Approved Minutes

CALL TO ORDER
President Patricia 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, Treasurer Steven Wagamon, and Secretary Michael Bradley.

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


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

Visitors: Jeremy Nielsen, Aaron Stolte, Keith Anderson.

SETTING OF THE AGENDA
President Preiner requested to add Manager Haake’s email as item No. 16, which may require Board action regarding procedure. The current item No. 16 will be moved to item No. 17.

Manager Waller suggested it be moved under Discussion Items instead.

President Preiner disagreed and stated she would like a motion on how to handle questions now that Manager Haake is out of State.

Motion by Manager Bradley, seconded by Manager Wagamon, to adopt the agenda as amended. Motion carried 4-0.
READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the November 6, 2017 Board of Managers Workshop. Motion by Manager Wagamon, seconded by Manager Bradley to approve the minutes as presented. Motion carried 4-0.

Minutes of the November 8, 2017 Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Waller to approve the minutes as presented. Motion carried 4-0.

CONSENT AGENDA

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

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Permit Applications Requiring Board Action

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<td>17-095</td>
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CAPROC= Conditional Approval Pending Receipt of Changes

It was moved by Manager Wagamon, and seconded by Manager Bradley to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations for permit 16-036, 17-095, and 17-114 dated December 5 & 6, 2017. Motion carried 4-0.

PERMIT APPLICATIONS REQUIRING BOARD ACTION

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<td>17-085</td>
<td>MnDOT</td>
<td>Roseville, Arden Hills, Mounds View, Blaine, Shoreview, Lexington, Lino Lakes</td>
<td>Street &amp; Utility Plan Procedural Design Build Attachment</td>
<td>CAPROC 5 items &amp;</td>
</tr>
</tbody>
</table>

Permit Coordinator/Wetland Specialist Tomczik directed the Board to the revised engineer’s report provided to the Board and noted it is the same document that was provided to MnDOT. He reported this design-build project is a 13-mile-long project of I-35W from County Road C to Sunset Avenue. It provides MnPASS lanes, bridge work, and pavement work in both directions. MnDOT will bid the project out and the contractor will bring design-build packages to District for permitting. He referred to design-build procedure document on page 53 of the agenda.
packet and pointed out under item No. 5, approval authority is delegated to the District administrator; and under item No. 6, substantial changes would require Board consideration.

Manager Bradley referred to page 7 the engineer’s report and inquired about the finding regarding the two culverts above the ACSIC that do not currently result in the obstruction to the public drainage system.

District Engineer Otterness stated to clarify the position, he proposed to replace the entire 2nd paragraph of Finding 6 of the CAPROC (page 48 of the packet) to read as follows:

During a pre-application meeting held between MnDOT, RCWD, and the District Engineer, RCWD noted that two of the current culverts at the I-35W — ARJD 1 crossing are above the profile elevation previously established for ARJD 1. RCWD’s engineer prepared a technical memorandum, dated January 31, 2017, containing its conclusions and recommendations regarding the function and efficiency of the current crossings.

On February 8, 2017, the Board of Managers adopted Resolution 2017-04 concurring with the engineer’s conclusions that the deviations are immaterial to the efficient operation of ARJD 1 and will, in their current location and condition, provide adequate hydraulic efficiency to maintain the as constructed capacity and function of the system.

The resolution further noted that this action applies only to the existing condition and that the findings and order be re-evaluated if/when a modification of the culverts is proposed in the future. MnDOT is currently not proposing culvert work or replacement at these two locations.

Manager Waller commented they should make sure they have proper signatures on the engineer’s report document.

Permit Coordinator/Wetland Specialist Tomczik stated the 17-085 engineer’s report that was provided to the Board before the meeting shows the track changes for clarity, and they do have a signed version of the document.

_Motion by Manager Bradley, seconded by President Preiner, to Offer Resolution 2017-34: Conditionally Approving Permit 17-085 And Delegating Authority For Permit Amendments._

**THEREFORE BE IT RESOLVED** that Permit 17-085 is conditionally approved pending receipt of changes, and subject to stipulations, as set forth in the December 13, 2017 report of the District engineer attached hereto;

**BE IT FURTHER RESOLVED** that the District administrator hereby is delegated the authority to approve amendments to this permit on the basis of District staff and engineer review of design-build packages, pursuant to such reasonable procedures as he may prescribe so as to limit the District cost for such review while being reasonably responsive to MnDOT timing needs;
BE IT FINALLY RESOLVED that the authority delegated to the District administrator does not extend to approval of the following, which would need to be brought before the Board:

- Any substantial change from the submitted preliminary plans. Items that are not considered substantial changes are defined by Resolution 2017-023 Subclause 8;
- A request for variance from any term of a District rule;
- A wetland impact subject to the District wetland alteration rule;

And that the District administrator may defer to the Board any request for amendment raising a policy question that, in his judgment, the Board should consider.

