



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, December 11, 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 6:30 p.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: Regulatory Manager Patrick Hughes, Outreach & Grant Technician Molly Nelson, Drainage and Facilities Manager Tom Schmidt, Project Manager David Petry (video-conference), Office Manager Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Chuck Holtman 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 5-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the November 12, 2024, Workshop and November 13, 2024, Board of Managers Regular Meeting. Motion by Manager Robertson, seconded by Manager Weinandt, to approve the minutes, as presented. Motion carried 5-0.

CONSENT AGENDA

32 The following items will be acted upon without discussion in accordance with the staff recommendation and
33 associated documentation unless a Manager or another interested person requests opportunity for discussion:

34 **Table of Contents-Permit Applications Requiring Board Action**

35 No.	Applicant	Location	Plan Type	Recommendation
36 21-136	City of Forest Lake	Forest Lake	Final Site Drainage Plan	Amended CAPROC 37 1 item
38 24-063	KT Real Estate Holdings	Forest Lake	Final Site Drainage Plan	CAPROC 3 items
39 24-071	MNDOT	Forest Lake	Final Site Drainage Plan 40 Street & Utility Plan 41 Wetland Alteration 42 Floodplain Alteration	CAPROC 3 items

43 ***It was moved by Manager Waller and seconded by Manager Bradley, to approve the consent agenda as***
44 ***outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and***
45 ***Recommendations, dated December 3, 2024. Motion carried 5-0.***

46 **OPEN MIC/PUBLIC COMMENT**

47 There were no comments.

48 **ITEMS REQUIRING BOARD ACTION**

49 **1. 2025 Truth in Taxation Opportunity for Comment**

50 District Administrator Tomczik stated this agenda item is an opportunity for the public to comment
51 on the District’s 2025 budget and levy. He explained that he had not received any input or
52 communications from the public.

53
54 **Affirming Certification of 2025 Tax Levy and Budget**

55
56 ***Motion by Manager Weinandt, seconded by Manager Bradley, to affirm resolution 2024-06 to***
57 ***adopt proposed 2025 budget and direct certification of 2025 tax levy having held an opportunity***
58 ***for public comment on the budget and levy after the tax notices come out.***

59
60 Manager Waller explained that he would vote in favor of this action, but wanted to comment on the
61 recent interest from the public regarding how the District runs its drainage maintenance. He stated
62 that the budget included a pretty good chunk of money for that and explained that he would like to
63 see them go back to the form that they had earlier where they had assigned amounts of money
64 every year for minor maintenance to a particular ditch which had been removed years ago when
65 the District got a new manager. He explained that he also felt that the current inspection period was
66 too long of a period of time and felt that was what they had experienced in the recent feedback the
67 Board had gotten regarding ACD 10-22-32. He stated that he felt that the inspection should happen
68 annually or bi-annually rather than every 5 years. He stated that he and Manager Wagamon had
69 gone to take a look at ACD 10-22-32 and felt that it needed a lot of intensive care and would like the
70 Board to be more conscious of this. He stated that the budget included \$200,000 for studies on the
71 drainage ditches which should start to diminish because they were just about done with the repairs
72 and he felt some of that money could start to go towards individual systems.
73

74 President Bradley agreed that may be something worthy of the Board’s consideration in 2025 and
75 asked City Engineer Otterness how many systems were still in need of repair.

76
77 District Engineer Otterness stated that off the top of his head, they still had Ramsey Washington
78 JD1, ACD 53-62 Branches 5 and 6, JD3 main trunk downstream of the freeway, Anoka-Ramsey JD1
79 main trunk. He noted that he believed those 4 would be what was left that would be considered a
80 major repair.

81
82 Manager Waller noted that those were partial repairs and stressed that he felt the Board should do
83 more than ‘consider’ making this change next year.

84
85 President Bradley noted that it may require an increase in the budget.

86
87 Manager Waller stated that he felt that they may be able to find budget savings in other areas such
88 as the \$200,000 that is allotted for studies. He explained that he felt that this was an important
89 transition that needed to be made in the 2026 budget.

