Regular Meeting of the RCWD Board of Managers

Wednesday, June 28, 2023

**Shoreview City Hall Council Chambers  
4600 North Victoria Street, Shoreview, Minnesota  
and  
Meeting also conducted by alternative means   
(teleconference or video-teleconference) from remote locations**

**Minutes**

**CALL TO ORDER**

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

**ROLL CALL**

Present: President Michael Bradley, 1st Vice-Pres. John Waller, 2nd Vice-Pres. Steve Wagamon, Secretary Jess Robertson

Absent: Treasurer Marcie Weinandt (with prior notice)

Staff Present: District Administrator Nick Tomczik, Permit Coordinator/Wetland Specialist Patrick Hughes, Watershed Technician/Inspector Ali Chalberg, Watershed Technician/Inspector Will Roach, Technician/Water Resource Specialist Molly Nelson (video-conference), Communications and Outreach Coordinator Kendra Sommerfeld (video-conference), Watershed Technician/Water Resource Specialist Anna Grace (video-conference), and Office Manager Theresa Stasica

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

Visitors: None

**SETTING OF THE AGENDA**

***Motion by Manager Bradley, seconded by Manager Wagamon, to approve the agenda as presented. Motion carried 4-0.***

**READING OF THE MINUTES AND THEIR APPROVAL**

**Minutes of the June 12, 2023 Workshop.**

**Motion by *Manager Wagamon, seconded by Manager Robertson, to approve the minutes as presented.***

Manager Waller stated that he would be voting against approval of the minutes because he felt they were inadequate with regard to the discussion of the Metro Shooting center situation.

***Motion carried 3-1 (Waller opposed).***

**Minutes of the June 14, 2023 Board of Managers Regular Meeting.**

**Motion by *Manager Wagamon, seconded by Manager Waller, to approve the minutes as presented.* *Motion carried 4-0.***

**Consent Agenda**

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

**Table of Contents-Permit Applications Requiring Board Action**

**No. Applicant Location Plan Type Recommendation**

21-099 Headwaters Land Group Forest Lake Final Site Drainage Plan Amendment   
 Land Development CAPROC 15 items

***It was moved by Manager Waller and seconded by Manager Robertson, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated June 21, 2023. Motion carried 4-0.***

**Annual Public Information Meeting-District’s Storm Water Pollution Prevention Program (SWPPP)**

President Bradley called to order the public information meeting on the District’s Stormwater Pollution Prevention Program (SWPPP). Watershed Technician/Inspector Chalberg and Watershed Technician/Inspector Roach gave a joint presentation outlining the District’s Stormwater Pollution Prevention Program (SWPPP) and noted that unlike previous years, there is no Board action necessary because the 2022 annual MS4 permit reporting obligations will not take place until 2024. She explained that the annual reports for 2022 and 2023 to the MPCA will be submitted through its new e-service, once it goes live, in 2024. Staff reviewed the components of the MS4 General Permit and the SWPPP: Public Education and Outreach; Public Participation/Involvement; Illicit Discharge Detection and Elimination; Construction Site Stormwater Runoff Control; Post-Construction Stormwater Management in New Development and Re-Development; and Pollution Prevention/Good Housekeeping for Municipal Operations. They noted that the new RCWD website is being developed and reviewed the 1 illicit discharge that was reported in 2022 along ACD 55 and noted that the District worked with the municipality and the landowner to resolve the issue. Watershed Technician/Inspector Roach reviewed the active construction sites in the District and noted the amount of violation notices that had been sent out. He explained that the District’s MS4Front database has allowed GIS mapping of all BMPs associated with permits from 2013 to present. He noted that 3 of the 5 MS4 District facilities were inspected in 2022. He stated that they also reported on the Total Mass Daily Load (TMDL) and noted that there are several water bodies in the District that are proposed to be removed from the impaired waters list, including Bald Eagle, White Rock, and Island Lake.

Manager Waller stated that he often hears from many of the cities that the MS4 rules are duplicates or overlapping the District rules and they question why they need to have MS4 permits for things like construction sites and post construction water management. He asked if there was some way that the District could help streamline this process and if all the watershed rules that overlap or duplicate the Districts, were necessary.

