



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Thursday, January 9, 2025

**Mounds View City Hall Council Chambers
2401 County Road 10, Mounds View, Minnesota
and**

**Meeting also conducted by alternative means
(teleconference or video-teleconference) from remote locations**

Minutes

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CALL TO ORDER

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

ROLL CALL

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

Absent: None

Staff Present: District Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, Communications and Outreach Manager Kendra Sommerfeld, Drainage and Facilities Manager Tom Schmidt, Project Manager David Petry, Program Support Technician Emmet Hurley (video-conference), and Office Manager Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney John Kolb from Rinke Noonan

Visitors: Rachel Workin-City of Fridley

SETTING OF THE AGENDA

***Motion by Manager Weinandt, seconded by Manager Bradley, to approve the agenda as presented.
Motion carried 5-0.***

District Administrator Tomczik reminded President Bradley that before they proceeded, they needed to administer the Oath of Office to two of their members.

OATH OF OFFICE: STEVE WAGAMON AND JOHN WALLER

District Attorney Kolb administered the Oath of Office to Manager Wagamon and Manager Waller.

BOARD OF MANAGERS	Jess Robertson Anoka County	Steven P. Wagamon Anoka County	Michael J. Bradley Ramsey County	Marcie Weinandt Ramsey County	John J. Waller Washington County
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READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the December 9, 2024, Workshop; December 11, 2024, Board of Managers Regular Meeting.
Motion by *Manager Robertson, seconded by Manager Weinandt, to approve the minutes as presented.*
Motion carried 5-0.

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
24-077	CSM Corporation	Blaine	Final Site Drainage Plan Floodplain Alteration	CAPROC 8 items

It was moved by Manager Wagamon 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 December 30, 2024. Motion carried 5-0.

OPEN MIC/PUBLIC COMMENT

There were no public comments.

ITEMS REQUIRING BOARD ACTION

1. Citizen Advisory Committee Member Appointments for 2025

Communications and Outreach Manager Sommerfeld presented the slate of candidates for the Citizen Advisory Committee (CAC).

President Bradley noted that his understanding was that the only vacancy they currently had was for Washington County related to the Conservation District.

Communications and Outreach Manager Sommerfeld stated that was correct.

Motion by Manager Robertson, seconded by Manager Wagamon, to appoint the 10 individuals proposed on the slate shown below, for membership on the Citizen Advisory Committee for 2025.

District Administrator Tomczik stated that in addition to the vacancy in Washington County, there was also one in Anoka County.

Manager Weinandt noted that the Board had discussed this at their recent workshop where they had also expressed their appreciation for the work done by the CAC.

Name		Affiliation or Organization	County
<i>Vacant</i>			Anoka
Rebecca Keller		Lino Lakes	Anoka
Truchon, Mary Jo*		Anoka Conservation District	Anoka
O'Connell, Teresa		Lino Lakes	Anoka
Ellen Donaldson		White Bear Township	Ramsey
Lazarus, William		Shoreview	Ramsey
Andrew Kovacs		Mounds View	Ramsey
Schroeder, Michael*		Ramsey Conservation Department	Ramsey
Richard Thompson		Forest Lake	Washington
Larsen, Peter		Hugo	Washington
Ramseth, Douglas		Forest Lake, Clear Lake	Washington
<i>Vacant*</i>		Washington County CD	Washington

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Motion carried 5-0.

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2. City of Fridley Final Payment Approval – Moore Lake Enhancement Project

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Project Manager Petry explained that he was asking the Board to approve the final payment for the Moore Lake Enhancement Project and gave a brief overview of the overall project and explained that he had asked Rachel Workin from the City of Fridley to talk about the project.

