



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, February 28, 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

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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, 2nd Vice-Pres. Steve Wagamon, Secretary Jess Robertson, and Treasurer Marcie Weinandt

Absent: None

Staff Present: District Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, Watershed Technician/Inspector Will Roach, and Office Manager Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners; Ellen Hinrichs of Career Enhancement Options, Inc.; Allen Johanning of Gallagher (video-conference)

Visitors: Scott Robinson, David Sweargin (video-conference), Marcus J. (video-conference), Catherine (video-conference)

SETTING OF THE AGENDA

District Administrator Tomczik explained that, regarding Zoom meeting protocols, he asked that the Board understand that staff was doing their best to prohibit what happened at their most recent meeting. He explained that Permit Coordinator/Wetland Specialist Hughes will be monitoring and intervene, if necessary.

Motion by Manager Weinandt, seconded by Manager Bradley, to approve the agenda as revised. Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the February 12, 2024, Workshop and February 14, 2024 Board of Managers Regular Meeting. Motion by Manager Wagamon, seconded by Manager Weinandt, to approve the minutes as presented. Motion carried 5-0.

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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
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32 **OPEN MIC/PUBLIC COMMENT**

33 None.

34 **ITEMS REQUIRING BOARD ACTION**

35 **1. Gallagher RCWD Compensation & Benchmarking Study**

36 District Administrator Tomczik explained that the District has been working on its review of job
37 positions as well as the salary schedule in partnership with Gallagher. He noted that the Board
38 received an update on December 11, 2023 from Allen Johanning at Gallagher and was also present
39 today virtually to present to the Board.

40 Following some technical difficulties in getting audio to connect for Mr. Johanning, Manager Waller
41 suggested that he would like to see the Board return to in person presentations.

42 Allen Johanning, Gallagher, gave a presentation to the Board including a project overview, market
43 data, survey sources, data analysis, findings, observations and recommendations. He explained
44 that Gallagher consists of about 40 people who focus solely on public sector and higher education.
45 He reviewed the purpose of the study, project goals/objectives and outlined the approach that
46 Gallagher takes with data comparison and analysis. He explained that they found that the District
47 was slightly misaligned with the market when it comes to salaries and salary ranges.

48 President Bradley referenced the Findings page in the presentation and asked if the information in
49 table says that the District's salaries are below the market.

50 Mr. Johanning confirmed that the table was saying that, at the 50% of the market, the District pay
51 for the benchmark jobs that they examined were on average 9% behind the market reading.

52 President Bradley asked about the difference between salary and salary ranges.

53 Mr. Johanning explained that the actual salaries looks at the actual salaries of the incumbents
54 compared to the data reporting and the salary ranges looks at the minimums, midpoints, and
55 maximum salaries for those positions compared to the data. He stated that they look at both
56 because there could be a scenario where the actual salary is behind, but the salary range is
57 competitive.

58 Manager Waller referenced the Survey Sources page in the report and asked if the figures on the
59 Summary Comparison on the same page referenced by President Bradley were based on the surveys
60 and if it was only the ones marked with an 'x'.

61 Mr. Johanning confirmed that this was based off of the surveys of those that were returned which
62 are depicted with an 'x'.

63 Manager Waller stated that, in his opinion, he feels that those marked with an 'x' was actually a very
64 limited sample size.

65 District Administrator Tomczik asked if the published survey sources were also considered in the
66 analysis.

67 Mr. Johanning explained that it was a combination of all of that and noted that in terms of the survey
68 responses from the custom survey, generally they see about a 30% response rate, and in this
69 instance got over 50% is actually a good response rate.

70 Manager Waller asked if Mr. Johanning was stating that they used 16 sources.

71 Mr. Johanning stated that was correct and noted that with the published survey sources there could
72 be multiple organizations responding to those. He stated that whenever Comp Data and Economic
73 Research Institute sends out the surveys they are sent to hundreds of organizations so the responses
74 cast a very wide net.

75 Manager Waller asked about the weighting used between the published survey data versus the
76 custom survey data.

77 Mr. Johanning stated that if they have enough responses and felt good about the custom data, they
78 do give more weight to that data.

79 Manager Waller confirmed that the custom sources had the heavier weight in their analysis.

80 Mr. Johanning stated that was correct. He continued his presentation and outlined the general
81 observations and recommendations. He noted that based on this information they do not believe
82 that there is a need for an across the board salary adjustment, but would recommend adjusting the
83 salary structure based on the market trend data. He stated that they do recommend evaluating
84 the positions that may be impacted and adjust accordingly but also adopt a formal Compensation
85 Philosophy, which he believes the Board did at their last meeting. He explained that they also want
86 to make sure that the implement Salary Administration guidelines and tools from the Client Tool Kit
87 that they provide in order to maintain the structure. He noted that they always recommend
88 adjusting the structure on an annual basis to ensure that they stay in line with the external market
89 and noted that any salary advancement through the structure should be linked to performance or
90 other quantifiable measures. He explained that they were proposing adjusting the currently salary
91 structure by 4%, remove Grade 4 from the current structure, adjust the progression between ranges,
92 grades, and range spread. He noted that they also placed the District jobs within to the newly
93 proposed structure based on the best fit using the external market data and also the internal
94 hierarchy of positions within the District. He gave a brief overview of the job evaluation tool that
95 they use to evaluate the internal hierarchy of positions that takes into account things like skills,
96 knowledge, accountability, mental effort, communication skills, and working conditions/physical
97 effort. He stated that following this analysis they essentially 'married back in' the actual employee
98 to the analysis which involved calculating years of experience in their current roles and expected
99 rate of pay which identified employees that may warrant a change in compensation based on the
100 new salary structure and their time with the District. He explained that this adjustment would
101 ensure that all employees would be paid within their new competitive range that also takes into
102 consideration the time in their position. He noted that he would quickly move through the
103 Compensation Philosophy portion of his presentation because his understanding was that the Board
104 had already adopted this at a previous meeting. He noted that they put together Pay Administration
105 Guidelines in order to assist District Administrator Tomczik to consistently and accurately administer
106 the changes going forward. He reiterated that Gallagher was also providing a Client Toolkit that
107 includes tools that will allow him to bring in new employees and make sure that their pay is
108 consistent with how they are treating internal employees.

109 President Bradley explained that he has some problems with the proposed salary structure depicted
110 on page 37 of the packet. He noted that Mr. Johanning had indicated that the intent was to move
111 salary grades up by 4% which is close to what is proposed for the lower levels. He explained that
112 as you move up into the top ranges of 10, 11, and 12, the range maximum increase for range 10 by
113 14.5%, 11 by 15.4% and 12 by 17%. He stated that there is no way the District would be able to

114 explain that to the public on why there would be a salary range of \$182,000 for a position that they
115 currently pay \$135,000 and has a visual impact of being unattainable. He stated that it is also
116 inconsistent with the idea that they would be moving the grades up by 4% and also inconsistent
117 with the statement that the District is only slightly misaligned.

118 Manager Waller stated that he would not call the District 'slightly misaligned' because he thinks
119 grade 11 versus 10 was not a slight difference and was well within the range of +/-10%.