Permit Coordinator/Wetland Specialist Tomczik noted the December 7, 2017 engineer’s report referenced in the resolution was amended by the Board and should be referenced as December 13, 2017 as part of the resolution. The Board agreed.

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

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.

No comments.

ADDITIONAL ITEMS REQUIRING BOARD ACTION
   President Preiner noted this agenda item provides further opportunity for public comment on the District’s 2018 budget and levy.

   She reported on September 13, 2017, the Board of Managers adopted resolution 2017-22 setting the District’s 2018 budget at $7,555,051 and approving a property tax levy of $4,383,000 with the remaining balance between the approved budget and the tax levy ($3,172,051) coming from revenues generated from grants, planned fund balance rollovers, and water management district charges. 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.

President Preiner stated if the Board should choose to adjust its levy, it would do so by resolution that would then be sent to the County auditors by late December. If the Board doesn’t adjust the levy, the September levy certification will stand and there is nothing more that the District needs to do. She invited anyone present in the audience to the podium if they would like to comment on the District’s 2018 budget or levy, and requested they state their name and address for the record.

There was no one present in the audience.

2. Consider Final Certification of 2018 Tax Levy and Budget.
District Administrator Phil Belfiori directed the Board to the memo and 2018 budget documents beginning on page 60 of the agenda packet. He reported pursuant to Minnesota Statute 103D, the Board’s action on September 13, 2017 serves as both the preliminary and final levy, and budget certification to the counties. The counties have historically allowed watershed districts to revise and submit a final levy and budget certification on or before December 28th along with other local governments. If the Board of Managers has no intent to make any changes to the budget and levy adopted on September 13, no further action is required of the Board. If they do wish to make changes, a motion would be required, and if adopted, a new resolution would need to be acted on at this meeting.

There were no further comments offered by the Board.

3. Consider RCWD Water Quality Grant Program Application A17-08 City of Centerville Shoreline Stabilization.
District Technician Samantha Berger referred to the memo on page 78 of the agenda packet and noted the eligible project cost should be $22,420, not $22,240 as reflected in the memo. This would change the cost-share recommendation to $16,815 instead of $16,680. She reported this project proposes the stabilization of approximately 350 feet of shoreline on City-owned parcels along Centerville Lake in Centerville, and will help to eliminate about nine pounds of Total Phosphorus per year. In the north zone of the project, they are looking to install 12 inches of riprap that would be accompanied with willow stakes. The south zone will also require the installation of riprap along with low growing native shrubs to aid in stabilization.

District Technician Berger reported in the past five years, ten mature trees have been lost due to erosion. There is a risk that the trail and sanitary sewer line in the area would also eventually be impacted.
She reported this project was briefly discussed at the November 1, 2017 CAC meeting. While they did not have a formal bid to present, the CAC was supportive. Members inquired if the scope of the project was large enough. After further discussion with the District, they decided to keep the scope of the project limited to City-owned parcels. In the future, the District could pursue an additional phase with adjacent landowners, one of which is the St. Paul Board of Water (St. Paul Regional Water Authority). Since then, the City of Centerville has expressed interest in pursuing Phase 2 of the project, which will include an additional 390 feet of shoreline south of the currently proposed project. This will be discussed with their City council and may be before the Board in the future.

District Technician Berger reported the CAC and staff recommend approval of the Water Quality grant funds for the City of Centerville up to $16,815, and not to exceed 75 percent of eligible project expenses.

In response to the Board, District Technician Berger confirmed this was the area where the ski jumps were located. They believe the riprap and other measures will help to keep the shoreline in place.

President Preiner noted she would like to know if the City has considered changing the direction of the jumps before they invest a lot into this area.

Manager Waller noted the north shorelines had rock put in prior to the ski jumps. He supports this project to protect the sanitary sewer lines and he would like to know if the St. Paul Water Authority would be interested in participating as well. He noted it is an eastern shoreline and westerly winds also blow the ice on the shore.

Manager Wagamon inquired what fetch was.

