REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, January 11, 2017

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

Approved 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)

Roll call present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Lake and Stream Specialist Matt Kocian, District Technician Samantha Berger, Communication and Outreach Coordinator Beth Carreño, Office Manager Theresa Stasica.

Staff present: District Engineer Chris Otterness, Houston Engineering, Inc. (HEI); and District Attorney Louis Smith from Smith Partners.

Visitors: None.

OATH OF OFFICE
District Attorney Smith administered the Oath of Office to President Preiner. The Board congratulated President Preiner on her ten years in office.

SETTING OF THE AGENDA
District Administrator Belfiori added new item 3, A16-01, Matt Percy – Rain Garden Retrofit RCWD Water Quality Grant Program Contract Amendment.

Motion by Manager Waller, seconded by Manager Wagamon, to adopt the agenda as amended. Motion carried 4-0-1.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the December 12, 2016, Board of Managers Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 4-0-1.
Minutes of the December 14, 2016, Board of Managers Meeting.  

Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as amended.

Manager Waller noted on page 13, line 332, “The city should be aware that when the District reduces the general maintenance budget for drainage systems that also reduces their city opportunity.”

Motion carried 4-0-1.

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>16-113</td>
<td>City of Blaine</td>
<td>Blaine</td>
<td>Bridge/Culvert Crossing</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

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 January 3, 2017. Motion carried 4-0-1.

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

1. Consider Rice Creek Watershed District Aquatic Invasive Species (AIS) Policy.
   
   Lake and Stream Specialist Kocian gave a presentation on the current precedent provided by the RCWD Board of Managers. This precedent has a limited RCWD involvement to AIS with a direct link to “water quality”. Those AIS that contribute to algae blooms and decreased water clarity have been actively managed by the RCWD, while other AIS have not. AIS that do not directly impact water quality, but may affect ecology or recreation, have received guidance and technical support from the RCWD. At this time, the District does not have an official policy and AIS is not addressed in the Water Management Plan. Adopting a policy on AIS management will provide guidance for RCWD staff and clarity for RCWD citizens. Lake and Stream Specialist Kocian presented a proposed Aquatic Invasive Species (AIS) policy that is consistent with the current Board precedent. He also commented that District staff will regularly assess any new science that guides the policy.

   Manager Bradley thanked staff for the changes he requested and he was happy with the results.

   Manager Waller stated every year Washington County Board of Commissioners hold a workshop on invasive species and have their grant program. He thought it would be helpful for staff to
attend the meeting for communication purposes so when questions come up they can be answered.

Managers Preiner and Wagamon commented that this policy reflects their comments made at the 10/10/16 workshop and they really appreciated it.

**Motion by Manager Bradley, seconded by Manager Waller, to adopt the RCWD policy on Aquatic Invasive Species. Motion carried 4-0-1.**

2. **Consider Citizen Advisory Committee (CAC) Appointments for 2017**

Communication and Outreach Coordinator Carreño stated the Board of Managers is requested to maintain a citizen advisory committee to advise and assist the Managers with all matters affecting the interests of the watershed district as well as to make recommendations on all proposed RCWD projects and improvements.

Communication and Outreach Coordinator Carreño reviewed the current CAC membership with the Board.

Communication and Outreach Coordinator Carreño stated based on the willingness of the CAC members to continue their service to the Rice Creek Watershed District and the effectiveness of their service, staff recommends that the Board reappoint the current ten members listed in the 1/4/17 memo found in their Agenda Packet.

Manager Waller replied since there is to vacancies in Washington County, she may want to asked if past CAC member Mary Sue Simmons had any recommendations. He stated Ms. Carreño should contact Jane Harper at the White Bear Lake Conservation District to see if there is someone she could recommend as well. He was not sure about the City of Hugo, but City Manager Bryan Bear might have a recommendation as well.

President Preiner commended their Citizen Advisory Committee because they have dedicated their time and come up with some great ideas.