120 Mr. Johanning explained that those proposed changes were more a result of the midpoint
121 progression and the range spread adjustments that were made. He stated that this gets back to
122 not what adjustments would be to any actual salaries, just an adjustment to the range. He noted
123 that he can understand the concerns raised by President Bradley about the optics of these changes.

124 President Bradley stated that he would take no comfort in the concept that the Board would adopt
125 a schedule with the idea that they would knowingly not try to implement it because that is not fair
126 to the employees and would send the wrong message. He stated that he feels this needs to be
127 consistent with the reality of what the Rice Creek Watershed District would pay for their positions.
128 He stated that this is Rice Creek and will never be like others that are included in the schedule
129 comparison, nor should they be.

130 Manager Waller stated that he heartily agrees with what President Bradley has said and explained
131 that when he looked at this schedule, he thought it was nuts. He stated that these numbers are a
132 fantasy.

133 President Bradley questioned what had happened to the 4% that was included in the narrative.

134 Manager Waller stated that he realizes that there have been some jumps with inflation recently, but
135 reiterated that he did not think they were that far out of line with the current structure. He noted
136 that they may need to break things down a bit more because of the expansion of supervisory
137 positions in the current range.

138 President Bradley referenced page 35 of the packet and noted that he did not have many grievances
139 with what has been proposed for the lower grades, but does for 10, 11, and 12.

140 Manager Weinandt stated that she wanted to clarify that they were not talking about actual salaries
141 and were talking about ranges.

142 President Bradley noted that they were also talking about expectations.

143 Manager Weinandt stated that the District has updated position descriptions so she feels they are
144 more likely to have the positions with the correct pay grade. She referenced page 39 of the packet
145 under 'expectations' which makes the statement of 'placement within the structure determined
146 expected rate of pay within upgraded ranges based on years of experience'. She asked if there was,
147 internally, a way that says, for example, a new employee that has 3 years of experience will get
148 plugged in at a certain range and asked if that employee would expect a step up at 2% or 3% and if
149 there was some sort of step system in place within the District or if it was based on what the Board
150 decides to annually increase. She referenced page 43 of the packet that talks about the 'total
151 reward' comparison. She stated that she believes the idea was talking about this when someone
152 comes into the organization, but she would suggest that is information that employees would get
153 every year so they understand the total cost of their position.

154 District Administrator Tomczik stated that the historically they have shared the total rewards
155 information with employees along with the individual appraisal and are advancing it and making it
156 all encompassing to show the benefits that the District has including vacation, holidays, and medical.
157 He noted that the District does not have a defined step increase and explained that the expected
158 rate of pay element is a way to show tenure but noted that he did not like the word 'expected'. He
159 stated that it was a way to gauge the salary that an individual may be having and where it would fall
160 within the schedule.

161 Manager Weinandt asked if he was referring to time of hire.

162 District Administrator Tomczik stated that at time of hire it would be based on the individuals skills
163 set and experience but someone who has been at the District could also see what it looked like
164 within the schedule after they have been here a long time.

165 President Bradley stated that his recommendation would be that the Board not accept this table
166 and ask staff to bring back a new table which, in accordance with the table on page 35 of the packet,
167 would not increase any range by more than 10%.

168 Manager Wagamon stated that it appears to him that this is based on years of experience and if the
169 District is using these as a general rule he asked the expectation was that two 10 year employees to
170 be paid exactly the same or is there variation based on the difference in the employees. He gave an
171 example of two employees that had both worked for a fictional company for 10 years with one
172 employee handling 5 things a day and the other handles 4 a day and makes a lot of mistakes along
173 the way and asked if their pay would both be the same or if they would be paid for their value.

174 Mr. Johanning stated that he would say years of experience are intended to be a proxy in order to
175 give an idea, but would say that they would absolutely want to take into consideration the
176 performance and differences between employees.

177 Manager Wagamon stated that he understood that years of experience was valuable but felt that a
178 lot of weight was being added in this document based on that. He stated that he believes that there
179 needed to be leeway for people that excel in their positions.

180 District Administrator Tomczik stated that years of experience is one of the methods that they use
181 to gauge where staff is within the schedule, but clarified that there are multiple factors that would
182 be used to determine anyone's wage. He invited Ellen Hinrichs to address the Board if she had
183 anything to add to the discussion.

184 Ellen Hinrichs referenced page 38 of the presentation that shows the five components of the Job
185 Evaluation Tool (JET). She stated that Mr. Johanning had provided this tool to the District and she
186 and District Administrator Tomczik had gone through every job description at the District and was
187 then married in with years of service to create somewhat of a guard rail that they want to be
188 ensuring that each employee is at least within the range of the formula created by Gallagher in order
189 to give credit to people with their years of service within the District and their various roles. She
190 reiterated that there are lots of factors at play and noted that they have spent a lot of time with Mr.
191 Johanning in order to understand it and noted that with the tools they are delivering it will help to
192 ensure that there is a solid science behind this as well as the tools to administer it. She stated that
193 it not a grade step system but would show that employee performance would be rewarded based
194 on the grade that the job description indicates where they should be. She explained that the high

195 numbers referenced by President Bradley for grades 10, 11, and 12 is just a range and while she
196 understands the concerns about the optics, it comes back to what the actually salary would be which
197 is available to the public. She noted that if the Board adopts this or modifies it, she clarified that it
198 was a solid structure based on the midpoint of the lowest grade which takes into account the market
199 value for the positions and by having a wider grade range, ensuring that the District can reward
200 people who may stay in their position because there are not a lot of opportunities for higher jobs
201 because there is only 18 staff members in the District. She stated that this would be a way of being
202 able to reward them over the years.

203 President Bradley stated that he would pushback a bit on that statement because if you tell
204 somebody that their job could be worth \$184,000 but reality caps them at \$144,000, that creates a
205 dissatisfaction. He stated that he did not feel that they should set a theoretical salary that cannot
206 be attained because he didn't feel it could be done without creating dissatisfaction.

207 Manager Robertson stated that some of her comments will be repetitive from their discussion at
208 the workshop. She explained that part of her challenge with this study is that the thing they are
209 talking about is increases in salary and referenced the slide that explained that the study 'IS NOT'
210 which stated that it was not a strategy to increase pay, but that is what they are talking about. She
211 stated that some of this seems counterintuitive to her and does not want to come across like she is
212 lacking empathy and does not value the District staff because she does. She stated that if some of
213 the findings from the study, such as what was shown on slide #11, were not showing them that the
214 District's current salaries were not already competitive within the market, she may be more open
215 to having this kind of dialogue. She explained that she was struggling with even discussing this
216 because nothing that has been presented to the Board from findings shows them that they are way
217 off base or were not doing it correctly. She asked about the salaries that were indicated within the
218 findings of the study included total employee cost such as benefits and PTO, or if it was just the
219 salary.