District Engineer Otterness explained fetch is the unobstructed distance the wind is able to blow across. There tends to be more ice and wave damage with a longer fetch.

Motion by Manager Bradley, seconded by Manager Wagamon, to approve RCWD Water Quality Grant Program Contract A17-08 for the City of Centerville - Centerville Lake stabilization project, up to $16,815 and not to exceed 75% of eligible project expenses, in accordance with established program guidelines. Motion carried 4-0.

President Preiner requested they inquire if the City has considered changing the direction of the ski jumps.

District Technician Berger agreed to follow up with the City on this issue.

4. **Consider University of Minnesota Reimbursement Agreement for Whooshh System Testing for Common Carp Management.**
Lake and Stream Specialist Matt Kocian reported staff is seeking Board authorization to enter into a reimbursement agreement with the University of Minnesota to test the Whooshh System Testing for carp removal. It would be an add-on to the Neptune Fish Barriers that are currently being tested in Rice Creek.

Lake and Stream Specialist Kocian stated this was previously discussed in 2016 when the University of Minnesota applied for an LCCMR grant to test the Whooshh system for carp removal. To improve the chances of acquiring the grant and to have testing done in Rice Creek, the Board submitted a Letter of Support, committing up to $105,000 in equipment costs. The University of Minnesota was awarded the LCCMR grant for $301,000 in early 2017, and is requesting $80,000 for equipment rental costs. The Whooshh system will be tested in 2018/2019.

Lake and Stream Specialist Kocian provided a video and explained how the Whooshh system works. The carp will not swim through the Neptune Fish Barrier. They will swim along it into a trap area, through a small opening, and into the Whooshh system, which can move the carp into pens or trucks. They developer of the system is working on a photo recognition software that will allow other fish to pass through.

Regarding the reimbursement, he stated this is a University of Minnesota project and the RCWD’s role is cost-share and in-kind support. The request is not to exceed $80,000 and is already included in the 2018 approved budget. The University of Minnesota will primarily test the Whooshh system in Rice Creek and provide a final report with recommendations and operational considerations. A rent to own option may be available, but this has not been verified by the vendor.

Manager Waller noted they have a natural barrier for carp at Peltier Dam. He inquired if having the Neptune Fish Barrier downstream and in other key areas would provide an added safety measure toward the migration of the carp.

Lake and Stream Specialist Kocian responded they have not documented any radio tacked carp going from Rice Creek into Peltier Lake. However, both the NEPTUN barrier and the Whooshh system are portable, and could be moved to different areas if needed.

Manager Bradley stated he thought the $80,000 would purchase the equipment.

Lake and Stream Specialist Kocian clarified it is a two-year rental cost for the equipment. If the system is tested successfully, they are hopeful the rental costs could be applied toward the purchase of the equipment.

President Preiner noted this two-year period will allow them to see if there is value in having this equipment permanently.
Motion by Manager Waller, seconded by Manager Wagamon, to authorize the Administrator, on advice of counsel, and with non-substantial changes, to enter into a reimbursement agreement with the University of Minnesota, for an amount not-to-exceed $80,000.00.

Lake and Stream Specialist Kocian noted contracting with the University of Minnesota can be tricky and they expect to have some changes made to the agreement.

Motion carried 4-0.

5. Consider Blaine Ditch Inspection Memorandum of Agreement.
Public Drainage Inspector Tom Schmidt reported the Cooperative Agreement with the City of Blaine for the inspection of its private ditch system is ending, and they would like to renew it for an additional five years. This is a revenue neutral program for the District and they are paid strictly for their time. The City of Blaine requested this type of agreement because it provides them with expertise in this area. Staff is recommending approval of the Cooperative Agreement for the City of Blaine private ditch systems and authorizing the Board president to execute the agreement.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve the attached Cooperative Agreement for inspection of City of Blaine private ditch systems and authorize the Board president to execute the agreement, with any final non-material changes and/or on advice of counsel. Motion carried 4-0.

6. Consider Purchase of Mobitrac Equipment.
Public Drainage Inspector Tom Schmidt reported the final quote from Mobitrac USA is $90,000, it includes the same equipment on it as with previous quotes, and the company is providing training and waiving the import costs and taxes.

Motion by Manager Wagamon, seconded by Manager Bradley, to authorize the Board President to sign a purchase agreement with Mobitrac USA LLC to purchase a Mobitrac unit and associated attachments, in the amount of $90,000.00.

