



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, January 10, 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

CALL TO ORDER

President Michael Bradley called the meeting to order, a quorum being present, at 9:00 a.m.

OATH OF OFFICE

District Attorney Smith administered the Oath of Office to Michael Bradley

ROLL CALL

Present: President Michael Bradley, 1st Vice-Pres. John Waller, Treasurer Marcie Weinandt,

Absent: 2nd Vice-Pres. Steve Wagamon and Secretary Jess Robertson (with prior notice)

Staff Present: District Administrator Nick Tomczik, Permit Coordinator/Wetland Specialist Patrick Hughes, Drainage & Facilities Manager Ashlee Ricci, Communications & Outreach Manager Kendra Sommerfeld, and Office Manager Theresa Stasica

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

Visitors: None

SETTING OF THE AGENDA

District Administrator Tomczik requested removal of Action Item #1, Board Election of Officers and explained that it would be added to a future agenda. He noted that he would like to add two other items for Compensation Philosophy-Employee Handbook and Public Drainage Authority Beaver Management Policy.

Motion by Manager Weinandt, seconded by Manager Wallert, to approve the agenda as revised. Motion carried 3-0.

31 **READING OF THE MINUTES AND THEIR APPROVAL**

32 **Minutes of the December 11, 2023 Board Workshop and December 13, 2023 Board of Managers**
33 **Regular Meeting. Motion by *Manager Weinandt, seconded by Manager Waller, to approve***
34 ***the minutes as presented. Motion carried 3-0.***
35

36 **CONSENT AGENDA**

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

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

41 No.	Applicant	Location	Plan Type	Recommendation
42 23-075	Washington County	Forest Lake	Final Site Drainage Plan Street & Utility Plan Wetland Alteration	CAPROC 3 items
45 23-076	Washington County	Mahtomedi	Final Site Drainage Plan Street & Utility Plan	CAPROC 7 items

46
47
48
49 President Bradley referenced Permit No. 23-075 and asked if there was a replacement obligation
50 in that situation.

51
52 Permit Coordinator/Wetland Specialist Hughes explained that there was a replacement
53 requirement, but it would be done through BWSR Local Government Road Wetland Replacement
54 Program and had gone through the City of Forest Lake as the local government unit (LGU).
55

56 President Bradley asked if the District’s permit should recognize that obligation.
57

58 Permit Coordinator/Wetland Specialist Hughes stated that he believed it was already included but
59 noted that they could further identify it if the Board would like.
60

61 District Administrator Tomczik clarified that enforcement of this replacement would not be the
62 District’s responsibility.
63

64 ***It was moved by Manager Waller and seconded by Manager Weinandt, to approve the***
65 ***consent agenda as outlined in the above Table of Contents in accordance with RCWD District***
66 ***Engineer’s Findings and Recommendations, dated January 2, 2024. Motion carried 3-0.***

67 **OPEN MIC/PUBLIC COMMENT**

68 None

69 **ITEMS REQUIRING BOARD ACTION**

- 70 **1. Anoka-Washington Judicial Ditch 3 Phase 2 Repair Project - Additional Contingency Funds**
71 Drainage & Facilities Manager Ricci reviewed the request for the Board to consider
72 authorizing additional funds for the JD3 Phase 2 repair project. She stated that the
73 contract was awarded for this project on April 26, 2023 and noted that there have been a
74 few change orders executed since that time. She explained that staff had foreseen the need
75 for additional change orders for tree clearing and reinstallation of an upgraded fence for a
76 pasture that they cross through and were recommending an increase in 10% for a 20%
77 contingency. She noted that a 20% contingency was fairly common and explained that
78 they had originally dropped this one to 10% because it was a smaller contract.

