



**REGULAR MEETING OF THE RCWD BOARD OF MANAGERS**  
Wednesday, July 10, 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**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**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, 1<sup>st</sup> Vice-Pres. John Waller, Treasurer Marcie Weinandt, and Secretary Jess Robertson

Absent: 2<sup>nd</sup> Vice-Pres. Steve Wagamon (with prior notice)

Staff Present: District Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, Program Support Technician Emmet Hurley (video-conference), Watershed Technician/Inspector Will Roach, 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 Robertson, seconded by Manager Weinandt, to approve the agenda as presented.***  
***Motion carried 4-0.***

**READING OF THE MINUTES AND THEIR APPROVAL**

**Minutes of the June 26, 2024, Board of Managers Regular Meeting. Motion by Manager Robertson, seconded by Manager Weinandt, to approve the minutes as presented.**

President Bradley referenced line 131 and asked that the word ‘proposed’ be struck and modified to state, ‘He observed that the answer from staff only focused on...’. He referenced line 151 and 152 and explained that there was a lost half-sentence there and would propose that be removed.

---

<b>BOARD OF MANAGERS</b>	Jess Robertson Anoka County	Steven P. Wagamon Anoka County	Michael J. Bradley Ramsey County	Marcie Weinandt Ramsey County	John J. Waller Washington County
--------------------------	--------------------------------	-----------------------------------	-------------------------------------	----------------------------------	-------------------------------------

32  
33  
34  
35  
36  
37  
  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74

***Motion by Manager Robertson, seconded by Manager Weinandt, to accept the friendly amendments and approve the minutes, as revised. Motion carried 4-0.***

Manager Weinandt commended the recording secretary for the thoroughness in putting together the minutes and stated that she felt that they duly reflect what took place at the meeting.

**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 Roach gave a presentation outlining the District’s Stormwater Pollution Prevention Program (SWPPP) and explained that there is no Board action necessary being a public information meeting. He stated that the MPCA was currently in the process of creating a new e-service platform that was not yet active. He noted that the new platform is expected to go live in November so staff will then submit the annual reports from both 2022 and 2023 at that time. He refreshed the Board’s memory on the District’s MS4 General Permit and highlighted components and examples of District actions for the following areas: 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. He stated that the District was responsible for reporting on Total Mass Daily Load (TMDL) and noted that there are 4 water bodies in the District that were approved to be removed from the impaired waters list including; Bald Eagle, White Rock, Golden Lake, and both basins of Island Lake. He explained that the District was in the process of updating its regulatory boundary.

Manager Weinandt stated that she has heard the term MS4 for quite a long time and this is the first time she has seen what it actually means which is ‘Municipal Separate Storm Sewer System’. She referenced the urbanized areas mentioned on his last slide. She stated that she understood that the District was working on the boundary map and asked if that was within the District and, as the municipalities expand if they took a look at doing the borders as well.

Watershed Technician/Inspector Roach explained that was something that the MPCA oversees and staff’s understanding is that it is based more specifically on population size. He stated that once a municipality reaches a certain threshold it is then considered part of the urbanized area.

Manager Weinandt asked if that meant that the MS4 responsibility then shifted to city and out of the District’s boundary area.

Watershed Technician/Inspector Roach stated that the District’s MS4 is specifically based on the public drainage system and for a municipality in that urbanized area, they are required to develop and implement their own SWPPP for their MS4 systems.

President Bradley stated that the District’s MS4 will grow as the population grows.

75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
  
112  
113  
  
114

Manager Waller stated that was incorrect because the District’s MS4 is just to the ditches. He noted that he felt their whole area was urbanized and explained that he felt it depended on what they used to define ‘urbanized’. He stated that population is one definition and another can be whether or not there are urban services such as sewer and city water. He stated that the District was in the metropolitan area so he thinks all of their counties qualify as urbanized. He noted that the District, a few years ago, made sure that everyone of their cities had a Stormwater Management Plan. He stated that this becomes time for the District to make that transition where they are not directly involved in regulatory matters with things like permits and inspections.

President Bradley stated that they could do that before they have the opportunity to adopt the Districts rules.

Manager Waller noted that he felt that was President Bradley’s interpretation and he did not think that was quite what the statute says.

