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, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, and Secretary Mike Bradley.
Absent: Treasurer Steve Wagamon (with prior notice)
Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Lakes and Stream Specialist Matt Kocian, Office Manager Theresa Stasica.
Consultants: District Engineer Mark Deutschman-Houston Engineering, Inc. (HEI); and District Attorney Louis Smith from Smith Partners
Visitors: None.

SETTING OF THE AGENDA
District Administrator Belfiori indicated there were no changes.

Motion by Manager Haake, seconded by Manager Bradley, to adopt the agenda as presented. Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the October 12, 2015, Board of Managers Meeting Workshop Meeting. Motion by Manager Bradley, seconded by Manager Haake, to approve the minutes as presented. Motion carried 4-0.

Minutes of the October 14, 2015, Board of Managers Meeting. Motion by Manager Bradley, seconded by Manager Waller, to approve the minutes as presented.

Manager Haake stated she would like to make a clarification to the minutes.

Manager Haake stated on line 135-137 on page 4, she would like to change a statement she made in regards to the raingarden. She stated it was beautifully and very nicely done and will be an amenity. She stated she would like to change it to "Manager Haake stated that this is going to be very nice to the homeowners, it is an amenity to their property but..."
there is too much impervious surface. Usually in cities, there is a formula of how much land on a piece of property can be impervious as opposed to pervious areas. Perhaps White Bear Township should establish this ratio so water can be leached into the ground where it falls. In the CAC there were five votes against this project, two in favor and since she values the work and considerations the CAC gives to items brought before them, she agrees with the CAC group.

President Preiner stated by changing this, how do they know that White Bear Township does not have a rule like that. Manager Bradley thought that since this was allowed to be constructed they would be under the assumption that White Bear Township did not have that requirement.

Manager Haake stated she would remove the following sentence; “Perhaps White Bear Township should establish this ratio so water can be leached into the ground where it falls”.

President Preiner asked because what was previously stated in the minutes was accurate would they need to amend these minutes or would the new comments just need to be included in the current minutes. Manager Haake stated she was just clarifying what she said at the previous meeting. District Attorney Smith stated the focus should be only on what was discussed at the last meeting and understood Manager Haake to be clarifying what she stated. Any new points would be in the current minutes.

Motion by Manager Waller, seconded by Manager Bradley, to approve the minutes as amended by Manager Haake and leaving out the sentence beginning “Perhaps”. Motion carried 4-0.

Main motion carried 4-0.

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:

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-087</td>
<td>City of Blaine</td>
<td>Blaine</td>
<td>Street &amp; Utility Construction</td>
<td>CAPROC 4 items</td>
</tr>
</tbody>
</table>

Motion by Manager Bradley, seconded by Manager Haake, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated October 22, 2015. 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**

1. **Consider League of Minnesota Cities Liability Coverage Waiver Form.**

   Administrator Belfiori explained League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased.

   **Motion by Manager Haake to approve not waiving the monetary limits on municipal tort liability established by Minnesota Statute, Section 466.04. The motion did not receive a second.**

   Manager Bradley asked if they had more insurance than they have liability. District Attorney Smith stated his understanding is they are insured over these limits but under the Statute, they can still have the benefit of these limits by acting not to waive them.

   Manager Bradley asked what the harm is in establishing their limit on liability to pay based on existing insurance. District Attorney Smith stated there are two points of view about this. One is to seek the protection that this Statute offers to cap total exposure of liability for financial prudence reasons. The second point is if there is an injury to someone by virtue of the Districts actions and found to be liable that they would want the injured to have a full recovery at least up to the amount insured. In the past, the Board has opted for the first school of thought.

