Minutes

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

ROLL CALL

Absent: None

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, District Technician Samantha Kreibich, Technical Specialist/Permit Reviewer Chris Buntjer, Lake and Stream Specialist Matthew Kocian, Office Manager Theresa Stasica.

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

Visitors: Kathryn Jones-HDR; John Clybeck-Metropolitan Council, Mike Bradley.

SETTING OF THE AGENDA
No changes.

Motion by Manager Haake, seconded by Manager Waller, to adopt the agenda as presented. Motion carried 5-0.

PRESENTATION: KATHRYN JONES, HDR – ANALYSIS OF RECHARGE POTENTIAL AND STORMWATER USE IN THE NORTH AND EAST METRO STUDY AREA.
Kathryn Jones, HDR, Shawn Tracy, Engineer, John Clybeck from the Met Council were at the meeting to give a presentation to the Board on the analysis of Recharge Potential and Stormwater Use in the North and East Metro Study Area.
Manager Haake noticed Fridley is in the Northwest study area and also in the Northeast study area and wondered why. Ms. Jones stated there could be some overlapping.

Manager Waller thanked Ms. Jones for coming to the meeting to present the study to the Board and indicated he would like to discuss this further. He thought they were different because they have a very old city in their area, St. Paul, and for a long time St. Paul has drawn their water from surface water management and that began in the 1860’s and the water utility became a public entity in the 1870’s. Until 1925 St. Paul drew 100% of the water from the Vadnais Lake Area/Rice Creek lakes. He stated St. Paul now draws their water from wells. He stated when it was mentioned recharging the aquifers and substituting surface water, he thought it has been regrettable that the Department of Natural Resources has allowed the St. Paul Water Authority to change their program and to go into the aquifer for as much of their water as they could. He thought this has had a significant impact on their aquifer situation. He thought maybe the quickest way to recharge it is by having the St. Paul Water Authority go back and draw their water supply off the surface and not out of the aquifers, like they had done previously for almost one hundred years. He also hoped the Met Council would be conscious of this and what the impact is on the Northeast area.

Manager Haake asked if the study participants have reviewed the history of this. Ms. Jones stated she has not checked into the history but that information could be found in the Water Use Database, which is available online. She stated their study is not looking specifically at the drinking water supply options. She thought this was a great point and would be willing to look into that further and bring the findings to District Administrator Belfiori. She noted looking at the draw of potable water from those aquifers is not part of their study.

Manager Haake indicated as part of the presentation, Ms. Jones stated drinking water a concern of hers. Ms. Jones stated not looking at the specific users and infrastructure requirements, to change any of that was not the scope of the study for the North and East areas.

Manager Waller stated water is integrated and he thought that was the theme of the speech. He thought the study needed to look at how they are managing surface water. If they wanted to manage surface water for irrigation purposes or something other than potable water, the St. Paul Water Authority virtually controls the use of that water within its surface water supply area. He thought their small cities were restricted from implementing programs to use their own surface water because of the St. Paul Water Authority. He thought the St. Paul Water Authority controlled so much water that if they wanted to implement programs of surface water management, which is different than other areas in the Metropolitan area that they are dealing with. Ms. Jones appreciated the information and indicated they are just getting started in the area and appreciated the perspective and considerations that will be part of their analysis.

**READING OF THE MINUTES AND THEIR APPROVAL**

*Minutes of the October 13, 2014, Middle Rice Creek Restoration Engineer Firm Interviews.* Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0-1 (Manager Ogata abstained due to his absence).

*Minutes of the October 22, 2014, Board of Managers Meeting.* Motion by Manager Haake, seconded by Manager Wagamon, to approve the minutes as presented. Motion carried 5-0.

*Minutes of the October 22, 2014, Board of Managers Workshop Meeting.* Motion by Manager Haake, seconded by Manager Wagamon, to approve the minutes as presented. Motion carried 3-0-2 (Managers Ogata & Waller abstained due to their absence).
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>
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<tr>
<td>14-094</td>
<td>Target Corporation</td>
<td>Shoreview</td>
<td>Final Site Drainage</td>
<td>CAPROC 6 items</td>
</tr>
<tr>
<td>14-095</td>
<td>MnDOT</td>
<td>Arden Hills</td>
<td>Final Site Drainage</td>
<td>CAPROC 5 items</td>
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Motion by Manager Waller, seconded by Manager Wagamon, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated November 4 & 5, 2014. Motion carried 5-0.

