The Board convened workshop at 1:00 p.m.

Attendance: –Board members, Patricia Preiner, John Waller, Steve Wagamon, and Barbara Haake.

Absent: Board member Mike Bradley absent with prior notice.

Others: Administrator Phil Belfiori; Public Drainage Inspector Tom Schmidt (portion of meeting); Office Manager Theresa Stasica; District Engineers Chris Otterness and Mark Deutschman (portion of meeting)-Houston Engineering (HEI); Drainage Attorney John Kolb-Rinke Noonan (portion of meeting); District Attorney Chuck Holtman-Smith Partners via telephone (portion of meeting); Jacquelyn Kotilinek-Redpath and Company via telephone (portion of meeting); Mike Bradley via telephone (listening only).

Administrator Belfiori requested an addition to the agenda item: Update on VanCanneyt Pond.

Manager Haake requested and addition to the agenda: Updating bylaws.

Discuss Annual Review of Treatment of Metro Shooting and Trost Settlements in District Financial Reports.

Administrator Belfiori introduced District Attorney Holtman and Jacquelyn Kotilinek-Redpath and Company via telephone as part of this discussion. Attorney Holtman reviewed with the Board that it decided last year to annually review this item each February and make a formal action at a regular Board meeting as to whether this future liability is remote or if it is reasonably possible that events will occur that will result in an immediate liability. Last year, the Board decided that this item was remote due to several circumstances/uncertainties such as the limits of development, soil conditions, wetland boundaries, ACOE regulations and the cost of credits. Attorney Holtman informed the Board that with the 2016 audit underway, he has spoken with District Permit Coordinator/Wetland Specialist Nick Tomczik and District Engineer Chris Otterness and they have reported that they are aware of no changes over the past year with respect to any of the above stated circumstances such that the Board’s judgment of remoteness from last year would change. Attorney Holtman noted that the Board’s vote last year finding the liability remote was based on a workshop quorum of three managers, with Manager Waller dissenting, and so it is possible that the full Board could come to a different view this year.
Attorney Holtman noted that Manager Bradley is listening but not participating, and so shared Manager Bradley’s observation, which he has transmitted via email to President Preiner and Attorney Holtman. Manager Bradley noted that last June, HEI prepared a memorandum to brief the Board on potential District wetland replacement needs and how those needs might be met by purchasing or creating replacement credits. He noted that this settlement was listed in a table listing potential sources of wetland replacement obligations and that it could be said that the Board, in authorizing further exploration of replacement credits, considered this liability to be more than remote. Attorney Holtman said the Board may consider if that was its view. District Engineer Mark Deutschman replied that this table didn’t imply, and wasn’t intended to state, that credits were needed for this item. HEI was trying to represent that, with the amount of District projects believed to be upcoming in the next 5 years, additional wetland credits would be needed.

Manager Waller questioned whether this liability was properly disclosed as part of the District’s financing of the BEL Alum Project. He believed in discussions with the Auditor last year she had stated that liabilities need to be reported as part of the loan process. Jacquelyn Kotilinek-Redpath and Company replied she was not in attendance at that meeting last year. She believed Peggy Moehler was present on behalf of Redpath. Manager Waller would like this to be considered further.

Administrator Belfiori reiterated that the Board by consensus would bring this item to the February 22nd Board meeting. The Board agreed and directed staff to bring forward options.

Attorney Holtman commented that in the event he has misrepresented Manager Bradley’s position or Manager Bradley wishes to elaborate on his comments, he should provide written comments and send them to Administrator Belfiori. Administrator Belfiori can distribute the written comments to the Board in advance of the meeting and the document will become part of the meeting record.

**Discussion on Crossings of Anoka Ramsey Judicial Ditch 1 Public Drainage System.**

Administrator Belfiori informed the Board that Staff and the District Engineer have met with MnDOT who are proposing improvements to I-35W in within the District. A portion of these improvements cross various branches of ARUD1. District Engineer Otterness stated that during their pre-application with MnDOT, the District noted that one or more of the current culverts may be above the profile elevation determined and adopted by the District through their re-establishment of the drainage system record. MnDOT’s project is not a full-scale reconstruction and they wanted assurance from the District that the culvert elevations are not an obstruction. The District engineer prepared a technical memo containing its conclusions and recommendations regarding the function and efficiency of the current crossings. The analysis concludes that the current location and condition of the crossings provides adequate hydraulic efficiency and will not restrict flow. Manager Waller questioned if there is future land use improvement or road bed construction will the culverts be re-evaluated. Public Drainage Inspector Schmidt replied that this memo is a part of the drainage system file and, as such, will
be part of any future consideration for work being done to this system or to the crossings of it. District Engineer Otterness replied that this action applies to the existing condition and that it can be re-evaluated in the future.

