



APPROVED

**RCWD BOARD OF MANAGERS WORKSHOP**

Tuesday, November 12, 2024

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 locations

1 The Board convened the workshop at 1:30 p.m.

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

4 Absent:

5 Staff: District Administrator Nick Tomczik, Drainage & Facilities Manager Tom Schmidt, Regulatory  
6 Manager Patrick Hughes, Program Support Technician Emmet Hurley, Office Manager Theresa Stasica  
7 (videoconference)

8 Consultants: District Engineer Chris Otterness -Houston Engineering, Inc. (HEI), District Attorney Chuck  
9 Holtman -Smith Partners

10 Visitors: Scott Robinson

11 **RCWD Rule Revision Update**

12 Regulatory Manager Hughes stated that approximately 25-30 comments were received for the rule revision.  
13 The comments prompted a change to the rule language.

14

15 Rule B.1: Comment from City of Lino Lakes; concern about how rule can draw out processes

16 Rule C.6(d): Multiple comments from City of White Bear Lake; C.6(d)(2) has been revised

17 Rule C.9(b): Comment from City of Hugo; stated that additional recommendations for rule revisions are  
18 anticipated and should be incorporated in rule revisions. These recommendations can't be considered until  
19 complete

20 Table C.6: Comment from Plowe Engineering; the asterisk in the text isn't explained/referenced later in the  
21 document. Notation has been added following Table C.6

22 Rule F.9: Comment from City of Hugo and Washington County; limitation of available wetland banks could  
23 result in price gauging

24 Rule G.3: Comment from Smith Partners; adjusted language

25 Rule K.4: Comment from Catherine Decker; changed language from "statute" to "law"

26

27 Manager Wagamon had a question about the definition of "impractical" in Rule E.3(i) on page 44.  
28 Regulatory Manager Hughes explained that we do not expressly define impractical in our rule but the intent  
29 is to provide flexibility to the applicant and reduce variance requests, further extrapolated by District  
30 Engineer Otterness and Administrator Tomczik.

31

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**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

32 Manager Wagamon had an additional question regarding Rule D.2(e) on page 41: asked why a notice of  
33 intent is required. Regulatory Manager Hughes and District Engineer Otterness explained that this helps the  
34 District know what work is occurring and also keeps a record of what BMPs have been maintained; Hughes  
35 stated that he had met with cities.

36  
37 Manager Waller commented about comparing our rules to the state minimum standards/rules. Manager  
38 Bradley clarified that minimum standards means cities must conform to those rules, etc., and that the board  
39 either must approve these new rules or go back to the old ones. Manager Robertson commented and  
40 brought up that rules have already been compared. District Engineer Otterness provided a brief summary  
41 of the scope of state minimum standard for water quality, water quantity, and the Wetland Conservation  
42 Act and the scope and purpose of RCWD rules that go beyond the minimum standards.

43  
44 Manager Wagamon agrees that today is not the day to make additional changes but would like to see  
45 continued discussion on items pointed out, and that we should eliminate as many duplicate rules as  
46 possible. Manager Bradley and Administrator Tomczik offered the district's protocols in routine regulation  
47 review.

48  
49 The Board and staff discussed availability of flood insurance and some insurance companies leaving  
50 markets.

51  
52 Manager Robertson asked why the City of Hugo has so many comments about RCWD rules; Manager Waller  
53 and Administrator Tomczik explained that RCWD sets the standard for the City. Manager Robertson also  
54 pointed out that the City of Hugo and other cities have historically made a lot of comments. Manager  
55 Robertson stated that she does not want to be combative towards these cities.

56  
57 Manager Waller asked if anyone has compared the district rules with the existing city rules and suggested  
58 that entities might not have to come to RCWD for permission if they meet the rules in place for their  
59 respective city. Manager Bradley reasoned that it's better under the watershed approach, for the district  
60 to have one set of rules that is adopted by the cities, rather than the district trying to apply a variety of sets  
61 of rules depending on the city.

62  
63 Manager Robertson and District Attorney Holtman commented to clarify that a city may adopt equivalent  
64 standards to the RCWD rules, most cities in the district subject to MS4 state standards. The City of Hugo  
65 has done this.