90
91 District Administrator Tomczik stated that he finds the budget starting point would be to define the
92 necessary work and between the Watershed Management Plan and the district’s inspection policies
93 and the expectation of what the ditch looks like need to be unified by the Board. He explained that
94 from that point they can define the work which will define the costs.

95
96 Manager Robertson noted that she felt the conversation that was taking place right now was outside
97 the scope of what the motion on the floor was and suggested that they move on.

98
99 ***Motion carried 5-0.***

100
101 Manager Wagamon stated that he agreed with Manager Waller on his point. He explained that when
102 they went out and took a look at the ditch, it was clear that the system needs attention and he felt
103 that the District should take a look at this and get a better system in place. He noted that he felt that
104 in the spring they will end up having all kinds of problems on that particular system and he didn’t
105 understand why they couldn’t get it fixed this year, or at least get it cleaned.

106
107 Manager Robertson reiterated that topic was not something that was currently before the Board
108 and suggested that this type of dialogue be saved for the proper time.

109
110 Manager Wagamon stated that he understood Manager Robertson’s point, but did not want this to
111 be dropped.

112
113 **2. Water Quality Grant Program**

114 District Administrator Tomczik reminded the Board that Outreach & Grant Technician Nelson had
115 given a thorough presentation on the 2025 Water Quality Grant materials at their recent workshop
116 meeting.

118 ***Motion by Manager Weinandt, seconded by Manager Wagamon, to approve the 2025 Water***
119 ***Quality Grant Program as presented and to authorize staff to promote and implement the 2025***
120 ***Water Quality Grant Program. Motion carried 5-0.***

121
122 ***Motion by Manager Weinandt, seconded by Manager Wagamon, to authorize the District***
123 ***Administrator to sign the proposed 2025 technical services agreements with the ACD, Ramsey***
124 ***SWCD, and WCD, in amounts not to exceed \$16,500, \$27,500, and \$16,500 respectively, to provide***
125 ***technical assistance for RCWD’s Programs, with any further non-material changes and on the***
126 ***advice of counsel.***

127
128 Manager Waller noted that the District had a tremendous amount of public interest in the program
129 which was why there was such an increase in Ramsey County.

130
131 ***Motion carried 5-0.***

132
133 **3. Blue Thumb Trademark Transfer**

134 District Administrator Tomczik explained that the District had created the Blue Thumb program in
135 2015 and worked to assign it to Metro Blooms but the trademark registration component had lapsed
136 prior to Metro Blooms claiming it and now there was a similar trademark in commerce. He explained
137 that in order to facilitate re-registering the trademark they have an agreement with that firm that
138 acknowledges that they are similar, but were in different arenas, and that they can co-exist. He
139 explained that the owner of the cited trademark has cooperated to prepare an agreement that will
140 allow for the re-registration, but is requesting a payment of \$1,000 to defray its legal costs.

141
142 ***Motion by Manager Bradley, seconded by Manager Weinandt, to authorize the Board President,***
143 ***on advice of counsel, to execute Consent Agreement between Rice Creek Watershed District and***
144 ***Blue Thumb Distributing, Inc. recognizing no interference of its similar trademarks and \$1,000***
145 ***payment. Motion carried 5-0.***

146
147 **4. Ramsey County SWCD Agreement for Inspection Services**

148 Regulatory Manager Hughes related that the agreement with Ramsey County SWCD for inspection
149 services had been in place since 2012 and explained that the current agreement was set to expire
150 on December 31, 2024, and staff was recommending a two-year extension.

151
152 ***Motion by Manager Waller, seconded by Manager Weinandt, to amend the Ramsey County***
153 ***Parks and Recreation – Soil and Water Conservation Division Inspection Services Agreement for a***
154 ***term extension through December 31, 2026.***

155
156 Manager Waller stated that he had not seen a price tag for the price per hour in the agreement.

157
158 Regulatory Manager Hughes referenced page 85 of the packet, within the amendment, where it
159 shows that there is an increase in the hourly rate that is consistent with Ramsey County’s technical
160 services amounts, regardless of the contract.

