



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, January 22, 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 a.m.

ROLL CALL

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

Absent: 1st Vice-President John Waller (with prior notice)

Staff Present: District Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, (video-conference) Technical Field Assistant Connor Price, Program Support Technician Emmet Hurley (video-conference), Office Manager Theresa Stasica

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

Visitors: None

SETTING OF THE AGENDA

Administrator Tomczik requested that a new agenda item be added as #5 for Contracted Services Agreement – JD2 Work Order, and renumber the rest of the agenda.

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

READING OF THE MINUTES AND THEIR APPROVAL

**Minutes of the January 6, 2025, Workshop; January 9, 2025, Board of Managers Regular Meeting.
Motion by Manager Robertson, seconded by Manager Weinandt, to approve the minutes as presented.
Motion carried 4-0.**

32 **CONSENT AGENDA**

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

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

36 No.	36 Applicant	36 Location	36 Plan Type	36 Recommendation
37 24-040	37 Menomonie Land 11, LLC	37 Blaine	37 Final Site Drainage Plan	37 CAPROC 15 items
38	38 Rechner, LLC		38 Land Development	
39	39 JSN Properties, LLC		39 Wetland Alteration	
40	40 BlaineSpec IRA, LLC		40 Floodplain Alteration	
41	41 Contour Land, LLC			

42 Regulatory Manager Hughes gave an overview of the application for Permit No. 24-040.

43
44 *It was moved by Manager Wagamon, seconded by Manager Robertson, , to approve the consent agenda*
45 *as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and*
46 *Recommendations, dated January 14, 2025. Motion carried 4-0.*

47 **OPEN MIC/PUBLIC COMMENT**

48 There were no comments.

49 **ITEMS REQUIRING BOARD ACTION**

50 **1. Board Election of Officers**

51 District Administrator Tomczik reminded the Board that, on an annual basis, the Board elects officers
52 for the year. He noted that he had spoken with Manager Waller who was unable to attend today’s
53 meeting who told him that he wanted the Board to feel free to move ahead with the business of the
54 District in his absence.

55
56 *Motion by Manager Bradley, seconded by Manager Weinandt, to approve the slate of existing*
57 *officers which included: Michael Bradley – President; John Waller – Vice President; Steve*
58 *Wagamon – Second Vice President; Jess Robertson – Secretary; and Marcie Weinandt – Treasurer.*
59 *Motion carried 4-0.*

60
61 **2. Rice Creek Watershed District Permits in Ramsey County**

62 District Administrator Tomczik explained that this was an informational item designed to provide
63 some transparency and address some comments that had been received from the previous
64 presentation to the Board.

65
66 Regulatory Manager Hughes explained that at their December meeting, the Board had voted to
67 continue the inspection services agreement with the Ramsey County SWCD for permit inspections
68 and other activities and he had shared some general information about the services they provide.
69 He stated that the Board had requested some additional detail surrounding the work that this
70 entailed and shared that from 2020 to 2024 the District received 542 permit applications and 131
71 of those applications were within the portion of the District that Ramsey County SWCD inspects
72 (24% of the applications). He noted that in the same time period, the District had completed 3,616

73 inspections across all inspectors and Ramsey County SWCD accounted for 1,327 of those inspections
74 (36.7% of all inspections).

75
76 District Administrator Tomczik noted that this was not for the entirety of Ramsey County or even
77 the entirety of the portion of Ramsey County that was contained within the RCWD.

78
79 Manager Weinandt stated that she felt that this data emphasized that there are permit applications
80 throughout the District which appear to be pretty proportional.

81
82 **3. Washington County Cooperative Weed Management Area Partnership**

83 District Administrator Tomczik stated that this proposed renewal of the Memorandum of
84 Understanding (MOU) gives the District the opportunity to collaborate and demonstrate support for
85 a partner initiative with Washington County. He noted that this MOU did not obligate the District
86 for any action or expense, and was intended as a show of support. He explained that Rinke Noonan
87 had reviewed it who confirmed that it did not create any financial obligations or require that the
88 District adopt of change any of its practices.

