ROLL CALL


Absent: None.


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

Visitors: Leigh Anne Price, Ken Bursaw, Fran Hagen.

CALL TO ORDER

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

SETTING OF THE AGENDA

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

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the June 9, 2014, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Ogata, to approve the minutes as presented. Motion carried 5-0.

Minutes of the June 11, 2014, Board of Managers Regular Meeting. Motion by Manager Haake, seconded by Manager Waller, to approve the minutes as presented. Motion carried 3-0-2 (Managers Ogata and Wagamon 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:
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PERMIT APPLICATIONS REQUIRING BOARD ACTION

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<th>Applicant</th>
<th>Location</th>
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<tr>
<td>1</td>
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<td>Forest Lake</td>
<td>Land Development</td>
<td>CAPROC 8 items</td>
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</tbody>
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Manager Waller asked where the field has been plowed which way would the water flow. Technical Specialist / Permit Reviewer Chris Buntjer responded it would flow north into the pond and then it flowed into a private ditch and then into JD4.

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<tr>
<td>14-031</td>
<td>Rapid Press Printing and Copy Center Inc.</td>
<td>Forest Lake</td>
<td>Final Site Drainage</td>
<td>CAPROC 6 items</td>
</tr>
</tbody>
</table>

Manager Haake asked if the pipeline was going under the lake. Technical Specialist / Permit Reviewer Buntjer responded that was correct they were proposing to directionally drill the pipeline under the lake.

Manager Haake noted they had another pipeline issue in another of their ditches and asked if this would be down deep enough so it could not become an obstruction to a repair. Technical Specialist / Permit Reviewer Buntjer replied the existing pipe would be bypassed and the pipe would be 25-35 feet below the bottom elevation of the creek bed. He noted the District requests that pipelines and other utilities be a minimum of five feet below a creek bed so they have more than satisfied that requirement.

Manager Haake asked how many pipelines would there be total. Technical Specialist / Permit Reviewer Buntjer said it appeared they had three existing pipelines beneath the lake/creek, and they were proposing one additional pipeline crossing.

Manager Haake asked what went though the pipelines. Technical Specialist / Permit Reviewer Buntjer responded he believed it was oil. He pointed out the designated areas of disturbance, which were not in wetland areas.

Manager Waller asked if the gas company was the same company as on JD2. Technical Specialist / Permit Reviewer Buntjer responded he did not have that information.

Motion by Manager Ogata, seconded by Manager Waller, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD staff and District Engineer’s Findings and Recommendations, dated June 17 and 18, 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.

Ken Bursaw, 8601 Xylite Street NE, Blaine. Mr. Bursaw stated the reason he was at the meeting was to talk about the flooding in the area. He noted his land has been in his family for about 50 years and he used to plow his lot and had horses on it. He stated the neighbors across the street also had horses on their property that was flooding. He stated when the road improvement were made on 85th Avenue they did not replace the ditch and when the bicycle paths were put in the
culverts were too high. He indicated basically what happened was a dam was created and there was no place for the water to go and the property did not drain. He stated he had 1-2 feet of water on his property, which was there year round so he could not use his property at all. He indicated he hoped when the Board talked about what they were going to do with JD1 that they seriously consider replacing the ditch that ran along 85th Avenue and also lower the culverts on the bicycle paths. He stated most of his neighbors’ properties were flooded and when they stepped off their patio, water squishes up between their feet and that used to be high and dry property at that level. He stated if they wanted to contact him, he handed out contact information. He indicated he has spoken with most of his neighbors and everyone agreed something needed to be done. He noted he was not talking about just this year. He indicated ever since the bicycle paths had been put in and the ditch eliminated, their properties had been getting wetter and wetter every year.