District Administrator Belfiori confirmed the District has the funding to order this equipment upfront.

Manager Waller stated he does not feel this is a value investment. Washington County makes up 37 percent of the land in the District, they have six different ditch systems and three of them are pipes. There is no use for this equipment on ditch Nos. 4, 5 or 7. It was suggested it be used on portions of ditch No. 2, but they will not use the machine for the initial reconstruction and cleaning of the ditch. Once it is cleaned, portions of ditch Nos. 1 and 2 will be under water because the outlet to Rice Lake is at the above where those ditches are. There is very little use in Ramsey County and in his experience
in buying machinery from small European corporations, it is difficult to get parts. He also stated he does not believe it will be able to remove beaver dams. This machine has a five-foot boom on it and beaver dams go a lot deeper than that. It also can only clean out the first five feet of a culvert. He does not support this purchase of this and he is also not interested in renting out this machine.

President Preiner noted they have been looking into this for about two years and this machine will have a secondary use on projects. They will save money by not having to hire big equipment.

Manager Bradley inquired if there was a market to sell it in a few years if they decided to sell it.

Public Drainage Inspector Schmidt responded it is difficult to find a used machine. They are in demand and often sold through machinery dealers. There was a used unit available for only about three days. He is confident they would be able to resell it and recoup a substantial amount of the investment. This machine will be used as a maintenance tool. Once the ditches are cleaned out, it will provide access to areas that are less accessible with traditional excavation equipment. They will be able to use this to limit the future expenditures on large projects. It gives access to a beaver dam that they would not have from the top and provides a working platform to get to the front end of some of the structures. It will also allow them to work on the backside of weirs.

Manager Wagamon agreed they will not be able to tear apart huge beaver dams with this machine, but there is enough other maintenance work that it can be used for. After spending a lot of money on the ditches they do not want to get back to where they are now, and this tool will help with that.

Public Drainage Inspector Schmidt noted other tools can be added to this machine. It can be a platform for spraying aquatic vegetation and its primary use is aquatic vegetation management. Most of their beaver dams start off small and this machine would allow them to travel up the channel to get to them.

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

**Motion carried 3-1.**

7. **Consider Acquisition of Easement for Anoka-Washington Judicial Ditch #4, Branch #4.**
Public Drainage Inspector Tom Schmidt referred to the memo on page 130 of the agenda packet. As discussed at the November 6 workshop, they have been attempting to acquire an easement in order to repair a portion of AWJD #4, Branch #4, that was damaged as a result of the excavation of a pond over the tile line in the mid-1980s. They had hoped to obtain the easement for $1.00 since the damage to the drainage system had been done by the previous owner. However, the current owner has requested payment for the easement in the amount of $3,729. Staff recommends payment for the easement to expedite the repair of the ditch.

**Motion by Manager Waller, seconded by Manager Bradley, to authorize the Board President to sign the easement documents and further authorizes payment in the amount of $3,729.00 to Ryan Hanson, owner of property located at 18555 Fenway Ave. N. Forest Lake MN.**

Manager Waller inquired if the all proper recordings regarding the new easements have been made with the County and if the District has the authority to inspect and maintain it.

Public Drainage Inspector Schmidt responded they will record the easement with the County and the agreement provides access with due notice to the property owner.

**Motion carried 4-0.**

**8. Consider Hansen Park Comprehensive Water Management Project- Project Status Update & Letter to New Brighton.**

Water Resource Specialist Kyle Axtell reported a revised draft letter was handed out to the Board prior to the meeting. They have been working with City staff to find a way to compromise and adjust the grading plan at the park. This letter states they are out of time, they cannot afford to have the contractor delay work, and he will begin work before the end of 2017. They have tried working with landowners multiple times and have provided multiple compromise options, but there is still no clear consensus among them.

Manager Bradley commented he appreciates the way the letter was reworked.

**Motion by Manager Bradley, seconded by Manager Waller, to direct District staff to transmit the revised letter provided to the Board this morning to the City of New Brighton. Motion carried 4-0.**

**9. Consider Hansen Park Comprehensive Water Management Project- Change Order Summary & Contingency Increase Request.**

Water Resource Specialist Kyle Axtell referred to the memo on page 143 of the agenda packet. He reported Rachel Contracting provided the low bid of $2,768,460 and staff
recommends the Board authorize an increase to the Administrative contingency, from 7.5% ($207,635) to 12.5% ($346,060), bringing the total project cost to $3,114,450. To date, they have approved over $98,000 in change orders, most of which is due to warm weather. Future change orders include an estimated $93,000 credit for remaining contaminated material. Additional costs include an additional $140,000 for remaining yardage on site, $32,500 for an erosion control blanket, $17,000 for sand fill, and $53,000 to raise the footbridge over RCD2. They have included a $30,000 cost to cover any potential changes made by the City, $50,000 to cover uncertain dredge quantities, and the City has committed to repaving the trail.

