



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, May 8, 2024

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

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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, 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 & Outreach Manager Kendra Sommerfeld, Outreach and Grant Technician Molly Nelson, Lake & Stream Manager Matt Kocian, Regulatory Technician Anna Grace, and Drainage and Facilities Manager Tom Schmidt

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

Visitors: None

SETTING OF THE AGENDA

District Administrator Tomczik requested that the agenda be amended to add a new Action Item #2 for Amendment to RCWD Board of Managers 2024 calendar.

Motion by Manager Bradley, seconded by Manager Waller, to approve the agenda as revised. Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the April 24, 2024, Board of Managers Regular Meeting. Motion by Manager Robertson, seconded by Manager Weinandt, to approve the minutes as presented. Motion carried 5-0.

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 24-016 Great Grace Assembly Blaine Final Site Drainage Plan CAPROC 12 items
 36 of God Church Land Development
 37 Public/Private Drainage System
 38 Wetland Alteration
 39 Floodplain Alteration

40 24-019 Headwaters Land Forest Lake Final Site Drainage CAPROC 8 items
 41 Group, LLC Land Development
 42 Floodplain Alteration
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44 Regulatory Manager Hughes reminded the Board that Permit No. 24-019 was a project that the Board had
 45 conditionally approved before (permit application #21-099). He explained that the applicant phased the
 46 project and are now back for the full development design.

47
 48 ***It was moved by Manager Wagamon and seconded by Manager Bradley, to approve the consent agenda***
 49 ***as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and***
 50 ***Recommendations, dated April 29, 2024. Motion carried 5-0.***

51
 52 **WATER QUALITY GRANT PROGRAM COST SHARE APPLICATION (MOLLY NELSON)**

No.	Applicant	Location	Project Type	Eligible Cost	Pollutant Reduction	Funding Recommendation
R24-05	Ann Frisch	White Bear Lake	Rain garden	\$5,943	Volume: 86% TSS: 86% TP: 86%	50% cost share of \$2,971.50 not to exceed 50%; or \$7,500 whichever cost is lower
R24-06	Brent Mason	White Bear Lake	Rain garden	\$6,807	Volume: 13% TSS: 13% TP: 13%	75% cost share of \$5,105.25 not to exceed 75%; or \$7,500 whichever cost is lower
R24-07 re-application	Mike Timm	White Bear Township	Shoreline Stabilization & Restoration	\$17,915.50	Volume: 69% TSS: 100% TP: 100%	50% cost share of \$7,500 not to exceed 50%; or \$7,500 whichever cost is lower

53 Outreach and Grant Technician Nelson stated that there are 3 applications for Board approval and noted
 54 that 2 of them were new applications in Ramsey County for rain gardens. She noted that other is a re-
 55 application and explained that due to some complications with the contractor, the applicant was unable to

56 complete the project during the initial 18 month time period so they were now reapplying. She noted that
57 Brian Olson was present if there were technical questions from the Board.

58
59 Manager Weinandt asked for an overview of the discussion that took place at the CAC meeting about these
60 applications.

61
62 President Bradley stated that, as usual, the CAC took their job very seriously and went through these
63 applications with fine detail. He stated that they looked at whether or not the existing or proposed
64 sidewalk in one case would dam up water and prevent the rain garden from performing its function. He
65 stated that based on the CAC discussion, he supports their recommendation to approve these requests.

66
67 Manager Weinandt stated that, as Treasurer, she wanted to let the Board know that she had discussed with
68 Office Manager Stasica how those Water Quality Grant payments get made to landowners and is confident
69 that the District's internal system on the financial reimbursement for these projects was in place.

70
71 ***It was moved by Manager Weinandt and seconded by Manager Bradley, to approve the consent agenda***
72 ***as outlined in the above Water Quality Grant Program Cost Share Application table in accordance with***
73 ***RCWD District Engineer's Findings and Recommendations, dated May 2, 2024. Motion carried 5-0.***

74 **OPEN MIC/PUBLIC COMMENT**

75 None

76 **ITEMS REQUIRING BOARD ACTION**

77 **1. Career Enhancement Options, Inc. Services Agreement Amendment**

78 District Administrator Tomczik stated that the District holds an existing agreement with Career
79 Enhancement Options (CEO) who provide the District with Human Resource services. He stated
80 that the current agreement requires a date and a not to exceed amendment for continued services
81 through the end of 2024. He explained that this would become part of the District's biennial notice
82 soliciting professional services. He stated that staff was recommending that the current agreement
83 be amended until December 31, 2024, which would be a total of 32 months, and the total payment
84 of services for the entire term would increase to a total not to exceed \$90,000.