162 Manager Waller stated that he was curious because Ramsey County was not building a lot of
163 things because they are pretty well built out. He stated that this agreement was for 20 weeks/year
164 and asked how many hours the District was actually using their inspection services.

165
166 Regulatory Manager Hughes stated that since the beginning of the agreement in 2012, they have
167 not exceeded 800 hours and noted that the average was closer to 500 hours.

168
169 Manager Waller asked how many building permits they were averaging in Ramsey County per
170 year.

171
172 Regulatory Manager Hughes stated that he did not have an estimate for the number of permits.

173
174 District Administrator Tomczik stated that staff could provide that information at a future time.

175
176 Manager Waller stated that he felt most of the construction was happening in Anoka and
177 Washington Counties.

178
179 Regulatory Manager Hughes stated that projects in Ramsey County that come to mind were for
180 larger road projects which have a longer timeframe for inspections.

181
182 District Administrator Tomczik stated that RCWD transferred a large portion of RCD4 to the City of
183 Roseville and noted that much of what they have been seeing in Ramsey County in that area was
184 for redevelopment into new uses.

185
186 ***Motion carried 5-0.***

187
188 **5. Redpath and Company's 2024 Audit Engagement Letter**

189 District Administrator Tomczik explained that the District needed to complete a financial report and
190 audit on an annual basis. He noted that Redpath and Company submitted an audit engagement
191 letter that defined the agreement related to the terms and objectives of their engagement as well
192 as the nature and limitations of the services they will provide to the District for the year ending
193 December 31, 2024. He reminded the Board that while Redpath and Company also handled the
194 District's accounting services, there were 2 different divisions and there is a firewall between them.

195
196 ***Motion by Manager Weinandt, seconded by Manager Robertson, to accept and authorize the***
197 ***Board President and Administrator to sign Redpath and Company's 2024 audit engagement letter.***
198 ***Motion carried 5-0.***

199
200 **6. 2025 Rice Creek Watershed District Board Calendar**

201 District Administrator Tomczik reviewed the Board calendar for 2025 and noted that staff would like
202 to move the January 8, 2025 Board meeting to Thursday, January 9, 2025.

203
204 Manager Robertson asked for staff to send out an updated calendar notification.

205

206 ***Motion by Manager Wagamon, seconded by Manager Waller, to approve the 2025 calendar, as***
207 ***amended. Motion carried 5-0.***

208

209 **7. December 25, 2024 Check Register – Resolution Authorizing Treasurer Approval**

210 District Administrator Tomczik explained that this resolution was being presented because the
211 Board only has one regular meeting in December and this action would authorize the Treasurer to
212 review and approve the December 25, 2024 Check Register for payment, not to exceed \$400,000
213 for operational expenses and \$150,000 for surety returns.

214

215 ***Motion by Manager Wagamon, seconded by Manager Waller, to adopt Resolution 2024-16***
216 ***Authorization For Payment Of December 2024 Check Register***

217 **THEREFORE BE IT RESOLVED** that the Board of Managers authorize the District Treasurer to review
218 and approve payment of the December 25, 2024 check register in an amount not to exceed
219 \$400,000 for operating expenses and \$150,000 surety returns.

220

221 **ROLL CALL:**

222 ***Manager Bradley – Aye***

223 ***Manager Robertson – Aye***

224 ***Manager Waller – Aye***

225 ***Manager Weinandt – Aye***

226 ***Manager Wagamon – Aye***

227 ***Motion carried 5-0***

228

229 **8. Check Register Dated December 11, 2024, in the Amount of \$171,849.13 Prepared by Redpath and**
230 **Company**

231

232 ***Motion by Manager Weinandt, seconded by Manager Robertson, to approve check register dated***
233 ***December 11, 2024, in the Amount of \$171,849.13 prepared by Redpath and Company.***

234

235 Manager Weinandt pointed out that there were 5 surety payments included in the check register,
236 so the permits were getting processed and moving along, and wanted to commend staff for their
237 work on this.

238

239 ***Motion carried 5-0.***

240

241 **ITEMS FOR DISCUSSION AND INFORMATION**

242 **1. Staff Reports**

243 Manager Weinandt stated that it was good to see so many staff members at the Minnesota
244 Watersheds conference and noted that she felt staff were very pleased with the training that was
245 provided.