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.

ITEMS REQUIRING BOARD ACTION


President Preiner stated the following: "On September 10, 2014, the board of managers adopted resolution 2014-28 setting the District’s 2015 budget at $5,798,717 and approving a property tax levy of $4,300,000.

"Up until the end of December, the board has the ability to reconsider and reduce its levy. To that end, state law requires that the board offer an opportunity for interested members of the public to comment on the board’s September budget and levy action.

"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.

The board will not take action on this matter today. Any comments will be taken under advisement, and the administrator will schedule board consideration for the December 10 meeting if there is board interest in doing so."

President Preiner then invited anyone present in the audience to the podium to comment on the District’s 2015 budget or levy. No person present wished to speak.

2. Consider resolution adopting amendment to Watershed Management Plan.

Water Resource Specialist Axtell stated on September 11, 2014 the District distributed a proposed minor Watershed Management Plan (WMP) amendment to cities, counties, towns and State agencies for a 45-day comment period consistent with Minnesota Rules Chapter 8410. The comment period ended on November 3, 2014. Comment letters were received by several reviewers and staff has reviewed and prepared responses to those comments, which have been included in the meeting packet. Comments received resulted in minor
modifications to the original proposed amendment; in particular, Ramsey County asked that Table 6-6 be corrected so that the estimated annual budget multiplied by the project length equals the total budget number. Ramsey County also asked that language be added to the last paragraph of section 6.3.3.7 that states “The District is currently exploring several concept ideas for Mirror Lake and Hansen Park aimed at improving water quality within and downstream of each basin and also reducing the peak flood elevation at Long Lake. Other secondary benefits will be considered and sought contingent on budgetary availability. The District anticipates allocating roughly $5,700,000 towards these projects, of which roughly $2,200,000 will come from the 2014 Targeted Watershed Demonstration grant from BWSR’s Clean Water Fund. Final costs and funding sources may be modified or refined contingent on the results of ongoing technical feasibility work and stakeholder input.” Ramsey County also asked for a listing of preferences in Section 7.5 when considering a project’s locational priority. Brief language has been added to indicate this is a listing of preferences from high (1) to low (3).

Water Resource Specialist Axtell stated RCWD staff recommends that the Board of Managers approve resolution 2014-34 adopting the proposed Watershed Management Plan minor amendment, as revised, effective immediately and directing the Administrator to distribute the amendment and response to comments as required by Minnesota Rules Chapter 8410.0140.

Motion by Manager Ogata, seconded by Manager Wagamon, to approve Resolution 2014-34, Adopting the proposed Watershed Management Plan:

ROLL CALL:
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 5-0.

3. Consider resolution adopting revised Rules of the District
Permit Coordinator/Wetland Specialist Tomczik stated RCWD noticed revised regulations and a “statement of need and reasonableness” on July 23, 2014, by Resolution 2014-24 for the required 60 day comment period. The public hearing was held on August 26, 2014. In 2013 the District adopted extensive rule revisions primarily to update its stormwater management rules and to consolidate multiple rules implementing the comprehensive wetland protection and management plans (CWMPM) of the District into a single rule. The current rule revision intends some adjustment or clarification to the language and also proposed to use the “Atlas 14” precipitation data of the National Oceanic and Aeronautic Administration (NOAA) to replace the prior “TP-40” data in the administration of stormwater and floodplain rules. The District received a total of 18 comments from 5 commenters on the proposed rules. The majority of the comments were for clarification of the rules. However, Ramsey County expressed concern regarding Rule C6(c-e) regarding sizing, cost effectiveness and the required percentage of the project area treated by BMPs. Therefore the proposed language of Rule C6(e), “for Public Linear projects, no more than 50% of the new or reconstructed impervious surface may be left untreated,” has been removed from the rule presented for adoption. This is the only revision made to the District’s noticed revised rule. This resolution is for adoption of the revised Rules, the approval and distribution of responses to the comments on the proposed rule revisions, and the approval of the Rule implementation schedule, effective December 1, 2014.
Motion by Manager Wagamon, seconded by Manager Ogata, to approve Resolution 2014-35, adopting revised rules of the District:

ROLL CALL:
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 5-0.


