

Approved



**REGULAR MEETING OF THE RCWD BOARD OF MANAGERS**

Wednesday, March 11, 2015

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

**Minutes**

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**CALL TO ORDER**

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

**OATH OF OFFICE**

District Attorney Louis Smith administered the Oath of Office to Michael J. Bradley.

**ROLL CALL**

Present: President Patricia Preiner, 1<sup>st</sup> Vice-Pres. Barbara Haake, 2<sup>nd</sup> Vice-Pres. John Waller, Michael J. Bradley, and Treasurer Steve Wagamon.

Absent: None

Staff Present: Administrator Phil Belfiori, Office Manager Theresa Stasica, District Technician Samantha Kreibich; Technical Specialist/Permit Reviewer Chris Buntjer.

Consultants: District Engineer Chris Otterness, Houston Engineering, Inc. (HEI); and, District Attorney Louis Smith from Smith Partners

Visitors: Dan Hair.

**SETTING OF THE AGENDA**

District Administrator Belfiori added item 6, Consider the MBI for Brown's Preserve Wetland Bank and item 7, Consider Cost-Share, Pollutant Crediting Process.

*Motion by Manager Haake, seconded by Manager Wagamon, to adopt the agenda as amended. Motion carried 5-0.*

**READING OF THE MINUTES AND THEIR APPROVAL**

*Minutes of the February 25, 2015, Board of Managers Regular Meeting. Motion by Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented. Motion carried 3-0-2, Managers Bradley and Waller abstained.*

34 **PERMIT APPLICATIONS REQUIRING BOARD ACTION**

35 The following applications have been reviewed by the District Engineer and Staff and will be acted upon without  
36 discussion in accordance with the Engineer's Recommendation unless a Manager or the Applicant or another interested  
37 person requests opportunity for discussion:  
38

39 **CONSENT AGENDA**

40 No.	Applicant	Location	Plan Type	Recommendation
41 15-008	HR, LLC	Roseville	Final Site Drainage	CAPROC 5 items

42  
43 Manager Haake stated this is well done and will be an underground retention area. She questioned whether this is in the  
44 area where the regional pond was installed. She indicated she did not oppose this but would like confirmation of where  
45 the pond is.  
46

47 ***Motion by Manager Wagamon, seconded by Manager Haake, to approve the consent agenda as outlined in the above***  
48 ***Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated March 5, 2015.***  
49 ***Motion carried 5-0.***  
50

51 **OPEN MIKE – LIMIT 12 MINUTES.** Any RCWD resident may address the Board in his or her individual capacity, for up to  
52 three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the  
53 record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on  
54 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  
55 agenda.  
56 There were no comments made at Open Mike.  
57

58 **ADDITIONAL ITEMS REQUIRING BOARD ACTION**

59 **1. Election of Officers and Selection of Personnel Subcommittee.**  
60 Administrator Belfiori explained Section One of the By-Laws indicated an election of officers at the first meeting in  
61 February. But due to managers attendance it was decided to put this item on the first meeting in March.  
62

63 Manager Waller stated last year he made a suggestion in the process that they rotate the officers on a yearly basis  
64 so every member of the Board would have experience on those offices. At that time the Board decided to delay it  
65 until this year so he wanted to bring it up for discussion. He thought this would be a great idea.  
66

67 ***Motion by Manager Waller, seconded by Manager Haake, to institute a policy of rotating officers on a yearly***  
68 ***basis.***  
69

70 Manager Haake indicated she would like to address this further. Before them is their By-Laws and she supported  
71 what Manager Waller was saying but thought it was necessary to change the By-Laws. She suggested that perhaps  
72 if they like to revise the language to something such as "All officers are limited to two consecutive one-year terms"  
73 which will limit the Board Members to two one-year term. She agreed with what Manager Waller stated and she  
74 was also pushing for this because they are all equal members of the Board and this would give everyone the ability  
75 to rotate and try out each position.  
76

77 Manager Wagamon stated he did not agree and liked the roles the way they are. He did not believe everyone is  
78 created equal and the way it is established now, it gives him the right to vote for the person he felt was best for  
79 the position. He stated they discussed this at the Board Workshop and there was a consensus to leave it the way