District Engineer Otterness stated that there are certain cities in the District that are not considered MS4 cities, for example Columbus. He noted that if at some point the population adjacent to Columbus or within their city grows enough, they would potentially be considered to be part of the urbanized area according to the Federal definition that the MPCA follows. He explained that, at that point, the District’s MS4 obligation would likely then expand to the public drainage systems that are within Columbus. He stated that currently the ditches that are located in Columbus are not considered to be MS4 outlets. He noted that is the obligation the District has from a Federal and State standpoint, but explained that realistically, they administer their programs throughout the District whether they are in the urbanized area or not.

Manager Waller thanked Watershed Technician/Inspector Roach for the nice report.

District Administrator Tomczik suggested that the Board ask if there are any public comments, since this is a public information meeting.

President Bradley noted that nobody was present in the room and asked if there was anyone on-line that wished to comment.

No comments were received.

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

**OPEN MIC/PUBLIC COMMENT**

None

115 **ITEMS REQUIRING BOARD ACTION**

- 116 **1. Check Register Dated July 10, 2024, in the Amount of \$107,496.81 Prepared by Redpath and**  
117 **Company**  
118 ***Motion by Manager Weinandt, seconded by Manager Bradley, to approve check register dated***  
119 ***July 10, 2024, in the Amount of \$107,496.81 Prepared by Redpath and Company. Motion carried***  
120 ***4-0.***

121  
122 **ITEMS FOR DISCUSSION AND INFORMATION**

123 **1. Minnesota Watersheds 2024 Request for Resolutions**

124 District Administrator Tomczik explained that Minnesota Watersheds had sent out their annual  
125 request for potential membership resolutions and the Board to begin thinking about what, if any,  
126 they may want to put forward. He noted that included in the packet was a list of the active  
127 resolutions as well as the resolutions that would be ‘sunsetting’ and coming off the list. He  
128 explained that this body of work establishes the Minnesota Watershed’s framework for its  
129 legislative platform which was also included in the packet. He noted that this item would be  
130 brought to a future Board Workshop for further discussion on the resolutions.

131  
132 President Bradley stated that he believed that the items that the District had concern about last  
133 year that were put forward ended up being adopted which meant that there was not a carryover  
134 list of items. He asked if anyone on the Board had any other new things that they felt should be  
135 requested.

136  
137 Manager Waller stated that this is the annual request for resolutions from Minnesota Watersheds,  
138 so he would like to make his annual request to repeal the Wetland Conservation Act. He stated that  
139 Minnesota is the only state that has such a law and felt that it causes a lot of difficulty for the District  
140 and with the recent Supreme Court decision concerning the waters of the United States and  
141 regulatory actions, he felt they were kind of out of step.

142  
143 District Administrator Tomczik stated that he thinks President Bradley was correct that the things  
144 the District had independently put forth in the past remain on the ‘active’ slate of resolutions. He  
145 noted that one item that is set to ‘sunset’ was 2019-01 – Streamline the DNR permitting process.  
146 He stated that he believed that the District had an interest in making sure that there was some DNR  
147 efficiency be established and maintained. He stated that may be something that the Board would  
148 like to make sure is kept on the table. He reminded the Board that the District has a number of  
149 discussions taking place with the DNR staff moving through its permitting.

150  
151 President Bradley stated that getting the DNR to act would be ‘fun’ and would make their lives much  
152 better and explained that he would see no harm in asking that item be resubmitted.

153  
154 Manager Weinandt noted that she did not think there would be any argument from other  
155 watersheds about that either.

156  
157 President Bradley referenced 2019-06 – Oppose Legislation that Forces Spending on Political  
158 Boundaries and noted that was a defensive act designed to address particular legislation and was

159 not a positive act on the District’s behalf seeking to do something. He stated that he would suggest  
160 that the District did not need to raise that issue at this time.

161  
162 District Administrator Tomczik stated that staff can bring back to the workshop 2019-01  
163 information.

164  
165 **2. District Engineer Update and Timeline**

166 District Engineer Otterness stated that the District had executed the contract with the contractor  
167 for RCD –4 repairs and it appears that the contractor will be getting started sometime in mid-August.  
168 He stated that there will be another Drainage Work Group meeting tomorrow that he plans to  
169 attend. He noted that one of the topics at the meeting will be a presentation by the State wetland  
170 representative for BWSR to talk about the changes in statute related to the Wetland Conservation  
171 Act from the last legislative session and the rule making that will be occurring along with that. He  
172 stated that another topic at the Drainage Work Group meeting would be a representative from the  
173 DNR talking about the changes in the statute regarding the definition of public waters and how the  
174 DNR is intending to implement that change.