220 Mr. Johanning stated that this was just base salary information.

221 Manager Robertson stated that then she would suggest that there are other ways to honor the time
222 or commitment that someone has had to a specific role. She explained that it is not uncommon
223 for someone in the business world for someone to come into a brand-new job with 10 years of
224 experience, rather than getting the minimum of a 2 week vacation, they may get 4 weeks of
225 vacation. She reiterated that she feels that there are other ways to value employees experience,
226 time, and effort and does not know that this information from Gallagher reflects that. She noted
227 that she respected the time and effort that was put into this study but would like to know the cost
228 of this study to the District.

229 District Administrator Tomczik stated that the contract with Gallagher is for \$12,000.

230 Manager Weinandt stated that she has served on this Board for a little over 4 years and at that time
231 the salary information was dated 2008 so this has been a progression over the last several years,
232 including the position descriptions being updated. She stated that she sees this as an updating of
233 the employee portion of the District. She noted that if she understood this information correctly
234 it would not, necessarily, increase any salaries and is just depicting the range. She stated that she
235 believes it is the effort to get a structure with this salary science so instead of just making decisions
236 randomly or an old scale that had included 'failing to meet expectations'. She explained that she

237 feels that this has been a deep dive into a very old system in order to build the scaffolding on which
238 salaries have some reasoning and legitimacy behind them. She stated that she agrees with the
239 statement made by President Bradley that they do not want to raise any expectations for employees
240 and will need to be wise about this and also have the public face of what they are doing to be
241 attentive to as well.

242 Manager Robertson asked if the issue before the Board today is to either accept or not accept what
243 has been presented.

244 President Bradley confirmed that was correct.

245 Manager Robertson stated that she would suggest that the Board go ahead and vote on this item.
246 She stated that if the Board was looking to restructure this she does not think they should attempt
247 to hash it out during the Board meeting because they do not have all the information and data to
248 be able to do that. She explained that in her opinion she did not think the Board should move
249 forward with what was presented today.

250 President Bradley asked if it was true that the District had recently worked on the employee
251 handbook in which they set the vacation levels and benefits and had taken a look at comparable
252 watershed districts to ensure that they were in line.

253 District Administrator Tomczik stated that was correct and noted that the District, among its peers,
254 is similarly aligned in their benefit offerings.

255 President Bradley addressed Manager Robertson and stated that the District has already taken into
256 consideration the benefits to ensure that they were not out of line and now the District is attempting
257 to compare salaries.

258 Manager Robertson stated that she just feels that those numbers should be included if they are
259 dialoguing hard numbers, she wants to know about them and should be considered as part of the
260 whole picture so the Board truly knows what the total cost is. She reiterated that she wanted to
261 be very clear that her comments are not meant to say that she does not value the District staff or
262 their skill set but the Board has a financial responsibility to the counties that they represent as well.

263 President Bradley assured Manager Robertson that her comments have not been taken
264 disrespectfully. He noted that one thing he did not want to do is hold up salaries for staff and
265 explained that his understanding was that District Administrator Tomczik had not yet implemented
266 the 2024 salaries because he was waiting for this study to be completed. He explained that he did
267 not believe anyone was at the top of their range that would prevent District Administrator Tomczik
268 from giving them their salaries while the Board works this out.

269 District Administrator Tomczik agreed that he had not implemented the 2024 salaries yet. He
270 stated that this is work that is done periodically and explained that it was a bit different than the
271 last one was completed because it is a deep dive and expressed his appreciation to Manager
272 Weinandt for acknowledging the review of the job descriptions. He stated that information in the
273 presentation showed that the District salaries are competitive and perhaps slightly misaligned
274 between the salaries and the salary schedule which is generally good news. He suggested that
275 utilizing the information from Gallagher in order to stay current and make a slight adjustment. He
276 referenced the table depicted on page 37 of the packet and the concern about adopting a salary
277 schedule that the District can implement that has a high end that is not in agreement with the

278 previously noted 4%. He noted that President Bradley had offered some numbers of where he
279 thought the limits should be and feels Gallagher may be able to make those adjustments on the fly.

280 Manager Waller stated that he was not in favor of moving forward with this today and will vote
281 against approval. He stated that he finds that there has been no total cost which should include
282 salary and other non-taxable items. He stated that he believes that once they look at that and add
283 it in and is considered as part of the salary range, that they will find that the District actually pays
284 really well. He stated that if they end up a little bit on either side of the bell curve he would not
285 have an issue with it because Rice Creek Watershed District is not Hennepin County. He explained
286 that was part of why he made the point earlier about the weight of the survey and who was included.
287 He stated that he also does not like the idea of re-examining this every year or two and should be a
288 longer period of time.

289 Manager Wagamon stated that he agreed that the benefits are a big deal and important to be
290 included.

291 President Bradley stated that he thinks what is important right now is that the District get the
292 employee salaries and raises for 2024 in place where they should be because they have waited two
293 months. He stated that the Board's dispute over this table is unrelated to that action. He stated
294 that as the Board continues to work on this item, he wants to ensure that the employees are not
295 hurt.

296 Manager Waller stated that the employees have had that opportunity all along and clarified that the
297 Board's action has not restricted the raise from being put into place two months ago. He noted that
298 he realized that this was a decision made by District Administrator Tomczik but wanted to point out
299 that it was not the Board that has been holding this back. He noted that he does not only have
300 problems with the table because there are also a lot of internal things that he was not happy about.

301 President Bradley stated that this study was a lot more than just the table they were referencing
302 and stated that there was not reason not to implement the other aspects of the study. He stated
303 that he felt this was good work and useful, but they should get the staff paid.

304 ***Motion by Manager Bradley, seconded by Manager Waller, that the Board encouraged the District***
305 ***Administrator to implement the salary raises that, based on this work, should occur in 2024 and***
306 ***bring back to the Board a modified salary range based on the discussion at today's meeting.***

307 Manager Waller explained that he would vote against this motion because there has been no
308 restriction on those salary actions already being implemented. He stated that this particular study
309 has a lot of information that he does not care for including the frequency of review of salaries and
310 ranges. He reiterated that he felt that staff should have been compensated 60 days ago and
311 believes this study will need a lot more work.

312 District Administrator Tomczik stated that related to total costs, there are no doubts in his mind that
313 those would be additional expenses to the District for every employee. He stated that his
314 comparison is his knowledge of the District's peer groups that he knows offer very similar things.
315 He stated that he would hesitate to go too far in this direction because observing the number, which
316 would be larger, would be impactful in the viewing, but in the context of the competitiveness with
317 their peers would suggest to him another study. He stated that he was not suggesting that the
318 District is identifying itself as one of their peer groups, whether it be a county or another watershed,

319 but bottom line to this subject matter is how it pays the individuals that work for the District. He
320 explained that the thought that went into the scouring/scrubbing of the job descriptions and their
321 placement on the scale was that the value was aligning internally. He noted that to dismiss what
322 he now knows makes it difficult because he wants to use that in administering salaries. He stated
323 that he felt it was important to note that it should 'raise, if any' because some of the positions are
324 at the top edge already.

325 President Bradley explained that the purpose of his motion is to indicate that the Board wants
326 District Administrator Tomczik to proceed with implementing the 2024 salaries.