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Rachel Workin, City of Fridley, Environmental Planner, stated that she wanted to thank the District for their support on this project and also wanted to highlight the level of partnership that there has been with the City of Fridley and the District that made it so successful. She noted that she believed that she had worked with every department within the District over the last few years on this project which she felt was key to having it be what it was today. She explained that the project began with a series of technical studies prepared by the District following the designation of Moore Lake as impaired for aquatic recreation. She explained that the stormwater retro fit analysis identified a stormwater BMP at the southern outfall which discharged untreated runoff from about 75 acres of a residential area directly into the lake as the most cost effective location for the BMP. She stated that they had worked with District staff to apply for a BWSR Clean Water Fund Grant in the amount of \$400,000 in order to install a biochar and iron-enhanced sand filter at this location which they were successfully awarded, and, at that time, had also entered into an agreement with the District to cost-share the required match. She noted that during the design of the project there were things that arose, including things like supply chain issues, and also with the feasibility of their original design. She stated that the City also began planning for a multi-million dollar revitalization of Moore Lake Park and Anoka County began planning for the construction of the Gardena Avenue roundabout in order to address a significant congestion issue. She stated that both of those projects faced significant issues meeting the Districts regulatory requirements due to space constraints and proximity to the lake. She explained that they were able to work with the Districts regulatory staff and Houston Engineering in order to develop a comprehensive stormwater management plan which was approved by the Board. She stated that this creatively addressed

100 and met the Districts regulatory requirements which also achieved cost efficiencies for all three
101 projects and maintained valuable recreation space within the park. She noted that, as a result, the
102 expected treatment efficiencies of the filter increased from 18 pounds of phosphorus annually to
103 26 pounds of phosphorus annually. She stated that she felt it was safe to say that the Districts
104 relatively small investment was a huge catalyst for major improvements for Moore Lake. She
105 explained that this project also occurred within a much larger reconstruction of Moore Lake Park
106 that included other water quality benefits and noted that a direct outfall from the parking into
107 Moore Lake was eliminated during construction. She stated that the City of Fridley was also able
108 to significantly reduce the amount of impervious surface in the park and added many native
109 plantings within what was an existing sand area. She noted that the construction of the filter was
110 completed in the fall of 2023 which they celebrated with a native planting event with students from
111 North Park Elementary school and explained that District staff had also attended this event. She
112 stated that the filter went live this past summer and explained that their operations staff had been
113 really diligent in maintaining the filter and have worked with the District's monitoring staff in order
114 to develop a monitoring protocol for the filter. She explained that they have also seen a huge
115 increase in park use, so the filter has received great visibility. She stated that the City of Fridley
116 had worked with Communications and Outreach Manager Sommerfeld in order to develop a
117 beautiful and informative informational sign to accompany the filter. She stated that this project
118 has been a source of community pride and revitalization and noted that they were looking forward
119 to the installation of the new public art piece at Moore Lake Park which she felt was another great
120 example of the City and the District working together in order to achieve more than they could
121 individually. She stated that they are also looking forward to seeing the results of some of their
122 monitoring work that they have done together as well as updating the Moore Lake stormwater retro
123 fit analysis in order to pick their next project that will benefit Moore Lake with their eventual goal
124 to have it delisted from the impaired waters list. She reiterated her appreciation to the Board and
125 District staff.

126
127 President Bradley thanked Ms. Workin for attending today's meeting and for her excellent
128 presentation on the project.

129
130 Project Manager Petry explained that the funds for this project were coming out of the 2024 60-03
131 Lower Rice Creek project.

132
133 Manager Weinandt stated she agreed that it was an excellent presentation by Ms. Workin but more
134 importantly she felt that this was an excellent project. She stated that \$400,000 came from the
135 Clean Water Fund which was appropriated because the citizens in the State voted to tax themselves
136 for these types of water quality issues. She stated that she was a member of the Clean Water
137 Council representing watersheds and would like to have Ms. Workin come and do a presentation
138 for them, because this was an excellent example of how the Clean Water Fund was able to leverage
139 for this type of project. She asked if this came out of the Watershed Based Implementation Fund or
140 the Clean Water Fund competitive grant.

141
142 Ms. Workin explained that it was the competitive grant.

143

144 Manager Weinandt stated that was similar to the grant that the District was awarded for Centerville
145 Lake and noted that the District was greatly benefitting from many of those funds.

146
147 Manager Waller stated that the District also had excellent staff that was very good at competition.
148 He expressed his appreciation to Ms. Workin for coming to present to the Board and stated that he
149 was happy that the District was able to help do something about Moore Lake and explained that
150 during her presentation he was thinking about a stream or drainage that was above Moore Lake
151 that the District was talking about working on a few years ago and asked if that may have been
152 misplaced or lost somehow. He asked that this be put on a checklist in order to take a look at what
153 had been going on with that other stream. He stated that he was happy to be able to work with
154 the City of Fridley and felt that they have had 2 great projects in the last few years where they have
155 worked together successfully and encouraged the City of Fridley to keep asking the District for
156 money for these types of projects.