**Discussion on Petition related to Anoka-Washington Judicial Ditch 3 System (JD 3) Branches 2 and 3.**

District Engineer Chris Otterness reviewed their technical memo regarding the engineer’s findings related to the Marvin LaValle petition to impound waters on Branch 2 of Anoka-Washington Judicial Ditch 3 (JD3), abandon a portion of Branch 3 of JD3, re-align a portion of Branch 3 of JD3 and encroach upon required right of way of the main channel of JD3. The petitioned actions are for the beneficial purpose of restoring wetland areas adjacent to the ditch. District Engineer Otterness also informed the Board that the applicant has requested the District to maintain the sedimentation pond located by Highway 61. Public Drainage Inspector Schmidt believed it was the responsibility of the applicant and it can be incorporated into the maintenance plan. District Engineer Otterness believed the District could also monitor this through the JD3 ditch inspection program. Permit Coordinator/Wetland Specialist Tomczik noted the maintenance could also be addressed in the applicants recording requirement. Drainage Attorney Kolb replied the District could modify the document stating that the applicant is responsible for maintenance and create a template for BMP maintenance for the landowner. There is also the option for the District to do the work then charge back to landowner.

Administrator Belfiori informed the Board that this item will be on the February 8th meeting for action. To file the engineers report and set a public hearing for the Board’s March 8th meeting.

**Discussion on Urban Stormwater Remediation Cost Share Applications.**

Water Resource Specialist Axtell informed the Board that there was a lot of interest in this program. He reviewed with the Board USWR cost share applications for: City of Circle Pines – Golden Lake Iron Enhanced Sand Filter; City of Fridley – Civic Complex Redevelopment; City of Fridley – Moore Lake Biofiltration Basin Rehabilitation; City of Hugo – County Road 8 Stormwater Reuse; City of Mahtomedi – Edgecumbe Drive Storm Drainage Improvements; City of Mahtomedi – Glendale Park BMP; City of Roseville – Gluek Lane Underground Storage. Mr. Axtell informed the Board and the Citizen Advisory Committee recommendations and staff’s recommendation. There will be a public hearing for these applications on February 22, 2017 and subsequent Board action following it. The Board commented that they were pleased with the applications received and that they should review the funding level at budget time to evaluate if there should be an increase.

**Update on Hansen Park project.**

Water Resource Specialist Axtell gave an updated on the project to the Board and the challenges that are being faced with the weather. He reviewed change order 3 with the Board regarding dredge material and “fluff factor”. Administrator Belfiori commended Mr. Axtell, Houston, and the contractor for their long hours and thinking outside of the box on these issues.
Update on Halls Marsh Repair Project.
District Engineer Otterness updated the Board on the current status of the project, including the unsuccessful attempt at jetting out the current culvert. He explained the difficulties of alternate construction methods, such as directional boring of a new culvert in a different location and recommend that the Board undertake a complete replacement of the outlet structure. He informed them that they are preparing alternatives and cost estimates for their consideration.

The Board took a 5 minute break.

Discussion on Board’s Proposed Legislative Position Documents.
Administrator Belfiori reviewed draft handouts with the Board. Managers Haake and Waller wanted the documents to be clear that this was at a Federal level. The Board by consensus agreed to bring these documents to the February 8th meeting for final approval with appropriate labeling discussed.

Mirror Pond Project Update.
Water Resource Specialist Axtell just received a communication from the Saint Anthony city engineer. The City has received communications from their contractor regarding their concern with weather conditions and their due diligence to try and continue with the project. The City has written, if weather conditions do remain unfavorable, that they expect Sunram to complete all work above the normal water level.

Update on VanCanneyt Pond.
District staff gave an update on the VanCanneyt’s cost application request and the CAC’s recommendation. The item will be on the Board’s February 8th meeting.

Updating Bylaws.
Manager Haake explained to the Board that she is participating in the update of MAWD’s bylaws and that she believes it is time for the District to do the same. She gave background on the process MAWD is taking and that items that need to be changed frequently can be a part of a supplemental document to the bylaws. This supplement can be more easily changed by the Board and contains day to day operations. She recommended bringing this item to the Board’s Wednesday meeting to discuss appointing a subcommittee. She volunteered herself and Manager Bradley if he was available. The Board agreed by consensus to add this time to Wednesday’s meeting.

The workshop was adjourned at 3:44 p.m.