327 District Administrator Tomczik stated that he goes back to President Bradley's original comment
328 regarding the schedule and the top end percentages that were concerning and not creating a fiction
329 on the landscape that an employee would point at a number and say, 'Ooh, eventually I could get
330 there', which would be disingenuous if they never intended to pay it. He reiterated that Mr.
331 Johannig can quickly make adjustments in the spreadsheets and stated that President Bradley had
332 thrown out some percentages that he would find acceptable in an earlier statement.

333 ***Manager Bradley withdrew his original motion. Manager Waller withdrew is second.***

334 ***Motion by Manager Bradley, seconded by Manager Weinandt, to accept the work done, to date,***
335 ***to review salaries of individual employees, job descriptions, and placement, and encourage***
336 ***District Administrator to implement the 2024 salaries retroactive to January 1, 2024, based on this***
337 ***work.***

338 Manager Waller stated that he did not see a need for the Board to have to have a motion to
339 encourage that action because that authority already existed for the District Administration and it
340 could have already been done. He noted that he was really disappointed to find out that this had
341 not already been done.

342 President Bradley explained that his motion was based on the other work that had been completed
343 by Gallagher.

344 Manager Waller stated that he understands that but feels the excuse that has been given is that
345 District Administrator Tomczik was waiting for this study.

346 Manager Wagamon stated that he wants to make sure that the Board is clear that District
347 Administrator Tomczik has the room, as it stands, to give raises without concern.

348 President Bradley explained that was what he felt he was trying to do with the motion he put forth.

349 Manager Wagamon stated that he thought that District Administrator Tomczik could do that either
350 way.

351 District Administrator Tomczik stated that he would say that once you 'know what you know' it is
352 hard to 'unknow' it. He stated that with President Bradley's proposed motion, outside of the
353 proposed schedule, there is a lot of background work that he could utilize. He explained that he
354 was understanding the motion to represent that he can go ahead and use that background
355 information which he feels is workable. He stated that he can adjust salaries based on that
356 information and stay within the Board's approved budget for 2024.

357 Manager Robertson stated that she feels like each of the Board members are essentially asking the
358 same questions but through a different lens. She asked if what President Bradley was proposing
359 was that the Board greenlight the 2024 salary adjustments based on this study from Gallagher.

360 President Bradley stated that was correct, except for the table setting the salary maximums.

361 Manager Robertson asked if it was correct that outside of this very thorough study, whether it is
362 accepted by the Board or not, District Administrator Tomczik has complete authority, within the
363 approved budget, to approve salary adjustments for 2024.

364 Manager Wagamon noted that this was the same question that he was trying to raise earlier in the
365 meeting.

366 District Administrator Tomczik stated that he does not want to give a ‘political’ answer, but he will.
367 He explained that the District Administrator is, within the job description, given the authority to
368 implement that, but noted that the District does not have an adopted 2024 schedule. He stated
369 that he could implement something, but having the greater knowledge of an adopted schedule for
370 2024 would give him more certainty in doing that task.

371 Manager Robertson stated that her opinion is that she has more faith in District Administrator
372 Tomczik’s ability to give raises than she does in the report in its current form. She stated that if
373 the motion was for the Board to approve the raises and accept this report, her vote will be ‘no’,
374 because she does not agree with the report. She noted that she does believe that the Board has
375 all put their faith in the ability of District Administrator Tomczik to be able to do what he needs to
376 do for staff which he has the authority to do.

377 President Bradley stated that the purpose of the motion is to encourage District Administrator
378 Tomczik to implement the 2024 salaries using the information that he has available to him which
379 would include the studies that have been done with the assistance of Gallagher.

380 Manager Robertson reiterated that she has more faith in District Administrator Tomczik than she
381 has in the report that has been presented to the Board. She stated that the current motion was
382 asking her to vote in favor of this report in conjunction with allowing the salary adjustments so she
383 will vote ‘no’.

384 Manager Wagamon explained that he would also vote ‘no’. He stated that he agrees with Manager
385 Robertson that they are getting at the exact same question.

386 Manager Waller called the question.

387 ***Motion failed. Aye – 2 (Bradley and Weinandt); Nay – 3 (Waller, Wagamon, and Robertson).***

388 President Bradley stated that the Board recognizes and agrees that District Administrator Tomczik
389 has authority to set salaries in 2024 using his best judgement.

390 Manager Wagamon agreed and noted that he has always had that ability.

391 ***Motion by Manager Bradley, seconded by Manager Robertson, to direct District Administrator***
392 ***Tomczik to set the salaries in 2024 using his best judgement within the budget that has been***
393 ***approved by the Board.***

394 ***Motion carried 5-0.***

395 Manager Waller questioned why this kind of motion was necessary.

396 District Administrator Tomczik stated that it does add clarity to the record as to the direction from
397 the Board related to his job description and duties. He explained that he will need more direction
398 from the Board on where they go from here and noted that the work conducted by Gallagher
399 crescendos as a salary schedule for 2024.

400 ***Motion by Manager Bradley to direct staff to attempt to come up with a basis to provide***
401 ***information to employees including salaries as well as value of the benefits as part of a total***
402 ***compensation package.***

403 Manager Waller explained that he felt the total compensation package information was important
404 and noted that the value can differ from person to person. He shared examples of an employee
405 who was unmarried and did not have children, he would not draw the same insurance expenses as
406 the employee who has a family. He noted that a defined pension program would be the same
407 because there is a value to that versus a 401k account.

408 President Bradley stated that he doesn't feel that he knows enough to define what the end product
409 should look like.

410 Manager Robertson stated that when the City of Blaine went through this and the information was
411 presented to the city council, what was presented to them is that they could complete the steps of
412 the program within a percentage range. She shared that for example, if they had done exactly
413 what had been presented in the study, it would have put them at an overall 75% increase and then
414 landed at funding it around 50%, which changed all the numbers on the charts. She suggested that
415 they provide data to the Board through a different lens, for example, what the total cost increase
416 would be and then allow the Board to find a comfort level with that information that includes the
417 other cafeteria items outside of salaries. She stated that when they are looking at just the chart
418 that was presented, they are looking at it through a single lens and not seeing the full picture of the
419 cost increase to the District. She stated that when this comes back before the Board, an overall
420 picture that includes an increase of percentage, overall, to what the cost would be to the District,
421 would be helpful.

422 President Bradley stated that he thinks it is clear that this will not be able to come back before the
423 Board in a short period of time. He asked the Board if they would be comfortable increasing the
424 salary schedule by 4% while they continue to work on the broader picture.

425 Manager Waller stated that the District has a budget that has already been established for 2024 and
426 salaries should be been determined based on that budget back in November.

427 President Bradley noted that it would not be a 4% increase in salaries and would be the range.

428 Manager Waller explained that he did not see the need to change anything at this time because
429 there was plenty of information available to have made this decision back in November. He stated
430 that he doesn't think anything else needs to be done besides the Board looking at the study and finding
431 the parts that they feel are valuable.

432 President Bradley explained that he was simply looking for a placeholder while the Board does that
433 work.

434 Manager Waller stated that he did not feel the District needed to have a placeholder.

435 Manager Robertson agreed because the District already has one because the budget was set for
436 2024 and District Administrator Tomczik has the authority to make adjustments.