157
158 District Administrator Tomczik stated that earlier this year the District met with Ms. Workin and
159 other staff members from the City of Fridley to talk about a number of different projects including
160 the County looking at some flood control and flood management around 73rd Avenue.

161
162 President Bradley stated that they should not forget about the dam at Locke Lake.

163
164 Project Manager Petry stated that they had also submitted a grant application that has not been
165 determined yet for looking at the whole Moore Lake watershed, as a whole, in order to reprioritize
166 and come up the next projects now that the top ones have been knocked off the list and clarified
167 that the District would continue to work with the City of Fridley.

168
169 ***Motion by Manager Weinandt, seconded by Manager Robertson, to approve the City of Fridley's***
170 ***final pay request as submitted, and directs staff to issue a payment in the amount of \$60,019.23.***
171 ***Motion carried 5-0.***

172
173 **3. Dunaway Construction Final Payment Approval – Ramsey County Ditch #4 Repair Phase 2**

174 Drainage and Facilities Manager Schmidt stated they were asking for approval of Dunaway
175 Constructions final payment for their work on RCD4, phase 2 repair which was the Little Lake
176 Johanna to the Lake Johanna channel. He noted that there were photos of the completed work
177 included in the Board packet materials and reminded the Board that they had not yet made the final
178 payment for Phase 1 yet, because they were waiting for vegetation to be established. He noted that
179 when that happens they will do a more thorough presentation on the total project.

180
181 Manager Weinandt asked if this portion was just for the riprap and additional expenses for the
182 plantings and shoreline restoration would still be coming.

183
184 Drainage and Facilities Manager Schmidt stated this payment was for the entire channel stabilization
185 between Little Lake Johanna and Lake Johanna and was not for the rest of RCD4 that was upstream
186 going to Oasis Pond.

188 Manager Weinandt stated that it looked like there was riprap on both sides of this channel and
189 noted that she would imagine that the residents in the area were thrilled.

190
191 District Administrator Tomczik stated that the residents had come forward with concerns for this
192 area but the District already had the work planned and Drainage and Facilities Manager Schmidt
193 was able to field the resident concerns and this project was the outcome.

194
195 President Bradley stated that he felt that this project was an excellent example of the District being
196 responsive to legitimate concerns that were brought to their attention.

197
198 Manager Weinandt noted that in addition to just being responsive, the work also happened very
199 quickly.

200
201 ***Motion by Manager Weinandt, seconded by Manager Waller, to approve Dunaway Construction's***
202 ***Invoice as submitted and verified by Staff and the District Engineer and further directs staff to***
203 ***issue payment in the amount of \$57,846.25.***

204
205 Manager Waller stated that he also wanted to point out that this was a quick project that was
206 responsive to the individuals who brought it to the District's attention and hoped that they can
207 continue having this kind of quick reaction time in order to fix drainage ditches.

208
209 District Administrator Tomczik stated that he felt it was important to note that the two phases
210 existed and were contemplated in the project from the beginning and clarified that staff was already
211 aware of the concerns about the stabilization of the banks.

212
213 ***Motion carried 5-0.***

214
215 **4. Check Register Dated January 9, 2025, in the Amount of \$118,227.72 Prepared by Redpath and**
216 **Company**

217
218 ***Motion by Manager Weinandt, seconded by Manager Wagamon, to approve check register dated***
219 ***January 9, 2025, in the Amount of \$118,227.72 prepared by Redpath and Company. Motion***
220 ***carried 5-0.***

221
222 **ITEMS FOR DISCUSSION AND INFORMATION**

223 **1. District Engineer Updates and Timeline**
224 District Engineer Otterness noted that the Drainage Work Group would have a meeting later today
225 and will discuss whether there may be consensus for recommendations to the legislature including
226 a framework for how changes are made to the Minnesota Public Drainage Manual and the
227 consideration of repealing a portion of the statute regarding the requirement for drainage
228 inspectors to submit reports on buffer strips related to 103 requirements.

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230 Manager Weinandt asked District Engineer Otterness to elaborate on this a bit more and asked if he
231 had stated that the Drainage Work Group would be making a request to eliminate that requirement.

