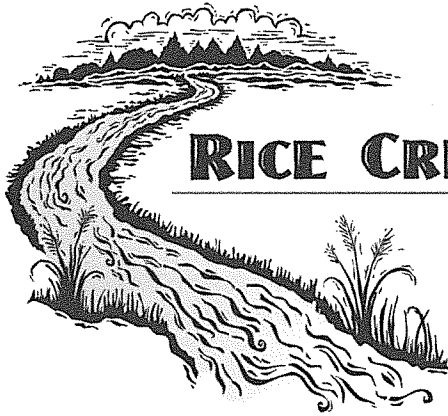


Approved



RICE CREEK WATERSHED DISTRICT

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REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, January 23, 2013

Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

Minutes

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ROLL CALL

Present: President Patricia Preiner, 2nd Vice-Pres. John Waller, and Treasurer Steve Wagamon.

Absent: 1st Vice-Pres. Barbara Haake and Secretary Ogata (both with prior notice).

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica, Public Ditch Inspector Tom Schmidt, Inspector Elizabeth Hosch.

Consultants: District Engineers Mark Deutschman, Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners.

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

Motion by Manager Waller, seconded by Manager Wagamon, to adopt the agenda as presented. Motion carried 3-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the January 7, 2013, Board of Managers Meeting Workshop Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 3-0.

Minutes of the January 9, 2013, Board of Managers Regular Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 3-0.

BOARD OF
MANAGERS >

Barbara A. Haake
Ramsey County

Steven P. Wagamon
Anoka County

Harley M. Ogata
Ramsey County

Patricia L. Preiner
Anoka County

John J. Waller
Washington County

30 **CONSENT AGENDA**

31 The following applications have been reviewed by the District Engineer and Staff and will be acted upon without
32 discussion in accordance with the Engineer's Recommendation unless a Manager or the Applicant or another interested
33 person requests opportunity for discussion:

34
35 **Table of Contents**

36 **PERMIT APPLICATIONS REQUIRING BOARD ACTION**

37 No.	Applicant	Location	Plan Type	Recommendation
38 12-096	City of Mounds View	Mounds View	After-the-fact Final Site Drainage	CAPROC 2 items

40
41 Permit Coordinator/Wetland Specialist Tomczik stated somehow this permit was overlooked by the City, but the City was
42 in compliance and it was ready for approval.

44 12-098	Met Council Environmental Services	Mahtomedi	Final Site Drainage	CAPROC 6 items
47 12-100	Dental Properties, LLC	New Brighton	Final Site Drainage	CAPROC 8 items

48
49 **Motion by Manager Wagamon, seconded by Manager Waller, to approve the consent agenda as outlined in the above**
50 **Table of Contents in accordance with RCWD staff and District Engineer's Findings and Recommendations, dated**
51 **January 3 & 15, 2013. Motion carried 3-0.**

52
53 **OPEN MIKE – LIMIT 12 MINUTES.** Any RCWD resident may address the Board in his or her individual capacity, for up to
54 three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the
55 record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on
56 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
57 agenda.

58
59 There were no comments made at Open Mike.

60
61 **ITEMS REQUIRING BOARD ACTION**

62 **1. Consider Citizens Advisory Committee Appointments (Kyle Axtell)**

63 Water Resource Specialist Axtell explained who would still remain on the CAC along with the new appointments
64 to the CAC. He noted all of the citizen committee members had expressed their desire to remain on the CAC.
65 He recommended for the two remaining vacant seats, staff solicit candidates. He recommended the Board
66 approve the other ten CAC members.

67
68 **Motion by Manager Waller, seconded by Manager Wagamon, to appoint the following individuals to serve on**
69 **the District's Citizen Advisory Committee for 2013: Mary Jo Truchon, Jeff Severseike, Wayne LeBlanc, Bob**
70 **Rosenquist, Doug Ramseth, Mary Sue Simmons, Janelle Anderson, Doug Hall, Rick Gwynn, and Kari Oquist.**
71 **And to authorize staff to solicit applications for membership on the RCWD Citizen Advisory Committee in**
72 **accordance with MN Statute 103D.331 and the RCWD CAC Operating Procedure. Motion carried 3-0.**

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74 President Preiner requested the CAC members be thanked for their participation.

