



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, June 26, 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

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, Treasurer Marcie Weinandt, and Secretary Jess Robertson

Absent: 2nd Vice-Pres. Steve Wagamon (with prior notice)

Staff Present: District Administrator Nick Tomczik, Permit Technician Kelsey White, Program Support Technician Emmet Hurley, Drainage & Facilities Manager Tom Schmidt, and Office Manager Theresa Stastica

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 Bradley, 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 10, 2024, Workshop and June 12, 2024, Board of Managers Regular Meeting.
Motion by Manager Robertson, seconded by Manager Bradley, to approve the minutes as presented.
Motion carried 4-0.

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
--------------------------	--------------------------------	-----------------------------------	-------------------------------------	----------------------------------	-------------------------------------

31 **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	24-037	White Bear Yacht Club	Dellwood	Final Site Drainage Plan	CAPROC 4 items
37	24-039	City of Shoreview	Shoreview	Final Site Drainage Plan	CAPROC 5 items

38

39 ***It was moved by Manager Weinandt and seconded by Manager Robertson, to approve the consent***
40 ***agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings***
41 ***and Recommendations, dated June 18, 2024. Motion carried 4-0.***

42 **OPEN MIC/PUBLIC COMMENT**

43 None

44 **ITEMS REQUIRING BOARD ACTION**

45 **1. RCWD 2024 Rule Revision – Initial Comment Response**

46 District Administrator Tomczik explained that in parallel with staff’s development of proposed rule revisions,
47 it had offered an informal opportunity for its partners to provide feedback on the existing rules and 4 cities
48 have commented. He stated that staff, the District engineer and counsel have reviewed the written
49 comments and have created a proposed response to each community, and noted that staff also proposes to
50 modify the proposed rule based on 3 of the comments that were received.

51

52 Manager Waller stated that the first comment from Forest Lake, FL-1, references redundancies, multiple
53 review periods, and excessive documentation that it feels exists as a result of parallel city and District
54 regulation. He stated that he finds this important and noted that the District has a very similar statement
55 that rule revisions may be made to reduce redundancies and avoid overlapping jurisdictions. He noted that
56 he provided information to the Board and District staff this morning of a copy of pages 58-59 from the
57 Washington County Governance Study on water which was done in May of 1999. He stated that this study
58 talks about natural resources inventory, land use planning process, and enforcement and permitting and feels
59 that what Washington County was getting at was that there was no need to have 2 permits, which he feels is
60 just what Forest Lake is talking about in its comments. He stated that in that situation, the District role would
61 be more of commenting and allowing the cities to do all of the actual permitting, so the District rules would
62 not really be necessary because there would not be an absence of these rules at the municipal and county
63 level. He stated that while he understands that there needs to be rules, he does not feel there is a need for
64 enforcement and permitting and would like to see the District eliminate the need for applicants to get 2
65 permits. He explained that he feels the District’s role should be more advisory in nature than enforcement,
66 permitting, and interference with the land use process. He stated that he feels that there is a need for a
67 refocus on how the District approaches this and should be more of a comment role instead of permitting,
68 which requires money and inspections, and instead have the District use the resources for water quality
69 projects.

70

71 President Bradley stated that the information shared by Manager Waller is interesting even though he has
72 only had a short time to read it. He stated that one thing he had not touched on in his comments is the

73 statement in the document he shared that states, 'the local authority would incorporate the water resource
74 protection standards from the water resource board into their official controls in the form of Land Use Plans,
75 City Code, or Zoning Ordinance', and noted 3 of the District's cities have done this. He continued reading
76 from the document, 'These documents would reference the natural resources inventory and would include
77 the water quality standards for designated water bodies, and enforcement mechanisms' and went on to say,
78 'Permitting would be the responsibility of the local authority' in the 3 cities that he referenced earlier with
79 an additional statement of, 'Ideally the local authority would issue and enforce the permits' in those cities
80 that have adopted the District rules. He continued to read, 'The most efficient method would be to have
81 the water organization make comments during the local authority's review process'. He explained that if
82 Forest Lake wanted to adopt the District's rules it could, like Hugo, become responsible and there would not
83 be 2 permits. He noted that the city would first have to 'incorporate' the water resource protection
84 standards into its official controls, which he feels makes sense because the District would want to determine
85 what is necessary to protect the water.

