



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, August 28, 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, Treasurer Marcie Weinandt, and Secretary Jess Robertson

Absent: None

Staff Present: Regulatory Manager Patrick Hughes, Program Support Technician Emmet Hurley (video-conference), Office Manager Theresa Stasica

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

Visitors: Michael Perron, Peter Olson-Skog, Chris Stowe, Catherine Decker, Eric & Sue Swenson

SETTING OF THE AGENDA

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

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the August 12, 2024 Workshop and August 14, 2024, Board of Managers Regular Meeting.
Motion by Manager Robertson, seconded by Manager Bradley, to approve the minutes as presented.
Motion carried 5-0.

PERMIT APPLICATIONS REQUIRING BOARD ACTION

No.	Applicant	Location	Plan Type	Recommendation
24-051	Trust Agreement of Eric and Susan Swenson	Forest Lake	Floodplain Alteration	VARIANCE REQUEST CAPROC 2 items

4325 Pheasant Ridge Drive NE #611 | Blaine, MN 55449 | T: 763-398-3070 | F: 763-398-3088 | www.ricecreek.org

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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32 Regulatory Manager Patrick Hughes gave an overview of the variance and permit requests.

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34 President Bradley stated that he had read District Engineer Otterness' memo that stated that adding 132
35 cubic feet would exceed de minimis and he had also made a reference to practical difficulties similar to
36 other sites which had been granted variances, but noted that he could not ever remember a variance
37 from this rule during his time on the Board.

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39 District Engineer Otterness stated that the District has done a variance for this rule before, but explained
40 that he could not give him the specific instances off the top of his head.

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42 Regulatory Manager Hughes confirmed that the District had approved variances for this same rule
43 requirement a few times, including the next door neighbor, who had come in for an after the fact variance
44 for this rule.

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46 President Bradley explained that he was in favor of this variance, but noted that this first thought was
47 whether there was something that could be done in order to fix the rule to minimize the need for people
48 to have to go through the variance process.

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50 ***Motion by Manager Wagamon, seconded by Manager Robertson, to Approve the Variance request for***
51 ***variance application 25-051 as outlined in accordance with RCWD District Engineer's Variance Technical***
52 ***memorandum, dated August 20, 2024. Motion carried 5-0***

53 ***Motion by Manager Wagamon, seconded by Manager Waller, to CAPROC Permit 25-051 as outlined in***
54 ***the RCWD District Engineer's Findings and Recommendations, dated August 20, 2024. Motion carried 5-***
55 ***0.***

56 OPEN MIC/PUBLIC COMMENT

57 Peter Olson-Skog, 3208 Shorewood Drive, Arden Hills, MN 55112 stated that he had purchased this home
58 from his aunt which is along RCD #4 between Little Lake Johanna and Big Lake Johanna. He stated that
59 this channel had recently been improved to increase access for maintenance and displayed photos of the
60 old view of their backyard and also photos of the new view of their backyard from various vantage points.
61 He explained that he was not here out of frustration related to the project, but with concerns for his home.
62 He noted that the rip rap that had been applied to the other side of the ditch was his biggest concern and
63 noted that the decreased privacy of his yard has revealed some significant erosion issues in the area. He
64 displayed additional photos that showed some of the erosion issues and noted that everyone he had spoken
65 with that has some expertise in this area had told him that installing the rip rap on just one side of a portion
66 of the channel was a problem that needed to be corrected. He referenced a local 'historian' in the area
67 who told him there used to be a bridge in this location and that since that time, the channel had doubled
68 in width and halved in depth and explained that he was here to ask the RCWD to do something about this
69 issue.

70 District Engineer Otterness asked Mr. Olson-Skog if he had spoken to anyone on the drainage team or the
71 engineer for RCWD about his concerns.

72 Mr. Olson-Skog stated that he had spoken with them and was told that they shared his concerns.

73 District Engineer Otterness stated that they have been talking about various areas along RCD #4 where they
74 were planning to do some armoring and stabilization following the completion of the tree clearing. He noted
75 that he was not sure if Mr. Olson-Skog's property had already been included in their plans, but would make
76 sure that the Project Manager and the drainage team staff takes a closer look at this area if they hadn't
77 already done so.

78 President Bradley asked staff to bring this issue back to their September 9, 2024 Workshop meeting because
79 he felt this concern merited the Board's consideration.

80 Mr. Olson-Skog stated that Technical Field Assistant Green and Connor Price have been lovely and very
81 communicative. He stated that he felt that there was some urgency to his request because of how quickly
82 the erosion could accelerate and noted that he was also concerned about the winter and the snow melt.