89
90 ***Motion by Manager Weinandt, seconded by Manager Wagamon, to authorize the Administrator,***
91 ***on advice of counsel, to sign entering into the Washington County Cooperative Weed***
92 ***Management Area Memorandum of Understanding. Motion carried 4-0.***

93
94 **4. Houston Engineering, Inc. Task Order 2025-001: Comprehensive Wetland Protection and**
95 **Management Plans (CWPMP) Annual Reporting**

96 Regulatory Manager Hughes explained that the CWPMPs are a modification of the Wetland
97 Conservation Act, and the District is required to report on their activities annually. He stated that
98 Houston Engineering had put together a Task Order in order to assist staff with gathering the
99 necessary information and putting together the annual report.

100
101 Manager Wagamon asked for the *Cliff's Notes* version of the importance and what the CWPMPs
102 actually do.

103
104 Regulatory Manager Hughes stated that the CWPMPs were collaborative efforts with cities that
105 participate in the area to look at wetlands, public drainage systems and serve as a way to modify
106 the Wetland Conservation Act in those areas. He noted that it can alter the wetland replacement
107 ratios in order to incentivize keeping the wetlands together and having a lower replacement ratio
108 outside of the corridor.

109
110 President Bradley noted that his recollection was that the settlement agreement that the District
111 had in Blaine divided the area into a northern and a southern area based on the CWPMP in order to
112 protect the northern area from development.

113
114 Regulatory Manager Hughes stated that this was a good example and noted that in the early 2000s
115 it was called the CWMP, that showed the intended wetland management corridor area or the
116 wetland preservation zone as it was identified in the rule at the time.

118 District Administrator Hughes stated that the CWPMP was a resource assessment, so the wetlands
119 that are within the corridor were assessed and determined to be of higher or lower value and the
120 corridor would then be further refined as developments come through.

121
122 Manager Robertson stated that, historically, there have been challenges within Anoka County,
123 specifically the City of Blaine regarding the Metro Gun Club. She asked if something like this would
124 impede their plans or make it more difficult to develop that site and stated that the Board had talked
125 a few months ago about some of the watershed's regulatory items and how some can be superseded
126 by State and Federal laws. She explained that she wanted to be careful that the District was not
127 boxing themselves in and stated that she felt the intention was good, but where she has an objection
128 is that the District creates regulations and rules that are 'blanket' when in reality, there are wetlands
129 that have degradation. She noted one of the items approved earlier in the meeting was related to
130 what she would call 'trash' wetlands and not 'premium' wetlands, but they still ended up in a fight
131 about the wetlands and she did not want to become a habit. She explained that she still wanted
132 there to be some type of collaborative effort, if there are unforeseen things, or specific things that
133 are characteristic to one site versus another, and clarified that she did not want the District to just
134 make blanket rules.

135
136 President Bradley stated that these exist because a City came to the District and asked for them.

137
138 Manager Robertson asked if the City of Blaine had asked for them.

139
140 President Bradley confirmed that the City of Blaine had asked for this and explained that the District
141 had not initiated it. He explained that this was an effort by them to try to work around the problems
142 they are facing because of the wetlands. He noted that they also have one in Forest Lake and
143 Columbus and reiterated that none of them were initiated by the District. He stated that this was
144 merely a contract to report on the status. He noted that he felt the points raised by Manager
145 Robertson were well taken but noted that he had been on the Board for 11 years and these were all
146 created prior to him joining the Board.

147
148 District Administrator Tomczik stated that this is a plan that can identify what development may
149 look like but does not prohibit landowners from proposing to impact wetlands or applying to move
150 the public drainage system.

