Minutes

ROLL CALL


Absent: None.


Consultants: District Engineers Mark Deutschman and Greg Bowles, Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners; Drainage Attorney John Kolb, Rinke Noonan.

Visitors: None.

CALL TO ORDER

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

SETTING OF THE AGENDA

Manager Waller added under Action Item: Reconsideration of the election of officers and selection of the personnel subcommittee.

District Administrator Belfiori removed item number 2 and under move item 6 to right before adjournment. He noted item 6 would be a closed session item.

Motion by Manager Haake, seconded by Manager Ogata, to adopt the agenda as amended.

Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the February 10, 2014, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0-1 (Manager Haake abstained).

Minutes of the February 12, 2014, Board of Managers Regular Meeting.

Motion by Manager Wagamon, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 4-0-1 (Manager Haake abstained).
CONSENT AGENDA

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 of Contents

PERMIT APPLICATIONS REQUIRING BOARD ACTION

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-095</td>
<td>Pulte Group</td>
<td>Shoreview</td>
<td>Land Development</td>
<td>CAPROC 6 items</td>
</tr>
<tr>
<td>14-004</td>
<td>City of Mounds View</td>
<td>Mounds View</td>
<td>Street &amp; Utility Plan</td>
<td>CAPROC 5 items</td>
</tr>
</tbody>
</table>

Permit Coordinator/Wetland Specialist Tomczik stated in the last finding, number 7, on page 25, the last sentence where it starts “This Application is not being considered” should be struck from the Finding as it conflicted with finding 1.

Motion by Manager Haake, seconded by Manager Wagamon, to approve the consent agenda as amended and outlined in the above Table of Contents in accordance with RCWD staff and District Engineer’s Findings and Recommendations, dated February 14 & 17, 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

1. Consider Directing Staff to Modify Surety Schedule (Nick Tomczik)

Permit Coordinator/Wetland Specialist Tomczik stated they had recently had a permit application and in the administration of the adopted surety schedule, it seemingly presented an unreasonably high surety obligation in the amount of $450,000 plus dollars. He stated staff were looking for direction from the Board to possibly amending the schedule. He stated a potential change would be to not double count surety when both stormwater management and floodplain mitigation were required. In such a case, the District would only charge for the stormwater mitigation. He also suggested a reduction in the floodplain mitigation surety amount from $50.00 to $25.00. He believed those actions would help address this issue.

President Preiner asked for further information as to how this happened. Permit Coordinator/Wetland Specialist Tomczik responded he believed this should go to a workshop meeting for further thought and consideration by the Board. He stated specific to this case, the applicant was concerned with the surety amount and was interested in the outcome of the discussion. He stated the surety schedule was trying to address all of the permits so each surety amount did not need to be looked at individually, which would increase the program’s internal costs. He noted when they were calculating the cost of doing this type of dirt work there were numerous criteria that might come into play and that was why they utilized a surety schedule to give a clear and simple method to apply surety. He believed it was appropriate to amend the surety document and would like to bring this to a workshop to look at.
President Preiner agreed and recommended there be some kind of a cap also.

Manager Haake stated when they came up with the surety schedule, how had staff arrived at the numbers. She believed $50.00 per cubic yard was high. She agreed they should look at this at a workshop meeting. Permit Coordinator/Wetland Specialist Tomczik stated Water Resource Specialist Axtell was the one who looked at this and came up with the number. He stated he was not sure how the number was derived. He stated sometimes the surety schedule did come up with large figures, but those were usually large projects also. He indicated the one permit that brought this to staff's attention he believed they were moving 5.5-acre feet of dirt or fill, which was 9,000 cubic yards of material. He stated this was a lot of material to move and it would cost a lot of money to do it.

President Preiner stated she would also like to look at last year's permits that paid sureties to see if any funds should be refunded at this time.

Manager Ogata stated the purpose of the surety was to insure the risk was commensurate with the amount of money that was being paid for the surety. He did not disagree that there was a certain amount that might be too much, but in major projects they could be stuck with a major problem and he didn't think they wanted to be in a position of having to make that up so it should be the permittee who was taking the risk and not the District.

President Preiner agreed, but she noted when people took an item off an agenda because of the surety, they needed to find a middle ground somewhere.

Manager Waller stated he agreed with Manager Ogata. He indicated the purpose of this was to ensure the District was not stuck with a big bill. He noted small projects sometimes did not cover staff cost, so they did not want to go too low so the staff costs were not covered. He noted on the large projects when somebody goes bankrupt or did not finish the project, that was a large liability for the District. He stated when they looked at each individual piece of property, the District needed enough money that they did not face the risk of having to have the taxpayer pick up the tab and pay for the mess.