246

247 Manager Waller stated that Regulatory Manager Hughes had attended the Browns Creek Watershed
248 Regulatory Program Partners meeting. He stated that in the presentation made by Browns Creek,

249 they said that they were in charge of land planning and the County Commissioner had spoken to
250 them following the meeting about that statement and they indicated that they would correct it.
251

252 **2. District Engineer Updates and Timeline**

253 District Engineer Otterness gave a brief update on the upcoming agenda items for the Drainage
254 Work Group which will meet on December 12, 2024.
255

256 Manager Wagamon asked about how it was determined who would have representation in the
257 Drainage Work Group and expressed a concern regarding the lack of representation for private
258 parties, taxpayers, or landowners.
259

260 District Engineer Otterness stated that the groups engaged with the Drainage Work Group are
261 essentially those parties that had expressed interest in being involved. He explained that the
262 intent from the beginning was for parties that are engaged in drainage systems on a day-to-day basis
263 to get together and find a way to find consensus on challenging drainage topics. He noted that he is
264 aware of a retiring County Commissioner who may continue to attend the Drainage Work Group as
265 a citizen, which may end up providing the representation that Manager Wagamon is seeking.
266

267 Manager Waller noted that at the workshop meeting, they had an analysis of the Wetland
268 Conservation Act (WCA) changes and would disagree with those who would pass on the opportunity
269 to enact change in the statute for fear of opening the door to new legislation. He explained that he
270 felt that the Board should be aware of this and take the opportunity to also go to their local
271 representatives about legislation to change things.
272

273 President Bradley asked Manager Robertson to report on her effort to gain more information about
274 the 2024 WCA revisions.
275

276 Manager Robertson explained that based on the same conversation about objections to the new
277 language in the updated legislation, she had reached out to Senator Koran and asked if he could do
278 some due diligence on the genesis of these changes. She explained that she received an e-mail from
279 him that indicated that it was passed in March of 2024 and when he went back to research the bill
280 to find how it came to the floor, he found that there was no one present to testify either for or
281 against the bill and no amendments were offered in committee hearing. She stated that Senator
282 Koran shared that there were about 12 amendments offered during floor debate and that the House
283 had passed it in 2024 with additional amendments. She stated that Senator Koran shared that he
284 did not have an upfront recollection of any controversial things but encouraged the District to reach
285 out to him if they had additional questions. She explained that it looks as though these changes
286 were prompted administratively rather than legislatively. She noted that the bill authors for both
287 the Senate and the House were legislators from St. Paul.
288

289 Manager Waller thanked Manager Robertson for asking Senator Koran and noted that they could
290 also ask Senator Housley and Representative Anderson to take a look at this as well. He stated that
291 he felt that this may be an opportunity for the District to tag in some things that they felt were
292 locally important as well.
293

294 **3. December/January Calendar**
295 President Bradley reminded the Board that the January 8, 2025 meeting was changed to January 9,
296 2025.

297
298 **4. Administrator Updates**
299 District Administrator Tomczik stated the DNR had responded to the District’s inquiry to dredge the
300 vegetation out of Anoka County Ditch 10-22-32, the public waters between Jordell and 137th, and
301 place the organic spoil on the existing spoil bank. He clarified that no DNR public waters permit or
302 letter or permission would be required and the letter also stated that no further coordination with
303 their office was needed for this repair action.

304
305 **5. Managers Update**
306 Manager Waller stated that he was invited to attend the North Environmental Center ribbon-cutting
307 ceremony in Forest Lake on December 16, 2024. He noted that last night he attended the Birchwood
308 City Council meeting and noted that Commissioner Karwoski was there to give certificates of
309 appreciation to the mayor and the council for their service. He noted that Birchwood was still looking
310 to clarify some issues related to Hall’s Marsh in the agreement being considered.

311
312 **ADJOURNMENT**
313 ***Motion by Manager Robertson, seconded by Manager Waller, to adjourn the meeting at 7:14 p.m. Motion***
314 ***carried 5-0.***