Minutes

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

ROLL CALL
Present: President Patricia Preiner, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Secretary Michael J. Bradley, and Treasurer Steve Wagamon.

Absent: None.

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica.

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

Visitors: Kasey Engebretson.

SETTING OF THE AGENDA
District Administrator Belfiori added Permit 16-046, City of Forest Lake to the Consent Agenda under Table of Contents. Also added Item 1, to Items Requiring Board Action: Consider Concurrence on final revised Addendum to the Washington Judicial Ditch 5, 6, and 7 Historical Review Memo with a new Resolution and added Item 1 to Items for Discussion and Information: Discussion on MNDOT design build process for 35W.

District Administrator Belfiori also noted the Board of Managers Workshop after this meeting will include three (3) items for discussion.

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

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the June 21, 2016, Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 4-0-1 abstain (Manager Bradley).
PERMIT APPLICATIONS REQUIRING BOARD ACTION
The following applications have been reviewed by the District Engineer and Staff and will be acted upon without discussion in accordance with the Engineer’s Recommendation unless a Manager or the Applicant or another interested person requests opportunity for discussion:

CONSENT AGENDA

<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Location</th>
<th>Plan Type</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-103</td>
<td>Nick Hilger</td>
<td>Mahtomedi</td>
<td>Final Site Drainage</td>
<td>CAPROC 4 items</td>
</tr>
<tr>
<td>16-046</td>
<td>City of Forest Lake</td>
<td>Forest Lake</td>
<td>Final Site Drainage</td>
<td>CAPROC 1 item</td>
</tr>
</tbody>
</table>

Permit Coordinator/Wetland Specialist Tomczik reviewed the information with the Board.

Manager Wagamon asked how placing black soil over the top of the site will fix the problem for Item 16-046. Permit Coordinator/Wetland Specialist Tomczik reviewed the process with the Board.

Manager Waller thanked staff for working diligently on fixing this issue.

Manager Haake asked if this will continue to be used as a compost site. Permit Coordinator/Wetland Specialist Tomczik stated they will not be using this as a compost site and the site will become idle; no current proposed use.

Motion by Manager Waller, seconded by Manager Bradley, to conditionally approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated July 6 & 12, 2016. 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.

ADDITIONAL ITEMS REQUIRING BOARD ACTION

1. Consider Concurrence on final revised addendum to the Washington Judicial Ditch 5, 6, and 7 Historical Review memo and authorization to schedule a public hearing.

Administrator Belfiori explained this item was discussed at the June 6, 2016 Board workshop meeting. He reviewed the information with the Board.

Motion by Manager Haake, seconded by Manager Waller, to concur that the attached final addendum to WJD 5, 6 and 7 Historical Review memo dated June 13, 2016 has been updated based on the discussion at the informational meeting held on April 27, 2015 and authorizes staff to schedule the public hearing on the reestablished and corrected drainage system records for a date in mid to late September 2016 at the City of Forest Lake Council Chambers. Staff will also give notice of the public hearing by mail to the Commissioner of the Department of Natural Resources, the Executive Director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage
system and give additional notice either in a newspaper of general circulation in the drainage system area or by publication on the District website and in all other ways as required by Board policy.

Manager Waller stated he noticed on Ditch 7, Branch 4, there is no historical data for it but is similar to Ditch 6 and there was no evidence that Branch 4 ever existed as he understood it. He requested this be explained at the landowners’ meetings. He asked if there is a Branch 4, in the future, would that be considered a part of the public system or would the owners have to be told that is the private system.

District Engineer Otterness stated they found evidence in the historic record that Branch 4 was not ordered to be part of the project so there may or may not be a tile in that location right now but regardless of the existence of a tile at that location, it would be considered a private system and not part of the public system.

District Engineer Deutschman stated they discussed this with legal counsel at the staff meeting on Monday. If there would be new evidence that came forward that they were not aware of indicating that the branch had been established as an element of the public system, the District as drainage authority could take the steps to formally reflect that the branch is a part of the public system. This would require a subsequent formal records correction proceedings.

Motion carried 5-0.

2. Consider Check Register dated July 13, 2016, in the amount of $33,834.34, prepared by Redpath and Company.

Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated July 13, 2016, in the amount of $33,834.34, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Discussion on MNDOT design build process for 35W.
Permit Coordinator/Wetland Specialist Tomczik stated staff met with MNDOT regarding the construction process for 35W. He stated they are proposing the project as a design/build rather than the standard design/bid/build. The question this raises for the District’s permitting process is that the design presented for a District permit would not be final, and numerous adjustments to the design would be expected after initial permit issuance and as the work proceeds. He reviewed the process with the Board.

Manager Haake asked how much burden will be put onto MNDOT Engineer’s so the District Engineers will not need to expend excessive time reviewing the changes as they are proposed. Permit Coordinator/Wetland Specialist Tomczik stated MNDOT, when it submits its provisional plans for initial permit issuance, will demonstrate that the final design is able to meet District rules. The contractor may or may not take small segments of that and look to alter them. That burden is initially on the contractor to show that modifications will maintain compliance with the District rules. Then it is brought to MNDOT and MnDOT will review it for compliance purposes before it comes to the District. The District will need to decide its level of staff and engineer involvement. If it wishes it can sit at the table, or it can have a lesser but more strategic involvement.
President Preiner suggested that the most challenging aspect will be MnDOT subcontractors acting without
direct awareness of permit requirements or direct connection to District oversight. She urged that when
staff and MnDOT together establish the coordination structure, due attention is given to ensuring that
both the contractor and subcontractors are aware of the process requirements of the District permit and
that oversight is adequate.

Manager Bradley stated he looked forward to the staff proposal on this. He has been very comfortable
with previous processes and thought if changes were made they be brought forward to the Board.

Manager Waller did not know if it would take that much more hours or dollars because the project would
be like any other, only broken down into sections rather than brought forward all at once. District
Engineer Deutschman stated he looked at this project as a phased project.

District Attorney Holtman stated his understanding is that MnDOT may be looking for some of the Board’s
authority to be delegated to District Administrator Belfiori for at least certain types of amendments or
augmentation of the design.

Permit Coordinator/Wetland Specialist Tomczik stated MnDOT is seeking approval before they have a final
plan set. They want some early approval so they can engage a contractor to break ground. The delegation
to the Administrator, if the Board chooses, would be so that additional phases or modifications of design
can occur more quickly.

President Preiner asked when MnDOT planned to start this project. Permit Coordinator/Wetland Specialist
Tomczik stated they planned to formally submit an application in the fall. He thought they would start
construction in late 2017, early 2018 and it would be a four-year project. President Preiner asked what the
District timeframe would be to review this. Permit Coordinator/Wetland Specialist Tomczik stated they
should have enough time to have Houston Engineering review and get a comfort level of knowing what the
key points will be. He suggested that MnDOT could come to the Board in advance of the application to
provide a presentation of the project, and that this would help the Board determine the extent of
delegation to the Administrator with which it would be comfortable. The Board agreed that this would be
useful.

2. District Engineer’s Update and Timeline
District Engineer Deutschman highlighted several projects and reviewed the Engineer’s timeline with the
Board.

3. Manager’s Update
There were no updates.

ADJOURNMENT
Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 9:34 a.m. Motion
carried 5-0.