86
87 Manager Waller disagreed because the city's requirements would be based on State standards. He stated
88 that President Bradley is correct that the cities need to adopt the District rules, but they adopt the rules that
89 are based on State standards, just like the District does. He noted that does not necessarily mean that the
90 watershed rules are 'one size fits all' and there needs to be flexibility for the cities to be able to make
91 decisions. He stated that cities already have a set of standards that they have adopted and reiterated that
92 he does not think that the District's standards have to be adopted by the cities.

93
94 President Bradley noted that is what this document says and he believes it is also what the law would require
95 the cities to do.

96
97 Manager Waller stated that there is also a State statute that says watershed district rules only apply in the
98 absence of city rules. He stated that he does not believe it says that the rules that are adopted by ordinance
99 are necessarily the watershed rules. He pointed out that what he feels the are really talking about is a lot
100 of dollars involved with consultants because they review all of this, which he feels meant that there is
101 somewhat of a conflict of interest. He asked that the Board take that into consideration with respect to any
102 comments received from the consultants.

103
104 President Bradley stated that he was a consultant to government entities for 16 years and provided
105 comments to government entities for another 27 years. He noted that just because they are making a living
106 doing this does not mean that they are not independent of that in their thoughts and actions and that their
107 positions aren't subject to review.

108
109 Manager Waller stated that he wished President Bradley had that same consideration for members of the
110 Board in the past when the Board has held members for conflicts of interest because of claims that they were
111 not independent when these issues have come up.

112
113 Manager Weinandt stated that in response to this current conversation, she has to put a picture in her mind
114 about who is responsible for what in what location. She stated that a city within the District is responsible
115 for the work that goes on, the permits issued, and the levying that happens within its boundaries. She
116 stated that the District Board has the responsibility to look at the entire watershed and the effects on the
117 action and reaction of the waters and the rules within the District. She stated that to the point about cities
118 saying that what they are doing with permitting is similar to what the District is doing, she would say that if
119 they want a streamlined permitting process, then they need to adopt the watershed rules in addition to
120 whatever other rules they have in their cities. She noted that there are 3 cities within the District that are
121 doing that.

122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166

President Bradley stated that he feels one of them is doing it in a very clever way because it has adopted the watershed rules but coordinates with the District to enforce them and is paying for those services. He then read comment FL-3, related to cost-sharing for regulatory projects, received from Forest Lake. He explained that he reads this comment as basically asking the District to help fund permittees' compliance with the District rules. He observed that the answer from staff only focused on the question of subsidizing permit compliance and noted that he has distributed a proposed response stating the following:

RCWD supports regional projects that address flooding and water quality through its own direct projects, funded with ad valorem taxes and local water management taxing districts. It also supports these projects using its existing grant programs, e. g. Stormwater Grants, and by providing technical and financial support to external grant programs, e. g. Clean Water Funds. Annually, the RCWD sets its budget to reflect its best judgment on the amount of funding it can support for these projects without placing an excessive burden on its taxpayers. With respect to its regulatory program, RCWD has determined that it should recover 60% of the cost of that program from permits and 40% from ad valorem taxes. That cost-sharing recognizes the benefits of the program to parties beyond the permit holder; and reflects the best judgment of the RCWD Board on the appropriate burden to place on ad valorem taxpayers versus the directly benefitted property. Because the regulatory program is subsidized, the permit revenues provide no funds to support additional grants. To increase permit fees to support additional cost-share grants would be contrary to the RCWD Water Management Plan and in the view of the RCWD Board would be contrary to the public interest.

Manager Waller stated that he would not support this proposed response.

President Bradley asked Manager Waller if he wanted the District to raise taxes.

Manager Waller clarified that he does not want the District to raise taxes, but wants it to use the money now being used for permitting to support best management practices and other water quality programs, which is what he thinks the role of the District is. He noted that as outlined in the Washington County Governance Study document, 'the local authorities will incorporate water resource protection standards into their official controls' but does not think that necessarily means that District rules must be incorporated. He stated that they have rules in place, which means there is not an absence of a rule, and so the District would be subsidizing the rules that a city already has adopted.