Manager Ogata asked when the bike path was put in. Mr. Bursaw stated they made some improvements when they put in the development north of him. A farmer used to own the land and before he platted the land and sold it, Mr. Bursaw’s property was a hayfield and pasture and he was able to drive on his property anytime of the year except during spring thaw and now he cannot use it at all. He stated he put in a garden 5 years ago, but now it was too wet to plant anything. He stated the development had been put in approximately 5 years ago. He stated JD1 was blocked up now and did not drain very well and the other problem is that the culverts were put in way too high. He indicated the culverts were put in 5 feet too high and nothing drained.

Manager Haake asked if this was part of what they were doing with JD1 and was a profile done on the culverts. District Engineer Deutschman responded they were right in the middle of this and the District would be holding a public hearing for input so input was timely and the decision that would be coming to the Managers was what was the public system. He believed this area was in a portion where the engineer basically was requesting abandonment of the old line because the ditch was not reconstructed and this gentleman was asking that something different be done.

Mr. Bursaw responded that is correct and the ditch was integral on how the property drains and not only for him on the residential side but also for the businesses on the other side. He stated where some of the businesses were there used to be horses on the land, they used to hike through the area and he used to work at the airport and take a shortcut across the property and now you cannot do anything in that area. He stated the businesses across the street had parking lots that were flooding and there was no place for the water to go except gradual evaporation or by gradually soaking into the ground. But the ditch along 85th used to drain the property and if was all high and dry and now they were flooded.

Manager Waller asked if the bike path caused the problem or was it the County Road. Mr. Bursaw responded both.

Manager Waller asked when the County Road was reconstructed. Mr. Bursaw estimated it as approximately the same time as the development; 5-7 years ago. He stated they did a lot of improvements on the road when Medtronic came in. He stated he did not know why the ditch was not put back in. He stated what was put in was a very, very effective dam and their properties were flooded.

District Engineer Deutschman recommended they bring some options to the Managers. He noted one of the things they have been discussing was some sort of an outlet for that area. The challenge was where the buildings are they would need to move the water through when the ditch was removed so was the right-of-way, but they would bring some options to consider.

President Preiner indicated they would be addressing Mr. Bursaw’s issue at the public hearing and he would be contacted with the information.

Leigh Anne Price, 8700 Xylite Street NE, showed pictures of their back property. She noted they had standing water of at least a foot in their back parking lot. She stated they had water there all of the time. She stated they have been in the
building since 2011 so she did not know what was there previously. She stated they owned the property behind the curb also, but that was a swamp area.

Manager Haake asked if behind her property was the airport. Ms. Price responded it was but that property was quite a ways away.

District Administrator Belfiori noted the public hearing for Anoka-Ramsey Judicial Ditch 1 consolidation will be noticed for the July 23, 2014 Board Meeting at 9:00 a.m.

ITEMS REQUIRING BOARD ACTION

1. Consideration of Anoka County Ditch 53-62 Branch 1 repair project bid recommendation (Phil Belfiori)

District Belfiori stated this related to Anoka County Ditch 53-62-1 Branch 1 repair project bid recommendation. He noted the bids were opened on June 23 and there were six bids. He noted staff was recommending postponing action on this issue until the July 9 Board meeting.

District Engineer Deutschman stated the bids were self-explanatory in terms of the numbers. The Engineer’s estimate was $285,000 and the lowest bid was below that. He indicated Dave Perkins Contracting was the low bid and they were recommending postponing the contract award decision because they have a meeting scheduled on July 1 with the DNR, which had been rescheduled from a prior meeting that the DNR could not make, to discuss the rare plants survey completed which was affecting the repair. He stated several items would be confirmed as to what actually constituted an impact to the rare plant, which they did not know as well as trying to come up with a way to avoid the plants during the repair process possibly including marking the plants or moving to the other side for the repair.

Manager Waller stated he wanted to discuss this before it was tabled. He stated the District was required by the DNR to do a survey for rare plants within the repair corridor. He stated what had been done in the past was a minimum maintenance profile and he believed this might be something where they wanted to stop and revisit their repair project profile and maybe at this time in this area create a minimum maintenance profile that would not disturb the plants. By not changing the official profile, but establish a minimum maintenance profile they could solve the problem sooner and complete other parts of the project. He believed this was a serious consideration and that instead of postponing a decision on a contract award, it may be wiser to reject the bids until the process was resolved. He did not believe the project was going to be accomplished until they made a proposal which the DNR would accept and he did believe a minimum maintenance profile would be accepted.