66  
67 Manager Weinandt stated that she is prepared to approve the motion during the 11/13/2024 Board  
68 Meeting.

69  
70 The Board will consider this item at the 11/13/2024 Board Meeting.

71  
72 **District Employment Handbook Updates**

73 Administrator Tomczik reviewed updates: item 4.2 (Employment Classification); 4.4 (Time Records); 7.2  
74 (Vacation); 7.3.1 (Earned Sick and Safe Time Leave)

75  
76 Administrator may approve vacation leave ahead of employment, planned events, and at minimum ½ hour  
77 increments. The increments at which time off can be requested have been updated (half-hours vs. half  
78 workdays).

79  
80 Manager Wagamon commented that half-hour increments seem tedious. Administrator Tomczik offered  
81 an example of when half-hour increments make sense, yet commonly applied in full days.

82  
83 Additionally, an update to have our handbook reflective of the state’s legislation regarding sick and safe  
84 time.

85  
86 The Board will consider this item at the 11/13/2024 Board Meeting.

87  
88 **2024 MN Watersheds Annual Meeting**

89 Administrator Tomczik initiated discussion of the appointment of delegates; delegate one is Manager  
90 Bradley, delegate two is Manager Weinandt, alternate is Manager Waller.

91  
92 Manager Robertson stated that she will not be attending the MN watersheds meeting.

93  
94 Manager Wagamon stated that he can cover the December CAC meeting.

95  
96 Administrator Tomczik reviewed MN Watersheds’ budget and strategic plan. He pointed out differentials  
97 in 2024 and 2025 budget. The board will consider this at the 11/13 meeting.

98  
99 Resolutions/recommendations start on page 198 (13 resolutions). Seven of the resolutions are  
100 recommended. RCWD did not put forward any recommendations this year.

101  
102 The Board reviewed resolutions: 2024-01: Yes; 2024-02 to 2024-09: No; 2024-10: Yes; 2024-11/2024-12:  
103 No; 2024-13: Yes

104  
105 The Board will vote during the 11/13/2024 Board meeting to appoint delegates, and on resolutions.

106  
107 **Administrator Updates**

108 Drainage & Facilities Manager Schmidt joined the meeting.

- 109  
110
- EMWREP will be considering RCWD’s budgeted \$6,000 annual contribution at their meeting
  - Priebe Lake Outlet Project update: memorandum of agreement document has been revised and provided back to each of the three cities (Birchwood Village, Mahtomedi, and White Bear Lake) for them to consider
- 111  
112  
113

- 114       • City-County Partner Meeting 11/13 at Moore Lake Community Building  
115       • ACD 10-22-32: Drainage & Facilities Manager Schmidt intends to undertake maintenance North of  
116       Pine Street up to 137<sup>th</sup>. Scraping out cattails. Additional future maintenance will be required  
117       between 137<sup>th</sup> St. and Jodrell St and requires inquiry with MnDNR.  
118

119       **Administrator Review (Closed Session) 3:45 p.m.**

120       ***The Board, by consensus, convened into a closed session to evaluate the performance of the District***  
121       ***Administrator. The Administrator affirmed that he is not requesting that the review be conducted in***  
122       ***open session. Motion carried 5-0.***

123       Administrator Tomczik stated the zoom video meeting will end at this time (no participants) and after the  
124       conclusion of the closed session, the open session will be audio taped.

125

126       The Board reconvened in open session.

127       Manager Bradley stated that the Board thinks Administrator Tomczik has improved his performance from  
128       last year, has done a good job, and that they want him to stay.

129       Manager Bradley also stated that they could not come to an agreement in terms of salary, so all five  
130       Board Managers agreed to follow the City of Blaine’s process to use a cola of three percent, which would  
131       increase Administrator Tomczik’s salary by \$4,058 to \$139,343. They further agreed to set a workshop for  
132       next quarter to discuss how they should be evaluating Administrator Tomczik’s performance, and how  
133       they can incorporate a salary increase process into that review.

134       ***Motion by Manager Bradley, seconded by Manager Waller, to adjust Administrator Tomczik’s salary by***  
135       ***\$4,058. Motion 5-0.***

136       The workshop was adjourned at 4:30p.m.