President Bradley stated that he remembers when White Bear Township came before the Board and asked for grant money to clean out a BMP off of Bald Eagle Lake and Manager Waller pointed out that was a maintenance function that was the city's obligation to maintain and noted that Manager Waller and former Manager Haake were successful in having that request voted down.

Manager Weinandt asked if the response from President Bradley is proposed to replace the staff response.

167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211

President Bradley confirmed that he would like to replace the existing proposed response with the one he had drafted.

District Administrator Tomczik stated that the communities of Hugo, Mounds View, and Circle Pines have adopted the District rules. He clarified that Centerville has not adopted the District's rules, but there is a District relationship with it with regard to inspection. He stated that in the state's MS4 permit the Minnesota Pollution Control Agency requires public entities to obtain and abide by an MS4 permit, which would be considered the minimum standards. He noted that each watershed studies the needs of its watershed for water quality and flood control. He stated that from that, in working through time, the District has developed the rules to accomplish that outcome as best possible. He noted that the rules are an important aspect of the District being successful in meeting its goals, along with its programs and projects that fill in the gaps. He explained that the District started from the point of many fully developed communities that had no regulations at the time of development. He observed that the MS4 permit is the minimum standard and the District, with the assistance of its engineer, has identified the importance of some additional standards and thresholds that work to meet the needs of the watershed.

Manager Weinandt asked District Administrator Tomczik where he sees city rules and whether he finds them to be somewhere between MS4 and the District rules or if they are simply the adoption of MS4 standards.

District Administrator Tomczik stated that each city must meet the minimum control measures of the MPCA MS4 permit and is obligated to report to the MPCA on it.

Manager Weinandt stated that means that cities may add additional rules but cannot go below the MS4 standards.

District Administrator Tomczik agreed that would generally be correct. He explained that the District, as a watershed authority with its obligations under 103D, is to set 'the standard' for the watershed and thereby unify the municipalities or portions of them that are within the watershed to be successful in watershed-based management.

Manager Weinandt asked if that means that there is no requirement that a city adopt the District rules, but landowners would still have to get a permit from the District.

District Administrator Tomczik explained that a landowner intending to undertake a project that triggers the rules is obligated to come to the District. He stated that the District has very good relationships with the communities where there can be dialogue back and forth. He noted that there are things like pre-application meetings to help usher a landowner through the process and understand the rule obligations regarding water quality and flood control. He stated that in the Watershed Management Plan, the District lays out the protocols by which a municipality may take on sole regulatory authority by revising its ordinances to meet the District standards. He reiterated that the cities that have adopted the District rules are Hugo, Mounds View, and Circle Pines. He explained that Centerville pays the District for inspection services.

212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256

President Bradley asked about District stormwater rule that regulates below the one-acre MS4 threshold down to 10,000 square feet of impervious surface. He asked if a party wished to create 15,000 sq. ft. and believed it couldn't do the project without this action, could it request a variance.

District Administrator Tomczik stated that an applicant can always ask for a variance and showing 'good cause' would be its task.

President Bradley stated that he does not think the District has ever seen such a request.

District Administrator Tomczik agreed that the District has not seen such a request. He noted that the 10,000 sq. ft. threshold, based on his experience with the District, is equivalent to about 2 or 3 dump truck loads of water. He explained the District's thinking that this is a reasonable threshold at which to manage stormwater, to make note of how the volume of water has potential impact on the neighbors, and how it moves downstream.

Manager Robertson stated that these types of conversations frustrate her because of this process. She explained that she understands the objective, but communities reach out or respond and share their thoughts, and then the District just responds in writing rather than having a robust dialogue about the issues that have been raised. She stated that it is frustrating to sit at these meetings because she doesn't understand why they cannot engage more directly. She explained that she understands Manager Bradley's response, but would respond by sitting down rather than responding on paper. She noted that with a written response, intent and tone can be misconstrued. She does not like the process of essentially sending carrier pigeons with comments back and forth and would prefer to just sit down and have a conversation with the cities and make it part of the process. She stated that anecdotal things may come out through that conversation that were not included in the written information. She realizes that the District does not intend to be adversarial, but when it is not sitting down and having face to face conversations and just sending out memos and comments, she thinks that they are received in an adversarial fashion. She explained that her frustration is not with what the District is trying to accomplish, but with the process itself and would encourage more in person and face to face conversations even though that may take extra time. She stated that she feels communicating is a key part of the District's job and relationships should be at the center of everything it does.