Manager Ogata stated he understood Manager Waller’s objection to the project going forward at all. Manager Waller stated he was not objecting to the project going forward but rather objecting to this particular segment being done and the repair profile that was being recommended. He stated he wanted the repair profile to be changed for his particular segment to protect the rare plants identified in the scientific survey that was done.

Manager Ogata stated in effect it was the same thing. He noted they had already approved the project and the process for the project and if Manager Waller was saying that they should reject the bids, they were still going to have to rebid the project as it had already been approved. He stated this was not an issue of whether they were going forward and the Manager was effectively recommending shutting the project down. Manager Waller responded he was not trying to shut the project down.

Motion by Manager Ogata, seconded by Manager Wagamon, to postpone the consideration of the bids until the July 9, 2014 Board meeting and authorize staff and the District Engineer to discuss with the lowest
responsive bidder which was Dave Perkins Contracting on contractual terms that would allow for flexibility on the project schedule.

Manager Waller asked if they could discuss the motion. President Preiner responded it was not a debatable motion.

District Attorney Holtman stated this was a debatable motion because it was not a motion to table a matter that was in front of the Board. If there had been a motion to take an action and then a motion to table that motion would not be debatable, but this motion was in effect that the Board would decide to not take any action today, but rather postpone the action to a future Board meeting.

Manager Haake asked if there was anything they could do in the time that this was tabled to address some of the things Manager Waller was talking about. District Engineer Deutschman responded they were addressing it and the DNR meeting was critical to decide what was going to constitute a plant impact. He stated they would talk about how to complete the repair without an impact and following the meeting there would be more clarity to address Manager Waller’s concern. He recommended they had the DNR meeting to obtain additional feedback. He stated on the Army Corp of Engineer’s side of it the letter of permission was at their office and they were making some progress there. He noted the plant they were discussing was not a federally protected plant but rather a state protected plant.

Manager Waller stated he was not suggesting that they alter the as constructed adopted profile. He stated the road crossing would still be as constructed, but he was suggesting that in this portion of the drainage system where the plants are located the easiest process would be to establish a minimum maintenance profile, which means in the future if there were other changes a repair could be adjusted. He stated in the meantime this would save a lot of time. He indicated the state said they had to protect the plant and this debate could go on for some time and so they could go along with what the state and the DNR had approved in the past with the minimum maintenance profile and this was not uncommon.

Manager Ogata stated at a minimum they should table this to get additional information and if necessary they could reject the bids at that time.

Manager Haake stated the bids went 60 days and they had already discussed this with the company so if it needed to be switched to the other side they still had time. Manager Ogata believed the bids were good until July 13, which was 30 days but they still had sufficient time to postpone this until July 9.

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

Motion carried 4-1.
2. **Consider Peterson Companies Inc. final pay request for Anoka County Ditch 10-22-32 repair project west of 4th Avenue, $6,576.68 (Phil Belfiori)**

   District Administrator Belfiori recommended final payment to Peterson Companies, Inc. for the repair project. He noted the project has been completed in substantial accordance with the project plans and specifications. He noted Houston had observed erosion of the ditch system, but this was not related to the contracted work and a letter was being sent out to address this erosion.

   District Engineer Deutschman thanked Peterson Companies for their work on this. He indicated the project went smoothly. He noted there were a couple of things remaining related to Branch 3, which would be addressed at some time in the near future.

   Manager Waller asked if they were taking measures to correct the ditch bank erosion. District Engineer Deutschman responded the property owner was being sent a letter regarding this.