75
76 Manager Waller noted the attendance on CAC was good and they had done a very fine job.

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2. Consider Noticing Public Hearing on Anoka County Ditch 10-22-32 Construction/Reasonable Area (Phil Belfiori)

District Belfiori explained this was a follow-up to the previous Board workshop meetings where this was discussed. He recommended the Board authorize publishing a notice for the public hearing and pick a date for the public hearing.

President Preiner recommended March 4 so it could be discussed at their Workshop meeting the next week.

Manager Waller stated they wanted to make sure the MAWD legislative breakfast was not interfered with. District Administrator Belfiori responded March 4 would not interfere with the MAWD breakfast.

Manager Waller stated he did not have any conflicts for March 4.

Manager Wagamon responded he was okay with that date also.

Motion by Manager Waller, seconded by Manager Wagamon, to direct staff to publish a notice for a public hearing regarding Construction Access, Right of Way, Removal of Trees and Obstructions on the ACD 10-22-32 Public Drainage Systems for tentatively March 4, 2013.

District Engineer Deutschman stated they have been working with the District and legal counsel on the maps and they would bring this to the February workshop to present to the Board.

Motion carried 3-0.

3. Consider Check Register dated 1/23/2013, in the amount of \$569,560.29, prepared by HLB Tautges Redpath.

Motion by Manager Wagamon, seconded by Manager Waller, to approve check register dated January 23, 2013, in the amount of \$569,560.29, prepared by HLB Tautges Redpath. Motion carried 3-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Inspection Database Presentation (Elizabeth Hosch)

Inspector Hosch provided information about the current inspector's database being used, which was developed by Houston Engineering. She noted there was also a web component for the handheld devices also.

President Preiner asked if the report was available to the permit holder also. Inspector Hosch responded the permit holder was given a copy.

President Preiner asked if there was an old permit and there was something changed how was that noted. Inspector Hosch responded each time there was a visit or something was changed, a new report was generated and there would be a sequence.

District Engineer Deutschman pointed out on the dashboard that it gave a quick update on all of the permits. He noted this was a handy tool to keep track of the complexity of the permit process. He stated anyone can pull up the information now and see where the permit is at.

124 Manager Waller stated he was happy to see the improvement and thanked the engineers. He asked when a
125 permit came in and it was entered into the system, was there a flag system that told them that they were getting
126 close to the 60-days. Permit Coordinator/Wetland Specialist Tomczik responded the permit was entered into the
127 database and laserfiche, which tracked all of this information. He noted the WCA reports also required this
128 information.

129
130 Manager Waller questioned if the database tracks the 60-day deadline for the District to act on a permit
131 application. Permit Coordinator/Wetland Specialist Tomczik responded that was being tracked by staff through
132 the database.

133
134 **2. Discussion on Manager Waller's request for Data on Cost of Lawsuits**

135 District Administrator Belfiori stated this was a follow up to a request from Manager Waller from the December
136 Board meeting related to data requested on past legal activity of the District. He stated he had spoken with
137 Manager Waller regarding the scope of his request.

138
139 Manager Waller stated he had spoken with the District Administrator and he believed this was a start to look at
140 the legal costs. He noted he was only looking for information regarding legal costs for the drainage activity or
141 drainage ditches. He stated specifically JD2 in Washington County and Anoka County Ditch 53-62 in Blaine. He
142 indicated he did not see staff time involved in the accounting. He stated he realized this was a difficult thing to do
143 due to the updating of records and this was over a 20-year period. He stated he was patient and he would like to
144 see what staff costs were involved as well as what the City costs were. He stated he wanted to know how much
145 staff was involved and how much they were paying for this. He indicated these drainage issues have been
146 adversarial for 20 years. He stated he would like this information shared with the Board.