80 it is. There is a provision in the By-Laws for the ability to remove a manager from their position at any time and  
81 not just at the end of their term.  
82

83 Manager Bradley stated there will be new people on the Board so rotating every year is not going to work either.  
84 Manager Haake agreed because it takes time to come up to speed on the matters at hand. President Preiner  
85 indicated that it defeats the purpose of a rotation of the officers then.  
86

87 Amendment to the motion by Manager Haake is: the time of the concurrent term would be determined at a  
88 workshop. Manager Waller accepted the amendment.  
89

90 **ROLL CALL:**

91 **Manager Haake – Aye**

92 **Manager Bradley – Aye**

93 **Manager Wagamon – Nay**

94 **Manager Waller – Aye**

95 **President Preiner - Nay**

96 **Amendment motion carried 3-2.**

97  
98 **ROLL CALL:**

99 **Manager Haake – Aye**

100 **Manager Bradley – Aye**

101 **Manager Wagamon – Nay**

102 **Manager Waller – Aye**

103 **President Preiner - Nay**

104 **Amended motion carried 3-2.**

105  
106 Manager Haake stated it was her understanding that there will be a change to the By-Law and the Board will have  
107 to wait to discuss the number of terms and how long it would be.  
108

109 Manager Bradley thought they were just going to determine what they were comfortable with for a term and he  
110 indicated he would be comfortable with a three-year term. He thought they have established a process for  
111 further evaluating this. Manager Haake agreed. She thought they still needed to elect their officers.  
112

113 District Attorney Smith stated the By-Laws provided a period of posting notice of a proposed change. The By-  
114 Laws provide the Board to elect officers at the meeting and welcome to elect whomever they choose.  
115

116 Open for nominations of President:

117  
118 Manager Wagamon nominated Manager Preiner as President.

119  
120 Manager Waller nominated Manager Haake as President.

121  
122 Manager Haake nominated Manager Waller as President and denied taking on the Presidency because of personal  
123 commitments.  
124

125 **Motion by Manager Haake, seconded by Manager Preiner, to close nominations. Motion carried 5-0.**  
126

127 Manager Haake appreciated Manager Preiner as President of this organization and thought she has done an  
128 excellent job but the reason she nominated Manager Waller is because he is always giving the Board more  
129 information, which shows he has done a lot of research on the subject. She also indicated because they are going  
130 to be doing some discussion on a term limit and she has served under three different presidents since she has  
131 been on Board, she would like to see the rotation and the ability for someone else to try the role of President.  
132

133 **Motion by Manager Haake, seconded by Manager Waller, to elect Manager Waller as President.**

134  
135 **ROLL CALL:**

- 136 **Manager Haake – Aye**
- 137 **Manager Bradley – Nay**
- 138 **Manager Wagamon – Nay**
- 139 **Manager Waller – Aye**
- 140 **President Preiner - Nay**
- 141 **Motion failed 2-3.**

142  
143 **Motion by Manager Wagamon, seconded by Manager Bradley, to elect Manager Preiner as President.**

144  
145 **ROLL CALL:**

- 146 **Manager Haake – Abstain**
- 147 **Manager Bradley – Aye**
- 148 **Manager Wagamon – Aye**
- 149 **Manager Waller – Nay**
- 150 **President Preiner - Aye**
- 151 **Motion carried 3-1-1**

152  
153 Open for nominations of 1<sup>st</sup> Vice President:

154  
155 Manager Wagamon nominated Manager Haake as 1<sup>st</sup> Vice President.

156  
157 Manager Haake nominated Manager Waller as 1<sup>st</sup> Vice President.

158  
159 **Motion by Manager Haake, seconded by Manager Wagamon, to elect Manager Waller as 1<sup>st</sup> Vice President.**

160  
161 Manager Waller indicated while he appreciated the nomination and motion for 1<sup>st</sup> Vice President his real interest  
162 would be as the Treasurer. He is removing his name for consideration. Manager Haake indicated she is willing to  
163 continue as Vice President.