President Bradley stated that he spent close to 50 years writing rules, defending rules, or attacking rules and knows that a large part of the rulemaking process is written comments. He thanked staff for reaching out to all 27 of the District's communities and the counties. He noted that 3 of the cities that responded have the same engineering firm, which may explain the similar feedback.

Manager Waller stated that was is true because there are 3 different engineering firms from 3 different counties.

Manager Robertson stated that she feels President Bradley is making her point for her and explained that she may have a different opinion.

257 President Bradley clarified that he agrees with Manager Robertson.
258

259 Manager Robertson stated that it is okay for there to be disagreement, but there need not be
260 pushback on every comment that someone else does not like. She stated that if only 3 or 4 cities
261 responded to the request for comments, that is only 3 or 4 face to face meetings that the District
262 would need to have.

263
264 Manager Waller noted that there would be another comment period.
265

266 President Bradley stated that this process is to develop the proposed rule. The District would
267 notice the proposed rule for a public hearing for an opportunity for people to comment orally. He
268 stated that if the wish is for staff to reach out, the Board can advise staff and staff can do that.
269 He noted that FL-4 is related to pre-existing water rights, and noted that this is something the District
270 has addressed in the past, for example, with Hugo and Centerville. He referenced FL-6 and
271 explained that he does not understand what the concern is or the District's reply to that concern.
272

273 District Administrator Tomczik explained that in FL-6, the District is reiterating that water quality
274 treatment best occurs on-site or the location on which the impact is occurring. He stated that
275 regional basins typically are used for multiple parcels under development at the same time. He
276 noted that it becomes a challenge to insert a BMP to provide treatment not provided on the
277 development site. He explained that typically, there is not a willing landowner to intercede in the
278 flow of water and take on that water quality and volume obligation. He noted that proceeding in
279 that fashion would put the District in a situation of looking to condemn property for water quality
280 and volume purposes. He stated that the comment does not go that far, but it is foundational in
281 noting that what is important is the proximity to the site and where the run off is generated.
282

283 District Engineer Otterness added that it appears the last part of the comment discusses weighing
284 the impacts of nutrients on water versus flood control. He explained that they seem to suggest
285 that there is a decision point to be made on whether to focus on flood control or water quality, but
286 the fact is that nearly all BMPs provide some function of both elements.
287

288 President Bradley referenced the reply to FL-7 and asked if staff is saying that this is a
289 Comprehensive Wetland Protection and Management Plan (CWPMP) issue and not a rule issue.
290

291 District Administrator Tomczik explained that the CWPMPs are engagements with municipalities to
292 work under the mandate of the Wetland Conservation Act and make sub-watershed adjustments
293 where there may be some flexibility.
294

295 President Bradley asked if District Administrator Tomczik is implying that city comments should be
296 addressed through the CWPMP rather than through the rules.
297

298 District Administrator Tomczik stated that is correct and explained the flexibility built into the
299 CWPMP.
300

301 Manager Weinandt stated that it sounds like not a hard 'no' but instead a 'let's talk about it' kind of
302 response.

303
304 District Administrator Tomczik confirmed that is correct and staff always is happy to discuss with
305 applicants and noted that the pre-application meetings are an opportunity to look at alternative
306 approaches.

307
308 President Bradley referenced LL-B.1. and noted that the comment makes sense to him. He asked if
309 staff has a reason why the District could not make demonstration of deed as a CAPROC item.

310
311 District Administrator Tomczik stated that the District does variations frequently and noted that
312 they do not want an applicant undertaking investigation of work on property that is not its own
313 without the consent or recognition of the landowner.

314
315 President Bradley noted that this comment refers to public land acquisition.

316
317 District Attorney Holtman stated that in his experience, the District already does this. He is familiar
318 with several cases where the District has reviewed the status of land rights acquisition for a public
319 project. He stated that in those instances the District has accepted an application on the basis of
320 the applicant's petition for eminent domain or a purchase agreement. He stated that there may
321 be something anecdotal here that may be worth asking the city why it is raising this concern, but
322 reiterated that he believes that the District is already doing this.