437 President Bradley asked if she felt that as part of District Administrator Tomczik's authority was to
438 also set the salary schedule.

439 Manager Robertson answered 'no' and explained that the Board has asked District Administrator
440 Tomczik to take care of the 2024 salaries and she did not understand the need for additional motions
441 at this time.

442 Manager Weinandt stated that the District has a 2022 salary schedule that is up for revision.

443 President Bradley reiterated that he was just asking for there to be a placeholder to allow an across
444 the board 4% increase in the 2022 salary structure.

445 Manager Waller stated that he thinks that within the current structure that is only 2 years old, there
446 is already plenty of room to provide President Bradley's suggested 4% increase and also did not feel
447 another motion was necessary.

448 President Bradley stated that he was basing this on the recommendation of the consultant that said
449 the District salary ranges were off by 11%.

450 Manager Waller stated that as he alluded to earlier in the meeting he did not feel the District was
451 'out of the ballgame'.

452 President Bradley stated that he also did not feel the District would be ahead too far if by approving
453 the 4% because it would simply bring it from 11% down to 7%.

454 Manager Robertson stated that the Board is essentially arguing over 1% because they are not
455 arguing over the full 11% based on the chart. She stated that there was nothing glaring in the
456 report that prompts her to take immediate action and accept parts of the data from the report and
457 not others. She stated that through the last motion, the Board gave District Administrator Tomczik
458 the authority to do exactly what he needs to do and this report is no longer part of that equation as
459 it relates to raises because the Board has already given him the authority to do that. She stated
460 that what they have to do behind the scenes with this report remains to be seen and noted that she
461 wasn't sure they needed to have a motion on it because staff and the consultants were hearing this
462 discussion. She reiterated that she did not feel any additional motions were necessary and thinks
463 it is clear that the Board absolutely wants to take care of District staff which District Administrator
464 Tomczik has the authority to do and the Board essentially doubled down on that authority. She
465 stated that if the salary schedule is 18 months old, 10 days old, or 2 years old, the Board will still
466 take care of their employees. She reiterated that she did not see the need for additional motions
467 or even dialogue on this issue because she feels they have done their due diligence on whether they
468 agree or disagree with the contents of this report.

469 Manager Wagamon stated that he doesn't have a problem with what is in the report and thinks the
470 report is fine. He explained that he just thinks the District needs to be farther and doesn't see any
471 reason to pull certain things out of the report at this point. He stated that District Administrator
472 Tomczik has all the authority he needs in this situation to be able to take care of everybody.

473 Ellen Hinrichs stated that the total overall cost will not change whether the Board adopts this model
474 and structure or not because District Administrator Tomczik absolutely has the authority. She

475 explained that what District Administrator Tomczik has utilized the tools from Gallagher for in
476 estimating what those increased would be for staff, is within the budget that the Board has
477 approved. She stated that what this would do is provide that structure moving forward and would
478 most likely be able to live within the District for quite a long time whether or not the upper grades
479 are reduced a bit or not. She stated that this is a solid structure based on lots of research and it is
480 within the budget that has already been approved which means that there would be no additional
481 costs in adopting or modifying this report.

482 District Administrator Tomczik stated that for the Board's total compensation inquiry, it would be
483 important to have a schedule that reflects what Gallagher did and noted that outside of salaries are
484 the progression of ranges between the different grades, internal equity, and then the range spread
485 and how the Board sees retention in that. He noted that component of total compensation in its
486 order within itself if an important component.

487 ***Motion died for lack of second.***

488 President Bradley thanked Mr. Johanning for his work on this report and assured him that his work
489 would live on through District Administrator Tomczik.

490 **2. Stormwater Management Grant Awards**

491 Watershed Technician/Inspector Roach reviewed the funding requests and recommendations for
492 the 2024 Stormwater Management Grant year. He stated that the applications for funding were
493 reviewed by staff, Houston Engineering, and the Citizen Advisory Committee. He reviewed the
494 average scoring of the applications by those three entities. He reminded the Board that a public
495 information meeting was held on February 14, 2024 where they had report that the total requested
496 funds exceeded the \$300,000 budget by about \$75,000. He noted that the Board had given staff
497 the direction to try to keep the funding within the allotted budget and explained that they had come
498 up with two options for Board consideration. He explained that Option A would fully fund the top
499 ranking application and then incorporate an even reduction across the remaining applications and
500 Option B would provide no funding for the lowest ranking application and an even reduction across
501 the remaining applications.

502 District Administrator Tomczik noted that Watershed Technician/Inspector Roach along with staff
503 were kind enough to point out that due to the rounding within the tables, if you add them up it may
504 actually be at \$300,001.

505 President Bradley explained that he had approached staff because he is particularly interested in
506 funding the Willernie, White Bear Township, and the New Brighton projects. He asked if it may be
507 possible to give less money this year to Arden Hills but he was advised that the city has this project
508 scheduled for 2024 and would not be able to implement it in steps. He explained that he wanted
509 to make sure that Willernie gets some funding from the District because that is a flooding project so
510 he would be in favor of Option A.

511 Manager Wagamon noted that staff and Houston Engineering had the Willernie projected rated
512 much lower than the others. He stated that he had gone back and forth between the two options
513 and ended up in favor of Option B and thought perhaps Willernie should come back in the future
514 where they may have the chance for more money. He explained that he would hate to short the
515 good or higher ranking projects just to give money to one project that doesn't quite stack up against
516 the others.

517 Watershed Technician/Inspector Roach explained that the reason the Willernie project scored
518 significantly lower by staff and Houston Engineering was that at the time of the application, the City
519 of Willernie did not have modeling available and prepared for this project. He noted that, in
520 concept, it seems like a fine project, but the program guidelines require being able to demonstrate
521 the effectiveness of the proposed treatment.

522 Manager Wagamon asked if Willernie still had not provided that information.

523 Watershed Technician/Inspector Roach stated that, to his knowledge, they have not.

524 Manager Wagamon explained that this information cements his opinion and reiterated that he
525 would support Option B.

526 Manager Waller stated that he does not like either of the funding options but appreciates that staff
527 was able to get the total cost to \$300,001. He explained that the reason he doesn't like the options
528 is because Ramsey County projects were \$312,000 from the three different cities and Willernie's is
529 about \$34,000 and Fridley's was \$30,000. He stated that if you look at this from a tax contribution
530 level from the different counties, Washington County contributes about \$60,000, Anoka County
531 contributions about \$90,000 and about \$156,000 comes from Ramsey County. He noted that if
532 Fridley and Willernie were funded for their full requests, that would be about \$64,000. He stated
533 that he felt that cutting the \$75,000 should have some from the other three projects or somehow
534 balanced between them. He stated that he listened to the presentation made by White Bear
535 Township regarding the underground catch basin that would be put in eventually, he got the
536 impression that they will be back in front of the District again. He suggested that the Willernie and
537 Fridley projects be funding for the full amount of their requests and then the balance of the \$75,800
538 that needs to be cut in order to match the budgeted amount be cut from the Ramsey County
539 projects. He stated the contributions from Washington County and Anoka County are greater than
540 what their requests have been this year.