   Manager Bradley indicated this would not be taxpayer money, this would be insurance proceeds which would pay for this and in light that they have insurance that would exceed the amount of their liability, something they have paid for with taxpayer money, for the benefit of people that are harmed by them, he would vote for waiving the monetary limits on the Tort liability to the extent that they have liability coverage obtained from LMCIT. Manager Haake indicated she has been on many Commissions and City Council and not waiving is a typical thing they do. She stated if they do waive this, in the future premiums may rise for them, which would be taxpayer money.

   Manager Bradley stated he was not opposed to number one but thought number two was still a better public policy. Manager Waller stated he had not thought about this but raises a question for him and would like to hear more information. Manager Haake stated when it comes to lawsuits with medical professions there has always been discussion about limiting the liability because everyone has to pay and insurance will usually go up because of lawsuits.

   President Preiner asked if this needed to be done today. Administrator Belfiori indicated this could be done at a future meeting. Manager Waller stated he would like more information before making a decision.

   **Motion by Manager Waller, seconded by Manager Bradley, to postpone this item until the November 9, 2015 Workshop Meeting. Motion carried 4-0.**

2. **Consider Awarding Contract for Middle Rice Creek Restoration Project.**

   District Administrator Belfiori stated on September 23, 2015 the Board acknowledged receipt of final plans and specifications from Emmons and Olivier Resources, Inc. (EOR) for the Middle Rice Creek Restoration Project, and authorized staff to solicit construction bids. Sealed bids were received from 11 contractors on October 16, 2015. The low bidder is Veit Contracting, Inc, whether based on Base Bid, or Base Bid plus Add Alternates. Veit’s base bid, plus the recommended Add Alternates, is $538,376.01, which is 24% lower than the engineer’s estimate of $731,805.86.
District Administrator Belfiori stated EOR has determined that Veit is a responsible bidder per the project specifications, and recommends awarding the construction contract to Veit for $538,376.01. Consistent with past construction projects, RCWD staff recommend authorizing the Administrator to sign change orders increasing the project contract price in an aggregate net amount not exceeding 15% of the contract price ($80,756).

**Motion by Manager Bradley, seconded by Manager Haake, to approve Resolution 2015-37, Resolution Awarding the Contract for the Middle Rice Creek Restoration Project to Veit Contracting Inc. for $538,376.01, authorizing the District Administrator to sign and transmit the notice of award, sign the construction agreement and issue the notice to proceed on advice of EOR, Inc. and counsel and when prerequisites for issuance have been met by the contractor. Authorizing District Administrator to sign change orders increasing the project contract price in an aggregate net amount not exceeding 15% of the contract price and authorizing the District Administrator to manage bid bonds in accordance with the terms of the bid documents.**

President Preiner wondered why they are already authorizing change orders and why the bid wasn't complete when it went out or was it things they decided they could do because of the affordability. District Administrator Belfiori stated the history of recent past for projects is that to aid in timely response to any issues in the field as they occur that the Board has authorized the language in the Resolution related to staff's ability to quickly adjust for and/or react to changing methods in the field.

Manager Waller asked if there was a change order that needed to be included for approval. District Administrator Belfiori stated there is currently not a change order, this is strictly in preparation for potential for change orders.

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

Motion carried 4-0-1.

3. **Consider Resolution Accepting the Engineer’s Repair Report for Anoka County Ditch 46, Accepting the Costs Allocation Recommendation, and Directing Further Repair Proceedings.**

District Administrator Belfiori stated on October 12, 2015 the District held a Public Information Meeting at the Columbus City Hall regarding the proposed ACD 46 repair report. At this meeting, District staff and consultants presented the repair process, described the proposed repair being considered, presented the Engineer's opinion on probable cost and discussed the funding approach adopted by the Board. Following the presentation, District staff and consultants met with attendees (including benefitting landowners) to discuss specific issues related to the funding approach and proposed repair. During these discussions, the attendees provided no comments that would result in significant revisions to the proposed repair being considered. As such, there have been no modifications to the ACD 46 Repair Report dated April 9, 2015 and incorporated ACD 46 Water Management District Preliminary Charge Analysis dated September 29, 2015.