District Administrator Tomczik noted that the State is the authority that requires the MS4 permit and determines the jurisdiction and permit requirement. He explained that the District sets the standards for the watershed, which is the basis for the rules it has adopted, which includes the ability for any municipality to adopt its own ordinances that would be equivalent or more restrictive than the District’s. He stated that there is a pilot program with the City of Centerville where the District has looked at a single entity providing a site inspection. He stated that this is shared administration with the city, there is a partnership in any enforcement or measures that are taken on site to address problems.

President Bradley suggested that this could be discussed at a future City-County Partner meeting once we see how the pilot program works in order to consider broadening it.

District Administrator Tomczik stated that the District being subject to the State’s MS4 program, and the requirement for a permit is a bit concerning because the District’s public drainage systems are what are considered a storm sewer being addressed under the permit. He noted that some public drainage systems are also classified as waters of state. This has been brought to the attention of the PCA and have been able to have some good discussions about it. He explained that PCA have referenced the provisions by which the District may apply to be removed from the permit obligation which is a process. He reiterated that the District sets regulatory standards for its jurisdiction regardless of the MS4 requirements, for the benefit of the water resource.

Manager Waller stated that Centerville is one of the cities where he has heard numerous times over the years about this conflict. He stated that when a city takes over those responsibilities, they can include it in the MS4 also and would think that would free up some resources if those overlapping regulatory actions were removed.

President Bradley asked if there was any public comment on this item.

There were no comments.

President Bradley closed this portion of the meeting and moved back into the Board’s regular meeting.

**Open Mic/Public Comment**

None.

**ITEMS REQUIRING BOARD ACTION**

1. **Check Register Dated** **June 28, 2023, in the Amount of $486,986.48 Prepared by Redpath and Company**

***Motion by Manager Wagamon, seconded by Manager Robertson, to approve check register dated June 28, 2023, in the Amount of $486,986.48*** ***as prepared by Redpath and Company. Motion carried 4-0.***

**ITEMS FOR DISCUSSION AND INFORMATION**

1. **Staff Reports**
2. **July Calendar**

President Bradley noted that there would be no CAC meeting in July.

1. **Administrator Updates**

District Administrator Tomczik noted that Manager Wagamon had asked a question about the Columbus CWPMP when they were discussing ACD 10-22-32 and asked Permit Coordinator/Wetland Specialist Hughes to share his response to those questions.

Permit Coordinator/Wetland Specialist Hughes stated that he reviewed the Columbus CWPMP report and the language Manager Wagamon referenced is essentially a reorganization of the drainage exemption language in the Wetland Conservation Act (WCA). Staff’s reading of the report is that maintenance activities may not require replacement and may be exempt from replacement through WCA, but an improvement would still be subject to replacement.

District Administrator Tomczik noted that the contractor is proceding on the ACD 53-62 repair project. He noted that they have submitted a change order to move the substantial completion date to August 4, 2023. He stated that he had attended the Minnesota Watershed’s Summer Tour and also noted that the District had met with the City of Birchwood’s new engineer regarding the Preibe Lake Outlet Project (PLOP) and are waiting for their comments on the proposed draft memorandum of agreement which will help unify the multiple cities in the District’s management of that system. He stated that there has been a bit of movement with Watermark and their modification of ACD 55 where the tile was installed. He stated that the engineers have communicated regarding methods to demonstrate compliance with their obligations.

1. **Managers Update**

Manager Waller attended the Watershed Summer Tour.

President Bradley noted that the District had recently received a letter from City of Columbus, renewing their request for wetland credits. He stated that after staff evaluates the situation, he believes they should bring this back to a workshop for further discussion.

Manager Waller noted that it is important to remember that the same obligation for Columbus also exists for Forest Lake.

President Bradley stated that there are about 26 others with the same obligation.

Manager Wagamon asked for a copy of the letter.

Manager Robertson noted that she believes it was sent out via e-mail yesterday.

District Administrator Tomczik stated that the e-mail came from a legal assistant from Larkin Hoffman. He stated that staff can bring whatever they can find to the Board for discussion at a future workshop meeting, but noted that he did not feel that there is not a lot of detail to be discovered. He stated that it appears as though things that were allegedly said, did not make it onto the paper record, but noted that staff will do their best to reconstruct what existed.

**ADJOURNMENT**

***Motion by Manager Waller, seconded by Manager Robertson, to adjourn the meeting at 9:38 a.m. Motion carried 4-0.***