equals $3,005,563, encompasses revenue from water management district charges, permit fees, grants and investment income in the amount of $1,015,754, and a spending from District fund balances in the amount of $1,989,809.

In accordance with section 103D.915 of state law, the District certified its 2020 levy to the auditors of Ramsey, Washington, Anoka and Hennepin Counties on September 11, 2019. The Truth in Taxation law states that the board is to offer this additional opportunity for interested members of the public to comment on the board’s September budget and levy action. If on further consideration the Board determines to adjust the 2020 levy downward, it may do so by amending its prior certification. If it does not choose to do so, that certification remains final and no further action is required. If the Board should choose to adjust its levy, it would do so by resolution that would then be sent to our County auditors by late December. If the Board doesn’t adjust the levy, our September levy certification will stand and there is nothing more that the District needs to do.

At this time, I would like to invite anyone present in the audience to the podium if they would like to comment on the District’s 2020 budget or levy. Please state your name and address for the record.

There were no public comments.

2. Consider Final Certification of 2020 Tax Levy and Budget.

District Administrator Nick Tomczik directed the Board to the memo and 2020 budget documents in the agenda packet. He reported pursuant to Minnesota Statute 103D (Watershed District Law) the Board’s action on September 11, 2019 may serve as both the proposed and final levy and budget certification to the counties.

There were no further comments offered by the Board.


Project Manager Axtell stated that staff is asking the Board to consider releasing the draft of the 2020 Watershed Management Plan to BWSR and other State agencies for their final 90-day review. He noted that the Watershed Management Plan was included in the packet and noted that he handed out a separate page that highlighted the revisions in
section 3.2.6.2 as well as section 5.4 as discussed at the December 9, 2019 workshop. He states that the only modification for the budget was surrounding Ramsey County ditches #2, #3, and #5 increasing it from $20 million to $22 million over 10 years.

Motion by Manager Bradley seconded by Manager Waller, to adopt Resolution 2019-29: Authorizing Submittal of Draft Watershed Management Plan Update dated December 10, 2019 for Final State Review with any non-material changes approved, minutes of the November 4, 2019 WMP public hearing, a summary of the changes incorporated as a result of the review process to the Metropolitan Council, the Minnesota Department of Natural Resources, agriculture health and transportation and Minnesota Pollution Control Agency and the Minnesota Board of Water and Soil Resources in accordance with Minnesota Statutes §103b.231, Subd. 9 and further requesting that the Minnesota Board of Water and Soil Resources schedule action on the draft WMP at its March 25, 2020 meeting.

Manager Waller stated that he will be voting against this motion because he doesn’t think this fulfills the comments that were made by Washington County or the City of Hugo in the financial area. He stated that he wanted to compliment staff for doing an outstanding job and working on this over the last few years and noted that his voting against it is not directed at the staff or the facilitator, but simply a disagreement within the Board.

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

Motion carried 2-1.


Project Manager Axtell stated that there has been a request from the City of Hugo to extend the termination date and the existing cost-share agreement for the CSAH 8 Reuse Irrigation Project. He stated that they have been searching for additional funding for the project. He explained that the District had contributed $60,000 and their cost estimate for the project is just above $500,000. He stated that the current cost-share agreement is set to expire on December 31, 2019. He noted that the City of Hugo was able to secure an additional $50,000 from the Met Council and would like more time to continue to search for funding with the goal of implementing the project some time in 2020. Staff is recommending extending the cost-share agreement to be concurrent with the timeline of the grant the City of Hugo just received from the Met Council which carries it to the end of 2022. He stated that with the changes to the stormwater management grant
program, his understanding is that the City of Hugo will be applying and asking for up to $100,000 for this same project. He stated that if it is accepted, it would supersede the old agreement and cancel this cost-share agreement which means it would be a net increase of $40,000 if selected.

Motion by Manager Waller, seconded by Manager Bradley, to amend the 2016 Urban Stormwater Remediation Program cost-share agreement between the Rice Creek Watershed District and the City of Hugo by changing its expiration date to December 31, 2022. Motion carried 3-0.

5. Consider 2020 Cost Share Grant Program Revisions.
Project Manager Axtell stated that included in the packet is a set of revised program guidelines for the Water Quality Grant Program for 2020 which was discussed at the December 9, 2019 workshop. He reviewed some of the revisions to the program guidelines that improve readability, reduce technical jargon and utilize consistent language. He stated that he believes the new language is a great improvement from previous version. He stated that it also adds improvements to the function of existing BMPs to the list of eligible activities. He stated that it also temporarily removes the buffer lock cost share information as there is a separate document being prepared for agricultural water quality practices. He stated that the agreement with the Soil and Conservation Districts have revised maximum amounts up to $13,000 for Washington County and Anoka County and up to $23,000 annually for Ramsey County Soil and Water Conservation District.

Motion by Manager Waller, seconded by Manager Bradley, to approve the 2020 Water Quality Grant Program as presented, and to authorize staff to promote and implement the 2020 Water Quality Grant Program.

District Administrator Tomczik stated that it is good to note the recommendations the CAC made to the Board. He stated that the Board discussed the idea of 90% funding at the last workshop. He stated that the Board can recognize the sideboards that exist in the program as guidance and that the Board can deviate and consider up to 90% of funding if they would like. He stated that the framework being used in the discussion was that: the practice is regional in nature; the landowner cost share level; the Conservation District position; and the CAC recommendation.

Manager Bradley stated that his recollection from the workshop discussion is that the Board concluded that the Board already has the authority to do that and didn’t need to make a formal change to the program to make it possible, but that it would still be an outlier rather than the norm.