323
324 President Bradley referenced WBL-1 mindful of the uninhabited garage discussions they had at the
325 last workshop meeting and asked if an underground parking rule would qualify as a building not for
326 habitation.

327
328 District Administrator Tomczik answered that an underground parking facility would qualify.

329
330 District Engineer Otterness stated that he would agree, if it were detached, but more often than
331 not, an underground parking structure is attached. He believes the concern from White Bear Lake
332 stems from the risk of an underground structure receiving water from a groundwater source or
333 some sort of overland source. He explained that the District's reply is intended to indicate that the
334 District really does not, within the rule, look at the groundwater risk because that is not within the
335 District's area of expertise, but the District does look at potential surface flow paths that could go
336 to the underground garages. He noted that when those flow paths are directed away from an
337 underground garage, the District does not have a specified freeboard requirement.

338
339 Manager Weinandt asked if the first comment from White Bear Lake is asking the District to add a
340 requirement to the rules. She is trying to categorize who would be responsible for which aspects.

341
342 District Engineer Otterness stated that the comment appears to simply be a question and not
343 necessarily a request or suggestion. He noted that a lot of cities have different requirements or

344 rules related to ground water with respect to structures, and that this is something that typically
345 falls under the domain of the city or county, as the zoning authority.

346
347 President Bradley referenced WBL-2 and stated that he does not understand the phrase ‘both
348 areally and temporally’ within the District’s reply.

349
350 District Attorney Holtman explained the intent of “common plan of development” is to avoid a loss
351 of protection through a property owner segmenting work over time to remain below regulatory
352 thresholds. He stated that ‘areally’ means cumulative work within a campus or similar defined area.

353
354 President Bradley suggested that the word is uncommon and asked that the concept be explained
355 differently.

356
357 Manager Weinandt stated that she has observed the process and noted that the Board has been
358 discussing rule updates for a while. She feels the replies to comments are based on staff’s
359 understanding of what needs to be done, conversations the Board has had, as well as staff’s
360 experience from reviewing permits throughout the year. She noted that as he has been reviewing
361 permits, Regulatory Manager Hughes has been making notes on rule refinements. She stated that
362 she believes there have been conversations occurring between the cities and staff and the written
363 comments are just formalizing some of that discussion.

364
365 ***Motion by Manager Waller, seconded by Manager Bradley, to authorize staff to distribute the***
366 ***response to initial comments received on the 2024 rule revision.***

367
368 Manager Robertson stated that based on the way the motion was presented, it indicates that these
369 are ‘initial’ comments and does not say that there will be no more communication regarding the
370 comments. She stated that she therefore will vote in favor of the motion but urges that the District
371 take the time to dialogue with the cities that have submitted comments to explore their issues and
372 potential concerns. She does not think the District can say that it has great relationships with its
373 communities if it is not participating in promoting those relationships by having these conversations.
374 She is not trying to cause problems and just wants to encourage communication and for the District
375 to have great relationships with all of its partners, including other regulatory agencies.

376
377 ***Motion carried 4-0.***

378
379 District Attorney Holtman noted that the statute has a very spare process for rulemaking that
380 requires only publishing the proposed rule, 45 days for written comments, and a public hearing.
381 He explained that it is always the Board’s prerogative to overlay on that a richer process and it would
382 be appropriate when staff brings the proposed rule to the Board next month for the Board to have
383 a conversation to lay out elements of the process that the District should follow for the rulemaking.
384 He stated, also, that what is important, as a legal matter, is that the proposed rule, as it has been
385 drafted, defines the scope of the changes the Board may consider. When the proposed rule is
386 published, it defines what changes are within the contemplation of the Board and if a great new
387 idea comes up in the middle of the process, the District cannot just say okay we will go ahead and
388 make this change too. He stated that if it is substantial, the District would need to go back and start

389 the public comment period over again. He explained that what staff has suggested that if there is
390 something within the city comments that is not in the proposed rule, but interests the managers for
391 a possible rule change, it is useful and important for the Board to let staff know that before the
392 proposed rule is published. The memorandum that accompanies the proposed rule can include this
393 within the rulemaking scope, and so allow the managers to consider it in the rulemaking.
394