151
152 District Attorney Kolb stated that he felt that President Bradley and District Administrator Tomczik
153 had given an excellent explanation but wanted to make a comment about the 'blanket' issue raised
154 by Manager Robertson. He explained that the reason that the District has these individualized plans
155 was because strict applications of the Wetland Conservation Act across the entire District would
156 have resulted in extreme limitations on development. He stated that these plans were intended to
157 be applied to specific areas, with specific resource concerns, and development needs in order to
158 protect what was important but facilitate alterations that would encourage and allow development.
159 He explained that this was an attempt by the District to really customize application of the Wetland
160 Conservation Act in a way that was consistent with it to actually allow for recognition of higher and
161 lower quality wetlands and allow for the consolidations of uplands. He noted that he felt that
162 without that, much of the development that had responsibly occurred under the District's

163 supervision would not have been likely to be able to occur. He reiterated that this was really a way
164 to try to customize the regulatory program within specific areas of the District in order to achieve
165 economic development along with resource protections.
166

167 Manager Wagamon stated that he wanted to make it clear that his forthcoming comments were
168 not intended to show any disrespect to the City of Columbus because they have had excessive
169 turnover and were trying to get their feet back under themselves. He stated that he had spoken with
170 them about their CWPMP and the new people coming in don't really understand it or its significance
171 and asked if there may be a way to get them up to speed in order to help them understand it.
172

173 District Administrator Tomczik stated that he can reach out to the City of Columbus and offer some
174 assistance on this item.
175

176 Manager Wagamon suggested that he mention it to their new City Administrator before District
177 Administrator Tomczik contacts them.
178

179 Manager Robertson stated that she felt it was important to continue to look for ways to ease the
180 angst of development as it related to wetlands and communities being able to promote economic
181 development.
182

183 ***Motion by Manager Bradley, seconded by Manager Wagamon, to authorize the Board President***
184 ***to execute the HEI Task Order 2025-01 to prepare the 2024 CWPMP Annual Monitoring Report in***
185 ***an amount not to exceed \$17,000. Motion carried 4-0.***
186

187 5. **Contracted Services Agreement – JD2 Work Order**

188 District Administrator Tomczik explained that, on an annual basis, the Board enters into contracted
189 services agreements which are the means they use to hire contractors to do maintenance on the
190 ditch system. He stated that the District has one of those contracts with Dunaway Construction
191 which are followed by work orders that outline specific works that are reported to the Board. He
192 stated that in this situation, staff, with approval from President Bradley, had entered into a work
193 order with Dunaway Construction on JD2, main trunk, to do bank right-of-way work north of County
194 Road 4, east of JD2, Branch 4 at a price of \$16,250. He stated that now they have another one and
195 he was asking for Board approval for this one to be transparent because it would exceed the
196 delegated threshold.
197

198 President Bradley clarified that if they took the \$19,000 and this one for \$16,250 it would exceed
199 the amount that the Board had authorized him to approve so he had suggested that they bring it
200 back to the Board for discussion.
201

202 ***Motion by Manager Bradley, seconded by Manager Weinandt, to move approval of the Contract***
203 ***with Dunaway Construction to cut and mulch JD2, main trunk ditch, bank, and right-of-way, north***
204 ***of County Road 4, SW of JD2, branch 4, at a price of \$19,662.50.***
205

206 Manager Weinandt asked if this would come out of ad valorem funds.
207

208 District Administrator Tomczik confirmed that it would come out of ad valorem and explained that
209 the maintenance of the District’s public drainage system and its facilities were all ad valorem.

210
211 Manager Weinandt asked if this was expected maintenance and not anything unusual.

212
213 District Administrator Tomczik stated that the District does plan annual maintenance of its public
214 drainage systems and facilities, however, some is unknown and gave examples of beaver dams and
215 trees falling in, but noted that the District sets aside a pot of money to address these issues.

216
217 ***Motion carried 4-0.***

218
219 **6. RCWD 2025 Board of Managers Calendar Update**

220 District Administrator Tomczik stated the Minnesota Watersheds Summer Tour conflicted with the
221 Board’s regular meeting day in June, so staff was recommending that they move the Board’s second
222 meeting in the month to June 23, 2025.

