Minutes

CALL TO ORDER
President Preiner called the meeting to order, a quorum being present, at 9:00 a.m.

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

Absent: 1st Vice-Pres. Barbara Haake (with prior notice)

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Technical Specialist/Permit Reviewer Chris Buntjer, Communication/Education Coordinator Jessica Bromelkamp, and Office Manager Theresa Stasica.

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

Visitors: Becky Rice.

SETTING OF THE AGENDA
District Administrator Belfiori added Item “Update on Utilizing Credits from Brown’s Preserve Bank” under staff reports.

Motion by Manager Waller to adopt the agenda as amended with the following additions:

1) To accept the Houston Engineering Inc. task order 2015-031, RCWD, Analyzing wetland mitigation/wetland bank options (reference in the 12/2/15 Smith Partners memo)

2) Accept Smith Partners memorandum from Louis Smith dated 12/2/15 re: Treatment of Metro Shooting and Trost Settlements in District Financial Reports.

3) To establish February as the month for the annual assessment of this situation to determine remote nature of the potential liability

4) To establish the 2nd Board meeting in February to take action to determine the likelihood of potential future contingent liability or to estimate the District expenses if and when the liability should arise.

President Preiner indicated she was not sure staff was prepared to discuss these items so was not sure they should be added to the agenda for the meeting. Manager Waller indicated the Board were given these items at the Workshop meeting and there is nothing new here, just the process of going through things that have already been discussed in the

Approved
workshop. Workshops do not provide approval of action items like a regular Board meeting. He was suggesting they accept the Engineering Report and the Legal Report along with the other information they received. He thought it was important to do this to have a process.

President Preiner asked District Attorney Smith if the Workshop consensus was a valid form of approval or should every item from the Workshop be brought forward to this meeting for formal approval, and if they needed to bring these items forward then every item should be brought forward. District Attorney Smith stated the minutes of the Workshop meeting reflect the direction of the Board and he thought both the attorney and the auditor determined that was adequate direction.

Manager Waller felt there were more important things that needed to be accomplished by the Board, one is transparency, two is accountability, three is objectivity and four is impartiality. Only here in the Board meeting where they have this as the public record can it provide them the transparency, accountability, objectivity and impartiality so he thought this was the appropriate place to conduct the final reviews and to get away from the sloppiness of doing it in a workshop. He stated the more specificity they have the less problems there are in the future.

President Preiner stated if the Board wanted to discuss this and change the way they are doing business then they need to do it as a Board and make a decision of either not going with a consensus at the Workshop meeting and bring it all to the Board meeting or keeping it as it is. They need to decide where the balance is going to be because she did not want to do it at the Workshop meeting and come back and do it all again at the Board meeting.

Manager Wagamon indicated he would like to discuss this further at a Workshop meeting. Manager Waller stated what is being suggested to do at the Workshop meeting is to make business decisions and he did not think that was appropriate and thought in this particular instance because it has been such a long time or they have not followed the process they should, instead of trying to cover things back up, they should have this discussed in the public in the future and have the openness available.

President Preiner indicated if that is the case the Board can go back to a full 3-4 hour meeting and not have a Workshop meeting because they do not want to have the discussion and decision making done twice. Manager Waller did not think it was an either/or situation. He thought they could make decisions in the Workshop and then bring them forward to the Board meeting for open discussion and positions. The Workshop just declares where people's positions are and is not where action is taken. He stated he disagreed with Mr. Smith's analysis and action being in the Workshop. He felt in this particular instance he is not an impartial source and in a legal aspect, has a conflict of interest.

President Preiner asked for a motion. Manager Bradley indicated his only objection to what Manager Waller stated was his last comment and he did not see any conflict at all. He stated there are things they do in the Workshop that could be reaffirmed in the Board Meeting and that the actions that were taken with regard to the settlement could be reaffirmed in this meeting. He stated he had no objection to taking action in regards to that settlement.