85
86 President Bradley noted that 24 months of this contract term had already passed and stated that he
87 has had the opportunity to work closely with Ellen Hinrichs of CEO on several occasions. He stated
88 that he feels it is clear that, just like the District needs engineers, lawyers, and other expertise, this
89 is also an area that can be very difficult and complex. He stated that he felt that Ms. Hinrichs tries
90 to inform rather than try to lead which he has found very helpful and would agree with this request
91 to amend the current agreement.

92
93 ***Motion by Manager Bradley, seconded by Manager Weinandt, to authorize the District***
94 ***administrator, on advice of counsel, to amend the Career Enhancement Options, Inc. (CEO)***
95 ***agreement, extending the term until December 31, 2024, and the total payment of services for the***
96 ***entire term not to exceed \$90,000.***

97

98 Manager Wagamon stated that he understands that he is a bit dated in this area because it has been
99 a while since he has been in business but explained that they never had a consultant like this past
100 about a maximum of one month. He noted that there was one project where they had somebody
101 help for a few months, but that was all he can remember. He asked Manager Robertson if they
102 had a permanent HR consultant at her business.

103
104 Manager Robertson stated that they did not because it would essentially be her.

105
106 Manager Wagamon stated that he served in that role at his business too and stated that was why
107 he was curious about why the District needed to have a full-time consultant.

108
109 President Bradley clarified that it was not a full-time consultant but is someone that the District can
110 pay per hour and explained that the District only pays her when they utilize her services.

111
112 Manager Wagamon stated that the District seemed to be using her services quite a bit which
113 concerned him.

114
115 President Bradley stated that was because the District needed to. He stated that he was hopeful,
116 because they now have organizational structure issues resolved but noted that they do currently
117 have 3 or 4 openings they are trying to fill.

118
119 District Administrator Tomczik stated that the District actually has 6 positions that are open in the
120 organizational structure. He noted that they had also worked on the Employee Handbook which
121 had not been previously done. He stated that this is a contract for services, so the District pays
122 CEO hourly when they have questions or concerns. He explained that they had most recently
123 utilized these services for exit interviews with the individuals that were leaving the District. He
124 stated that he felt this was important because he found it was possible that the employees would
125 share information with CEO that they may not otherwise share.

126
127 President Bradley stated that he felt that was an excellent example and noted that there were 3
128 employees that left one after another and concerns were raised to him by various Board members
129 about the possible cause. He stated that it was helpful to be able to turn to Ms. Hinrichs and ask
130 her to interview those individuals in order to find out what the cause was. He explained that this
131 was the sort of thing an outside person could do more effectively than someone from within the
132 organization.

133
134 Manager Robertson stated that she thinks that there is value in an individual that has the knowledge
135 base that Ms. Hinrichs has, especially with the changing landscape of State laws regarding
136 employment and labor. She noted that she thinks that the concerns raised by Manager Wagamon
137 are valid and explained that while she would not vote 'no' on extending the contract for the
138 remainder of the year but she thinks as they go through the budgeting process in looking ahead to
139 2025 and 2026, she believes this issue should merit a full conversation. She stated that it would
140 be helpful to have further details. She stated that she can understand the hesitancy and the
141 thought process in looking at this expense of \$90,000 because that basically equated to a full-time

142 employee. She stated that she thinks that they need to drill down to see what the value is and
143 where it lies so if there needs to be a reassessment of those duties, they can do that.

144
145 District Administrator Tomczik stated that he believed that was a fair ask by Manager Robertson.
146 He noted that this will be something that is included, every two years, as a public entity where the
147 District will solicit requests for proposals like they do for engineering and legal services. He stated
148 that what the District would see is consultants' hourly rates as well as their expertise and credentials.

149
150 Manager Robertson stated that she would also like to see details related to what the expense has
151 been up to that point.

152
153 Manager Waller stated that he did not vote for the \$50,000 increase in the past because he felt the
154 mission had been accomplished at that time. He stated that he still believes it has been done and
155 the \$20,000 increase and extended time period tells him the initial amount has already been used
156 up. He stated that he would not disagree that this is something that needed to be examined, but
157 explained that he was not in favor of extending the contract. He stated that he did not think there
158 was a need for a full-time human resources person available to the District. He stated that he felt
159 that they had accomplished their initial mission which is why he also felt that there was no need to
160 continue.