   **Motion by Manager Haake, seconded by Manager Ogata, to authorize payment to Peterson Companies, Inc. in the amount of $6,576.68. Motion carried 5-0.**

3. **Consider Rachel Contracting, Inc. pay request #3 for the Bald Eagle Lake Watershed Stormwater Reuse/Phosphorus Reduction Project for $125,549.29 (Phil Belfiori)**

   District Administrator Belfiori presented the Onoka Ridge Golf Course Stormwater Reuse Irrigation Project update.

   President Preiner asked where the spoil banks were. District Administrator Belfiori responded the golf course was working with the contractor to push the spoil banks back into the fairway and then seed it down again. Right now there is not availability for the contractor to get out there due to the wetness. He stated this was not part of the specs of the construction for this project, but was something the golf course had wanted to do as a part of their project and might be working with the District on this to go further, but the Engineer stated he was comfortable with the proposal.

   Manager Waller asked in the wet years, how many gallons were being recirculated. District Administrator Belfiori noted the project was still under construction and was not completed, but they had done some testing and right now he believed they were around 50,000 gallons used in testing already. He stated it was meant to be utilized as needed.

   **Motion by Manager Haake, seconded by Manager Wagamon, to authorize partial payment to Rachel Contracting, Inc. in the amount of $125,549.29. Motion carried 5-0.**

4. **Consideration of Phase 1 Report for the New Brighton/St. Anthony Basic Water Management Project (Phil Belfiori)**

   District Engineer Joe Lewis provided a summary of the Phase 1 report for the New Brighton/St. Anthony Basic Water Management Project.

   Manager Haake inquired about the maintenance of the project. District Engineer Deutschman stated they had included the maintenance cost in the Targeted Watershed Demonstration grant application so it was covered for that time period.
Manager Haake asked who was paying for it. District Engineer Deutschman responded they had not determined who was going to pay for it yet. He stated the project had a lot of moving parts and in phase 2 was where they would really figure out the details of the projects. He stated there were policy parts they were still working on which dealt with who pays and this would be brought back to the Board at a future time.

Manager Haake noted in looking at the map Roseville had a massive land mass. She asked if this was going to satisfy the big rain situation in this area. District Engineer Deutschman responded they now have objective criteria in which they would evaluate each project singularly as well as in total and they will know if the goals were realistic or not and people would know that right up front.

District Administrator Belfiori stated at the last Board meeting they talked about the execution of Hanson Park and Mirror Lake and had a requirement for 25 year maintenance. This project had many different projects and some of those projects did not have the District requirement for the 25 year and those would be open for negotiation with the Cities.

Motion by Manager Ogata, seconded by Manager Wagamon, to approve Resolution 2014-22, Resolution Accepting Amended Engineer’s Phase 1 Project Report for the New Brighton/Saint Anthony Basic Water Management Project; Directing Continuance of Project Phases 2 and 3 Concurrently; and Directing Implementation of the Hansen Park and Mirror Lake Project Components.

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

Manager Haake stated she wanted to discuss the additional staff person. President Preiner recommended they discuss this during the Manager’s updates.

Motion carried 5-0.

Consider Revised RCWD Data Practices Act policy (Phil Belfiori)
District Administrator Belfiori stated the District Attorney recently advised staff that the Data Practices Policy needed updating. He indicated the last update was in 2003. He indicated the following key points and changes were being recommended:

-Identifies the RCWD Administrator is designated as the “Data Practices Compliance Official” and the “Responsible Authority”.

-Identifies that DPA requests should be provided in writing. He indicated staff would continue to utilize their discretion to answer questions from the general public and would continue to view responding to general requests for information/questions as a top priority.

-Identifies the original RCWD files may not be removed from the District offices.
Identifies there is no charge for delivery of email of less than 100 pages or the equivalent (as determined by the RCWD) of data. He indicated this would save time for staff.

Provides three new attachments related to protection of private and confidential data on individuals. These guidelines are now required by law.

He recommended the Board approve the Data Practices Act for Public Access to Documents.

Manager Haake asked on page 95 at the bottom, what documents would be segregated and withheld. District Administrator Belfiori responded if there was a complaint, the private information was not allowed to be shared by law. He stated there were other situations also.