Manager Wagamon wondered if they would be setting a precedent by doing this. District Attorney Smith stated in regards to Workshops or study sessions, both meetings are subject to the open meeting law, noticed and open to the public. The Board, like many other units of Government, has a practice of having Workshop or Study Sessions for in-depth discussion on subject matters and to have discussion without taking formal action. It is also typical in Worksession meetings to provide direction to staff on next steps or action to be taken. The minutes of those Workshop meetings record that direction and provide the transparency. If there is a question about tape recording, the Board is free to decide a policy or practice about tape recording these meetings and there are certain aspects of Board meetings like Closed Executive Sessions which have specific tape recording requirements. Otherwise the Board's decision a while ago was the Workshop meetings did not need to be recorded but the Board is always free to change that practice. As to this specific
matter he thought it was true that the action taken at the Workshop for the direction provided is reflected in the minutes and deemed to be clear enough direction by the auditor for the preparation of the Annual Financial Statement. They also felt this was legally adequate but the Board is free as a Board to decide to take supplementary action if so desired. As for a precedent, he felt it would be good to follow a general framework so the Board, Public and Staff all know what the practice is. If they are going to always confirm every direction taken at a Workshop by subsequent action at a Board meeting, then it raises a lot of question about allocation of time and effort at the meetings. If there are on occasion some actions or directions that they want to emphasize by taking further action at Board meetings, the Board is free to do that.

President Preiner indicated she was not against discussing these again but wished Manager Waller would have said something ahead of time so everyone would have come to the meeting prepared. Manager Waller indicated he asked District Administrator Belfiori to put this on the agenda at the last meeting but it seemed to have fallen through the cracks. District Administrator Belfiori indicated he was specifically directed by the Board at the last Workshop the direction so that is not a factual statement. Manager Waller stated it was accurate that he asked District Administrator Belfiori and it is also accurate that District Administrator Belfiori stated he did not put the items on the agenda for this meeting because he was directed by two out of the five Board members not to do that. President Preiner indicated that was the majority of the Board at the meeting.

Manager Bradley did not see a need to accept the Houston Engineering report because they have given direction to staff. He indicated he would support Manager Waller’s request that they go on record with their decision regarding the settlement and how they are going to treat that annually.

District Attorney Smith suggested either someone second Manager Waller’s motion with the additional four items, amend the motion made or that Manager Waller withdraw his motion and a new motion be made.

Manager Bradley requested an amendment to the motion to limit the items discussed to those listed by Manager Waller but not including Item #1. Accept Houston Engineering, Inc. Task Order #2015-031, Rice Creek Watershed District Analyzing Wetland Mitigation Bank Systems Option.

Manager Waller recapped the items he requested discussion and action on. He indicated he included Houston Engineering memo because it was noted in the District Attorney’s memo. Manager Wagamon indicated he did not have a problem with this but would have liked to have been informed well before this meeting in order to review everything. He noted he did not like that this was sprung on them at the meeting.

President Preiner suggested they include these items in the next meeting agenda so the entire Board has a chance to review everything.

The motion failed due to the lack of a second.

District Administrator Belfiori indicated staff would include the four action items on the next agenda and include that information in the packet for the Board to review.
Motion by Manager Bradley, seconded by Manager Wagamon, to adopt the agenda as amended by staff.

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

Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the February 8, 2016, Board of Managers Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 3-0-1 (Manager Bradley abstained due to his absence at meeting).

Minutes of the February 10, 2015, Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 3-0-1 (Manager Bradley abstained due to his absence at meeting).

PERMIT APPLICATIONS REQUIRING BOARD ACTION

The following applications have been reviewed by the District Engineer and Staff and will be acted upon without discussion in accordance with the Engineer’s Recommendation unless a Manager or the Applicant or another interested person requests opportunity for discussion:

CONSENT AGENDA

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-110</td>
<td>Ramsey County Public Works</td>
<td>Mounds View, Arden Hills</td>
<td>Street &amp; Utility Construction</td>
<td>CAPROC 5 items</td>
</tr>
<tr>
<td>16-003</td>
<td>Centennial Schools District 12</td>
<td>Centerville</td>
<td>Final Site Drainage</td>
<td>CAPROC 5 items</td>
</tr>
</tbody>
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Permit Coordinator/Wetland Specialist Tomczik stated there were a few changes/additions to permit 15-110 engineer’s report (ER):

Page 5 of the ER, third sentence from top of page change “from a wetland bank” to “from Wetland Bank 1171”.