161
162 Manager Wagamon asked if the District could simply call them anytime they needed them.

163
164 President Bradley stated that this is someone who knows the District, its positions, and the staff so
165 he felt there was a tremendous advantage in having someone that knows the organization.

166
167 Manager Waller stated that he felt the District could always utilize the County's resources which
168 also have expertise in this area. He stated that they have larger staff, permanent human resources
169 people available and would also understand government structures and how things work.

170
171 President Bradley stated that he has never heard the County come to the District and tell them
172 about services that they can provide.

173
174 Manager Waller stated that was true and did not think that the County has ever offered, but does
175 not believe that the District has ever gone to them to ask either.

176
177 Manager Robertson stated that this was why she felt a conversation within a workshop would be
178 appropriate. She stated that then the District could review all the pros and cons of this approach
179 and hash out the details.

180
181 ***Motion carried 4-1 (Manager Waller opposed).***

182
183 **2. 2024 Board Calendar Adjustment**

184 District Administrator Tomczik stated that there was consensus at the workshop on a budget
185 schedule for the District's activities in developing the budget for 2025 which required a public

186 hearing change on the existing calendar. He explained that August 14, 2024 was the proposed
187 public hearing on the budget which had now been included on the amended calendar.

188
189 ***Motion by Manager Weinandt, seconded by Manager Bradley, to adopt the revised 2024 Board***
190 ***of Managers Calendar. Motion carried 5-0.***

191
192 District Administrator Tomczik noted that he had emailed an amended version of the budget
193 schedule and stated that Office Manager Stasica had indicated that it may be helpful to have a bit
194 more time to notice this public hearing so that date was changed for that action.

195
196 **3. Check Register Dated May 8, 2024, in the Amount of \$145,469.19 Prepared by Redpath and**
197 **Company**

198 ***Motion by Manager Weinandt, seconded by Manager Bradley, to approve check register Dated***
199 ***May 8, 2024, in the Amount of \$145,469.19 Prepared by Redpath and Company. Motion carried***
200 ***5-0.***

201
202 **ITEMS FOR DISCUSSION AND INFORMATION**

203 **1. Anoka County Ditch 10-22-32 Wetland Replacement Plan at Pine Street**

204 Drainage and Facilities Manager Schmidt gave an overview of Alternative #4 for maintenance
205 related to the wetland replacement plant at Pine Street for ACD 10-22-32. He noted that at the
206 November 6, 2023 workshop meeting, the Board directed staff to continue to develop and evaluate
207 Alternative #4, which was the full ACSIC option. He stated that they have engaged the DNR
208 regarding their expectations for mitigation requirements. He explained that they had made some
209 progress, but it has been slow and intermittent, which means the public waters' impact and
210 mitigation requirements are still not clear. He noted that staff found that the Pine Street culvert
211 was independent and of its own value to do because it provides relief for lands upstream. He
212 explained that staff was proposing to do that maintenance work effort in 2024 and explained that
213 because of the upcoming changes in the Wetland Conservation Act, he felt that time is of the
214 essence to complete this work. He stated that staff would also continue to evaluate the other
215 components of Alternative #4.

216
217 President Bradley asked if the District specifically needed a permit for this part of the project or any
218 other official action by the DNR.

219
220 Drainage and Facilities Manager Schmidt stated that for Pine Street it would just be a Wetland
221 Conservation Act exercise so it would not be a DNR action.

222
223 President Bradley stated that in his previous life he dealt with railroads who, in his opinion, were
224 equally as obstinate as the DNR. He explained that they would give them a deadline and advise
225 them, for example, on June 5th at 10:00 a.m. we are going to start this project.

226
227 District Engineer Otterness stated that to further what Drainage and Facilities Manager Schmidt was
228 saying on Pine Street, it is a wetland replacement plan that the District is applying for. He stated

229 that they intend to draw from the Brown's Preserve wetland bank for roughly about 2 wetland
230 credits f.

231
232 District Administrator Tomczik stated that the DNR is not involved in this segment and noted that
233 upstream,, the existing condition controls the public waters wetlands that are DNRs' jurisdiction
234 which is where they do not have clarity on what criteria the DNR is utilizing to identify the impacts
235 and how the District may mitigate for them if there are impacts. He explained that they had
236 requested the District modeling and some clarity, but the dialogue continues.