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District Engineer Otterness explained that the Drainage Work Group would be considering elimination of that portion of the drainage statute. He stated that at the meeting today the group would determine whether they had consensus to move forward with this recommendation to the legislature on it.

Manager Weinandt asked if the District would be impacted and asked if staff currently reported on buffer strips.

District Engineer Otterness clarified that the District has not completed any redeterminations of benefit and that BWSR asks the drainage authorities every year whether they have completed an action requiring buffer strip reporting and it creates more of a hassle for the drainage inspectors that have more of these actions occurring.

Manager Weinandt noted that the District should not have that many miles of buffer strips that they would need to report on.

Drainage and Facilities Manager Schmidt stated that in the 17 years he has been with the District, he has filled the form out every year, but has always put down 'zero' in every box and explained that this specific reporting would not have any impact on the District.

2. Administrator Updates

District Administrator Tomczik stated at a previous meeting the Ramsey County inspection agreement came up in the discussion and a question was raised about the number of permits that the District saw and noted that Regulatory Manager Hughes went back and took a look and asked him to fill in the Board on that history.

Regulatory Manager Hughes explained that he had taken a look at the last 5 years of applications and 37% of them were within Ramsey County. He stated that if you look in greater detail about the specific area that is covered by the Ramsey SWCD for inspections, that was between 20-25%, so he felt that was a pretty significant portion of the permits.

District Administrator Tomczik stated that he also wanted to mention their annual contractor service agreements which are used for day labor, which is often for public drainage system work. He stated that these would be the work orders that are reported to the Board on their spreadsheet. He noted that District Attorney Kolb had reviewed the contract document. He explained that these were for maintenance which is different than repair projects and asked Drainage and Facilities Manager Schmidt to add a bit of detail on what makes maintenance and repair different from each other.

Drainage and Facilities Manager Schmidt stated that, under Statute, there was no distinction between repair and maintenance, but the Board had determined that there was a maintenance program, and they also do repairs, but both are handled in different ways. He explained that the District uses the day labor contracts in order to fulfill their maintenance obligations to the systems and noted that the agreements with the contractors state that the District or staff will not dictate

277 means or methods on how they complete the work. He stated that they do work with them to have
278 an understanding of the outcome and what is desired, but do not tell them how to do it and let them
279 make those decisions based on their experience and best judgment.

280
281 President Bradley stated that there was an experience last winter where someone was not
282 adequately experienced and dropped equipment which caused lots of problems and increased
283 costs. He stated that he would hope that just because there is a difference between telling them
284 how to do it and telling them, 'based on our experience, this is what we think you ought to do'. He
285 stated that he felt that they may not want to follow that distinction in order to better protect
286 ourselves.

287
288 District Attorney Kolb stated that he felt that was reasonable and noted that staff was obviously
289 working with all of the contractors. He noted that he felt that one of the considerations upfront
290 before one of these annual contracts are awarded is that there is a review of the contractors and
291 their competency. He stated that by awarding a contract, the Board does show some level of
292 confidence in the independent judgment and skill set of the contractors. He stated that it is attention
293 and it has to do with how much risk the District undertakes every time it sets a contractor loose to
294 do something on the landscape. He noted that this was one of the reasons why the District had a
295 distinction between maintenance and repair because maintenance was usually viewed to be lower
296 risk, simpler work, and does not require a lot of regulatory oversight. He stated that repair, on the
297 other hand, would be managed more intensively with a very detailed set of plans and specifications,
298 construction supervision, and verification of grades. He explained that one of the reasons why this
299 discussion was relevant today was that there were complaints surrounding the means and methods
300 that the contractor was undertaking to perform the repair work. He stated that if that issue was
301 brought to the inspector, the inspector would say, here is our contract that would show the level of
302 independence that is given to the contractors because they had already been vetted on the front
303 end and explain that the District does not dictate that level of control, oversight, or direction of the
304 means and methods employed by the contractor. He noted that the difference between the
305 inspector handling that question and a Manager handling the question is that a Manager may not
306 have the insight as to the contract, so the landowner can get a more sympathetic ear and it can end
307 up becoming a larger issue. He stated that the District has to give them some independence, but he
308 felt that it was well supervised and coordinated with current staff. He stated that he felt if they
309 should leave that level of independence to the contractors, within reason, then for every project
310 they approach, they should look at the level of risk that the District would be undertaking if they
311 don't add an added level of supervision.