District Administrator Belfiori stated on October 22, 2014, the Board held a workshop immediately following their regular Board meeting to review and screen the Professional Services Interest Proposals that were submitted to the District regarding engineering, accounting and legal services. The proposals received were in response to solicitation of interest requesting proposals for engineering, accounting and legal services for 2015-2016. In regards to engineering services the Board recommends retaining Houston Engineering, Inc. to provide engineering services for the District for the years 2015-2016, but remove the specific line item in the fee table related to the additional 20% charge on top of the standard IRS rate and to retain the Engineering consulting pool which includes 13 engineering firms for the District for the years 2015-2016. In regards to accounting services the Board recommends retaining Redpath and Company to provide accounting services for the District for the years 2015-2016 and in regards to legal services the Board recommends retaining Smith Partners and Rinke Noonan to provide legal services for the District for the years 2015-2016 consistent with current delineation of duties between the firms. The resolutions would authorize the Administrator to enter into an extension of the existing agreements with each of the firms listed above and incorporate the attached 2015-2016 fee schedules. The Board is asked to consider approval of Resolution 2014-36, Engineering Services Pool with new billing rate tables; Resolution 2014-37, retention of Engineering Services; Resolution 2014-38, retention of Legal Services, and Resolution 2014-39, retention of Accounting Services.

Motion by Manager Haake, seconded by Manager Ogata, to approve Resolution 2014-36, adopting the Retention of Engineering Services Pool resolving that the Board of Managers elects to enter into or extend services agreement for engineering services the following firms to serve as the engineering pool for an additional two-year period (2015-2016):

Houston Engineering, Inc.; HR Green; Hydromethods; LimnoTech; Respec Water & Natural Resources; SRF Consulting Group, Inc.; Stantec; TKDA; Wenck Associates; WSB & Associates, Inc.; Barr Engineering Company; HDR;and Emmons & Olivier Resources, Inc. Further that the Administrator is authorized to enter into an agreement or extension of the existing agreement with each of the firms listed above in accordance with the terms of the proposal received and such other terms as are not inconsistent therewith, further resolved that notwithstanding this resolution, the District retains all discretion to seek professional engineering services from outside this pool under such circumstances as it may find appropriate.

Manager Waller indicated he would be voting nay to this motion because he thought they needed a different review about how this is done. He noted he was disappointed on how the drainage issues have been handled in the District in several different places.
ROLL CALL:
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Nay
President Preiner – Aye

Motion carried 4-1.

Motion by Manager Ogata, seconded by Manager Wagamon, to approve Resolution 2014-37, adopting the Retention of Engineering Services resolving the extension of services agreement for engineering services with Houston Engineering, Inc. for an additional two-year period; further that the Administrator is authorized to enter into an extension of the existing agreement with Houston Engineering, Inc. in accordance with the terms of the proposal received and such other terms as are not inconsistent therewith.

Manager Waller indicated he would be voting against this resolution for the reasons previously stated.

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

Motion carried 4-1.

Motion by Manager Haake, seconded by Manager Ogata, to approve Resolution 2014-38, adopting the Retention of Legal Services and that the Administrator is authorized to enter into an extension of the existing agreement with Smith Partners and Rinke Noonan in accordance with the terms of the proposal received and such other terms as are not inconsistent therewith and consistent with current delineation of duties between the firms which will be clarified further in discussions with firms.

Manager Waller stated as in the past he has a philosophical difference with Smith Partners, definition of what he would call a central authoritarianism and he has not supported them in the past and will be voting against the resolution.

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

Motion carried 4-1.
Motion by Manager Haake, seconded by Manager Ogata, to approve Resolution 2014-39, adopting the Retention of Accounting Services and that the Administrator is authorized to enter into an extension of the existing agreement with Redpath and Company in accordance with the terms of the proposal received and such other terms as are not inconsistent therewith.

Manager Waller indicated he would be voting against the resolution because they have a situation where the accounting firm is also their own auditor and there is no longer a third party audit being done. Because there is not a third party auditing partner reporting to the State he believed that was an unsafe practice so would be voting nay.

Manager Haake asked if Manager Waller brought this issue to the Board before and thought it was a good point.

ROLL CALL:
Manager Haake — Aye
Manager Ogata — Aye
Manager Wagamon — Aye
Manager Waller — Nay
President Preiner — Aye

Motion carried 4-1.