164  
165 **Motion by Manager Wagamon, seconded by Manager Bradley, to elect Manager Haake as 1<sup>st</sup> Vice President.**  
166 **Motion passed 5-0.**

167  
168 Open for nominations of 2<sup>nd</sup> Vice President:

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170 Manager Waller nominated Manager Wagamon as 2<sup>nd</sup> Vice President. Manager Wagamon indicated he was  
171 comfortable where he is at as Treasurer. Manager Haake thought they should move onto the Treasurer position.

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173 Open for nominations of Treasurer:

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Manager Haake nominated Manager Waller as Treasurer.

Manager Preiner nominated Manager Wagamon as Treasurer.

**Motion by Manager Haake, seconded by Manager Preiner, to close nominations. Motions carried 5-0.**

**Managers Preiner, Bradley and Wagamon voted for Manager Wagamon as Treasurer. Managers Haake and Waller voted against. Motion carried 3-2.**

**Motion by Manager Wagamon, seconded by Manager Haake to nominate Manager Waller as 2<sup>nd</sup> Vice President. Motion carried 5-0.**

**Motion by Manager Haake, seconded by Manager Wagamon to nominate Manager Bradley as Secretary. Motion carried 5-0.**

Manager Waller did not think the voting followed what the Board just adopted regarding rotation. President Preiner indicated they did not adopt that yet, they agreed to continue to discuss it. Manager Waller indicated that was not the way he understood it.

President Preiner asked District Attorney Smith for his opinion on the matter.

District Attorney Smith reviewed the motion and the amendment made to the motion and indicated it was his understanding that the amendment to the By-Laws with term limits would be discussed at a workshop meeting so what was voted on was valid.

Manager Waller stated he was the most experienced Board Member and when Manager Wagamon came onto the Board he was not experienced at all so he did not think experience or inexperience is necessarily a barrier in being able to accomplish those jobs. He thought having fresh eyes looking at these jobs and how things are done over time will provide more transparency and less opportunity for errors and mistakes.

Manager Wagamon agreed that experience is not that critical until you get into the president position then that is where, he thought, it could make a major difference. He did not believe they should be doing this arbitrarily on a time frame. Manager Waller thought there were problems when there is prolonged time unchanging leadership.

President Preiner indicated they needed to move on and this would be discussed at a workshop meeting.

**2. Consider Findings and Order Accepting the Pulte Homes Petition to Realign a Portion of Anoka County Ditch 53-62 Main Trunk and Appointing Engineer.**

District Administrator Belfiori stated Pulte Homes has applied for a permit application and the petition utilizing Westwood Professional Services as well as Kimley-Horn & Associates as consultants. Staff is recommending that the Board of Managers, as drainage authority, consider the petition and approve the resolution, which appoints Houston Engineering, Inc. as District Engineer to investigate the proposed realignment of the public drainage system.

220 Manager Bradley stated it was his understanding they previously approved the abandonment of the same  
221 drainage ditch and he wondered how this differs from the previous action.

222  
223 District Administrator Belfiori stated it was never implemented and the current petitioners are asking for a  
224 revised action. Manager Haake indicated there is a time limit on keeping things open and due to the change in  
225 action there needs to be a new approval.

226  
227 Manager Bradley wondered if there was a means they could have shortcut this without having to go to public  
228 hearing but if there is a change in realignment. He did not see a way that can be done.

229  
230 **Motion by Manager Haake, seconded by Manager Waller, to approve Resolution 2015-08, Resolution**  
231 **accepting petition and appointing engineer.**

232  
233 Manager Waller stated the Board is appointing Houston Engineering to investigate the effect of the proposed  
234 realignment and file a report of the findings so there are added costs that are not normal and he wondered where  
235 the costs will be met.

236  
237 District Administrator Belfiori indicated Item 5 in the Resolution identifies the bond for \$10,000. The bond is  
238 related to the requirements in this process and will pay for Houston Engineering to undertake the investigation as  
239 identified.

