



APPROVED

RCWD BOARD OF MANAGERS WORKSHOP

Friday, September 8, 2023

Rice Creek Watershed District Conference Room
4325 Pheasant Ridge Drive NE, Suite 611, Blaine, Minnesota
And

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

The Board convened the workshop at 9:00 a.m.

Attendance: Board members Mike Bradley, John Waller, Jess Robertson, Marcie Weinandt, Steve Wagamon

Absent:

Staff: Administrator Nick Tomczik, Permit Coordinator/Wetland Specialist Patrick Hughes, Lake & Stream Program Manager Matt Kocian; Office Manager Theresa Stasica

Consultants: District Attorney Chuck Holtman-Smith Partners, District Engineer Chris Otterness-Houston Engineering, Inc.; Ellen Hinrichs-Career Enhancement Options, Inc

Visitors: Richard Wilder, Chris Stowe, Catherine Decker

Visitors via video-conference: Mary Jo Truchon-CAC Member, ACD, Blaine NRCB; Sheila Sellman; Megan Hedstrom & Dan Schluender-City of Blaine

Administrator Tomczik informed the Board there are several visitors on-line. He would also like to move administrator updates before the closed session item.

Metro Shooting Settlement

The Board reviewed and discussed with staff & consultants the Smith Partners memo dated 8/31/23 and draft letter to Richard Wilder provided in the workshop agenda packet. The Board also discussed the Smith Partners memo's final note regarding the recent Supreme Court ruling which narrowed the Clean Water Act jurisdiction. Due to this ruling, it is uncertain whether there will be US Army Corp of Engineers (USACOE) Section 404 jurisdiction over the Metro Shooting wetlands at the time the tract is developed. The Board noted at its June workshop Mr. Wilder, Metro Shooting landowner, requested a letter to help understand how federal and local wetland review would be coordinated and how review might proceed. The Board decided it isn't able to provide a letter due to the Supreme Court ruling and its uncertainty.

Mr. Wilder stated that he is frustrated and disappointed with the District's understanding of the settlement and actions to date.

The Board discussed further that for Metro Shooting to move forward, the District would need to receive a grading or concept plan. The District can review the plan under WCA and establish

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

if there is a wetland mitigation requirement. The USACOE Section 404 review is separate from that review. Mr. Wilder may initiate independent Section 404 review at a time he chooses.

Administrator Tomczik stated that it is important for District files to provide a letter to Mr. Wilder documenting the Board's consideration of his request for clarification of its understanding of the settlement. The District's communicating back to him would be that the Board has had the discussion and unfortunately the District can't provide any more guidance than what he heard discussed at the workshop along with the information provided in the workshop packet. The District advises that Mr. Wilder may obtain further guidance by submitting a development plan or a permit application alone or with interested parties to the District for consideration.

The Board by majority consensus agreed to the staff communication.

Visitors-Open Mic

Chris Stowe addressed the Board regarding concerns on ACD 10-22-32 maintenance and current/past regulatory issues on his property raised by the District as well as the City of Lino Lakes. District staff informed the Board that several years ago, the District received a Resource Protection Notice from the DNR. Attempts to review the regulatory issues raised did not proceed. District staff recently raised the issue again with Mr. Stowe, and presently are awaiting a response from him for a date for RCWD and the Technical Evaluation Panel (TEP) to visit the property.

President Bradley responded these issues can be resolved by scheduling a site visit.

Catherine Decker informed the Board of her concerns of a ditch along Pine Street near her property and the accountability of government offices.

Staff informed her that the location of the ditch and the culvert under Pine Street is under the jurisdiction of the City of Columbus.

In-Lake Treatments

President Bradley read aloud Mr. Wayne Leblanc's 9/7/2023 11:40 p.m. email Subject: Important Statements for Sep 8 Meeting on In-Lake Treatment.

Lake and Stream Program Manager Kocian provided a presentation to the board regarding what agency regulates lake treatments, the different types of treatments and when they are used.

Administrator Updates

Administrator Tomczik updates:

- Mobitrac sale update identifying challenges and potential costs
- Informed Board of an intent to make District financial contribution to Minnesota Stormwater Research Program of \$10,000 from Fund 60-35 Stormwater Master Plan to fulfill the Board's February workshop discussion.
- Reviewed Budget Public hearing comments with Board

Staff Performance – Closed Session

By unanimous consent, the Board convened in closed session for the purpose of discussing staff performance. Administrator Tomczik stated he engaged, disclosed, and individually discussed staff memo content with Patrick Hughes, Kendra Sommerfeld, Terrence Chastin-Davis, Tom

Schmidt, and Ashlee Ricci and further that the District's records contain email response from each consenting to closed session.

The Board returned to Open Session.

Manager Bradley stated that the Board went into closed session to discuss staff performance, organizational chart, and efforts of the administrator to implement past Board directions to establish program managers who will be responsible to assist employees to succeed, so that the Administrator does not have 15 direct positions reporting to him. After a full discussion, the Board accepted the administrator's report recognizing that it is in fact based on directions the Board has given him, and wished him success in its implementation. The Board also requested that a separate review be undertaken with regard to the regulatory program bringing the Board up to speed to understand why we have the regulatory program, what the District provides, why we need so many people doing it, and recovery of revenue. Manager Bradley stated that currently the cost is 60% permit applicants and 40% ad valorem taxes.

The workshop was adjourned at 12:15 p.m.