Manager Bradley noted Bridget Osborne was noted for two awards for her professional growth. Communication and Outreach Coordinator Carreño stated the District had put it on their Facebook page and website.

**Motion by Manager Waller, seconded by Manager Wagamon, to accept the current membership and officer positions. Motion carried 4-0-1.**

3. **A16-01 Matt Percy – Rain Guardian Retrofit RCWD Water Quality Grant Program Contract Amendment.**

District Technician Samantha Berger explained this project proposed the installation of a rain guardian inlet device on an existing curb-cut raingarden in Circle Pines. The street was under construction and the landowner wanted to use this opportunity to install a rain guardian device to help make maintenance of his raingarden easier. The Board approved the project and associated contract at the August 24th Board meeting. On December 31, 2016, the contract expired before the landowner was able to install the device. This short time frame was
established in the contract since it was anticipated that the street work would be finished in the fall and the installation would occur shortly after. Unfortunately, there were issues with the pouring of the curb-cut and the installation of the rain guardian cannot occur until late spring; therefore, the applicant has requested that the current agreement be amended.

District Technician Berger requested the Board of Managers approve the amended grant agreement A16-01 for the Percy rain guardian retrofit.

**Motion by Manager Waller, seconded by Manager Wagamon, to approve the amended dates in RCWD Water Quality Grant Program Amended Contract A16-01 for the Percy’s rain guardian retrofit project, in accordance with established program guidelines. Motion carried 4-0-1.**

4. **Consider Accepting the Engineer’s Repair Report for Anoka County Ditch (ACD) 53-62 Branch 2.**

District Administrator Belfiori stated at the October and November 2016 Board workshop meetings the Board of Managers discussed and reached consensus on the recommended repair alternative being considered for ACD 53-62 Branch 2. The Board also discussed and reached consensus on the proposed cost allocation and water management district charges for ACD 53-62 Branch 2.

District Administrator Belfiori stated based on this previous Board consensus, Resolution 2017-01 provides for the following actions:

- Accepts the Engineer’s Final Repair Report for the repair of Brach 2 of ACD 53-62 and identifies Board concurrence with the Engineer’s Recommended Repair Alternative.
- Accepts the charge analysis and recommended allocation of costs for the repair of Branch 2 of ACD 53-62.
- Directs that further proceedings for the repair of Branch 2 of ACD 53-62 shall occur and direct staff to notice acceptance of the Repair Report and Cost Allocation Recommendation and to open a 30-day period for review and comment.
- Sets the date and time and notices for the public informational meeting to present the Recommended Repair Alternative and allocation of costs and to answer general questions from the owners of property, municipal and private entities affected by the proposed repair and cost allocation.
- Directs staff to schedule and notice a final public hearing at which the Board shall take public comment and consider an order adopting and directing construction of the Recommended Repair Alternative and adopting and authorizing implementation of water management charges as part of the proposed cost allocation.

District Administrator Belfiori reviewed the timeline with the Board.

**Motion by Manager Wagamon, seconded by Manager Bradley, to adopt Resolution 2017-01, Accepting the Engineer’s Repair Report for Anoka County Ditch 53-62, Branch 2, accepting the costs allocation recommendation, and directing further repair proceedings and ordering:**
A. The Board of Managers accepts the Engineer’s Final Repair Report for the repair of Branch 2 of ACD 53-62 and concurs with the Engineer’s Recommended Repair Alternative.

B. The Board of Managers accepts the charge analysis and recommended allocation of costs for the repair of Branch 2 of ACD 53-62.

C. Further proceedings for the repair of Branch 2 of ACD 53-62 shall occur utilizing the additional authorities provided in Minnesota Statutes Section 103D.621 Subd. 4.

D. Both the Recommended Repair Alternative and allocation of costs are subject to modification and final Board approval after public hearings.