395 **2. Check Register Dated June 26, 2024, in the Amount of \$720,446.76 and June Interim Financial**
396 **Statements Prepared by Redpath and Company**

397
398 *Motion by Manager Weinandt, seconded by Manager Bradley, to approve check register dated*
399 *June 26, 2024, in the Amount of \$720,446.76 and June Interim Financial Statements Prepared by*
400 *Redpath and Company. Motion carried 4-0.*

401
402 Manager Weinandt stated that a year ago the District invested funds in CDs and laddered them for
403 different terms which means that the 1 year term is already up. She explained that they are having
404 conversations with their investment partners and will roll those funds over into another investment
405 and when that happens she will update the Board.
406

407 **ITEMS FOR DISCUSSION AND INFORMATION**

408 **1. RCWD Database Demonstration – MS4Front**

409 District Administrator Tomczik explained that staff would like the Board to be aware of the tools
410 that staff are using. He stated that the District purchased this database about 3 years ago. The
411 database is critically important for the District and the District could not do its work efficiently or
412 effectively without it. He explained that the District currently uses it for 3 primary functions:
413 regulatory/permit administration, District facilities, and grant programs.
414

415 Permit Technician White gave a brief overview of the regulatory use of the database and the use of
416 the maps, reference layers, and additional information that can be reviewed or tracked in the
417 system.
418

419 District Engineer Otterness reviewed how the database is used with District facilities and how it
420 helps the District manage, maintain, and inspect the facilities. He shared the example from the E2
421 wetland structure at the intersection of 694 and 35W and how this information can be sort of a ‘one
422 stop shop’ and allows staff and the engineer to retain institutional knowledge, even if there is
423 staffing turnover. He stated that the information in the database is important for knowing how to
424 operate District facilities, but also for tracking. He reviewed what is available within the database,
425 such as inspection results, maintenance tracking, MS4 project files, contacts, BMP information, and
426 funding details.
427

428
429 Manager Waller asked who owns the database and how it is backed up. He would like assurance
430 that this information will not just disappear if, for example, a company is bought out in a merger.
431

432 Permit Technician White stated that for the regulatory permitting area, the District also has another
433 database called Laserfiche. She explained that permitting records are kept within that system as
434 well,. She would say that MS4 Front maintains the information more accessibly.
435

436 Manager Waller asked if the secondary repository of Laserfiche is in the possession of the District.
437

438 District Administrator Tomczik stated that the District owns a server that has this information stored
439 on it. He explained that it is backed up, so if there were a critical failure, this information would
440 remain recoverable.
441

442 Manager Waller stated that he is a strong believer in paper. He stated that this database appears
443 to be a marvelous system, but he is concerned that as the District continues to move to more
444 electronic use for this type of information, it is able to access these records despite staff turn-over.
445

446 District Administrator Tomczik stated that Laserfiche is the District's official repository and is
447 essentially the metal file cabinet of all the District's records, and noted that it does have multiple
448 redundancies.
449

450 President Bradley asked if the District contracts with Houston Engineering for some of its software
451 related items and whether that is the case here.
452

453 District Engineer Otterness stated that Houston Engineering developed MS4 Front . He stated that
454 there is an annual licensing fee, but the data belong to the District and these details are spelled out
455 within the licensing agreement. He stated that HEI also has Drainage DB which is another product
456 specific to the public drainage system records.
457

458 District Administrator Tomczik stated that the Board may recall hearing about WISKI, which is
459 another subscription by which the District manages data that many watersheds use. He noted that
460 staff feels very safe storing data there.
461

462 **2. Staff Reports**

463 Manager Weinandt asked what is happening with the iron enhanced sand filters and if they are
464 affected by too much rain or some other issue, such as a design flaw.
465

466 Drainage and Facilities Program Manager Schmidt stated that he believes it is most likely a
467 combination of things. He explained that the District has been trying to repair some problems that
468 have cropped up after 3 years of being in use and has been dealing with contractors who provided
469 the pumping and control logistics. He thinks they are nearing the point where the filters will be
470 fully operational for the rest of the summer.
471