541 Manager Wagamon stated that he would think that this would level out over time and did not think
542 that they should pick individual projects and say that each county has to get equal money out of it.
543 He noted that he feels that the Board should go with the projects that make the most sense.

544 President Bradley stated that he agreed and felt it would be a dangerous slope to start saying that
545 the District would start divvying up their money based on counties. He stated that the District takes
546 on projects based on a system that is in place.

547 Manager Wagamon stated that the whole idea was that because the counties couldn't get along
548 enough to fund these projects so the District would take the politics out of it and separated the
549 projects without using those boundaries.

550 Manager Robertson stated that she feels the Board sort of had the same undertone to their
551 conversation surrounding the salaries. She stated that if the District is approving \$300,000 worth
552 of grant funding and it weighs heavily in one county versus others that are also pivotal members of
553 the District, she does think that is an issue. She stated that she and Manager Waller had not
554 discussed this prior to the meeting. She explained that she had taken her own notes and did some
555 calculations and would agree that the District should fund the little projects and divvy up the
556 remainder of the funds between the rest of the projects. She stated that she understands the point

557 that Manager Wagamon was making, but, in her opinion, this is not playing politics and is, instead,
558 rooting for the underdog and the little guy rather than the politics of it.

559 Manager Wagamon stated that he felt that was also a valid point.

560 Manager Waller stated that the last comment from the Advisory Committee from a long time
561 member was that every county should have something and his point was that the little cities haven't
562 received any money in many decades.

563 President Bradley suggested that the Board modify Option A in order to give White Bear Township
564 the \$92,400 from Option B which would leave \$7,600 to distribute to the smaller applicants.

565 Manager Wagamon stated that from what he understands the Willernie application has not been
566 completed with all the information.

567 Manager Waller stated that he would recommend it be like a CAPROCK where there has been an
568 application and are seeking more information and the funding won't be distributed until that
569 additional information is received. He stated that the District does that all the time with permits.

570 Manager Wagamon stated that he would not mind that approach as long as it comes back as
571 legitimate.

572 District Engineer Otterness clarified that for the Willernie proposal they did consider that to be an
573 application that was eligible and noting that the modeling was not present did not make it ineligible,
574 but was a factor in determining the value in meeting the District's goals. He explained that there
575 was less clarity with that application in how it would meet the District's goals because of the lack of
576 modeling and lack of clarity on what the target flooding area was a well but the city has identified
577 a concern and is doing something to address it. He noted that he believes the nature of it is
578 probably more along the lines of backyards or front lawns being inundated with water rather than
579 structural damage type concerns. He asked the Board to be clear in their evaluations related to the
580 location of the benefit because it may not be the same location as the project is situated. He gave
581 the example of the White Bear Township project that is located within Ramsey County, it will provide
582 benefit through the whole Rice Creek system because there would be treatment going through all
583 three of the counties.

584 Manager Wagamon stated that District Engineer Otterness' last point was what he was trying to get
585 at when he said the District was not supposed to be looking at boundaries. He stated that the
586 whole idea was whatever project does the best good for the whole District is what he felt their
587 mandate was.

588 Manager Waller stated that was the exact philosophy that has been done of 'doing the best projects'
589 and is also why the ditches don't work in Anoka and Washington Counties. He stated that he
590 cautioned the idea of selection of the 'best projects' and noted that as far as resources, he feels it is
591 true of every project the District does because they value the resources all the way down. He stated
592 that in past years they were not be able to get enough people to apply for these grant funds, so it is
593 a bit unfortunate that they have had so much interest this year. He reiterated her concerns about
594 the enthusiasm for the 'best projects'.

595 President Bradley stated that he was also concerned about the ability of cities to afford their projects
596 and is well aware that Willernie is a very small taxbase which was why he was willing to propose
597 that everybody participate and have White Bear Township participate at the \$92,400 from Option

598 B and take the difference and spread it between Fridley and Willernie. He noted that he was
599 particularly in favor of the Willernie project along with the White Bear Township and New Brighton
600 projects because they deal with flood water and storage.

601 Manager Wagamon stated that he would not have a problem with that.

602 Manager Robertson explained that she felt she was on the same page as President Bradley and
603 explained that she wanted to fund the 'little guys' because the smaller townships/cities do not have
604 utility budgets like larger cities do. She stated that her inclination is to do it as a gesture of goodwill
605 that the District understands how difficult it can be for the smaller government entities. She stated
606 that her math may differ bit from President Bradley because she wants to fully fund the requests by
607 the two smaller applications.

608 President Bradley stated that he was not sure that Fridley was smaller than White Bear Township.

609 Manager Waller reminded the Board that they were not supposed to be doing this based on the
610 political taxbases.

611 Manager Robertson stated that fundamentally, the win is that they went from \$375,000 in grant
612 requests down to the budgeted \$300,000. She explained that her intent was not to 'nickel and
613 dime' what funds go where, but did want to share her opinion.

614 ***Motion by Manager Bradley, seconded by Manager Weinandt, to Adopt Resolution 2024-02***
615 ***(Option A) Ordering 2024 Stormwater Management Grant Projects Pursuant To Minnesota***
616 ***Statutes §103b.251.***

617 Manager Weinandt suggested a friendly amendment to do what President Bradley had suggested
618 in taking the proposed dollar amount for White Bear Township from Option B, and allocating the
619 difference towards the Willernie request.

620 The friendly amendment failed.

621 Manager Robertson noted that she would also ideally like to fully fund the request from Fridley by
622 whittling off funds from the other projects.

623 District Administrator Tomczik stated that he appreciated the Board's attention to the budget that
624 was set. He reminded the Board that they are a watershed based organization and the political
625 boundaries are based on hydrologic because what happens upstream has impact downstream. He
626 stated that Kyle Axtell held a position with the District that held a lot of rapport with the District's
627 municipalities and there was a cultivation of understanding and noted that the District had asked
628 them all to develop their own, local watershed plan for implementation. He stated that the
629 cultivation of those projects and what is on the horizon and the work of the Project Manager
630 position was cause in informing the budget going forward and where they would place money within
631 the funds. He explained that the origin of this grant program may be sort of a catchall for those
632 that were not under discussion or things that have may have been missed. He stated that within
633 their budget, they try to address those but whether they happen in the current year or future years
634 is not always as clear. He stated that he could take a look within the District's budget for a way to
635 fund the Fridley project in an alternative way which has been done in the past.

636 Manager Robertson asked for clarification about where the Board was within this process.

637 Manager Waller stated that there was a motion on the table that had two votes in favor and no

638 other votes have been taken.

639 President Bradley reiterated that the intent of the amended motion was to take \$8,000 from White
640 Bear Township and allocated that to Willernie to fully fund their project which would leave a few
641 dollars left over that could be given to Fridley. He asked if anyone on the Board had an alternative
642 motion.

643 Manager Robertson stated that she was hung up on the math and reiterated that she feels the
644 District can fund the smaller requests in their entirety. She suggested that they move forward with
645 \$93,000 for White Bear Township; \$30,000 for Fridley; \$70,000 for Arden Hills; \$74,000 for New
646 Brighton, and also fully fund the request from Willernie which should get them around the \$300,000
647 budget number but would be over by a few hundred dollars.