E. The Board of Managers directs its administrator to notice acceptance of the Repair Report and Cost Allocation Recommendation and to open a 30-day period for review and comment and to set and notice the following meetings and hearings:

• An informational meeting to present the Recommended Repair Alternative and allocation of costs and to answer general questions from the owners of property, municipal and private entities affected by the proposed repair and cost allocation to be held on February 6, 2017 at 6:30 p.m. in the Blaine City Hall Cloverleaf Farm Room, 10801 Town Square Drive Northeast, Blaine, MN.

• A final hearing at which the Board shall take public comment and consider an order adopting and directing construction of the Recommended Repair Alternative and adopting and authorizing implementation of water management charges as part of the proposed cost allocation to be held on March 8, 2017 at 9:00 a.m. in the Shoreview City Council Chambers, 4600 North Victoria Street, Shoreview, Minnesota.

F. Notice of the final hearing shall be provided as follows:

• Transmission of the repair plan to the Corps, BWSR and the DNR for review and comment.
• Notice of the availability of the reports for review published once in the county where property affected by the drainage system is located.
• Notice of the hearing by publication before the date of the hearing in a legal newspaper, published in the county where property affected by the drainage system is located.
• Notice of the hearing by mail ten days prior to the hearing to the DNR and the counties or municipalities entirely or partly within the area affected by the drainage system and the water management district charge.
• Notice of the hearing shall state the time and location of the hearing; the general nature of the work; the estimated cost of the work; and the method by which the cost of the work is to be paid, including the cost to be allocated to each affected county, municipality or the state government.
• Additional notice to landowners as required by local rule.

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

Motion carried 4-0-1.

5. Consider Pay Request #2 from Veit & Company, Inc. for the Anoka County Ditch 31 & 46 Repair Project.
District Administrator Belfiori stated the Board is asked to consider pay request #2 from Veit & Company, Inc. for the Anoka County Ditch 31 & 46 Repair Project.

District Engineer Otterness updated the Board on the progress being done on the project. President Preiner informed the Board that the City Council and people are happy with the project.

Motion by Manager Waller, seconded by Manager Wagamon, to approve Partial Payment #2 in the amount of $190,686.38 to Veit & Company, Inc. for work completed under this pay request. Motion carried 4-0-1.

District Administrator Belfiori stated at the October 10, 2016 Board workshop, the Board agreed via consensus to direct staff to review and make recommendations regarding District salary structure and reached consensus that Sara Noah – Human Resources Consultant should be hired by the District to complete the 2017/2018 salary structure analysis.

District Administrator Belfiori stated the final product of the above-mentioned salary structure analysis is attached. If approved by the Board, this table would be incorporated into the District’s adopted salary administration policy as outlined in the RCWD Employee Handbook. The proposed action below attempts to reflect the majority consensus discussion at the January 9, 2017 workshop meeting related to implementation of market based salary adjustments and the Administrators authorized discretion to work to maintain market competitiveness.

Manager Wagamon stated he was on the sub-committee and his recommendation was to accept the study as done and thought it was very thorough. He did not think they needed to go back through everything and thought it should be approved as recommended.

Manager Bradley stated the Board received an email from Manager Haake regarding this item and her basic concern was at grade level 12. She was concerned that they included administrators from cities and did not think those jobs were comparable to what the District Administrator does based on scope in terms of budgets and responsibilities so she would like to investigate that.

District Administrator Belfiori stated city administrators were included in the data collection and he believed two or three subcategories of city administrators was included. He stated Sarah included 63 data points, 63 salaries that were analyzed from cities in the Metro area for City Managers/Administrators/County Administrators for cities less than 25,000. The next category included data points within the Metro area for City Managers/Administrators/County Administrators for cities 25,000 to 50,000 in the Twin Cities. Sarah also included a third category for 101 Metro wide cities. He reviewed other categories that were included.
Manager Bradley stated this issue of whether or not they have included too high of a cap is irrelevan to them today because they are so far below the cap. The actual proposal and salary the District pays the administrator is nowhere close to the salaries being paid to the city administrators so he felt the concern was irrelevant. He thought this should be approved as is but they could also approve grade levels 1-11 as proposed and approve grade level 12 to be maintained at whatever ratio exists today between 12 and 11 and recalculate zones 1-3 of grade level 12 to maintain the existing distance as a percentage between 11 and 12 to set the zones 1, 2 and 3 today.