Motion carried 3-0.
Motion by Manager Bradley, seconded by Manager Waller, to approve the 2020
technical services agreements with the ACD, WCD, and Ramsey SWCD for up to $13,000,
$13,000, and $23,000 respectively, to provide technical assistance for RCWD’s
Programs. Motion carried 3-0.

Consider Findings and Order Accepting Wellington Management, Inc. (Petitioner) and
Alliance Bank (co-Petitioner) Petition and Directing Appointment of Engineer.
District Administrator Tomczik stated that this item is to consider accepting a petition and
appointing an engineer to consider realignment of a portion of ACD 53-62 and a portion
of ACD 10-22-32. He stated that the petition has provided the $10,000 cash deposit bond.
He noted that the petition is accompanied by exhibits, however they do not adequately
show the location of the realignment of the proposed ditch route as well as other details.
He stated that the Board could accept the petition and direct the petitioner to correct
those deficiencies.

Motion by Manager Bradley seconded by Manager Waller, to adopt Resolution 2019-
30: Findings and Order Accepting Petition and Direct the Petitioner to correct the defects
and provide a more detailed diagram of the proposed modifications to the drainage
system and the hydrologic model of proposed public drainage alignment, including the
bullet points of the detailed information being requested as shown in the staff report,
and then Appointing Houston Engineering to investigate the effects the proposed
realignment, report findings and include in the investigation the assessment of effects
from realignment on benefitted property owners of the public drainage system.

District Administrator Tomczik suggested that HEI work with staff to consider their
practical knowledge in this type of situation.

District Engineer Otterness assured the Board that they will work with the District staff to
get input on what will be practicable for future maintenance along the system.

Manager Waller clarified that this motion did not approve the realignment or partial
abandonment proceedings and does not modify the drainage system.

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

Motion carried 3-0.
7. **Consider Revising Resolution 2009-05: Internal Policy on Rule/Permit Enforcement.**

District Administrator Tomczik stated that this was discussed at the November 1, 2019 workshop meeting and inserts a letter into the process prior to moving into a compliance hearing.

*Motion by Manager Waller, seconded by Manager Bradley, to adopt Resolution 2019-31: Approving Revised Internal Policy on Rule/Permit Enforcement.*

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

*Motion carried 3-0.*

8. **Consider 2020 Board Calendar.**

District Administrator Tomczik reviewed the Board calendar for 2020.

*Motion by Manager Bradley, seconded by Manager Waller, to approve the 2020 calendar, as presented. Motion carried 3-0.*

9. **Consider December 25, 2019 Check Register – Resolution Authorizing Treasurer Approval.**

District Administrator Tomczik explained that the Board only holds one meeting in December, yet financial obligations continue, so staff is looking for authorization for a check register later this month with a limitation of $400,000 for operating expenses and $150,000 for surety returns.

*Motion by Manager Waller, seconded by Manager Preiner, to adopt Resolution 2019-32: Authorizing the District Treasurer to review and approve payment of the December 25, 2019 check register in an amount not to exceed $400,000 for operating expenses, and $150,000 for surety returns For Payment of December 2019 Check Register.*

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

*Motion carried 3-0.*

Motion by Manager Bradley, seconded by Manager Waller, to approve check register dated December 11, 2019, in the amount of $148,213.55, prepared by Redpath and Company. Motion carried 3-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineers Update and Timeline.
   There were no questions or updates.

2. Staff Reports.
   District Administrator Tomczik stated that all of the MAWD actions were consistent with the Board’s position, except resolution 5 was amended to swap out the word “require” with the word “allow”. He stated that resolution #13 failed which the District supported. He stated that the MAWD Board did not recommend its approval because supporting a separate allocation for the metro area in floodplain would not bode well for maintaining the “we are all in this together” mentality. He stated that MAWD also asked people to save the date of March 18-19, 2020 for the legislative session reception day at the Capitol. He stated that they also noted June 24-26, 2020 will be a summer tour. He stated that the Anoka County Administrator had an inquiry on the District budget and explained that he had responded via e-mail after a phone discussion. He stated that he has offered to meet with County Commissioners and bring along Board Managers if they felt that would be productive. He stated that the District is looking to backfill Permit Coordinator/Wetland Specialist Hughes’ former position. He stated that when this position is filled, every seat at the office will be filled which means there are no office locations for the budgeted interns. He stated that he is working to manage the space and find alternatives to accommodate the staff and interns comfortably. He stated that staff met with Mark Lenz of North Risk Partners Insurance and costs have gone up 10% and will now be $28,906 for annual coverage; approved as part of the District’s check register.

   Permit Coordinator/Wetland Specialist Hughes noted that he has an update on Permit 18-125 for the CSAH 12 improvement project in Mahtomedi. He stated that there have been ongoing issues with getting the site into compliance. He explained that staff will be sending a letter requesting that the site come into compliance or this may move to a compliance hearing.

3. December/January Calendar.
   District Administrator Tomczik stated that the Board was noticed on a public information meeting regarding Ramsey County Ditch #4 for January 29, 2020. He noted that this meeting date has been changed to January 23, 2020.
4. **Managers Update.**

Manager Bradley stated that on December 18, 2019 there is a public meeting to talk about Ditch #11. He noted that this has been advertised by the Bald Eagle Lake Area Association so he expects some participation.

Manager Waller noted that he was copied on a letter regarding Lost Lake from Dr. William Merrill which has a total of 9 signatures. He stated that the letter outlines their concern over the sewage issues with Lost Lake.

President Preiner asked that he share the letter with District Administrator Tomczik so the Board can discuss this situation further.

**ADJOURNMENT**

*Motion by Manager Waller, seconded by Manager Bradley, to adjourn the meeting at 9:23 p.m.*

*Motion carried 3-0.*