648 ***Motion by Manager Robertson, seconded by Manager Waller, to amend the motion on the table***
649 ***and set the funding for White Bear Township at \$93,000; City of Fridley \$30,000; City of Arden***
650 ***Hills \$70,000; City of New Brighton \$74,000; and City of Willernie \$33,150.***

651 ***Amendment carried 5-0.***

652 ***Motion to Adopt Resolution 2024-02.***

653 THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes §103B.251 and the WMP, each
654 of the Projects is ordered; and,

655

656 BE IT FURTHER RESOLVED that the Board of Managers hereby authorizes the Administrator to
657 execute each of the respective cost-share agreements between the Rice Creek Watershed District
658 and the City of Arden Hills, City of Fridley, City of New Brighton, City of White Bear Township and
659 City of Willernie, with any final non-material changes and on advice of counsel; and,

660

661 BE IT FINALLY RESOLVED that the limit of the District's contribution to each Project is as follows:

662

663 City of White Bear Township – Bellaire Ave Storm Pond	\$93,000
664 City of Fridley – City of Fridley 2024 Street Rehabilitation Project No.ST2024-01	\$ 30,000
665 City of Arden Hills – 2024 PMP Street & Utility Improvements	\$70,000
666 City of New Brighton – 4 th St NW Storm Sewer Improvements	\$74,000
667 City of Willernie – Craig Place Storm Sewer Improvements	\$33,150

668

669 ***ROLL CALL:***

670 ***President Bradley – Aye***

671 ***Manager Robertson – Aye***

672 ***Manager Wagamon – Aye***

673 ***Manager Waller – Aye***

674 ***Manager Weinandt – Aye***

675 ***Motion carried 5-0.***

676

677 **3. Treatment of Metro Shooting and Trost Settlements – 2023 Financial Report**

678 District Administrator Tomczik noted that this item had been considered at their February 14, 2024
679 meeting and was tabled. He stated that Manager Waller had wanted to capture the related

680 interest in how this has a potential wetland credit obligation on the District and how it may be
681 memorialized. He explained that within the packet, specific to that item, there is a resolution that
682 was crafted by Smith Partners and noted that there were two items that needed
683 consideration/action.

684 President Bradley stated that it appears that District Attorney Smith was basically recommending
685 that the Board do what was done last year.

686 District Attorney Smith agreed with the understanding that those options are all within their
687 discretion.

688 President Bradley stated that it recognizes that there it is reasonably possible that one or more
689 events will occur. He stated that, in his opinion, he did not think anything had changed since last
690 year, so he would propose the Board adopt the language that reflects that the liability is not remote.

691 Manager Wagamon stated that he agreed and felt it was important to have continuity in the audits
692 and also did not see a reason to change it.

693 ***Motion by Manager Bradley, seconded by Manager Wagamon, that the Board of Managers finds***
694 ***that it is reasonably possible that one or more events will occur so as to cause the District to incur***
695 ***what is now a potential contingent future liability, and therefore that this liability should be***
696 ***referenced in the 2023 financial report as follows, or as modified in the auditor's judgment:***

697 ***In settlement agreements approved in 2005, the District committed that when***
698 ***development occurs on two tracts then owned by the Metro Shooting Center and Trost, the***
699 ***application of the District's wetland rules will not have the result of affording the owner***
700 ***for the Metro Shooting parcel fewer than 100 contiguous upland acres for development,***
701 ***and the owner of the Trost parcel no fewer than 45 such acres. If additional wetland***
702 ***replacement is required to allow for consolidation of the stated acreage, the District will***
703 ***bear the cost of that replacement. The District is unable at this time to estimate the District***
704 ***expense if and when the liability should arise.***

705 Manager Waller noted that this language update had been made last year and they also held two
706 workshop meetings where the individuals involved in this had attended. He stated that he would
707 agree that it would be appropriate to continue with it.

708 ***Motion carried 5-0.***

709 President Bradley stated that, in concept, he was in agreement with Manager Waller that the District
710 should not forget that this is a potential liability, but he believes, as has been pointed out, that there
711 is not way to know what that specific liability is. He explained that he has a bit of trouble with the
712 language in the resolution that states 'and will incorporate this contingent liability when it advises
713 the Board'. He stated that this is a conceptual cost and noted that recently they have said that
714 there is a potential risk of about 40 acres, but he would not want them to actually publicly come out
715 and say that they are going to owe 40 acres because that is a much different step, in his opinion.

716 Manager Wagamon stated that he thinks the District owes them the credits no how many they have.

717 President Bradley cautioned that they do not know what the math will end up being.

718 Manager Wagamon clarified that the District should not be hoarding credits for something that they
719 have no idea what they are doing because the District owes them whether they have them or not
720 and will owe them under any circumstances.

721 District Administrator Tomczik stated that he felt one of the points raised by Manager Waller was
722 that this not get lost because it will have a direct financial impact when/if the Trost and Metro Gun
723 Club settlements come forth. He explained that how he would picture this, in function is that
724 anytime the District shows a table of the Rice Creek potential implementation of its collection of
725 wetland credits in its bank, that it should show the settlements and have a question mark next to it
726 because they don't know what they are, but then it would be memorialized so whenever they are
727 spending credits that keep this in mind.

728 Manager Robertson stated that she views this more through a relationship lens rather than a
729 technical lens. She noted that she was not speaking on behalf of the property owner but on the
730 narrative that exists around what is the perception of a somewhat fractured relationship between
731 the Metro Gun Club and the District. She stated that she thinks what happens when they
732 acknowledge and memorialize this, as would be done with this resolution, it helps to heal wounds
733 from years past. She stated that she feels this is a good gesture on the part of the District towards
734 the property owners acknowledging that this settlement exists. She stated that she felt this
735 resolution is appropriate and is a show of good faith as a desire to restore a positive relationship
736 and keep the lines of communication open.

737 ***Motion by Manager Wagamon, seconded by Robertson, to Adopt Resolution 2024-03 Recognizing***
738 ***Potential Wetland Replacement Obligations***

739 **THEREFORE BE IT RESOLVED** that the District Administrator and engineer will include the Metro
740 Shooting/Trost settlement contingent liability in the tracking of potential future wetland replacement
741 obligations, and will incorporate this contingent liability when it advises the Board as to the status of
742 the Brown's Preserve credit account and the District's potential wetland replacement needs.
743

744 **ROLL CALL:**

745 ***President Bradley – Aye***

746 ***Manager Robertson – Aye***

747 ***Manager Wagamon – Aye***

748 ***Manager Waller – Aye***

749 ***Manager Weinandt – Aye***

750 ***Motion carried 5-0.***

751

752 Manager Waller expressed his appreciation to District Attorney Smith and District Administrator
753 Tomczik for bringing this language forward.
754

755

756 **4. Check Register Dated February 28, 2024, in the Amount of \$378,161.22 and February Interim**
757 **Financial Statements Prepared by Redpath and Company**

758 Manager Weinandt stated she had reviewed the check register and the interim financial statements.

759 ***Motion by Manager Weinandt, seconded by Manager Robertson, to approve check register dated***
760 ***February 28, 2024, in the Amount of \$378,161.22 and February Interim Financial Statements***
761 ***Prepared by Redpath and Company. Motion carried 5-0.***

762

763 **ITEMS FOR DISCUSSION AND INFORMATION**

764 **1. Staff Reports**

765 Manager Weinandt asked about the meeting staff had attended with the MCEA and asked if that
766 stood for the Minnesota Citizens for Environmental Action.