240  
241 Manager Haake read the Resolution into the record:

242  
243 **ORDER**

- 244 A. The Board of Managers accepts the petition and directs the Petitioner to correct the defect and provide a  
245 hydrologic model of the proposed public drainage realignment.
- 246  
247 B. The Board of Managers appoints Houston Engineering to investigate the effect of the proposed realignment  
248 and file a report of findings.
- 249  
250 C. The Engineer is directed to include in its investigation an assessment of effects from the realignment on  
251 benefitted property owners of the public drainage system.
- 252  
253 D. To the extent the Board's approval of an action related to ACD 53-62 was never implemented under  
254 Resolution 2007-04, Resolution 2007-04 is hereby vacated.
- 255  
256 E. This order is not an approval of the realignment proceedings, nor does it modify the drainage system.  
257 Subsequent proceedings on the petition will occur consistent with the requirements of Statutes Section  
258 103E.227.

259  
260 **ROLL CALL:**

- 261 **Manager Haake – Aye**
- 262 **Manager Waller– Aye**
- 263 **Manager Wagamon – Aye**
- 264 **Manager Bradley – Aye**
- 265 **President Preiner - Aye**
- 266 **Motion carried 5-0.**

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**3. Consider the RCWD Comment Letter Regarding the North and East Metro Groundwater Management Area (GWMA) Draft Plan.**

District Administrator Belfiori stated the Board is requested to consider the proposed RCWD draft comment letter regarding the North and East Groundwater Management Area (GWMA) Draft Plan. The draft comment letter focuses on those areas within the GWMA draft plan that relates to existing District projects and programs.

Manager Haake stated this was a great letter. She stated she is on this committee that meets Friday at 8:30 a.m. and would like to use this because it is very good and is something important to her. These items have been proven to work but it all takes time.

***Motion by Manager Haake, seconded by Manager Waller, to approve the RCWD comment letter on the North and East Metro Groundwater Management Area Draft plan dated March 11, 2015 and authorizes the District administrator to sign and submit the letter to the Minnesota Department of Natural Resources.***

Manager Waller thanked staff for the comments added. He asked whether they should update their groundwater recharge area on the map. He thought they should also differentiate that there are some groundwater outlets.

***Motion carried 5-0.***

**4. Consider Vehicle/Equipment Use and Safety Policy**

District Administrator Belfiori stated the purpose of this policy is to protect the safety of employees and others as well as to protect the investment made in vehicles and related equipment. The policy covers procedures that employees are to follow as related to use and operation of District vehicles and direction on use of District equipment and property.

***Motion by Manager Haake, seconded by Manager Wagamon, to approve the RCWD Vehicle/Equipment Use and Safety Policy and direct staff to include the policy in the District Policies and Procedures manual.***

Manager Waller indicated this is an extensive change in the rules and necessary but also much of the decision making power in this is subjective judgments by the Administrator. He asked if the Board should continue to update this policy and not just from the insurance's point of view. He would also like the process to protect the employee and the employee has a review on how this will be treated.

Manager Bradley stated he read this and felt it had the appropriate balance within it.

***Motion carried 5-0.***

**5. Consider Check Register dated 3/11/15, in the amount of \$131,083.73, prepared by Redpath and Company. Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated 3/11/15, in the amount of \$131,083.73, prepared by Redpath and Company.**

Manager Haake thought the check register was a little high for this time of year. District Administrator Belfiori indicated the large amount is due to the Dave Perkins Contracting, Inc. pay request which was approved at the last Board meeting.

***Motion carried 5-0.***

314 **6. Consider the MBI for Brown's Preserve Wetland Bank**

315 District Administrator Belfiori stated the Board received a memorandum from Rinke Noonan requesting the  
316 Board authorize the President and Administrator to execute the Mitigation Banking Instrument (MBI) and  
317 additional documents as necessary to complete the mitigation banking project.  
318

319 ***Motion by Manager Haake, seconded by Manager Wagamon, to authorize the President and Administrator to***  
320 ***execute the Mitigation Banking Instrument and additional documents as necessary to complete the mitigation***  
321 ***banking project. Motion carried 5-0***  
322