472 District Administrator Tomczik stated that iron enhanced sand filters are a specialized method of
473 removing phosphorus. He shared details from area iron enhanced sand filter issues that have
474 arisen recently. Staff is working to ensure that they do not happen again.
475
476

477 **3. July Calendar**
478 District Administrator Tomczik noted that the District offices will be closed on July 4, 2024 and there
479 will not be a CAC meeting during July.
480

481 **4. Administrator Updates**
482 District Administrator Tomczik stated that there has been quite a bit of rain recently and staff has
483 worked to maintain the public drainage system in order to keep its capacity available and
484 functioning. He stated that moving water also tends to move debris such as tree limbs that may
485 clog culverts or cause some challenges but noted that when there is extremely high water, it was
486 not necessarily a safe time in which to remove the debris.
487

488 Drainage & Facilities Manager Schmidt explained that the District has been keeping an eye on the
489 normal flooding locations during the recent high rain events and has found that the system is
490 working as well as it can considering the built-in limitations with geography and topography. He
491 noted that there is one particular problem on ACD 10-22-32 at the sod fields in Lino Lakes. Staff has
492 discovered what seems to be a deficient culvert which is a private crossing on the public ditch that
493 appears to be causing a slow down of water from the north that has caused extraneous flooding on
494 the sod fields north of CR 14. He explained that the concern from the landowners were great enough
495 that he used some mechanical means of pumping to pump around the slow culvert to temporarily
496 relieve the immediate flooding and restore some capacity which has been successful because it
497 dropped the water level by over a foot upstream. He noted that an old disagreement has
498 reemerged due to this pumping and explained that the ditch in this area was consolidated in 2010
499 by order of the Board utilizing a functional alignment that had been developed by the sod farmers
500 for their purposes and, according to them, the District has 'taken' their ditch and incorporated it
501 into the public system without payment. He stated that he had received a text following a discussion
502 about pumping around this culvert and received reluctant permission to access the public ditch in
503 that location. He explained that he had not wanted to argue with this individual at the time, but had
504 asked Drainage Attorney Kolb to send a letter reaffirming the public nature of the ditch and
505 confirming that it was not private. He reiterated that this has been an ongoing point of contention
506 with the property owner and explained that he wanted the Board to be aware of the situation in
507 case they receive phone calls.
508

509 Manager Waller agreed that this has been a controversial issue in the past and stated that the DNR
510 has allowed the sod farmers to use the system after they altered it. He stated that the farmers
511 altered it out of frustration in not getting the government to fix it for them and explained that there
512 were also other conflicts related to this property within Lino Lakes. He stated that if this situation
513 was the only 'emergency' event that the District has had to deal with during the rain events of this
514 spring, that was a good thing.
515

516 District Administrator Tomczik updated the Board that the District was continuing to press forward
517 for plans for the Pine Street culvert on ACD 10-22-32. He noted that the DNR has indicated that a
518 vegetative investigation for rare and endangered species was required, but the District felt that
519 there may be an exemption that would be applicable in this case and the issue is being investigated.
520 He stated that he attended the Summer Tour yesterday and outlined some of the topics that were

521 presented, including a good common carp presentation by Lake and Stream Program Manager
522 Kocian which was well recieved.

523

524 **5. Managers Update**

525 Manager Waller noted that he had also attended the Summer Tour and commended Lake and
526 Stream Program Manager Kocian for doing a wonderful job on his presentation at the Minnesota
527 Watershed. He noted that he had checked White Bear Lake's outflow because they have had a lot
528 of rain and found that it was not flowing yet. He stated that he also drove by the iron enhanced sand
529 filter on Bald Eagle, but it appeared to be functioning quite well.

530

531 Manager Weinandt stated that she agreed that Lake and Stream Program Manager did a fabulous
532 job on his presentation and was able to even incorporate from great carp humor cartoons that
533 engaged the audience. She stated that she planned to attend the Summer Tour following today's
534 meeting.

535

536 **ADJOURNMENT**

537 ***Motion by Manager Robertson, seconded by Manager Waller, to adjourn the meeting at 10:41 a.m.***

538 ***Motion carried 4-0.***

539

540