President Preiner did not disagree, but since this had been brought to their attention several times already and people were taking off their applications because of it, she stated they needed to reconsider something or at least look at this again to see if something should be changed.

Manager Waller indicated he did not have any problem in looking at this again, but he cautioned that they be careful to make sure the risk was covered and that might mean for the large projects, there would be some large cash involved in putting it up. He indicated a good thing about large cash being involved was that the company did not forget about picking up the surety when the project was completed.

Motion by Manager Haake, seconded by Manager Wagamon, to table the item and have it scheduled for the next workshop to come up to the first meeting in March. Motion carried 5-0.

2. Consider permit application 14-001, Applicant: Mark Smith, Location: City of Blaine, Plan Type: Land Development, Recommendation: CAPROC 6 items (Nick Tomczik)
   Item removed from the Agenda.
3. **Consider Resolution for Ramsey County Ditch 2, 3, 5 to initiate process to formalize the drainage system record (Phil Belfiori)**

Drainage Attorney Kolb presented Resolution number 2014-07. He stated when the District started revising the drainage management strategy they started correcting drainage system records. He stated the process was not clearly defined in the drainage code and the drainage workgroup modified it slightly which put it into statute last year. He noted this Resolution corrected the prior Resolution from August, 2013 to incorporate the additional procedure requirements now found in the statutes. He requested the Board approve the Resolution.

President Preiner asked if they had a map. Drainage Attorney Kolb stated the area was noted on the website.

President Preiner requested a map be attached to the Resolution.

Manager Ogata asked under the new statute, what was the extent of notice given to the property owners. Drainage Attorney Kolb stated it was the same as before. He indicated the District had to give notice to the Board of Natural Resources, the Director of the Board of Water & Soil Resources; if it was petition process, the petitioner would be noticed; and to all owners benefitted or damaged by the drainage system. He stated notice by publication would also be given to the area of the drainage system or by publication on the website. He noted the District not only published the notice, but they also put it on their website.

Manager Waller asked if this notice included all of the owners that are in the drainage area even if they were outside the benefitted area. Drainage Attorney Kolb responded that was correct that the District went on the drainage area basis.

**Motion by Manager Ogata, seconded by Manager Haake, to approve Resolution 2014-07, Findings and Order Directing Proceedings to Reestablish and Correct Drainage System Record for Ramsey County Ditches 2, 3, and 5 (Statutes §103E.101, subd. 4a)**

**ROLL CALL:**

Manager Waller – Aye
Manager Haake – Aye
Manager Ogata – Aye
Manager Wagamon – Aye
President Preiner – Aye

Motion carried 5-0.

4. **Consider Resolution for Anoka-Ramsey Judicial Ditch 1 to initiate process to formalize the drainage system record. (Phil Belfiori)**

Ditch Attorney Kolb recommended adoption of Resolution 2014-08, which initiated the same process as ditches 2, 3, and 5.

District Administrator Belfiori stated this was located in southern Blaine, which went past Medtronic and went into Mounds View. He stated this was the area where culverts were worked on. He stated ultimately this went into Rice Creek in Mounds View.
Motion by Manager Ogata, seconded by Manager Wagamon, to approve Resolution 2014-08, Findings and
Order Directing Proceedings to Reestablish and Correct Drainage System Record for Anoka/Ramsey Judicial
Ditch 1 (Statutes § 103E.101, subd. 4a)

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

Motion carried 5-0.

5. Consider contract award for Browns Preserve Vegetation Management (Phil Belfiori)
District Administrator Belfiori stated they had received two quotes for the Browns Preserve Wetland Mitigation
Project with Applied Ecological Services having the lowest bid of $39,398.00. He recommended Board approve
the Applied Ecological Services bid.

President Preiner asked why there was such a difference in the two bids. District Engineer Deutschman responded
they had pre-contract meeting with both of the contracts and they had also brought both contractors out into
the field to look at the area. He noted both contractors had worked on this site previously. He stated Jason
Husveth of Critical Connections Ecological Services had called Applied Ecological Services to discuss their bid. He
noted the quantities were likely to change and in the bids, they established quantities, but the quantities would
probably vary. He stated the total cost could change some consistent with the overall spreadsheet they were
using to manage the cost of the site.

Manager Ogata asked if the original estimate was $34,000 plus and the final bid came in at $39,000. District
Engineer Deutschman responded the original estimate of the cost was $54,000 and that was based on the
previous experience in terms of what the unit costs had been coming in.

Manager Ogata stated it appeared to him they might have some increased costs. District Engineer Deutschman
responded the quantities might change some so there might be acreage added, which was traditionally has been
done. He stated Jason was the one who directed the contractor in the field and based on what he saw, the
quantities could change.