312
313 President Bradley stated that he had tried to draw a distinction between the District's level of
314 supervision on a repair versus maintenance, but he would suspect that the contracts for both types
315 of employees for these contractors contain the same language absolving the District of responsibility
316 for how they do the job.

317
318 District Attorney Kolb explained that in the annual maintenance contracts, there is indemnification,
319 an insurance requirement, and hold harmless language and in the larger contracts that are executed
320 there is similar language but it is a bit more detailed because there are unique operations in those
321 contracts that sometimes do not exist in the maintenance work or contracts, for example, culvert

322 replacement, that would be highly specified and controlled more than just removing vegetation out
323 of a ditch.

324
325 Manager Wagamon stated that he had a lot of questions and discussion items on that, but didn't
326 feel they should be discussed right now and suggested that they take it up at a workshop.

327
328 Manager Waller thanked Drainage and Facilities Manager Schmidt and District Attorney Kolb for
329 their explanations. He stated that he felt that there was a significant issue that he felt should be
330 noted when this is discussed with people regarding the difference between maintenance and repair
331 that the District makes. He noted that repair is a special assessment and maintenance is general
332 funds which means there was a big difference in how these are paid for which many people may not
333 be aware of and a maintenance project means that these individuals would not be getting a bill.
334 He clarified that one of the important issues that he felt was important to know was that
335 maintenance was an ad valorem tax and not a special assessment.

336
337 President Bradley stated that this was a policy that has been in place for many years.

338
339 District Administrator Tomczik stated that an additional difference between maintenance and repair
340 is that if there is less regulation involved in maintenance and going through the repair permitting
341 process was often a distinction. He moved the discussion to the pay equity report and noted that it
342 had been completed and submitted to the State. He explained that it had received approval for
343 the good work of the District, so they were in compliance. He stated that prior to the meeting staff
344 had handed out the Minnesota Watersheds legislative briefing that will be coming up on February
345 19-20 2025. He noted that they are asking for advance registration and asked the Board to get in
346 touch with Officer Manager Stasica regarding their interest in attending. He stated that the District's
347 past efforts, specific to Rice Creek, have been for RCD2, RCD3, RCD5, Jones Lake, and 35W flood
348 mitigation. He explained that he had been in communication with staff from the City of New
349 Brighton in order to collaborate with them as a way to ramp up and engage with them for that
350 project.

351
352 Manager Weinandt stated that she felt the groundwork had been laid for RCD2, RCD3, and RCD 5
353 projects and the District just needed to give it some more oxygen and move forward.

354
355 President Bradley stated that he felt the next step should be reconnecting with both of their
356 representatives to ensure that they understand that the District still wants their help.

357
358 District Administrator Tomczik stated that to add to a multi-pronged approach, the District has a
359 grant application that they will also submit.

360
361 **3. Managers Update**

362 Manager Weinandt stated that there is a Ramsey Council elected officials meeting that takes place
363 once a month which has had representatives from Ramsey-Washington Watershed there and
364 believed that the District should also be expecting an invitation from them.

365

366 Manager Waller stated that at the recent workshop they discussed adding structure to the review
367 process for the District Administrator which he was in favor of and noted that there were some
368 things that he would like to see moving forward including making sure the structure contains
369 transparency, accountability, objectivity, and impartiality. He stated that he also felt that it was
370 important that they take a look at the job description as they get ready for the structured approach
371 for the position and the contract because that was a basic informational piece that would be
372 important to look at as they are developing this structure. He noted that Forest Lake had a new
373 mayor this year and had also replaced their administrator with Mark, from Centerville, which he felt
374 would be a good thing because he was someone who always came to the city-county partner
375 meetings and always had things to share. He noted that he believes that the District could expect to
376 see the result of the study being conducted by WSB related to the water re-use program in the near
377 future.

378
379 President Bradley asked District Administrator Tomczik to send his job description to the Board.

380
381 District Administrator Tomczik stated that he would send it to the Board in addition to District
382 Attorney Kolb.

383

384 **ADJOURNMENT**

385 ***Motion by Manager Waller, seconded by Manager Robertson, to adjourn the meeting at 9:46 a.m.***

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

387