**Motion by Manager Wagamon, seconded by Manager Bradley, to Offer Resolution 2017-30: Order Increasing Allowed Costs For Construction Of The Hansen Park Project Component Of Basic Water Management Project 2013-01.**

**THEREFORE BE IT RESOLVED**, by the Rice Creek Watershed District Board of Managers that the District Administrator is authorized to sign change orders increasing the contract price in an aggregate net amount not exceeding 12.5 percent of the contract price.

**ROLL CALL:**

Manager Waller – Aye  
Manager Haake – Absent  
Manager Bradley – Aye  
Manager Wagamon – Aye  
President Preiner – Aye

Motion carried 4-0.

Water Resource Specialist Kyle Axtell referred to the memo on page 148 of the agenda packet. He reported District staff is seeking Board approval of Additional Services request #3 for HEI Task Order 2016-023 (Phase 5) for the Hansen Park Comprehensive Water Management Project. The additional $7,400 in costs were incurred due to the District’s involvement with trying to find an alternative stockpile grading plan acceptable to the project partners and adjacent landowners, and partially due to unanticipated coordination with the contractor for site revegetation. This request has been reviewed by RCWD staff and they find the requested funds reasonable. He noted HEI is not requesting any funds for time spent on survey work related to raising the footbridge. With this request, the project remains $22,600 under the District’s original budget for engineering services.

**Motion by Manager Waller, seconded by Manager Bradley, to approve Houston Engineering Inc.’s request to increase the total cost of Task Order 2016-023 by $7,400**

Water Resource Specialist Kyle Axtell reported the District was awarded a BWSR Clean Water Fund grant of $280,000, entered into a cooperative agreement with the City of Roseville, and ordered the Oasis Pond Iron-Enhanced Sand Filter (IESF) Project through Resolution 2017-06. The City will contribute $10,000 and when the project is done, they will take over ownership and most maintenance obligations related to the project.

Water Resource Specialist Axtell stated this project is very similar to the IESF component of the Hansen Park project. He provided an overview on the scope of the project and highlighted the following items:

- Installation of two iron enhanced sand filter beds (1,100 SY each)
- Common excavation (240 CY)
- Placement of approximately 600 linear feet of pressure and drain piping (various sizes)
- Installation of four (4) manholes/vaults
- Installation of IESF pumping and control system
- Installation of electrical wiring with connection to private electrical service
- Turf establishment (0.25 acres)

He noted the plans and resolution included in the agenda packet are dated December 1, 2017. There is an updated plan from HEI dated December 12, 2017 which includes an updated map, but no changes have been made to the plan.

Water Resource Specialist Axtell referred to a map and other renderings, and highlighted the proposed work to be done. If approved by the Board, they will begin accepting bids on December 14, 2017. They plan to have a bid for Board consideration on January 24, 2018 and project completion by August 1, 2018. A permit is needed by the Department of Natural Resources, but not by the U.S. Army Corps of Engineers.

Manager Waller inquired how this will be monitored and how often the valves will be checked.

Water Resource Specialist Axtell responded they will begin with a five-year monitoring plan that will have them collecting samples biweekly April through October. HEI will put together an operation and maintenance manual and this will then be turned over to the City of Roseville. He noted he can control the system via his cell phone and it provides him with real time data.

Manager Bradley inquired about the mandatory pre-bid meeting.
District Engineer Otterness responded because there are many unique aspects to this project, it would be very difficult for a contractor to provide an accurate bid unless they attend the pre-bid meeting. He agreed that a “mandatory” meeting means just that, and the need for one will be decided project by project.

Motion by Manager Wagamon, seconded by Manager Bradley, to Offer Resolution 2017-31: Accepting Plans And Specifications And Directing The Solicitation Of Bids For The Oasis Pond Iron-Enhanced Sand Filter Project.

THEREFORE BE IT RESOLVED, that the Board of Managers accepts the plans and specifications for the construction of the Project, dated December 12, 2017, and directs the solicitation of bids according to the Engineer's recommendation for implementation of the project and as required by law.