President Preiner indicated she would like to follow through on that issue so the Board could understand it properly.

Consider November 26, 2014 Check Register — Resolution Authorizing Treasurer Approval.
District Administrator Belfiori stated the Board has one meeting in November and December and staff is presenting a resolution for authorization for payment of the November check register for the second half of the month.

Motion by Manager Ogata, seconded by Manager Haake, to approve Resolution 2014-40, adopting Authorization for Payment of the November 2014 Check Register and authorize the District Treasurer to review and approve payment of the November 26, 2014 check register in the amount not to exceed $300,000 for operating expenses, $150,000 surety returns, and $300,000 in pay requests for District projects.

ROLL CALL:
Manager Haake — Aye
Manager Ogata — Aye
Manager Wagamon — Aye
Manager Waller — Aye
President Preiner — Aye

Motion carried 5-0.

   a) R14-06: Lynn Starr, 2 Raingardens (Ramsey County Ditch 4)

   District Technician Kreibich stated R14-06, Lynn Starr Rain Gardens is located off Shryer Avenue in Roseville. The proposed project will install two bio-retention basins, two rock swales, and a channel drain under the driveway to help treat water coming off the rooftop, driveway, and turf-grass lawn. All drainage onsite then discharges into RCD 4, which ultimately discharges into Little Lake Johanna. Based on submitted documents, RCWD staff supports the project and encourages the Citizen Advisory Committee to make a recommendation to the RCWD Board of Managers that this project be awarded up to $3,816.55 in RCWD Water Quality BMP Cost-Share funding, not to exceed 50% of eligible project expenses, in accordance with program guidelines. RCWD’s Citizen Advisory Committee and Staff recommend that the RCWD Board of Managers approve Water Quality BMP Cost-Share funds for Lynn Starr Raingarden project.

   Motion by Manager Wagamon, seconded by Manager Ogata, to approve RCWD Water Quality BMP Cost-Share Contract R14-06 for Lynn Starr raingarden project, up to $3,816.55, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

   b) R14-07: Dawn Kennedy, Raingarden (Bald Eagle Lake)

   District Technician Kreibich stated this project is located on Birch Road and captures most of the surrounding area. The project proposes the installation of a 300 sq. ft. raingarden to provide pretreatment of stormwater runoff before it enters directly into Bald Eagle Lake. The CAC discussed the application and passed a motion recommending that the RCWD Board of Managers approve this project for up to $5,459.26 in cost-share funding, not to exceed 50% of eligible project expenses.

   Manager Haake asked where the raingarden will be placed. District Technician Kreibich reviewed on the map where the raingarden will be located. Manager Haake asked what percentage of the runoff the raingarden will capture. District Technician Kreibich indicated this neighborhood does not have any curb and gutter so it will capture the majority of the runoff coming from the area.

   Manager Ogata thought this site was one of the areas the Board had chosen for a demonstration project earlier so he was glad to see them coming back because this is a direct funnel into the lake.

   Motion by Manager Haake, seconded by Manager Waller, to approve RCWD Water Quality BMP Cost-Share Contract R14-07 for Dawn Kennedy raingarden project, up to $5,459.26, not to exceed 50% of eligible project expense, in accordance with established program guidelines. Motion carried 5-0.

   c) R14-08: Russell & Polly Dedrick, Lakeshore Stabilization (Bald Eagle Lake)

   District Technician Kreibich stated this project proposes the stabilization of a 106 linear foot shoreline and associated steep slope adjacent to Bald Eagle Lake in White Bear Township. CAC discussed the application and passed a motion recommending that the RCWD Board of Managers approve this project for up to $5,000 in cost-share funding, not to exceed 50% of eligible project expenses.

   Manager Haake asked what was happening to the rest of the shoreline. Manager Ogata stated the Board has approved other projects on that side of the lake and projects on the south side of the lake and also on the east side. They all have the sloping shoreline. Manager Haake asked what the Board approved before. Manager Ogata thought they approved one there before and two on the south side that have similar slopes.
Motion by Manager Ogata, seconded by Manager Haake, to approve RCWD Water Quality BMP Cost-Share Contract R14-08 for Russell and Polly Dedrick shoreline stabilization project, up to $5,000, not to exceed 50% of eligible project expenses, in accordance with established program guidelines. Motion carried 5-0.