147
148 President Preiner agreed that they needed to know the answer in general, but she wanted to know how much
149 detail Manager Waller wanted and how much staff time he wanted put into this. She noted at the end of the day
150 they kind of knew what it cost anyway and did they want the staff resource put to things they were currently
151 doing or to go back 20 years to get this answer. She asked where Manager Waller's end was on this.

152
153 Manager Waller stated he wanted to see a figure of what they kind of know. He stated they did not have any
154 actual handle on what these costs actually are.

155
156 President Preiner stated she did not know how they could go back 20 years, especially if he wanted the City's
157 costs.

158
159 Manager Waller stated while those figures would be helpful, he understood getting the information from the
160 Cities might not be possible, but he believed staff could come up with how much staff time was involved. He
161 stated he did not know what the record keeping was like 20 years ago, so the information might not be available,
162 but he wanted it looked at. He noted 20 years ago, they did not have many systems and processes in place like
163 they did now, but if the figures could be gathered, that was the information he was looking for.

164
165 District Administrator Belfiori stated the information that was available without a lot of additional staff time
166 would be the more recent information. He stated they can search by recent history, 10 years, through invoicing,
167 but prior to 2003, it would be difficult to get specific information about staff time. He noted staff time was not
168 required to be logged in for every specific project or permit.

169
170 President Preiner asked if it would be a good idea to log staff time in.

171

172 Manager Waller believed this would be a good idea so they would know what the cost was. He stated this was
173 part of the maintenance issues and not money directed to other programs. He believed it was bad government
174 not to track this.
175

176 President Preiner stated that some level of tracking time would be a good thing for staff to do in the future, but
177 she was not sure if it could be done for the past.
178

179 District Administrator asked if the Managers wanted staff to log their time with respect to potential lawsuits or to
180 projects. President Preiner stated she would like time to be tracked on the specific large drainage type projects.
181

182 Manager Waller stated as far as the lawsuit goes, time does not start to accrue until a lawsuit is filed.
183

184 District Administrator Belfiori stated currently staff tracks their hours generally by the fund that are in the
185 budgets (i.e. regulatory, ditch maintenance, etc.), but currently staff does not track their time specifically by
186 project.
187

188 Manager Waller noted in his experience, it was not uncommon to be paid by different kind of activities, so the
189 time needed to be tracked and while this was not the way the District worked; he believed it would not be too
190 difficult to track time.
191

192 Manager Wagamon asked how they would know what to charge for a project without this information. District
193 Engineer Deutschman noted for projects, the engineers did keep track of time and staff time was relatively
194 minimal. He stated the engineers' time could be calculated. He stated in terms of legal costs, the number was
195 presented in the settlement agreement. He acknowledged that was not the total cost, but that was a place to
196 start.
197

198 President Preiner stated so the outstanding issues was staff time and other City time, which might not be
199 available. District Administrator Belfiori agreed that other City time would probably not be available.
200

201 Manager Waller stated the processes being used now were not in use 20 years ago.
202

203 **3. Staff Reports**

204 There were no comments.
205

206 **5. February Calendar**

207 District Administrator Belfiori noted on January 29 at 9:00 a.m. there was a special meeting.
208

209 **6. Manager's Update**

210 President Preiner stated she had attended the metro MAWD meeting and most of the discussion was on White
211 Bear Lake with a presentation by USGS and a hydrologist from the DNR.
212

213 Manager Waller asked if MAWD made any comment about the newspaper article regarding possible lawsuits.
214 President Preiner responded there was no discussion about that issue.
215

216 **ADJOURNMENT**

217 *Motion by Manager Waller, seconded by Manager Wagamon, to adjourn the meeting at 9:35 a.m. Motion carried 3-0.*
218