79
80 *Motion by Manager Waller, seconded by Manager Weinandt, to authorize the District*
81 *administrator to sign task/change orders increasing the contract price in an aggregate*
82 *net amount not to exceed 20% of the original contract price (\$48,908.59) to address*
83 *unforeseen conditions or omissions discovered as the project progresses; this additional*
84 *increase of 10% (\$24,454.29) is a modification of Resolution 2023-06. Motion carried 3-*
85 *0.*

- 86
87 **2. Jacon, LLC Partial Pay Request #2 Anoka-Washington Judicial Ditch 3 Phase 2 Repair**
88 **Project**

89 Drainage & Facilities Manager Ricci stated that the contract has completed tree clearing on
90 branches 1 & 2 and the majority of the excavation on those same branches. She stated
91 that this item is for a partial pay request.

92
93 *Motion by Manager Waller, seconded by Manager Weinandt, to approve JACON LLC's*
94 *partial pay request #2 as submitted and certified by the District Engineer and direct staff*
95 *to issue a payment in the amount of \$15,093.60. Motion carried 3-0.*

- 96
97 **3. Ramsey County Ditch 4 Basic Water Management Project City of Roseville**
98 **Reimbursement #9 and Delegation to Administrator**

99 District Administrator Tomczik stated that the District had received a distribution from the
100 County that needs to be transferred to the RCD 4 Water Management District that was
101 recreated in the City of Roseville.

102
103 *Motion by Manager Bradley, seconded by Manager Weinandt, to approve the RCD 4*
104 *WMD reimbursement to the City of Roseville and direct staff to issue a payment in the*
105 *amount of \$24,895.12. Motion carried 3-0.*

106 *Motion by Manager Bradley, seconded by Manager Weinandt, to delegate to the District*
107 *Administrator the transfer to Roseville of the remaining RCD 4 WMD settlements from*
108 *Ramsey County. Motion carried 3-0.*

109
110 Manager Weinandt noted that she has had conversations with Ramsey County
111 Commissioner Mary Jo McGuire who she shared that she was very pleased with what has
112 occurred here.

114
115
116
117
118
119
120
121
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

4. Anoka County Ditch 72 Branch 11 Minor Maintenance

Drainage & Facilities Manager Ricci stated they are looking to replaced about a half-mile of drain tile which is why the material costs are a bit higher than they may have expected.

Manager Weinandt asked if this was no longer considered ‘minor maintenance’ because it was so expensive.

Drainage and Facilities Manager Ricci clarified that this would still be considered minor maintenance but because it is over \$10,000, which could be handled by a signature from District Administrator Tomczik and also over \$20,000 for President Bradley’s signature, it needed to come before the Board for their consideration.

Manager Weinandt stated that she recalls work on a ditch in this area that may not have been done correctly.

Drainage and Facilities Manager Ricci explained that this drainage system is on the northern end of the Watermark development and as part of the permitting process, both ACD 55 and ACD 72 were rerouted through the development for better placement. She stated that this portion is on the east side of the freeway which is opposite of the development. She stated that she believes the concerns related to ACD 55 have been resolved.

Motion by Manager Waller, seconded by Manager Weinandt, to delegate to the administrator on advice of counsel the authority to execute the described individual work order subject to the estimated amount \$44,000 plus up to an additional \$10,000 to address unforeseen conditions, and subject to the overall maintenance program budget. Motion carried 3-0.

5. Public Drainage Beaver Management Policy

Drainage & Facilities Manager Ricci noted that this was the updated version following the Board’s review on January 8, 2024. She stated that it has added language to acknowledge the difference between the District’s actions and any of the lawful rights that landowners may take on their own. She stated that because beaver like to stop the water on the public drainage systems, staff has put together criteria to consider when they find those obstructions.

President Bradley stated that he and District Administrator Tomczik proposed that under ‘Considerations’, the fourth line down, following ‘strategies’ that the words “are attached” be struck and insert, “were considered in developing this policy”.

Drainage and Facilities Manager Ricci stated that she would support that modification.