7. Consider Minnesota Association of Watershed Districts (MAWD) resolutions for annual meeting and delegate appointments.

District Administrator Belfiori stated they are looking for the Board’s direction on the District’s voting instructions. He also asked the Board to identify the delegated appointments and memberships.

District Manager Belfiori indicated the four resolutions will be considered by the MAWD Board on December 5, 2014, at the annual board meeting. The first summary is the PLSLWD is requesting additional funding to repair the flood damage on the Prior Lake outlet channel related to the 2014 flooding damage on that channel. FEMA will be funding the majority of that but there is a gap where they are requesting MAWD Board support of a Legislative initiative to pursue that additional funding. The recommendation is to support MAWD’s Committee recommendation.

Motion by Manager Haake, seconded by Manager Ogata, to support Resolution 1; Repair of Flood Damage in the Prior Lake Outlet Channel-Prior Lake Spring Lake WD. Motion carried 5-0.

District Administrator Belfiori indicated the PLSLWD is seeking MAWD support to require the DNR to allow Common Carp removal as part of an electrofishing program and to support actions to require the DNR to license and assign multiple commercial fisherman to commercial fishing area to ensure that watershed districts will have the ability to remove the carp as part of their management programs.

Manager Haake asked if this is to discuss it or to get money from the DNR to allow this to happen. District Administrator Belfiori stated the staff at MAWD want to discuss this with DNR prior to December 5, 2014 in order to understand what the ramifications or the need for this is and then come back for further information to the Legislative Committee on December 5, 2014.

Motion by Manager Waller, seconded by Manager Haake, to support Resolution 2; Common Carp Management, Research and Removal-Prior Lake-Spring Lake WD. Motion carried 5-0.

District Administrator Belfiori stated the Capitol Region Watershed District is seeking support to request that the MAWD Board adopt and communicate to its membership no later than the third Tuesday in January each year a well-articulated legislative agenda and lobbying activities and processes, and that this legislative agenda have a structured inclusive approach to legislative lobbying that promotes active participation by the Watershed Districts, their staffs and boards, and that the legislative agenda include a comprehensive social media strategy that informs and calls people to action in support of the legislative agenda.

Motion by Manager Haake, seconded by Manager Ogata, to support Resolution 3; Development, Adoption and Communication of the annual MAWD Legislative Agenda – Capitol Region WD, that the MAWD Board adopt and communicate to the Membership as soon as possible no later than the third Tuesday in January each year a well-articulated legislative agenda and lobbying activities and processes, and that the legislative agenda have a structured inclusive approach to legislative lobbying that promotes active participation by the Watershed Districts, their staff and boards, and that the legislative agenda include a comprehensive communication social media strategy that informs and calls people to action in support of the legislative agenda. Motion carried 5-0.
District Administrator Belfiori stated Resolution #4 would allow reduced property tax valuation on conservation restrictions and easements for water quality. The Resolution and staff's recommendation is to have the MAWD staff do some additional research on this item before final recommendation to the MAWD Board.

Manager Ogata stated when he read this he understood it to say that the current laws allows for a reduction for riparian buffers but not for other projects or pieces of land that would perform the same water quality benefits. He wondered if that was correct. District Administrator Belfiori read from the Sauk River Watershed District submittal and indicated that was correct.

Manager Haake stated right now easements can be done but they do not reduce the property tax on the property. Attorney Holtman stated the notion is when you give up certain rights on your property through an easement, the property value thereby diminishes and there should be a reduced tax assessment. Initially the County Assessor had discretion to make those judgments and then legislation was passed that specifically defined that it would be reduced for riparian buffers but not for other types of easements and the proposed resolution is to broaden that beyond riparian buffers.

President Preiner stated if the property owner gets a reduction how does the City then compensate. Manager Waller stated there is a process already in place where a landowner can request a reduction for wetlands in the middle of a field. He thought this looked like a nice idea for tax reduction but in the end for greater Minnesota Counties, towns and school districts there is a reduction in the amount of money they have so he thought there needs to be an addition to the amendment stating those monies that are lost because of this reduction in taxes would be replaced by some other source from the State. He thought that was an important aspect of this and did not see it in the resolution.