Motion by Manager Haake, seconded by Manager Wagamon, to approve the vegetative management/herbicide
application tasks for the Browns Preserve wetland restoration contract to Applied Ecological Services for the
contract price of $39,298.00 and authorizes the President to sign the contract and proceed when prerequisites
for issuance have been met by the contractor. This motion also authorizes the District Administrator to sign
task order increasing the contract price in an aggregate net amount not exceeding 10 percent of the contract
price. Motion carried 5-0.

6. Reconsideration of Election of Officers and Selection of Personnel Subcommittee
Manager Waller stated he was interested in changing the process of Officer Selection so the offices were rotated
on an annual basis with the officers choosing their first year by their seniority on the Board and the officers could
not be allowed to go back to the position they were on until they had been in all of the other positions. He stated
this would not be a burden on any particular officer, but it gave some selection as to what they want. He noted
he had been Second Vice President since he has been on the Board. He recommended they begin this process this
year. He noted for the employee personnel subcommittee, he recommended all five officers sit on the
subcommittee. He stated the reason he was suggesting this was so all of the officers got experience and shared in
the responsibilities and understanding of it. He stated he wanted to have everyone involved in these types of
decisions.

Manager Haake stated she had been Chair of the Board and before that Andy Cardinal had been the Chair for
many years and before him there had been another gentleman who had been the Chair for many years. She
stated President Preiner had been a fabulous Chair, but they also had very capable people on the Board and she
had wanted the rotation basis years ago. She stated she also agreed with Manager Waller's suggestion regarding
having everyone involved in the Personnel Subcommittee.

Manager Waller stated Washington County rotated their Commissioners and this was not an unusual occurrence.
Manager Haake stated so did Ramsey County.

President Preiner asked what would happen when a Manager was gone for six months.

Manager Ogata stated he did not know what the reconsideration was for, but as it pertained to the officers, he
was opposed to that. He stated they had the opportunity to nominate and vote the officers as they saw fit so
they should be thinking about who was the best person to represent them as a leader on the Board based on the
criteria they found relevant. He stated if Manager Waller could persuade him that there was something wrong
with their current system, then he would listen more.

Manager Waller stated what was wrong with the current system was that there was too much familiarity with the
officers. He noted on Ditch 47, that was a Ditch that had been abandoned in 1959 and it happened to run
through a long-term officers property so instead of the staff doing the proper research with the consultants at the
time the ditch was reconstructed and minor maintenance done to it two more times all without process of
hearing. He indicated he had a feeling that was happening at the last workshop with Ditch 55. He believed there
was a need in the past where they did not rotate, but he believed everyone was capable now or they would not
have been selected originally. He believed this would be a simple easy thing to do and in the future it would help
them not have the examples of where abuses could take place.

President Preiner asked where the abuse was. Manager Waller responded it was in the past.

Manager Ogata asked if Ditch 47 pertained to the current Board. Manager Waller stated when he was listening to
the discussion on Ditch 55, there was a proposal that he believed was an improvement to the drainage system
without going through the proper process. He indicated he had brought this up at the meeting also. He stated
they were going to mitigate it by putting it somewhere else. He stated he was uncomfortable with the discussion
and the Engineer agreed it was an improvement. He did not have in mind when he suggested managing the trunk
system as a whole that staff said they would go back and talk to the City. He stated this was not a reflection on
anyone in particular, but he wanted to rotate the officers.

Manager Haake stated she did not know exactly what the issue was, but it was typical to have rotation in
meetings. She stated everyone was friends and nobody wanted to hurt anyone else's feelings. She had asked the
attorneys if they could have a vote by a closed ballot and she was told that could not be done. She stated they
could also do term limits of each office. She stated they could look at this later, but it would also be if somebody
did not want a particular position they could have the option of saying they did not want the position. She stated none of the Managers would be on the Board if they were not capable so she believed it could be an easy process.

President Preiner asked what happened when a Manager was not there for 3, 4, 5 months at a time. Manager Haake replied that Manager could define that they would not be in that particular office.

Manager Waller stated they would do what happened at any other meeting when somebody was not there and they would appoint a Manager to fill the spot of that meeting. He stated he had been Secretary, Treasurer, and Chair a number of times.

President Preiner asked if Manager Waller wanted to make a reconsideration motion for one item, or if he wanted to separate motions. Manager Waller noted the original motion was one motion, but they could do it in two parts.

Motion by Manager Waller to reconsider election of officers on a one-year rotation basis.

Manager Ogata noted Manager Waller needed to move to reconsider the original motion.

Motion by Manager Waller, seconded by Manager Haake, to reconsider election of officers and selection of personal subcommittee.