Motion by Manager Weinandt, seconded by Manager Waller, to adopt this memo and protocols herein as the District’s Public Drainage System Beaver Management Policy, as revised per discussion, subject to change with Federal, State, and local regulations. Motion carried 3-0.

159
160
161
162
163
164
165
166
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

6. Redpath and Company Audit Engagement Letter

District Administrator Tomczik stated that this was an annual item for the District because they are mandated to have an audit of their financials.

Motion by Manager Weinandt, seconded by Manager Waller, to accept and authorize the Board President and Administrator to sign Redpath and Company’s 2023 audit engagement letter. Motion carried 3-0.

7. Compensation Philosophy-Employee Handbook

District Administrator Tomczik stated that at a recent workshop, the Board reviewed and discussed the Draft Compensation Philosophy. He explained that staff would like these changes to be accepted and for it to be placed in the District Employee Handbook.

Motion by Manager Weinandt, seconded by Manager Bradley, to approve the incorporation of the amended RCWD Employee Handbook section 4-10 into District employee handbook and practices.

Manager Waller stated that he thinks this is a lot of language that is redundant and explained that he would not support it because it essentially replaces 3 sentences with about a 2/3 of a page of language that says basically the same thing.

President Bradley asked if he objected to any of the actual language.

Manager Waller stated that he objected to all of it because he felt it was unnecessary redundancy and felt the document should ‘skinny-d’ up. He stated that the District had a nice policy that got to the point and left plenty of flexibility.

Motion carried 2-1 (Manager Waller opposed).

8. Check Register January 10, 2024, in the Amount of \$74,799.18 Prepared by Redpath and Company

Motion by Manager Weinandt, seconded by Manager Waller, to approve check register dated January 10, 2024, in the Amount of \$74,799.18, as prepared by Redpath and Company. Motion carried 3-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Anoka County Ditch 55 Emergency Maintenance and Coordination

Drainage & Facilities Manager Ricci gave an update to the Board on what had occurred with ACD 55 and explained that last week over the long holiday weekend, the District was notified by the City that a landowner was at risk of having water coming into their storage lot in Centerville between 20th and 21st Avenues. She stated that the system at this point has a 48 inch concrete pipe and noted that upstream is a section that is open channel, then moves into tile and travels through the Watermark development. She noted that the Centerville did some investigation on why some of the storm ponds were high and found

204 that a beaver had decided to store its food in the 48 inch concrete pipe and explained that
205 when they found it, it was almost solidly blocked. The City of Centerville quickly began
206 pumping to dewater the ponds in order to reduce the flooding risk to the landowners and
207 then contacted the District because it is a public drainage system. She explained that the
208 District worked closely with the City of Centerville to get the site as clean as possible as
209 quickly as possible which meant hiring a contractor to go in and remove the debris, by hand,
210 and noted that they also have beaver removal actions in place.

211
212 Manager Weinandt asked if District staff wore beepers and if now, how cities are able get
213 ahold of District staff in this type of situation.

214
215 Drainage & Facilities Manager Ricci explained that the landowner had called the City of
216 Centerville when they saw the water continuing to rise. She noted that cities tend to have
217 Public Works staff on call and if it is a public drainage system, then they also let the District
218 know as soon as possible, which was what happened in this case. She clarified that she did
219 not have a beeper but found out when she arrived for work on Tuesday morning.

220
221 Manager Waller stated that this was an example of staff working closely with one of the
222 cities on a timely basis to resolve the issue. He stated that he was happy to see this
223 addressed prior to having the ordinary high water mark established. He shared examples
224 of other situations where he has seen beavers fill up even larger culverts and suggested
225 that the District step up inspections.

226
227 Drainage & Facilities Manager Ricci noted how quickly a beaver can do this sort of activity
228 and completely stop a system in under 24 hours and explained that was why they
229 appreciated landowners and city staff letting the District know if they see something out of
230 the ordinary.

231
232 Manager Waller reiterated that he would suggest the District step up their inspections.