83 President Bradley assured Mr. Olson-Skog that his concerns have been heard by the Board and they would
84 take this issue up at their upcoming Workshop meeting. He noted that it was an open meeting, so Mr.
85 Olson-Skog was more than welcome to attend as well.

86 Manager Waller stated that at the Workshop meeting he was very interested in discussing the depth issue
87 that Mr. Olson-Skog had reported along with the ditch widening.

88 Manager Robertson asked Mr. Olson-Skog to provide District staff with copies of the photos he had
89 presented.

90 Michael Perron, 7617 Peltier Lake Drive, stated that he was here representing the Peltier Lake Association
91 to share some of their concerns with the Board. He explained that three years ago they had applied for a
92 DNR permit and Lake and Stream Manager Kocian along with the DNR had begun treating the lake for
93 curlyleaf pondweed and noted that they had seen improvements. He stated that the algae blooms take
94 over towards the end of the year which he felt was dangerous for the wildlife habitat and fish as well as
95 people who like to use the lake recreationally. He thanked the District for some of the projects that they
96 had taken on related to external phosphorus loading but noted that he felt the internal loading was really
97 the worst part and explained that they were looking for solutions.

98 President Bradley assured Mr. Perron that Peltier Lake was absolutely on the District's list for things that
99 they wanted to improve. He explained that he lives on Bald Eagle Lake so he knows exactly what Mr.
100 Perron was talking about with relation to the algae blooms late in the season.

101 Chris Stowe, 426 Pine Street, Lino Lakes, explained that he was here to talk to the Board about ACD 10-22-
102 32 and noted that he had also been here about a year ago. He stated that at that time, he left with the
103 impression that they would be doing an engineering review on ACD 10-22-32. He noted that he had been
104 at the meeting where the Board had posted that they would be lowering the ditch on Pine Street, but noted
105 that they were actually referring to West Pine Street. He explained that both of those ditches flow into ACD
106 10-22-32 and noted that the problem he was having was that when the District lowered the ditch in
107 Columbus and carved up the drainage, it took him over 18 months to get an answer from the City of Lino
108 Lakes because the District had not officially notified them. He explained that they had also cut up the
109 street and the road into Lino Lakes when they had lowered the pipe and noted that it was already lowered

110 12 inches further than the 1890 survey and the District had gone down another 13 inches, which he felt
111 violated the District's own rules. He stated that the District had lowered the pipe on West Pine Street and
112 for the people downstream during drought or no rain, the water saturates into the ground and evaporates,
113 so now, when there are storm surges, the water goes in the pipe and downstream. He stated that the first
114 pipe it hits is at Andall Street which floods out his property and has been happening all summer. He
115 referenced some other things that he felt were happening near the sod fields because they cannot handle
116 the additional storm surge and had recently required pumper trucks to pump water from one side to the
117 other. He stated that this ends up flooding the sod farms and backs up the drainage system all the way back
118 to him because they lowered the pipes upstream, but did not do anything downstream. He stated that he
119 was also concerned because he had recently found out that they want to do a development at the sod
120 farms. He expressed frustration because he felt the District had essentially flooded him out of his
121 property. He shared details about his property, buildings, layout, parking, and how this water has been
122 affecting his property. He stated that he felt the pipes downstream needed to be lowered and increased in
123 size and reiterated that he had serious concerns about the possible development of the sod farms. He
124 shared other concerns about the dredging that was done near Catherine Decker's house which lowered the
125 ditch by 13 feet and had compromised the power poles that are all leaning towards the street now. He
126 noted that they had also recently run fiber optic cables through there which he also felt was a disaster.

127 President Bradley asked if the City of Lino Lakes had done the last things he had mentioned.

128 Mr. Stowe stated that officially it may have been the city, but he felt that they worked hand in hand with
129 the District and noted that he believed that the City of Lino Lakes had lowered the ditch, but the District
130 had lowered the pipe. He stated that he felt that the District should have notified the City of Lino Lakes
131 and him immediately when they decided to do this project because it runs through the back of his property.
132 He stated that the District needed to do something to address this issue because it was a mess and
133 expressed his continued frustration about trying to get the various entities to address what has been
134 happening to his property.

135 President Bradley confirmed that the District was in charge of ACD 10-22-32 and explained that they have
136 been in discussions and disagreements with the DNR about this. He noted that they would be meeting
137 with them later this week and he agreed with Mr. Stowe that this was a mess. He asked District Engineer
138 Otterness to bring the Board a report on whether there were the proper downstream fixtures and if the
139 District had the authority to change them. He assured Mr. Stowe that the District would be looking at this
140 and reiterated that they know it is a mess out there and were also concerned about further development
141 in the area but cautioned that the District had no authority over land use.