Manager Haake suggested if they adopt this that they include an amendment stating there be some other compensation to make up for monies lost.

Motion by Manager Haake, seconded by Manager Waller, to support Resolution 4, with an amendment requiring a mechanism for state compensation for lost local property taxes to be presented at the December 5, 2014 MAWD Annual Meeting.

Attorney Holtman asked if the amendment is considered at the annual meeting but not passed, is it the consensus of the Board that the delegates should not support the resolution as it now stands. President Preiner stated that was her suggestion. The Board concurred.

Motion by Manager Haake, seconded by Manager Waller, to amend the motion stating it is the consensus of the Board that if the amendment in the motion is not passed the delegates should not support the current resolution. Amendment carried 5-0. Motion carried 5-0.

Manager Haake stated she would like to be a delegate at the December 5, 2015 MAWD Annual meeting. Manager Wagamon indicated he would be a delegate.

Motion by Manager Haake, seconded by Manager Ogata, to appoint Managers Haake and Wagamon as the two delegates to the December 5, 2014 MAWD Annual Meeting. Motion carried 5-0.
8. Consider resolution for the supplemental order for the repair of Branch 1 of Anoka County Ditch 53-62 by realigning a portion of the drainage system to avoid wetland impacts.
District Administrator Belfiori stated in March 2013 the repair report was approved for Branch 1 of the Anoka County Ditch 53-62, identifying alternatives for realignment for that segment around Creative Capital Holdings, i.e. Walmart as well as Bermo Properties.

Motion by Manager Haake, seconded by Manager Ogata, to approve Resolution 2014-41, Supplemental order for the repair of Branch 1 of Anoka County Ditch 53-62 by realigning a portion of the drainage system to avoid wetland impacts.

The reading of the Resolution was waived.

ROLL CALL:
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Aye
President Preiner – Aye

Motion carried 5-0.

9. Consider accepting donation of real property from Dan & Gloria Hair
District Administrator Belfiori stated in December 2013, the Board acknowledged the public donation of real property from Dan and Gloria Hair, related to their outlot A and B and set some conditions on receipt of an appraisal by December 31, 2013, which was not received. Since that time Dan and Gloria Hair have received an appraisal and submitted that to the Board for consideration. The appraisal identifies the value of the donation of $413,000 and the resolution identifies that this donation is in the public purpose and the order is to accept that donation and acknowledge the appraised value of that donation.

Motion by Manager Wagamon, seconded by Manager Ogata, to approve Resolution 2014-42, Finding Public Purpose, Accepting Donation of Real Property from Dan and Gloria Hair and Accepting the Appraised Value of the Donation with the following orders:
A. The Board of Managers accepts the donation of property from Dan and Gloria Hair of the property platted as Outlets A and B on the attached Plat of Columbus Wilds.
B. The Board acknowledges the appraised value of the donation as $413,000.00
C. The Board acknowledges the public purpose of the donation.
D. The Board’s order accepting the donation shall be effective upon Dan and Gloria Hair’s recording of the Quit Claim Deed with Anoka County, along with payment of all current assessments to the property.

Manager Waller asked how many acres the property was. Permit Coordinator/Wetland Specialist Tomczik stated it was approximately 41 acres. Manager Waller asked if this could act as wetland banking credits. Permit Coordinator/Wetland Specialist Tomczik stated it is currently wetland bank designated for Mr. Hair and he would retain credits.
ROLL CALL:
Manager Haake — Aye
Manager Ogata — Aye
Manager Wagamon — Aye
Manager Waller — Aye
President Preiner — Aye

Motion carried 5-0.

10. Consideration of contract award for Middle Rice Creek Restoration engineering services.
District Administrator Belfiori stated at the October 22, 2014 RCWD Board meeting, the Board directed staff to engage in a detailed scoping meeting with Emmons and Olivier Resources, Inc. (EOR), to discuss a very specific Scope of Engineering Services for the Middle Rice Creek Restoration Project. The objective of the meeting was to ensure that both parties, RCWD and EOR, had a very clear understanding of the engineering services expected and provided.

Mr. Belfiori reviewed the results of the scoping meeting with EOR.