District Administrator Belfiori stated at this time, staff requests that the Board consider Resolution 2015-35.
Manager Bradley asked for clarification on the December 8th public hearing. District Administrator Belfiori stated the public hearing date is December 8, 2015 and is a Tuesday evening at Columbus City Hall.

Motion by Manager Bradley, seconded by Manager Waller, to approve Resolution 2015-35, Resolution Accepting the Engineer's Repair Report for Anoka County Ditch 46, Accepting the Costs Allocation Recommendation, and Directing Further Repair Proceedings with the following orders:

A. The Board of Managers accepts the Engineer's final supplemented Repair Report for the repair of ACD 46 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 ACD 46.

C. Further proceedings for the repair of ACD 46 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 sets a hearing date of December 8, 2015, for final hearing on the repair and cost allocation for the repair of ACD 46.

F. Notice shall be provided as follows:

- Transmission of the repair plan to the U.S. Army 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 Waller— Aye
Manager Haake— Aye
Manager Bradley— Aye
Manager Wagamon — Absent
President Preiner - Aye

Motion carried 4-0-1.

4. Consider Resolution Accepting the Engineer’s Repair Report for Anoka County Ditch 31, the Costs Allocation Recommendation, and Directing Further Repair Proceedings.
District Administrator Belfiori stated on October 12, 2015 the District held a Public Information Meeting at the Columbus City Hall regarding the proposed ACD 31 repair report. At this meeting, District staff and consultants presented the repair process, described the proposed repair being considered, presented the Engineer’s opinion on probable cost and discussed the funding approach adopted by the Board. Following the presentation, District staff and consultants met with attendees (including benefitting landowners) to discuss specific issues related to the funding approach and proposed repair. During these discussions, the attendees provided no comments that would result in significant revisions to the proposed repair being considered. As such, there have been no modifications to the ACD 31 Repair Report dated April 8, 2015 and the incorporated ACD 31 Water Management District Preliminary Charge Analysis dated September 28, 2015.

District Administrator Belfiori stated at this time, staff request that the Board consider Resolution 2015-36.

Motion by Manager Haake, seconded by Manager Bradley, to approve Resolution 2015-26, Resolution Accepting the Engineer’s Repair Report for Anoka County Ditch 31, Accepting the Costs Allocation Recommendation, and Directing Further Repair Proceedings with the following orders:
A. The Board of Managers accepts the Engineer’s final supplemented Repair Report for the repair of ACD 31 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 ACD 31.

C. Further proceedings for the repair of ACD 31 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 set a hearing date of December 8, 2015, for final hearing on the repair and cost allocation for the repair of ACD 31.

F. Notice shall be provided as follows:
- Transmission of the repair plan to the U.S. Army 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 Waller— Aye
Manager Haake— Aye
Manager Bradley— Aye
Manager Wagamon — Absent
President Preiner - Aye
Motion carried 4-0-1.

5. Consider Check Register dated 10/28/2015, in the amount of $396,635.82, prepared by Redpath and Company.
   Motion by Manager Bradley, seconded by Manager Waller, to approve check register dated 10/28/2015, in the amount of $396,635.82, prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION
1. Staff Report
   There were no comments.

2. November Calendar
   There were no comments. President Preiner noted the Citizen Advisory Committee is now meeting in the conference room at the Watershed District.

3. Manager’s Update
   Manager Bradley stated District Administrator and he went to a presentation on the status of water in Ramsey County and the person responsible for running St. Paul Regional Water Services gave an interesting presentation. One of the things he noted to the interest of the Board is that St. Paul Regional Water Services no longer is pumping water from Centerville Lake. It has been determined it is too shallow and contains phosphorus at a level that is too high.

ADJOURNMENT
Motion by Manager Haake, seconded by Manager Bradley, to adjourn the meeting at 9:26 a.m. Motion carried 4-0.