142 Mr. Stowe expressed his frustration with the time and money he has already put towards dealing with this
143 issue. He explained that he was not very confident in the District's current engineer and referenced the
144 situation brought up by Mr. Olson-Skog about what was happening near his home.

145 President Bradley thanked Mr. Stowe for taking the time to speak to the Board.

146 Manager Waller gave a brief explanation of where Mr. Stowe's property was located and noted that he felt
147 that the District needed to change the culvert size south of County Road 4/Main Street where they had the
148 pumps because it was definitely a blockage point. He stated that he would also agree that this was a mess.

149 Mr. Stowe spoke from the audience and asked if the City of Lino Lakes, the DNR, or the District was in
150 charge.

151 President Bradley stated that, unfortunately, all three were in charge. He reiterated that he had asked the
152 District Engineer to bring the Board a review of the culverts downstream and they will take a closer look at
153 the situation and assured Mr. Stowe that the Board was as frustrated with the situation as he was.

154 Manager Waller noted that the District had heard some of the same complaints as Mr. Stowe's from the
155 sod farmers and felt that this needed a thorough, and new, approach considering what has been going on
156 in the area with land developments.

157 **ITEMS REQUIRING BOARD ACTION**

158 **1. Houston Engineering Task Order 2024-007 – 2024 District Wide Modeling Program Annual** 159 **Updates (Patrick Hughes)**

160 Regulatory Manager Hughes gave an overview of Task Order 2024-007 for the annual update of the
161 2024 District Wide Modeling Program.

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163 Manager Wagamon stated that this says that they will update the modeling and explained that he
164 had concerns about ACD 10-22-32 because he doesn't think that the elevations that they have now
165 are accurate. He stated that he didn't think that Houston Engineering should be delving into the
166 modeling until they figure that out and explained that he planned to vote against this item. He
167 explained that he would like to see exactly what was going into the modeling before the Board votes
168 on it.

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170 District Engineer Otterness stated that the information they would put into the modeling would be
171 existing conditions and would not be the 'as constructed' condition.

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173 Manager Wagamon noted that on Branch 15 there have been several surveys, one of which had soil
174 borings and the ditch went uphill and downhill, which cannot be correct. He stated that he did not
175 know which modeling Houston Engineering would put in and reiterated that because there has been
176 so much done, he would like to see what is going in there before they vote and noted that there
177 were 3 or 4 different sets of modeling that exist.

178

179 District Engineer Otterness stated that he was not clear about what he could show the Board and
180 explained that they had survey information that the crews have gathered and information from the
181 State-wide lidar that shows contours that exist, which is what would go into the model. He stated
182 that they would not put any proposed items, any historic items, or soil boring information into the
183 model and explained that it was just meant to represent existing conditions.

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185 Manager Wagamon stated that he was concerned about the survey data that they would put into
186 the model.

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188 Manager Robertson referenced page 36 of the packet and noted that it outlines different areas in
189 which they are suggesting incorporating updates to the models. She asked if they could amend
190 that list and take out ACD 10-22-32, but leave the other things on the list.

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District Engineer Otterness stated that it would be possible to remove ACD 10-22-32 but the question he would have for the Board, was if, as a general philosophy, they wanted to use the best and most current data available to manage flood elevations. He explained that what he would be concerned about is if they have somebody that applies for a permit in that area, that they would end up with an inconsistency between what they are using for model information in the maintenance efforts, versus what they are doing from a regulatory standpoint.

President Bradley stated that he did not think District Engineer Otterness was looking at what the District ‘wants’ to do and is just looking at the current physical condition.

Manager Wagamon stated that he understood that but reiterated that the District had changed the physical condition.

President Bradley stated that he felt the Board should know what the current physical condition was before they authorized a new development.

Manager Wagamon stated that he wanted the conditions that are there today changed and expressed concern about what would happen if it gets into the modeling.

President Bradley clarified that this modeling would not have any impact on whether things will change or not. He stated that this will just get the model up to date and reflect the height of the water that is on the land right now and not what it should or could be.

Manager Robertson stated that she felt that ACD 10-22-32 is in its own category and stated that during her time on the Board there has never been a unanimous consensus on how to move forward on anything related to it. She reiterated her idea to temporarily remove ACD 10-22-32 and approve the remainder of the items on the list in order to keep this moving forward. She stated that she did not feel that their meetings would end up being productive if they opened up the door to have this kind of conversation during a meeting when it was not an actual item on the agenda.

Motion by Manager Robertson, seconded by Manager Wagamon, to approve and authorize board President to sign Houston Engineering Task Order 2024 – 007, 2024 District wide modeling program annual updates, with the temporary removal of #8 – Updated ACD 10-22-32 model based on work completed as part of Task Order 2022-013.