THEREFORE BE IT FURTHER RESOLVED, that the Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for implementation of the construction of the Project in a manner consistent and compliant with existing law. The Board reserves to itself, however, all subsequent actions required by law to proceed upon Board approval.

THEREFORE BE IT FURTHER RESOLVED, that the Board of Managers authorizes minor, non-material modifications of the construction plans and specifications by the engineer, including delay of bidding, contract award or notice to proceed, as may be required by ongoing regulatory approval review.

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

Motion carried 4-0.

Administrator Phil Belfiori referred to the memo beginning on page 171 of the agenda packet. He reported at the April 10, 2017 and November 6, 2017 Board workshop meetings, the Board reached consensus to move forward with the process of Board consideration to accept the Washington Judicial Ditch (WJD) 2 Branches 1 and 2 Repair Reports and to schedule a public hearing. Consistent with the discussion at the Board workshops, Resolution 2015-34, and the language in the approved Watershed Management Plan, Branches 1 and 2 are part of WJD2 system and are designated as a
“Trunk System” which would specify repair of this system to be paid for by ad valorem funds.

District Administrator Belfiori provided the following information and tentative timeline related to the repair of WJD 2 Branches 1 and 2:

- In 2015, the City of Hugo sent a letter to the District requesting removal of an obstruction and to complete maintenance on the WJD 2 Branch 1 system. This resulted in a change to the Board’s five-year drainage priority process, and WJD 2 Branches 1 and 2 were ranked for consideration and construction in 2018-2019.
- In November 2017, the Board agreed to move forward with the process of Board consideration for WJD 2 Branch 2 and to forego a landowner information meeting for the repair reports unless it was deemed necessary in the future.
- Today, the Board will consider accepting and filing the final repair reports, and give notice that the final report is on file and available for review. A final hearing on the repair report will be set and the public hearing will be scheduled.
- A 30-day notice for review and comment will begin mid-December and end mid-January.
- A public hearing is proposed to be held either January 30 or 31, 2018.
- The findings and order will be adopted at a Board meeting in either February or March 2018.
- The repair will be implemented in 2018 or 2019.

President Preiner requested an explanation on why it is paid for by ad valorem funding.

District Administrator Belfiori responded the 2010 District’s approved watershed management plan has identified several trunk systems. This includes WJD 2 Branches 1 and 2, and is specified to be paid for by ad valorem funds.

Manager Waller commented the trunk systems have been in the plan since the second generation and it was adopted in the early 1990s. It is a good system that should be expanded in the next watershed plan changes.

District Engineer Otterness provided an overview of the Branch 1 and 2 Repair Reports. He reported Branch 1 flows into Rice Lake, is mostly wetland and/or bog mat, and serves residential neighborhoods. It currently is high, stagnant water due to beaver dams and vegetative blockages that have built up over the years. Staff recommends the removal of accumulated sediment, beaver dams and vegetation in the channel to the Official Mediated Profile through the use of traditional excavation and amphibious equipment. They will coordinate with the DNR for the work in public waters, the work is considered “no loss” per the Wetland Conservation Act (WCA), and it is estimated to cost $249,000.
District Engineer Otterness reported Branch 2 flows into Rice Lake, is approximately 3,676 feet long and crosses 137th St. N. (Highway 8), and serves rural residential lots and private drainage.

It currently consists of a bog mat and a substantial buildup of sediment in some locations. Staff considered either a full repair to the Mediated Profile the entire length of Branch 2 or a partial repair to avoid impacts that would require mitigation under the WCA. Staff recommends the removal of accumulated sediment, blockages, and vegetation for the entire length of the channel through the use of traditional excavation and amphibious equipment. They will coordinate with the DNR for the work in public waters, and will receive Brown’s Preserve Credits for WCA mitigation.

District Engineer Otterness noted completing amphibious excavation on Branch 1, Branch 2, and Rice Lake outlet as a single project will provide the greatest cost efficiency and the traditional excavation can be completed under separate contracts.

**Motion by Manager Wagamon, seconded by Manager Bradley, to Offer Resolution 2017-32: Rice Creek Watershed District Board Of Managers, Drainage Authority For Washington Judicial Ditch 2, Accepting The Engineer’s Repair Reports For Washington Judicial Ditch 2, Branches 1 And 2, And Directing Further Repair Proceedings.**

**THEREFORE,** the Rice Creek Watershed District Board of Managers makes the following:

**ORDER**

A. The Board of Managers accepts the engineer’s final repair reports for the repair of Branches 1 and 2 of WJD 2 and concurs with the Engineer’s recommended scope of repair for each Branch.