233
234 **2. 2023 Communications & Outreach Program Accomplishments**

235 Communications & Outreach Manager Sommerfeld shared a presentation that outlined the
236 2023 Communications and Outreach program accomplishments. She reviewed their goals,
237 challenges, various collaborations, analytics from the website/social media, shared details
238 of presentations/events/workshops given in 2023 as well as examples of targeted outreach
239 and new resources and tools that were created.

240 Manager Weinandt stated that she was glad to see what has been done and appreciated
241 having this information presented to the Board.

242
243 Communications & Outreach Manager Sommerfeld reviewed the various partnerships that
244 the District has established and work with the Citizen Advisory Committee activities. She
245 explained that for 2024 she plans to re-elevate their current activities, revitalize
246 partnerships, find new partnership opportunities, create/initiate new activities, be more
247 hands-on with workshops/events/meetings, make more appearances and presentations,

248 and increase collaboration with every District program. She explained that she would like
249 to have more strategic targeted direct outreach and ‘get things done’.

250
251 Manager Weinandt stated that she was glad the website was up and running. She liked that
252 they were attempting to communicate with people in multiple ways. She asked that if
253 there was something particular related to a specific County or city, such as Ramsey County
254 or the City of Mounds View, that staff would like the Board to participate in, she asked her
255 to let them know so they can also get involved in the events rather than just hearing about
256 them after the fact through the staff report. She stated that she would also like to have a
257 discussion on how the District engages the County Boards. She asked staff to think about
258 who would initiate this engagement as they approach the Metro MN Watershed meeting
259 next week.

260
261 Manager Waller highlighted the history of the Washington County Consortium meetings and
262 the involvement of the Soil and Conservation District. He explained that this has been
263 organized and managed by the County and not the watershed districts.

264
265 The Board discussed working with staff to provide opportunities to educate Ramsey County
266 Commissioners on the Districts activities and including Climate Resiliency and proposed
267 project’s on RCD 2, 3, and 5.

268
269 **3. District Engineer Update and Timeline**
270 District Engineer Otterness gave a brief update on the Drainage Workgroup and noted that
271 they will meet on January 11, 2024 to discuss a draft report from BWSR to the legislature.
272 He stated that they will also report on the run-off sediment delivery option that was put into
273 place 5 years ago in State statute that will be sunseting this year.

274
275 **4. Administrator Updates**
276 District Administrator Tomczik stated that there have been some security measures taken
277 with things like e-mails that the District put in place in partnership with their IT contractor.
278 He reviewed some of the changes he had made in the organizational chart that he was
279 distributed at the workshop meeting earlier this week. He stated that regarding Birchwood
280 Village, he had sent an e-mail to Councilmember McCarthy who responded and let him know
281 that they were looking forward to receipt of the documentation that the city was looking for
282 and explained that Drainage Attorney Kolb, in his analysis of those materials, had provided
283 an update for the city’s attorney. He noted that the District is looking at its contracted
284 services master agreements which they do on an annual basis. He explained that he had
285 attended the City of Columbus meeting on January 9, 2024 which included consideration of
286 ACD 10-22-32 and the landowners concerns. He stated that this was a workshop meeting
287 so no official actions were taken, but they were able to hear the opinion of the city engineer.
288 He stated that things he felt were notable were that their city engineer did not see Jodrell
289 as the issue for the concerns and also made comments on the maintenance of ACD 10-22-
290 32. He stated that there was also a good discussion on the difference between ground water
291 and surface water. He noted that the city engineer had also made note that the Carlos Avery
292 water management may be of interest to them and a consideration of a different reroute

293 that may help to navigate public waters DNR regulation. He explained that the District
294 made mention of the Board’s continuing work on this, plans to bring back alternatives for
295 materials, and also the ASIC and whether the Board wishes to undertake the task order from
296 Houston Engineering on the 24th. He noted that he had also mentioned to the city that the
297 District would be happy to collaborate with them if they wanted to study any areas.
298