323 Mr. Dan Hair asked where they are in the final phase. District Administrator Belfiori stated once approved it will  
324 be forwarded to the Army Corp of Engineers (ACOE) and they have 45 days to approve or initiate a dispute  
325 committee and they will immediately provide notice. If no dispute is initiated by that team the instrument is  
326 ready for signature upon close of that comment period, which is 45 days.  
327

328 Mr. Hair stated he was aware of the 45 days review and he also read Houston Engineer's timeline with  
329 recommendation that the District will connect with the inter-agency review team to encourage them to take a  
330 look at it and if possible to shave some time off that 45 days. He wondered who within the District will do that.  
331 District Administrator Belfiori stated Mr. Kramka from Houston Engineering will be contacting and encouraging  
332 the IRT team members that they have seen this information before and that most of the fundamental nature of  
333 that has not changed from what they have seen previously and if they can expedite the 45 days by getting back to  
334 the ACOE with their comments.  
335

336 **7. Consider Cost-Share, Pollutant Crediting Process**

337 District Technician Kreibich gave a presentation comparing funding awards of past District cost-share project  
338 using the District's funding guidelines to Capitol Region Watershed Districts cost share calculator. Capitol Region  
339 Watershed District (CRWD) gave a presentation to the Board at their 1/14/15 Board meeting on their alternatives  
340 for a cost share system based on project benefit and the Board at that time was interested to discuss the item  
341 further. After the presentation, District Technician Kreibich recommended informally applying the calculator to  
342 2015 projects alongside the District's current guidelines. That way Board members will then see the regular 50%  
343 funding amount beside the CRWD grant calculator amount in order to compare funding amounts in real-time. In  
344 fall, staff will then present the gathered research and information of all the 2015 projects to the Board to  
345 determine if the RCWD Board would wish to pursue a similar type of program. This will allow staff and the Board  
346 to determine the advantages and disadvantages of this type of program and determine if the board wishes to  
347 pursue this type of cost sharing framework in the future.  
348

349 District Administrator Belfiori indicated for 2015 it has already been approved to consider cost-sharing based on  
350 the 50% framework but the calculator can be used for reference purposes only and a decision can be made for  
351 2016 at the end of the year if the board wishes.  
352

353 ***Motion by Manager Haake, seconded by Manager Wagamon, to approve the informal use of the Capitol***  
354 ***Region Award calculator alongside the regular funding mechanism for 2015 Cost-Share applications, in order***  
355 ***to compare funding amounts and gather research for potential changes to the cost-share program in the***  
356 ***future.***  
357

358 District Technician Kreibich indicated throughout the year they can consider capping the funding amount along  
359 with considering minimum funding amounts, continuation of set funding amounts in each county, incentives  
360 such as TMDL, Lake Tiers, and Project Visibility.

361  
362 Manager Waller stated he did not support this program at all. The real purpose is to determine how much  
363 phosphorus there is. He did not see a benefit of it because it does not concentrate on the question of phosphorus  
364 impact and he thought that was an important thing to consider. He agreed there needed to be an evaluation of  
365 the phosphorus program, but he did not agree they needed to look at this calculator.  
366

367 **ROLL CALL:**

368 **Manager Haake – Aye**

369 **Manager Bradley – Aye**

370 **Manager Wagamon – Aye**

371 **Manager Waller – Nay**

372 **President Preiner – Nay**

373 **Motion carried 3-2.**

374

375 **ITEMS FOR DISCUSSION AND INFORMATION**

376 **1. District Engineers Update and Timeline.**

377 District Engineer Otterness updated the Board on the ACD 53-62 project.  
378

379 **2. Manager's Update**

380 Manager Waller updated the Board on the Washington County Consortium Meeting. He stated there was a  
381 presentation by a University of MN professor from the Agricultural School Soil Department and it focused on the  
382 Agricultural Community and was very interesting. He would like to contact Ray Bohn at MAWD to request that  
383 they ask them to present at MAWD's annual meeting.  
384

385 **ADJOURNMENT**

386 **Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 10:43 p.m. Motion carried 5-**  
387 **0.**  
388