175  
176 **3. Administrator Updates**

177 District Administrator Tomczik stated that there was a good discussion about the proposed 2025  
178 budget at the recent Workshop and noted that the updates discussed were underway including, the  
179 increase for communication/outreach mini-grants and the addition to information management for  
180 the District-wide model program for software conversions. He thanked Manager Robertson for her  
181 e-mail regarding the MPCA grant and noted that he did not yet have an update, but this could be a  
182 revenue source that would need to be reflected in the budget when they get the answer for Jones  
183 Lake application. He stated that staff are also working to include accurate Water Management  
184 District balances and there is an accounting matter that needs to be addressed related to ACD-53-  
185 62 repair to allocate the city stormwater outfall work that was done with that project back to be  
186 specific only to the general levy. He stated that he will be working with Redpath today to confirm  
187 some of their audit balances in the budget and noted that once all this work is done, they will notice  
188 the public hearing for August 14, 2024. He stated that they would also be continuing interviews  
189 later today for the Technical Field Assistant position.

190  
191 **4. Managers Update**

192 Manager Waller explained that he had been contacted by Councilman McCarthy from Birchwood  
193 Village regarding the plan for the Halls Marsh/Priebe Lake outlet project. He stated that  
194 apparently one of the pipes in their park is broken and there is a question of who would be  
195 responsible for the repair costs, which seems to be the continuing question. He stated that he  
196 believed staff met amongst themselves recently to work on this agreement. He stated that he  
197 attended the Minnesota Watersheds executive meeting where two of the metro representatives  
198 reported that they had attended functions in the area including a Coon Creek/Sand Creek  
199 celebration about the clean water and the delisting party hosted by Comfort Lake/Forest Lake who  
200 had taken Bone Lake off the list. He stated that he would suggest that when the District takes their  
201 water bodies off the impaired list that they do something similar. He stated that at the Workshop  
202 meeting earlier in the week they talked about budget items and explained that he questions

203 whether the District has the authority to collect budgeted monies under the regulatory program for  
204 permitting and enforcement.

205  
206 President Bradley stated that Watershed Technician/Inspector Roach had stated in his presentation  
207 that the District's request to have those 4 lakes delisted was approved by the MPCA and asked if  
208 that meant that they were now delisted and when the District could throw the delisting party.

209  
210 District Administrator Tomczik noted that the time to throw the party would be now and explained  
211 that those efforts were already in motion by District staff. He explained that invitations to the  
212 elected officials and agency staff will be made, and noted that he was not sure how they would  
213 actually celebrate due to the various locations of the water bodies. He noted that he will update  
214 the Board as the plans are solidified.

215  
216 The Board discussed possible locations for delisting parties.

217  
218 President Bradley stated that the Bald Eagle Area Association has a real interest in being involved.

219  
220 Manager Waller noted that he was also going to suggest Bald Eagle because it would include all 3  
221 counties and there is also a nice park area nearby.

222  
223 District Administrator Tomczik stated that some communities have their own summer events and  
224 they were also looking at possible ways that the delisting may also be involved in their events.

225  
226 Manager Robertson stated that she had volunteered to take a look into the MPCA funding and noted  
227 that Senator Kreun has been a great ally to the District. She explained that he had been able to  
228 provide some direct contact information for people at the MPCA who have communicated that the  
229 District should know within the next few days who was awarded the Stormwater Resiliency  
230 Implementation grants. She stated that the other thing discussed at the Workshop meeting was  
231 the need for additional vehicle storage for the District. She explained that she had reached out to  
232 agent responsible for the adjacent property who had questions regarding things like square footage  
233 and amount of vehicles that needed to be stored. She stated that they would be following up with  
234 the agent once they have that information to attempt to solve the issue of vehicles being vandalized  
235 because they were out in the open.

236  
237 **ADJOURNMENT**

238 ***Motion by Manager Robertson, seconded by Manager Waller, to adjourn the meeting at 9:40 a.m.***  
239 ***Motion carried 4-0.***