299 President Bradley stated that he felt the meeting with the City of Columbus was a very
300 cordial meeting. He stated that he felt that they recognizes their unique problem in having
301 70% of their property as wetland or DNR controlled property with less than 5,000 people.
302 He stated that in their opinion, Jodrell is not the issue but also didn’t feel it was ACD 10-22-
303 32 either. He noted that they support the Districts efforts to do alternative #4, but feel it
304 may be a lifetime before there is DNR approval. He stated that they have also not taken a
305 position on which ASIC they should use and did express appreciation for the District’s efforts.
306 He stated that their belief was that the problem was the question of where this water is
307 coming up from and the possibility that Carlos Avery may be the cause.
308

309 District Engineer Otterness stated that he felt the city engineer did a great job explaining all
310 of the issues and was very candid with his opinions on the causes and potential solutions.
311 He stated that he thought the dialogue that took place at this meeting was highly valuable.
312

313 President Bradley stated that the city engineer had come up with the concept of putting in
314 a tile connection above Pine Street, bypassing the public waters, and then reconnecting
315 closer to the outlet.
316

317 The Board discussed details of the planned pathway that would avoid the public waters.
318

319 District Administrator Tomczik stated that this concept was that it was a way to navigate
320 regulation rather than provide relief to landowners upstream. He noted that it was
321 considered more of a groundwater issue and looking at ways that they may address it. He
322 stated that he believes that the District was able to provide clarity that the District has the
323 obligation to maintain the public drainage system and it was their intent to weigh the
324 cost/benefit of alternative #4 before they made a decision on which option to undertake.
325

326 President Bradley stated that the most positive walk-away for him was that the city was not
327 looking at the District like it was not trying to do its job.
328

329 District Administrator Tomczik stated that he appreciated the broadness in which the city
330 engineer had looked at things which included a review of the District’s regulations. He
331 stated that he felt the city engineer was keenly aware of the importance in how the District
332 rules manage stormwater at any given site to the property line.
333

334 President Bradley noted that there had also been specific discussion about whether or not
335 further development would exacerbate the problem.
336

337 District Administrator Tomczik stated that he did not hear any significant questioning of
338 Houston Engineering’s analysis of the situation or the documentation that was considered.

339
340 President Bradley reiterated that he felt it was a good meeting.

341
342 **5. Managers Update**

343 Manager Waller stated that he had attended the Birchwood City Council meeting last night
344 and explained that they chose not to take action on the data practices act for the time being.
345 He stated that he felt the revised organization table that was handed out was an
346 improvement from the prior version but still needed more work. He stated that he felt that
347 the new positions needed to be appointed by the Managers so they understand that they
348 have responsibility to the Board and not just to the District Administrator. He noted that
349 he would suggest that people get a copy of The Citizen article about the administrative court
350 hearing regarding White Bear Lake and explained that he had asked Hugo to share the
351 transcript with the Board. He thanked District Attorney Smith for bringing to the Board the
352 housekeeping amendment for Minnesota 103D, but clarified that he strongly objected to
353 page 8, 103D.357 because that is new language. He stated that he did not care for the
354 portion about having a Manager removed because he has a philosophical difference on the
355 ethics of a Board and noted that the other three items included were actually criminal
356 charges.

357
358 District Attorney Smith noted that the language in the proposed amendment was existing
359 law as it applies to metro watershed managers. He stated that it is the same language as
360 MN Rule 8410.040 and basically has the intent of making the same standard apply.

361
362 President Bradley stated Senator Kunesh has agreed to author the District’s bill and there is
363 also a proposed meeting on January 24, 2024 related to the House of Representative with
364 Sandra Feist.

365
366 **ADJOURNMENT**

367 ***Motion by Manager Weinandt, seconded by Manager Waller, to adjourn the meeting at 10:42 a.m.***
368 ***Motion carried 3-0.***