B. Further proceedings for the repair of Branches 1 and 2 of WJD 2 shall occur utilizing the additional authorities provided in Minnesota Statutes Section 103D.621 Subd. 4.

C. The recommended scopes of repair are subject to modification and final Board approval after public hearings.

D. The Board of Managers directs its administrator to notice acceptance of the repair reports and to open a 30-day period for review and comment and to set and notice the following:

- Final hearings on both repair reports at which the Board shall take public comment and consider an order adopting and directing construction of the repairs to be held on January 30, 2018 in the Hugo City Council Chambers 14669 Fitzgerald Ave. N., Hugo, MN at 6:30 p.m.
E. Notice of the final hearings shall be provided as follows:

- Transmission of the repair plans 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 hearings by publication before the date of the hearings 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 owners of property and political subdivisions likely to be affected by the repairs in the repair reports.
- Notice of the hearing shall state the time and location of the hearing; the general nature of the work; and the estimated cost of the work.
- Additional notice as required by local rule.

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

Motion carried 4-0.

13. Consider League of Minnesota Cities Liability Coverage Waiver Form
District Administrator Belfiori referred to the memo on page 245 of the agenda packet. He reported in 2015 and 2016 the Board voted to waive the monetary limits of municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Motion by Manager Bradley, seconded by Manager Waller, to waive the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT. Motion carried 4-0.

District Administrator Belfiori explained since the Board only meets once this month, this resolution authorizes the District Treasurer to review and approve payment of the December 27, 2017 check register.

Motion by Manager Bradley, seconded by Manager Waller, to offer Resolution 2017-33: Authorization for Payment of December 2017 Check Register.
THEREFORE BE IT RESOLVED that the Board of Managers authorize the District Treasurer to review and approve payment of the December 27, 2017 check register in an amount not to exceed $375,000 for operating expenses, and $150,000 surety returns.

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

Motion carried 4-0.

15. Consider Check Register dated December 13, 2017, in the amount of $39,240.77 prepared by Redpath and Company.
Motion by Manager Wagamon, seconded by Manager Waller, to approve check register dated December 13, 2017, in the amount of $39,240.77, prepared by Redpath and Company. Motion carried 4-0.

16. Consider Manager Haake’s Email Questions/Request.
President Preiner reported they need to consider the process they will use for members that are not present at the workshops. Manager Haake submitted questions that she had regarding the 12-11-17 workshop, and if more questions are needed, they are sending staff back out to re-discuss items that have already been decided on. She inquired if comments should be limited until after the minutes are out or if staff should answer the questions.

Manager Waller inquired if Managers not present are they considered private citizens.

District Attorney Louis Smith responded there is broad discretion on how the Board wants to conduct its meetings and acknowledge participation. They have had past discussion on the legal requirements of electronic participation and legislation is currently being considered. If it were passed, the Board would still be free to decide the nature of participation by those present and not present. They should consider the workload of the staff, the efficiency of business, and effective participation by Board members.

President Preiner noted staff would be interpreting what the Board said.

Manager Bradley commented the purpose of a workshop is to educate the Managers. He supports the change in legislation to allow all managers to participate and learn from each other. Manager Haake’s comments were educational for him, and he is a better
Manager for her taking the efforts to write them. One of the burdens of staff is to manage all five of the Board Managers. The proper person to contact with questions is the District Administrator along with other staff, and it is up to them to figure out how to address the Managers.

Manager Wagamon strongly disagreed with Manager Bradley. It is up to them to not put extra work on the District Administrator. Everything is available on the record for Managers to listen to.

President Preiner noted Manager Haake’s questions are great, and inquired if they expect staff to research and answer all her questions.

Manager Bradley clarified question No. 8 is a rhetorical question and he does not expect the District Administrator to answer it.

Manager Waller agreed that Manager Haake brings enlightenment to their meetings. This discussion is around Manager’s calling in and not the general public. The questions Manager Haake provided were done by email, which is more convenient for staff. This is good for transparency and accountability and promotes impartiality and objectivity.

District Administrator Belfiori noted as per previous Board direction, the following information will be included in the public notice for upcoming workshops December 2017 through March 2018: “The District is testing an effort to make Board meetings more widely accessible to the public. If they are interested in listening to this meeting by phone, please contact Theresa…” They will be allowed to listen but not comment. Regarding question No. 8 provided by Manager Haake, the permit has been conditionally approved by the Board of Managers.