Page 2 of the ER, CAPROC item 2, insertion (underline text): “As a Condition of Permit Issuance, the applicant must finalize the wetland banking purchase of account 1171 by submittal of the wetland bank withdrawal form to BWSR. If wetland bank account 1171 is not a viable option concurrent with the project’s impacts, then the applicant must provide an alternative wetland replacement acceptable to the District. The District must receive documentation from BWSR indicating that the debit has occurred.”

Technical Specialist/Permit Reviewer Buntjer stated he proposed to add a second stipulation to permit 15-110 engineer’s report for the floodplain mitigation happening on the site. On page 2 of the ER, Stipulation number 2: “An as-built survey of the floodplain impact and mitigation areas is to be submitted to the District for verification of compliance with the approved floodplain mitigation plan.”
Motion by Manager Waller, seconded by Manager Wagamon, to conditional approve the consent agenda as outlined in the above Table of Contents in Accordance with RCWD District Engineer’s Findings and Recommendations, dated February 17, 2016 for permits 15-110 including staff amendments and 16-003. Motion carried 4-0.

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

There were no comments made at Open Mike.

ADDITIONAL ITEMS REQUIRING BOARD ACTION


   Motion by Manager Wagamon, seconded by Manager Waller, to approve check register dated 2/24/2016, in the amount of $234,353.89, prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Blue Thumb Program Mid-Term Report

   District Administrator Belfiori introduced Communication/Education Coordinator Bromelkamp and indicated she would be giving an update to the Board on the Blue Thumb program.

   Communication/Education Coordinator Bromelkamp stated the board approved the license and transfer agreement for the Blue Thumb program at the June 4, 2015 meeting. The agreement includes three distinct phases: 1) Two-year license period where Metro Blooms manages the program, but the RCWD remains the owner, 2) Eight-year period where Metro Blooms owns and manages the program, but in accordance with terms in the agreement and 3) After expiration of the agreement, Metro Blooms owns and manages the program making its own judgements about how best to retain public and private partners to sustain Blue Thumb.

   According to the agreement, “Metro Blooms will prepare a program and financial report that includes: (a) the annual, itemized budget; (b) actual revenues and spending during the reporting period; and (c) an activity description.” In addition to the materials provided by Metro Blooms, staff have observed the following successes and opportunities for additional work moving forward.

   Metro Blooms has been operating and managing the Blue Thumb program for almost nine months since the agreement was approved. During that time, Metro Blooms has established new partnerships in Missouri and New York as well as secured funding and a designated Green Corp member to expand Blue Thumb’s work in southeastern Minnesota. These efforts are expanding the program’s reach geographically and opening up new opportunities for funding. Resources developed for these new communities may also be useful for local partners.

   The Blue Thumb program was successfully showcased at the Minnesota State Fair and other local events including the Landscape Revival. A new Pledge to Plant campaign will be launched shortly in coordination with a new website. Development of the new Blue Thumb website has been time consuming. Partners are looking forward to its release soon since it is the most used Blue Thumb resource. In addition, new professional development and networking opportunities have been offered to current and prospective partners.
While progress has been made to recruit public and private partners, additional work will be needed to reach the goal of recruiting 20 from each sector before the end of the license period. It will be important for Metro Blooms staff to balance their efforts to expand into greater Minnesota and other states with providing high-quality resources that meet the needs of local partners. More advanced notice may be helpful to increase attendance at partner meetings.

The Blue Thumb Steering Committee was given the opportunity to review the annual budget including income and expenditures. The Committee would appreciate more time for such a review and the opportunity to inform its contents prior to approval by the Metro Blooms Board. Liaisons have not yet been established to facilitate communications between the committee and Metro Blooms board. However, a conversation was initiated last week to begin this process.

Additional steps are needed to ensure that an objective referral system has been achieved. Prior to launching the new Blue Thumb website, language should be drafted and approved by the RCWD to explain the relationship between the two entities and the fee-for-service assistance offered by Blue Thumb. Clarity about which partners are affiliated with each entity should also be reviewed. A Google Analytics training is being offered at the February 25, 2016 partner meeting, which should provide partners with a way to measure referrals.