237
238 Manager Weinandt asked if staff had been dealing with a hydrologist in the region and who the
239 conversation was being had within the DNR.

240
241 Drainage and Facilities Manager Schmidt stated that they have been dealing with the area
242 hydrologist and their supervisor.

243
244 District Engineer Otterness stated that they also have other technical staff that they have also been
245 drawing into the conversation as well that are experienced in hydrologic modeling. He stated
246 that the last communication was about a week and a half ago.

247
248 Drainage and Facilities Manager Schmidt noted that they have also been in contact with the DNR's
249 state-wide drainage review panel.

250
251 President Bradley reiterated his suggestion to give the DNR a deadline because the District has an
252 obligation to get this done during the spring or summer months. He stated that he would also
253 make it clear that, absent a response from the DNR by the deadline, it would be the Districts' intent
254 to implement the plan that had been provided.

255
256 District Administrator Tomczik stated that the District could insert a date and communicate the
257 importance of getting this work moving along and fulfill their maintenance obligations on the
258 system.

259
260 Manager Wagamon stated that he agreed that the District needed to exert their authority at some
261 point and cut it off because they have been through this many times with it going nowhere. He
262 stated that he thinks that, at some point, the District needs to do what they have to do because they
263 are also a State agency that has responsibilities and would suggest that the District do exactly what
264 had been suggested by President Bradley.

265
266 District Administrator Tomczik noted that the Districts' experience with the DNR is not unique with
267 this type of back and forth. He stated that he did not disagree with Manager Wagamon's comment
268 that the District has responsibilities and obligations to undertake as a LGU and move those forward
269 in a reasonable timeframe.

270
271 Drainage and Facilities Manager Schmidt stated that in chain of events, Pine Street, is an
272 independent value, but the other two elements are dependent on Pine Street for success which is
273 why there is even more benefit to completing this particular project.

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Manager Waller stated that he would support moving the Pine Street culvert project forward. He asked about the special drainage group that was mentioned by Drainage and Facilities Manager Schmidt and noted that he had never heard of the DNR having this type of special group.

District Engineer Otterness stated that he believes that for the last 4 or 5 years the DNR has identified representatives from 4 different regions of the State to whom you are supposed to submit drainage related materials. He explained that this evolved into a state-wide internal panel which has become a bit more formalized since that time.

President Bradley stated that he felt that they should proceed with fixing the problem at Pine Street and then continue further discussions, as necessary, on mitigation levels.

District Administrator Tomczik stated that was generally correct and noted that the Board has delegated authority for wetland delineation to staff which has been completed for Pine Street and noted that replacement plans come to the Board for consideration so that will be on the agenda at a future date. He noted that for today, this is just an informational item.

Manager Waller stated that he thinks the Board should be aware that these actions of deferred maintenance were not intended to create wetlands which should be taken into account.

2. District Engineer Update and Timeline

3. Administrator Updates

4. Managers Update

Manager Waller stated that he had met with Senator Housley following the last Board meeting and gave a brief overview of their conversation. He stated that he was not able to attend the consortium meeting this month.

Manager Weinandt noted that President Bradley, District Administrator Tomczik and herself would be part of a conference call on May 10, 2024 with the north Ramsey County local elected officials. She stated that she felt that this may be a first step in being able to talk with others within the county about water related issues.

Manager Waller stated that was something that has been happening in Washington County for a very long time and noted that he felt these conversations were helpful.

Manager Robertson stated that at the workshop on Monday, she understands that there was some discussion about Circle Pines and their commitment to produce their memo and corresponding information. She stated that she received that information on Monday but was unsure about the procedure that should be followed in sharing this information. She noted that she had provided an email copy to Manager Wagamon but can also provide it to whoever else it should be given to. She stated that she assumes that some workshop time would need to be set aside so they can discuss this more fully. She explained that she had made a follow up call to Circle Pines and have

319 indicated that their engineer would be available to the District for a workshop meeting. She noted
320 that she was hopeful that both parties can look beyond the history of the situation and just move
321 towards solutions.

322
323 President Bradley suggested that she provide copies of this information to District Administrator
324 Tomczik and he can decide on the next steps.

325
326 District Administrator Tomczik stated that he would propose that the Board schedule this discussion
327 for their June workshop meeting.

328

329 **ADJOURNMENT**

330 ***Motion by Manager Wagamon, seconded by Manager Robertson, to adjourn the meeting at 9:51 a.m.***

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

332