District Attorney Smith suggested Manager Haake review the workshop packet and provide comments and questions prior to the meeting. They can then be incorporated into the discussion and reflected in the minutes when the workshop meeting takes place.

Manager Bradley noted that not everything can be considered ahead of time.

Manager Wagamon commented Managers should be allowed to ask questions, and his previous concern was related to staff time.

Manager Waller expressed support for District Attorney Smith’s suggestion that the workshop agenda packet be available ahead of time to the general public.

District Administrator Belfiori stated the packet is already sent to Board Members electronically on the Wednesday before the Monday Workshop meeting.
Manager Waller suggested it be made available to the general public as well.

President Preiner noted they had previously discussed whether they wanted documents made public that had not yet been discussed by them.

Manager Bradley noted they could authorize staff to use its discretion regarding the inclusion of such documents for the general public.

Manager Wagamon stated he would prefer to wait before they made them available to the general public.

**Motion by Manager Bradley to acknowledge the comments received by Manager Haake, and to leave it to staff’s discretion on whether to communicate back to her. Motion failed for lack of a second.**

**Motion by Manager Waller, seconded by Manager Bradley to acknowledge Manager Haake’s letter, make the workshop agenda packet available on the website, and direct staff to respond to questions that come in.**

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

**Motion failed 2-2.**

District Administrator Belfiori pointed out there are questions specific to the Board in Manager Haake’s email.

President Preiner referred to question No. 4 and noted it has not yet been decided by the Legislature.

District Attorney Smith explained State agencies are allowed to participate via telephone and local government is not. However, local government is allowed to do interactive television meetings with specific conditions.

District Administrator Belfiori referred to question No. 3 and stated it was decided there will be a fourth Monday meeting in January and they have communicated with Manager Haake regarding comments related to question No. 8.
 Consider Administrator’s Performance Review.
President Preiner stated they need a motion by the Board to go into a closed session for the purpose of evaluating the performance of the District Administrator.

Motion by Manager Bradley, seconded by Manager Bradley to recess the regular meeting and go into a closed session to review the District Administrator’s performance and salary. Motion carried 4-0.

The meeting recessed at 11:16 a.m. and reconvened at 11:53 a.m.

President Preiner reported at 11:16 a.m., the Board held a closed session as authorized by Minnesota Statute 13D.05 Subd. 3, for the purpose of evaluating the performance of the District Administrator Phil Belfiori and to set an appropriate salary for him. Prior to the meeting, each Manager was provided with an evaluation form prepared by Human Resource Consultant Sarah Noah in 2016. Using that form, Manager Bradley interviewed each Manager separately for their evaluation of District Administrator Belfiori for the period covering February 16, 2017 through October 17, 2017. Three of the Managers provided full evaluations, one Manager elected to provide a summary evaluation, and one Manager elected to not provide an evaluation to Manager Bradley.

Manager Bradley stated based on the individual evaluations from each Manager, they provided an evaluation to District Administrator Belfiori. They had a discussion about the desire to review the 11 questions that have been used for the evaluation process and to develop goals for 2018. It was decided that at the January workshop, they will discuss and develop 2018 goals for District Administrator Belfiori. They will maintain his existing salary and in June 2018, will set a salary based on the goals and evaluations.

Manager Waller stated June was also established as the month that the District Administrator’s annual review and performance evaluation will now take place.

President Preiner suggested the annual review be conducted by the second meeting of the month each year in June. The Board agreed.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineers Update and Timeline.
District Engineer Otterness provided an update on ACD 53-62 Branch 2 repair project. He reported the contractor just got out there this week to begin tree clearing operations and will be doing this for a couple of weeks. Hopefully the excavation work along the system will begin before the end of the year.

2. Staff Reports.
No comments.
3. **December/January Calendar.**
   President Preiner noted the WJD2 Branch 1 and 2 Repair Report public hearing will be held at the City of Hugo’s council chambers at 6:30 p.m. on January 30, 2018.

   Manager Bradley will be attending the January Citizen Advisory Committee meeting and Manager Wagamon will be attending the February one.

4. **Managers Update.**
   No comments.

**ADJOURNMENT**

*Motion by Manager Bradley, seconded by Manager Wagamon, to adjourn the meeting at 11:57 a.m. Motion carried 4-0.*