Manager Waller stated he was unhappy at the workshop with the data brought forward and did not think they needed to accept any of it because all of the District employees are well within the current data. He felt every three years or bi-annually was too soon to change this. He felt there were some other issues in this that needed to be looked at also. He stated the sub-committee only met once and felt the sub-committee should be more involved in looking at this. He stated as he was looking through his employee handbook one of the problems is they do not review the administrator often enough. He wants to make sure their grade 12 employees are protected and have an annual review. He thought the sub-committee needed to do some more work on this.

Manager Wagamon agreed on the reviews of the administrator but he was very comfortable moving forward with the rest of this with the information the Board has before them. He thought the study speaks for itself. He stated he did not see any reason for not approving this.

Manager Bradley stated it has been three years since this was done and because the information is so different than previously it appears it is time to do this. He stated he appreciated they had a good turnout for the job when they had an opening they do not want to ignore the fact that they do not want to lose their current administrator. Some comparison to cities is relevant. He suggested they either approve this item in its entirety or approve grade levels 4-11 and add the difference to level 12 until this would come back again.

Manager Waller thought most of this needed to be done in the subcommittee but thought some type of language needed to be added that makes the future board responsible and take some action because right now if approved the salary will go up for the administrator without any review. Manager Bradley stated he would like to see larger sub-committees. President Preiner thought on something like this the entire Board should be involved in the review.

Manager Bradley asked if the District Administrator needed this now to set current salaries. District Administrator Belfiori stated this exercise is a separate exercise from the salary based performance reviews that he does annually. This is a market based adjustment, if they wish to make that and is not necessarily related to the performance of the personnel. He stated this will be needed in the methodology for placing employees in the proper zones and also could be incorporated into employee salary discussions as part of their performance reviews that will be happening in January and February for the majority of staff.

Motion by Manager Wagamon, to approve the 2017/2018 RCWD Salary Structure, incorporate the table into the District’s Employee Manual, and authorizes the Administrator to implement
the necessary market based salary adjustments to bring employees back to the lowest value in their previous salary range zone and to use discretion to work within that salary range zone as necessary to maintain market competitiveness.

Manager Bradley thought they wanted to give the administrator the discretion where within the range he wanted to apply. He thought they should strike “to bring employees back to the lowest value in their previous salary range zone” in the motion.

Manager Wagamon accepted Manager Bradley’s suggestion and restated his motion accordingly.

Motion by Manager Wagamon, to approve the 2017/2018 RCWD Salary Structure, incorporate the table into the District’s Employee Manual, and authorizes the Administrator to implement the necessary market based salary adjustments and to use discretion to work within that salary range zone as necessary to maintain market competitiveness.

Seconded by Manager Bradley.

Motion carried 3-1 (Manager Waller)-1.

Manager Waller stated he did not accept the structure as presented but thought they could work on this as a full Board during the coming year. He wanted to provide protection.


Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated January 11, 2017, in the amount of $35,517.06, prepared by Redpath and Company. Motion carried 4-0-1.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer’s Update and Timeline.
   District Engineer Otterness updated the Board on projects going on and recently completed in the District.

2. Manager’s Update
   Manager Waller stated he went to the Washington County Consortium meeting which was conducted at basically a political action school by the Fresh Water Institute. He did not think staff missed anything by not being at the meeting. He thought they needed to make better use of some of the communication meetings they have.

ADJOURNMENT

Motion by Manager Waller, seconded by Manager Wagamon, to adjourn the meeting at 10:15 a.m. Motion carried 4-0-1.