223
224 ***Motion by Manager Weinandt, seconded by Manager Bradley, to move the Board’s second***
225 ***meeting in June to Monday, June 23, 2025, 9 a.m., City of Mounds View Council Chambers. Motion***
226 ***carried 4-0.***

227
228 **7. Check Register Dated January 22, 2025, in the Amount of \$366,404.37 and January Interim**
229 **Financial Statements Prepared by Redpath and Company**

230
231 Manager Weinandt noted that an updated report from Redpath and Company, dated January 21,
232 2025, was placed on the dais prior to the meeting.

233
234 ***Motion by Manager Weinandt, seconded by Manager Wagamon, to approve the check register***
235 ***dated January 22, 2025, in the Amount of \$366,404.37 and January Interim Financial Statements***
236 ***prepared by Redpath and Company. Motion carried 4-0.***

237
238 Manager Weinandt noted that she very carefully followed the surety releases and commended
239 Regulatory Hughes on getting some of the long-time open permits taken care of and off the books.

240
241 District Administrator Tomczik noted that they have had historic permits that Regulatory Manager
242 Hughes and other staff members have done a good job of reconciling. He stated that his feeling was
243 that staff had a good capture of what is open and what they should pay attention to and that the
244 sureties that the District is holding are in alignment with the open permits in the system. He stated
245 that for the monthly report from Redpath and Company, Office Manager Stasica does a lot of work
246 to bring the Board’s approved budget into alignment, so everyone was starting on the same page.

247
248 Regulatory Manager Hughes stated that there were a lot of closures this past year which was
249 fantastic and explained that he would be reporting more specific information on them at a later
250 date. He noted that there had been a lot of discussion internally about the open, unresolved permits
251 and the process of tackling them and explained that they have been putting a bit more effort into
252 them during the winter months, so the Board can expect to see even more of them closing out.

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ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports

Manager Weinandt stated that she always finds the staff reports interesting but noted that they also highlight the work that is happening within the District that the Board does not see.

2. February Calendar

President Bradley stated that he was hopeful that the legislative meetings would take place in February. He reminded the Board that he would be out of the State until February 25, 2025, so Manager Waller would be taking over his duties during that timeframe.

3. Administrator Updates

District Administrator Tomczik stated that the District had received an update from the State regarding the Rice Creek boundary change petition that they were assembling quotes for the publication that they need to undertake. He noted that a number of cities had also asked for this information so they can inform landowners. He stated that there are residents and an association interested in improving the water quality of Peltier Lake. He noted that for ACD 10-22-32, Scandia Trucking did some work on the system and the review of the work was found to be consistent with what the District had asked them to do. He explained that at one time they had discussed a discrepancy in elevation from what a landowner had identified through their own independent surveyor versus the District's surveys, which appeared to have to do with respective benchmarks, one of which was a County benchmark and another which was a MnDOT benchmark. He stated that the District's work, and the survey, were in alignment, based on a different starting point.

District Engineer Otterness added that his survey crew confirmed a slight discrepancy between the County and MnDOT benchmarks and that what was most important was that the benchmark that the District was working off of has been consistent for all of the recent work on the system.

District Administrator Tomczik stated that the City of Willernie had a stormwater management grant and had a staff person pass away. He explained that the District would be looking to award those grant funds soon. He stated that he had reached out to Representative Sandra Feist regarding the RCD 2, 3, and 5 project, notably the Jones Lake work. He explained that Representative Feist was supportive and gave him some guidance so he would also be reaching out to some other elected individuals and submitting a form that the State would like regarding their interest in bonding dollars for that project. He stated that he had the District join the Ramsey County League of Local Governments to help promote cooperation and collaboration. He noted that the public hearing for RCD1 would be held at 6:00 p.m. tonight and noted that Manager Waller and Manager Robertson would be absent with prior notice.

4. Managers Update

ADJOURNMENT

Motion by Manager Robertson, seconded by Manager Wagamon, to adjourn the meeting at 9:44 a.m. Motion carried 4-0.