Ms. Becky Rice, Executive Director of Metro Blooms thanked the Board and staff for giving her the opportunity to talk to them. She asked if the Board had any questions.

Manager Bradley congratulated her on justifying the Board’s reliance and trust in them. He stated that staff’s recommendations for improvement appeared to be reasonable and wondered if she felt they were reasonable as well. Ms. Rice indicated they were and also noted that the New York partner mentioned in Ms. Bromelkamp’s report has not yet been confirmed. The other items mentioned are things they are working towards. In terms of the liaison to the committee, they are looking for individuals on the Steering Committee to serve in that role and no one has stepped forward yet. Metro Blooms feels there is a lack of clarity about the role of the liaisons.

Manager Waller thanked Ms. Rice for coming to the meeting and taking over Blue Thumb for them.

2. Staff Report

a. Update on Utilizing Credits from Brown’s Preserve Bank

District Administrator Belfiori stated staff inquired to BWSR, per the Boards request, about the use of Browns Preserve Wetland Bank deposited credits for mitigation of impacts within the District resulting from future RCWD projects. He stated that his conversation with Senior BWSR Wetland Staff, BWSR staff communicating that they did not see the use of Brown’s Preserve Bank credits for District projects anywhere in the District as problematic. The District will need to support the decision when that District Project came to the Board for consideration. A couple of justifications for the use of Brown’s Preserve credits for District projects throughout the District is that the contributing drainage area to Browns Preserve Bank is located within both Anoka County (a 50-80% county) and Washington County (a 50% county), that the Bank is located immediately adjacent to the Anoka / Washington County boundary, and the potential wetland impacts and the replacement would be in the same minor watershed. The District feels this will occur infrequently, since the Comprehensive Wetland Management Plans are in place for a majority of the District.

District Administrator Belfiori stated BWSR also indicated that if, from a long term perspective, the District would like to send a basic letter and map of these concerns to BWSR may include it in their March report to the Legislature on WCA.
Manager Bradley stated his concern is if they go on record that they think the language of the Statute needs to be amended and get memorialized and sent to Legislature and there is not an amendment that they would have created a history that opposes the Board's position. District Attorney Smith stated that is always a challenge when they wish to have the law clarified and he thought that is simply a risk they would take. Manager Bradley suggested an alternative which would be that the Board communicate the content of our understanding in a letter to BWSR and then let them decide if they want a decision to clarify.

Manager Waller thought that was an excellent idea and thanked District Administrator Belfiori for getting clarification on this item. He would like to make certain that when they began the project they had certain immediate goals to use the wetland credits within the project itself. There will be some alteration in project ACD15 in which it will be realigned eventually to follow the County line of Anoka and there will be needs for credit there. There will also be needs for credits on three or four branches in Washington County and in addition to that they have a contractual agreement with the City of Columbus for credits. He stated he did not have any objection to creating a record but did not have any intention of going to the Legislature to ask them to be on record for a change in the law. He thought BWSR should decide if they want to do that.

President Preiner thought there should be some follow-up with Mr. Hair. District Administrator Belfiori stated if Mr. Hair might have other inquiries it would probably be good for him to check with BWSR on those other questions he has on use of credits anywhere in the State, County or City. He indicated that District staff did not check on all of those details because he was directed to only focus on the Rice Creek related matters. There are definitely some different things he might want to ask BWSR staff related to any customer he may be talking to.

District Administrator Belfiori asked for the Board's consensus to pursue a letter or communication to BWSR per Manager Bradley's suggestion confirming what they understood to hear and stating that District intends to proceed with that.

Consensus of the Board was to send a letter/communication to BWSR confirming our understanding regarding the use of Brown's Preserve wetland bank credits for District projects.

3. March Calendar
There were no comments.

4. Manager's Update
Manager Waller informed the Board of the Rinke Noonan drainage conference he attended. He indicated it was well attended and two of the presenters were the District consultants so the information provided was not new to the District.

ADJOURNMENT
Motion by Manager Wagamon, seconded by Manager Bradley, to adjourn the meeting at 9:46 a.m. Motion carried 4-0.