District Attorney Holtman noted that the statute presumed documents were public and then the Data Practices Act went on to identify many specific categories of documents that were exceptions to that. He indicated the chief documents that would pertain to the District were complaints, attorney/client confidential communications, documents related to enforcement or investigations the District was doing that were active, personnel records, and trade-secret information if private companies provide this type of information to the District.

Manager Haake asked if the Compliance Officer would be going through all of the requested information ahead of time. District Administrator Belfiori responded how it was handled previously was what the policy now required. He stated that procedure was just not written in the old policy.

Manager Haake stated she was not opposing this as it was just updating it to bring it up to date with what was required by law and what everyone else was doing.

Manager Haake asked if someone who wanted documents did they need to ask specifically for what they were looking for. District Administrator Belfiori responded the law was very broad related to the public’s request. He stated they tried to work with the person to see what they were looking for was time efficient, but the law required them to react with the limitations as set out by the District Attorney.

President Preiner asked how much staff was required to explain every document to someone. District Administrator Belfiori responded staff generally narrowed down what they were looking for and at that point they did not analyze the data for them. He stated an in-depth explanation was not required by law.

Manager Waller asked if the revisions to the Data Practices Act intended to be adversarial. District Attorney Holtman asked if he was referring to being adversarial to the inquiring public.

Manager Waller responded yes. District Attorney Holtman responded it was not intended to. He noted it was required the District had a policy that was updated from time to time. The main thing this was doing did arise from an incident were an applicant was being unclear about what they wanted and this was a matter of asking that be put down in writing which was important for the District to be able to be responsive. He stated the purpose of the Data Practices Act was to give the public access to the documents and that incurred a lot of staff costs and time answering requests if the requests were not disciplined and the basic structure was to ask the applicant to put the request in writing so it was not just a lot of fishing expeditions.
President Preiner asked if staff had to be in the room with the person when they were reviewing the documents. Manager Haake responded it was her experience that staff needed to be in the room during the review of the documents.

District Attorney Holtman stated this was not something that the law spoke to, but it was important for the District to preserve the integrity of their documents so the person could look at them and someone from the District could sit there; they could make duplicates of the documents and hand them out; they could have a specified place in the office where they have access to the documents to minimize the risk of folders being picked up and documents disappearing. He stated it was up to the District as to how they reasonably ensured the documents did not disappear.

President Preiner asked if the person looking at the documents had to look at them during business hours. District Attorney Holtman replied yes. The District had the responsibility to make the documents available in a “reasonable time” and the District can set reasonable constraints as to when that occurs.

Manager Haake believed they needed to establish a policy for staff to be present when the documents were being reviewed.

Manager Waller asked if these Data Practices Act policies were meant to be adversarial or to prevent the public from accessing information. District Attorney Holtman responded that they absolutely are not intended to be adversarial. He indicated in his experience the key tension in implementing the Data Practices Act was how to fully serve the 95 percent of the public who has a very legitimate and thoughtful desire to look at the documents while protecting the District from a lot of resource waste from the 5 percent of the public who were looking to abuse the right.

Motion by Manager Haake, seconded by Manager Ogata, to approve the Rice Creek Watershed District Policies and Procedures under the Data Practices Act for Public Access to Documents. Motion carried 5-0.


Motion by Manager Wagamon, seconded by Manager Ogata, to approve check register dated 6/25/2014, in the amount of $652,774.13, prepared by HLB Tautges Redpath. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports

Nick stated at the last Board workshop they had a discussion regarding permit renewal and he wanted to inform the Board that they had sent letters out regarding the expired permits and based on applicant response they might have to come back to the Board for a decision to approve/deny or for some further guidance. He noted the rule revision process was moving forward and they would have further information at the July 23 Board meeting. The Atlas 14 meetings had been concluded and in total they had 26 people attend. He stated they had also received feedback from the City of Centerville asking if they could reduce the freeboard required in the rule and the response was no, it would not be appropriate as the model information and resultant elevations are at a landscape not site level. Another comment was that they thought they should slow down the process and the general answer was that the District thought the approach and speed was accurate; noting that Atlas 14 was adopted in 2013 and the RCWD was taking a measured and required approach in adopting a change to its rule. The process provides for formal comment.
District Engineer Deutschman stated they had finished the District’s response from FEMA on behalf of Centerville for the floodway analysis. He reminded the Board how the engineer was conducting business and whenever they were working on a drainage matter, they were posting the information on the drainage portal so whatever documents they looked at to reach their conclusion a person also looked at those documents could draw their own independent conclusion. He stated they were updating the Project Procedures Manual also which would address how records were given back when the project was closed. He indicated all records were provided in both hard copy as well as an electronic copy, which should help when future requests were made.

2. July Calendar
   The Managers reviewed the calendar and asked various questions as to who would be attending certain meetings.

3. Managers’ Updates
   Manager Haake stated they had a consensus that a new technician/inspector water resource specialist should be hired to back up the District Administrator and others involved in the regional targeted demonstration project. She believed the person would be paid from the funds and it would be a 3-4 year position. She indicated her concern was that when it started out as a temporary position it usually turned into a permanent position and it appeared they were getting a lot of staff. She asked was it really necessary to have another person. She asked for clarification of the job description. She asked how many employees were needed.

   District Administrator Belfiori noted this project is the largest project in recent District history and it was not something that was necessarily budgeted for as they did not have the grant when the last budget was approved. He stated staffing was necessary related to the added administrative workload that was needed (Mr. Hughes). He stated this put additional strain on permitting projects as well. He stated the project that was reached consensus on was a temporary position and 2018 was when the project was completed. It would be related to provide for the workload that Mr. Axtell, Mr. Kocian, himself, and other staff would entail and it would backfill all of the time considerations for these staff. He stated this position would also assist with the carp management side. He indicated they would be assisting with the cost-sharing program and the regulatory assistance. He stated again this was the largest project they have done in recent history in the District and modern projects and regulations had significant time considerations. He estimated this would be not different where they would be dealing with Federal and State governmental and local governmental agencies. He estimated 5,000 – 7,000 hours.

   Manager Haake stated temporary for 4.5 years did not sound temporary. She stated the carp monitoring was a constant thing that would be happening. She cautioned that they were increasing staff and was concerned about the increase and hoped no further staff would be needed.

   President Preiner noted in 4.5 years the permanent staff should be able to handle everything again, but right now they were in a crunch for staff and time.

   Manager Waller asked if overtime was paid. District Administrator Belfiori responded that in accordance with job classifications, the District did not pay overtime.

   Manager Waller noted as business increased so does employee time. He asked when they were scheduling more employees did they consider utilizing the staff they had by adding more hours. District Administrator Belfiori reminded the Managers that the approved employee handbook identified how that was handled and the Administrator did not have discretion to change it. He indicated the Administrator was tasked with administering it. He stated the handbook stated that all staff have comp time that they were allowed to utilize which was used a lot more than in the past due to the workload concerns. He stated the Administrator did not
take comp time and he assured them that there has not been a week where he has not expanded the 40 hour a week.

Manager Waller stated under the current handbook they found themselves limited by the amount of hours they could have an employee work because of the comp time. District Administrator Belfiori responded that was roughly correct. He stated the employee handbook identified the policies.

Manager Waller stated those policies explained why they needed additional employees and he suggested in the future the Administrator bring the data of hours as to why additional staff was needed. He believed this was an important item to look at in the future.

Manager Haake stated she went to MAWD last week, which was a very successful MAWD spring tour.

Manager Ogata stated on the Oneka Ridge Water Reuse Project they were planning another media local representative meeting on August 8.

**ADJOURNMENT**

*Motion by Manager Haake, seconded by Manager Waller, to adjourn the meeting at 10:48 a.m. Motion carried 5-0.*