Manager Wagamon stated he was not comfortable voting for this until they have had some time to talk about it. He stated there were different options and he would like to see this brought to a workshop. He stated he liked things the way they were and he agreed with Manager Ogata that they were all voting on the positions and anytime they wanted, they could have the positions.

Manager Haake noted if they voted to not approve the reconsideration, then they could vote to discuss this further at a workshop.

Manager Waller – Aye
Manager Haake – Aye
Manager Ogata – Nay
Manager Wagamon – Nay
President Preiner – Nay

Motion failed 3-2.

Manager Ogata suggested they discuss this at a workshop noting there were two separate issues with one being the officers and the other one being the personnel committee.

Manager Haake stated they also needed to figure out if this would apply now or in 2015. Manager Ogata noted they had already voted for the 2014 officers and personal subcommittee.

President Preiner stated this would be brought to a workshop meeting.
7. Consider Check Register dated 2/26/2014, in the amount of $182,135.77, prepared by HLB Tautges Redpath.

Motion by Manager Wagamon, seconded by Manager Ogata, to approve check register dated February 26, 2014 in the amount of $182,135.77, prepared by HLB Tautges Redpath. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION


Manager Waller asked when the District would be relieved of Ditch 6. Public Drainage Inspector Schmidt stated it should be transferred to Forest Lake/Comfort Lake WD or Washington County. He noted the question was this was a tile system in Forest Lake that drained to Forest Lake outside of the District. He stated he could discuss this in a detailed manner at a workshop. He stated they were not able to manage the receiving body because it was outside of the District.

Manager Waller noted they collected taxes on this for something they did not manage.

President Preiner recommended this be brought back to a workshop meeting.

Public Drainage Inspector Schmidt noted this ditch did not work well and it was an issue. He believed it would be best to get this corrected.

President Preiner stated they also needed to re-evaluate which structures listed in the District Facilities Report should be maintained and inspected.

Manager Waller stated he agreed with continuing the as constructed review and consolidation processes, except for Washington County Ditch number 6. He requested the funds that were to be used for work on this system be used on a different Ramsey County ditch system. Public Drainage Inspector Schmidt stated they were contemplating doing 5, 6, and 7 as one, but they should not include number 6.

Engineer Deutschman recommended before they transfer the ditch the District complete sufficient work to describe the public drainage system, to ensure an understanding of what is being transferred.

President Preiner stated they still had to work with 5 and 7 so even if they transfer 6, they still would have some involvement with it.

Manager Waller noted 7 did not have any connection with 6 so it was only 5 and 6 they were talking about. He stated the most important connection was on 5 where the tiles were.

President Preiner requested staff mail out the report to all of the cities and counties in the District.

2. Staff Reports

There were no comments.
3. March Calendar
   There were no comments.

4. Manager’s Update
   District Administrator Belfiori noted there would be a couple of public hearing coming up in March.

President Preiner recessed the regular meeting at 10:20 a.m. to go into a closed session to consider the offer from BERMO Inc. regarding realignment of Anoka County Ditch 53-62 Branch 1 Lateral 1.

Drainage Attorney Kolb noted the Board will be closing the meeting under Statute section 103D Subdivision 3 (b)(3), which allows you to close for the purpose of developing or considering offers or counter offers for the purchase or sale of real property in this case it would be the acquisition of an easement for realignment of a portion of branch 1 of ACD 53-62 from Bermo, Inc. their address or address of property is 4501 Ball Road NE, Circle Pines, MN 55014

Manager Waller replied that after the closed session the Board will reconvene and any decisions that are made will be in the public record.

Drainage Attorney Kolb replied that is correct.

President Preiner reconvened the regular meeting.

Drainage Attorney Kolb read the suggested amended language of Resolution 2014-09: Accepting Offer For Voluntary Acquisition of Drainage System Right Of Way:

Therefore, the RCWD Board of Managers:

A. Accepts Bermo’s offer to sell the required right-of-way for $6,000.

B. Directs the attorney to prepare a purchase agreement for the acquisition with a contingency that the purchase can be cancelled if the proposed alignment is not permitted by regulatory agencies.

C. Directs the engineer to provide a legal description of the right-of-way for inclusion in the purchase agreement and a deed for the right-of-way.

D. Directs the attorney to draft a deed for the acquisition upon satisfaction of the contingency.

E. Directs its administrator to take all other necessary actions to provide payment and close the acquisition upon satisfaction of the contingency.

Motion by Manager Haake, seconded by Manager Ogata, to approve Resolution 2014-09, Accepting Offer For Voluntary Acquisition Of Drainage System Right Of Way with the revised language as read by Drainage Attorney Kolb.

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

Motion carried 5-0.
ADJOURNMENT

Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:35 a.m. Motion carried 5-0.