President Preiner asked what the closest other bid was to this one. Lakes and Streams Specialist Kocian stated the next closest proposal was $114,000 from Respec. President Preiner asked if the Respec proposal included all of the new elements they have decided now need to go into the contract. Lakes and Stream Specialist Kocian stated it did not include the "No Net Rise Analysis" and it did not include soil contamination sampling. These two new elements are not included in any of the other engineering firms' proposals because it was not called out in the original RFP. The updated items were called out in the RFP but through the scoping process they have added detail to the original description.

Manager Waller stated as in the past he does not support this and suggested, in the sense of fairness because of the way this process has come about that they resolicit proposals for the project. In reviewing the 2008 study that was produced on the Rice Creek Meandering, it referenced the 2000 study which was produced by the District Engineers at the time and this letter should be added to the record for reference. One paragraph out of the letter states "Additionally, the Board should put some thought into the merit of this project. Rice Creek Watershed District projects are typically quantitative, which means your staff can supply you with relatively hard numbers to reinforce the worth of the project. The meander restoration project is more qualitative and would be more difficult and prohibitively expensive for the purpose of determining the quantitative benefits related to habitat, water quality, and aesthetics resulting from the realignment of the creek bed."

Manager Waller stated in investigating this, this District spent $50,000 originally to have that study which was not in the 2007 budget and part of that study was to provide them with bank to bank ideas of the bank to bank data and they had that available. Information was known to all of the engineering firms in the process and only one firm asked for it and the reply from staff was that it was too messy to send to them and that makes him wonder what that means because they paid over $70,000 for the transfer of these data from EOR originally to be the District's in a format that could be used. The original proposal of $92,000 plus the additional $57,000 gets them close to the budgeted amount of money. He stated the costs are starting to escalate. He thought they should open this back up to resolicit proposals so they do not appear to have any interference in this contract.

Motion by Manager Waller, seconded by Manager Preiner, to resolicit proposals on this project.
Manager Haake stated in regards to the report being messy, she talked to other firms and they indicated that the report was very well done and they were able to get through the messy part and they used it and utilized it when they talked to the Board.

Lakes and Streams Specialist Kocian stated during the RFP process the 2008 diagnostic work done by EOR was provided to all of the engineering firms that were providing proposals. The messy comment refers to some raw survey data that was collected by EOR that was used to inform the diagnostics study. Manager Waller thought all of the data needed to be useable for each engineering firm that bid on the project and not messy. He thought they needed to look at what the construction cost would be and not just the survey. It was noted the District has all the survey data that was collected and was transferred from EOR to Houston Engineering when they became the engineer of choice.

Lakes and Stream Specialist Kocian stated all of the survey information was provided to all of the engineering companies providing proposals on the project. Some of the raw survey data were not provided because he did not think those data were important for the purposes of developing bids.

Manager Waller read the email from Lakes and Stream Specialist Kocian to one of the Engineering firms. District Administrator Belfiori reiterated that the raw data information was not relevant to the process at hand.

President Preiner stated she would second the motion because she did not like the complications of this entire item and thought it needed to be more straightforward. She had a problem with using data that has not been available to everyone.

Manager Ogata stated when a project is put out for proposals each firm is going to do its due diligence. He stated the proposals were so disparate and he thought there was something a little odd.

Lakes and Stream Specialist Kocian indicated a specific question was asked of SRF if it would have been useful for them to have the raw survey data prior to developing their RFP and their answer was no. They are asking all of the engineering firms to redo the survey data as part of the design scope, not only to verify the data but because it has been seven or eight years since the survey data were collected.

Manager Haake thought when looking at the proposals and when you consider what the Board did and had them go through the scoping process, it would have changed everyone’s proposal amount and they all would have gone up the same general amount, which still leaves EOR the lowest cost proposal. She indicated she would be against anything to have to go back through resoliciting proposals and it would delay the project.

Motion by Manager Waller, seconded by Manager Preiner, to call the question.

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

Motion failed 2-3.
Manager Ogata thought EOR necessarily would have some type of advantage in the RFP process because they did the prior study. He thought that as they undertake the design work, they cannot rely on those data, they will have to do a new survey anyway. Once they provide a proposal for the project, they are on equal footing with everyone else. Manager Haake thought that was correct. Manager Waller stated that is the question there is no answer to until they see the results.