Regulatory Manager Hughes stated he would make similar comments to those made by District Engineer Otterness that this was just recognizing the existing conditions and how that may affect any project or permit that comes through. He stated that this is a living model that is frequently updated and believes this scope of work was intended to be completed by the end of the year.

Manager Wagamon stated that if they have until the end of the year, this motion would not mean that they weren’t going to ever do it, but it would just not be going into the model right now. He reiterated that he would like to have an understanding of it before he is asked to vote on ACD 10-22-32.

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Manager Waller noted that Lino Lakes has a moratorium on any building, so there will not be any permits coming forward. He stated that he did not see any reason why they couldn't wait for a bit on the modeling for ACD 10-22-32 in order to allow the Board to have more discussion and be able to take a closer look at it.

Motion carried 3-2. (Bradley and Weinandt opposed)

2. Check Register Dated August 28, 2024, in the Amount of \$230,049.47 and August Interim Financial Statements Prepared by Redpath and Company

Motion by Manager Weinandt, seconded by Manager Robertson, to approve check register dated August 28, 2024, in the Amount of \$230,049.47 and the August Interim Financial Statements prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports

Manager Weinandt stated that she was seeing that there were issues with the Iron Enhanced Sand Filters in Hansen Park, Oasis Pond, and Bald Eagle. She stated that she was very curious about what was going on and if they were all having the same problems.

Regulatory Manager Hughes stated that progress was being made and stated that he has heard that there are some concerns about the style/age of electrical equipment that was being utilized because it was older. He stated that Technical Field Assistant Green had been working hard to try to get them back online.

Manager Weinandt noted that she had been at the Bald Eagle site yesterday and thought the sign was great. She stated that she would like more information on the problems, why it was happening at multiple locations during the month of August, the potential causes, and whether other communities were having the same problems with their Iron Enhanced Sand Filters.

District Engineer Otterness stated that he has been having discussions with Drainage & Facilities Manager Schmidt and Technical Field Assistant Green about the issues that they have been having with these systems. He stated that there have been different things for each system and shared some of the examples of the issues that they have each had and noted that they were all fixable items.

Manager Weinandt stated that because these were District facilities, she would also like to have a discussion about the long and short term maintenance of them and how it may impact their budget at one of their upcoming Workshop meetings.

Manager Waller stated that he would be interested in hearing what the metrics are for the water coming in for dissolved phosphorus as well as the water going out for dissolved phosphorus, because

279 he would like to be able to learn about the effectiveness of the system compared to the price they
280 were paying.

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282 District Engineer Otterness noted that Lake and Stream Manager Kocian had been monitoring and
283 documenting the removal quantities that they have been getting out of these systems and should
284 be able to provide the Board with a summary of that information.

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286 Manager Waller clarified that he would actually like to hear about both granular and dissolved
287 phosphorus that is captured.

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289 **2. September Calendar**

290 Manager Robertson stated that there was a little hiccup in her schedule due to the Labor Day holiday
291 because her City Council meeting was moved to Wednesday. She asked if anyone else would be
292 able to attend or switch time slots which here for the CAC meeting.

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294 President Bradley suggested that they switch spots and he can take the September CAC meeting
295 and she could take the October meeting that he was scheduled to attend.

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297 Manager Robertson stated that would work for her schedule.

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299 Manager Wagamon stated that he would also be available to attend the September meeting, if
300 necessary.

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302 **3. Administrator Updates**

303 Regulatory Manager Hughes identified that Administrator Tomczik had no relayed update to the
304 Board and noted that the public hearing for the rule revision would occur at the next Board Meeting
305 on September 11th.

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307 **4. Managers Update**

308 Manager Waller stated that he was driving around in the Forest Lake area and went by Brown's
309 Preserve and found two utility companies out there working. He stated that he was informed that
310 they read the signage that Drainage & Facilities Manager Schmidt put out and had called him before
311 he had to chase them down for not having a permit. He stated that there was another contractor in
312 the area closer to the main area of the ditch and explained that he had asked staff to do some
313 research to ensure that they were not digging across the old or new portion of the ditch.

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315 Manager Weinandt asked if the District was responsible for the trucks that pumped water from one
316 side of the road to the other.

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318 Manager Waller stated that was correct and explained that it was how they had relieved the flooding
319 that day.

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321 District Engineer Otterness explained that there is a private culvert on the edge of the sod field that
322 has some deficiencies that may be reducing its efficiency which was why District staff went out there
323 to pump water around it.

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325 **ADJOURNMENT**

326 ***Motion by Manager Robertson, seconded by Manager Wagamon, to adjourn the meeting at 10:09 a.m.***

327 ***Motion carried 5-0.***