Manager Ogata stated in the end their proposal was to do the project to completion. All the necessary work that was needed to do the project so everyone had to do the same thing and EOR ended up being the low firm, even with the two new requirements. He did not see what the issue was. Manager Wagamon wondered why these questions were not brought up at the workshop. These questions could have been answered there. He thought going forward they should get all the data needed to the firms but he did not think it made any difference.

District Engineer Deutschman stated he was not involved in this process but from his perspective what the Board is seeing is the difference in a firm's willingness to accept liability for past work completed. Since EOR performed the earlier survey work, it may be able to confirm or reproduce it more cheaply since it can rely on its own work, whereas the other firms would not be able to do that.

Manager Wagamon did not think they would want to use an engineering firm that would use another firm's data without verifying it. Manager Haake stated EOR can take the liability of prior work because it is their work and she thought that was why they were the lowest bid. She did not see any reason why they should solicit new proposals.

**ROLL CALL:**
Manager Haake – Nay
Manager Ogata – Nay
Manager Wagamon – Nay
Manager Waller – Aye
President Preiner – Aye

Motion failed 2-3.

Motion by Manager Ogata, seconded by Manager Haake, to authorize the RCWD administrator, on advice of counsel, to enter into a professional services contract for the Middle Rice Creek Restoration Project with Emmons and Olivier Resources, Inc. for a not to exceed amount of $112,329. Furthermore, the administrator is hereby authorized to enter into contract amendments for additional work in an aggregate amount not to exceed $38,000 to cover the cost of unforeseen soil/geotechnical analysis or other design elements of the project. No more than $24,000 may be used for either unforeseen soil/geotechnical analysis or for other design construction management elements of the project.

Manager Waller stated his position is unchanged but he wanted to point out that the motion is for $112,329 plus the other amount which comes to $150,000 and in addition they spent $57,000 for the data years ago so when all is added together the total cost becomes $216,000 not including the portion of the transfer cost of $70,000 for the data to be sent over.
ROLL CALL:
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
Manager Waller – Nay
President Preiner – Nay

Motion carried 3-2.

Manager Haake stated the study was done by EOR because they were the engineers at the time and the transfer of costs happened when engineers were changed and if they were not changed those transfer costs would not have happened.

11. Consider Rachel Contracting, Inc. final pay request for the Bald Eagle Lake Watershed Stormwater Reuse/Phosphorus Reduction Project for $34,491.48.
District Administrator Belfiori stated the project engineer, Pete Willenbring of WSB & Associates, Inc. has certified the project construction as being complete and approved the close-out documentation and final pay request provided by Rachel Contracting, Inc. RCWD staff has confirmed that the NPDES permit issued for this project has been terminated and the RCWD permit has been closed. Final payment is being recommended.

Motion by Manager Haake, seconded by Manager Wagamon, to authorize final payment to Rachel Contracting, Inc. in the amount of $34,491.48 for work completed under the construction contract for the Bald Eagle Lake Watershed Stormwater Reuse/Phosphorus Reduction Project and to authorize the Administrator to execute the Certificate of Project Completion. Motion carried 5-0.

12. Consider 2015 Board Calendar.
District Administrator Belfiori reviewed the 2015 Board Calendar with proposed changes due to holidays. The Board by consensus approved the 2015 Board Calendar.

13. Consider check register dated 11/12/14, in the amount of $133,780.41 prepared by Redpath and Company.
Motion by Manager Wagamon, seconded by Manager Ogata, to approve check register dated 11/12/14, in the amount of $133,780.41, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Update and Timeline.
District Engineer Deutschman updated the Board on the Walmart easement.

2. November/December Calendar
There were no comments.

3. Manager's Update
District Administrator Belfiori stated staff has been working hard getting all the information ready for the Board and he wanted to recognize Water Resource Specialist Axtell’s work on the watershed plan review along with Lake and Stream Specialist Matthew Kocian’s hard work on the Middle Rice Creek as well as Houston’s work and Permit Coordinator/Wetland Specialist Nick Tomczik and Technical Specialist/Permit Reviewer Chris Buntjer’s work on the rules.
Manager Haake stated Manager Ogata has put in his resignation and one of the candidates Mr. Mike Bradley is in the audience and she would suggest all the candidates sit in at one of the meetings to get an idea of what happens.

ADJOURNMENT

Motion by Manager Haake, seconded by Manager Ogata, to adjourn the meeting at 11:05 a.m. Motion carried 5-0.