767 District Administrator Tomczik stated that he believed that was correct.

768 **2. March Calendar**

769

770 **3. Administrator Updates**

771 District Administrator Tomczik suggested that District Attorney Smith update the Board regarding
772 legislative updates and 103D.

773 District Attorney Smith reminded the Board that at a recent workshop meeting he had briefed them
774 about potential changes to changes to the Watershed Act, Statutes 103D and explained that this
775 was moving forward. He stated that the changes were embraced within BWSR and the Senate bill
776 was heard last week within the Energy and Environment Committee and was passed along to the
777 Senate floor with the recommendation that it be passed. He noted that the following day there
778 was a hearing in the House Environment Committee that Manager Waller also attended. He stated
779 that they also passed the bill onto what he believes is the Ways and Means Committee before the
780 House floor. He noted that the 103D changes were incorporated within several other changes that
781 BWSR is advancing that involve Soil and Water Conservation Districts and some modifications to the
782 buffer law and the Wetland Conservation Act but none are major policy changes.

783 District Administrator Tomczik noted that Manager Waller was now Chair of the meeting in the
784 absence of President Bradley. He asked District Engineer Otterness to discuss HF #3389.

785 District Engineer Otterness noted that there have actually been two bills related to 103E that have
786 been put in, including HF #3389 and noted that the current iteration would require anybody that is
787 installing drain tile or has had drain tile on their property to prepare a disclosure before they sell the
788 property.

789 President Bradley returned to the meeting.

790 District Engineer Otterness noted that he was not clear about the intent or purpose is but the way
791 it is written would subject a person that has drain tile around their house the same as a person that
792 has 40 acres of pad or drain tile on their property.

793 Manager Wagamon left the chambers.

794 District Engineer Otterness stated that he felt that the way it was written may have consequences
795 that were unintended.

796 Manager Weinandt asked about the author of the file.

797 District Attorney Smith explained that it was Representative Pursell. He noted that this same bill
798 was presented when he and Manager Waller had attended the House committee meeting and it

799 was passed, as amended. He stated that initially there was a great deal of concern among
800 agriculture groups and has more acceptance/less controversy in the amended version and believes
801 that the intent is to continue adjusting to address some of the concerns outlined by District Engineer
802 Otterness.

803 District Engineer Otterness stated that SF #3684 is a bill that was intended to remove lands that are
804 under conservation easement from being benefitted under the drainage statute. He explained that
805 this bill is also worded in a way that has unintended consequences because it removes any parcel of
806 land that has any conservation easement on it from the benefits role.

807 Manager Waller explained that his fear about this bill was that if he is a property owner that has
808 drainage upstream of someone who puts a conservation easement on and the entire ditch or branch
809 goes through their property, that property owner would suffer the consequences of that.

810 District Administrator Tomczik stated that related to the legislative efforts on the District's efforts
811 for Ramsey County Ditch 2,3, and 5, Senator Kunesh and Representative Feist are authoring bills for
812 a Jones Lake cash appropriation. He asked for an update from staff on the JD3 repair project.

813 District Engineer Otterness explained that the primary project work has been completed and will
814 complete stabilization in the spring. He stated that there will be another pay request coming at
815 the next Board meeting.

816 District Administrator Tomczik updated the board on activities/discussions related to ACD 10-22-32,
817 alternative #4, and ACD 53-62. He stated that the District fixed the outfalls into the system and the
818 Circle Pines administrator has remitted no payment for that work because he is anticipating a
819 problem with the level of sediment in the pond. He clarified that there had not been a definitive
820 'ask' from Circle Pines but the District has offered their own ideas and told him that the was welcome
821 to approach the Board. He noted that the consulting engineer and legal counsel had advised that
822 it is not an advisable position to look at the discharge from a public drainage system into a pond as
823 an obligation of the District. He stated that Circle Pines is wanting to understand the loading to its
824 pond and noted that would be, at best, a guess. He noted that Circle Pines is anticipating about 6
825 months for them to survey the pond again under what they will somehow compare and contrast
826 discharge volumes. He stated that the Board can wait and see if they come forward with
827 something in September.

828 Manager Weinandt stated that she feels that there are two separate actions related to ACD 53-62
829 with Circle Pines. She stated that one is that the District has billed them for work that was done
830 and the other is if, and how much sediment is in the pond, they will deal with later. She stated
831 that this bill is past due.

832 Manager Wagamon stated that he felt that was a fair statement.

833 President Bradley agreed and stated that he felt the Board needed to start escalating the situation.

834 Manager Robertson asked for the total of the invoices that have been sent to Circle Pines.

835 District Administrator Tomczik stated that he believes it was about \$35,000. He noted that, in his
836 opinion, the work that needed to be done to ensure the stability of Circle Pines outfalls may have
837 contributed to what they are now claiming is a Rice Creek issue in their pond. He stated that the
838 District had erosion control measures in place and noted that moving water will collect sediment off
839 its base and tumble it downstream.

840 Manager Robertson stated that prior to escalating this, she would like to have discussion on this in
841 a workshop in order to get all of the history of the project. She stated that she agreed that people
842 needed to pay their bills but wants to make sure she does some due diligence and has the pertinent
843 background information.

844 Manager Weinandt noted that she may be able to garner all the information she needed by having
845 a conversation with District Administrator Tomczik.

846 District Administrator Tomczik noted that they took a look at historical photos as suggested by
847 Manager Waller. He stated that related to Zoom meeting protocols, there was an unfortunate
848 incident in the past and noted that there are limited items that they can undertake and explained
849 that there is not a delay or dump button to use in order to interrupt what is being said. He stated
850 that the District has put some minor things into place to try to avoid that happening again without
851 undermining the public engagement when it has value to the Board's considerations. He stated
852 that the Minnesota Watersheds is looking for a new venue for their annual conference. He noted
853 that they are looking at scheduling the City-County Partnership meeting on April 24, 2024 in New
854 Brighton.

855 **4. Managers Update**

856 Manager Waller stated that he had attended the Environmental Committee House meetings and
857 noted that he is particularly interested in 103D.357. He stated that it is called Removal of
858 Managers and he objected to it and felt it should be removed from the bill, but clarified that he had
859 not spoken on behalf of the Board, but as a manager who had experienced this process.

860 Manager Weinandt stated that she had attended a Clean Water Council meeting and the Local
861 Government Round Table which is made up of the Association of Minnesota Counties, Association
862 of Soil and Water District, and Minnesota Watersheds presented on the watershed based
863 implementation funding.

864 Manager Waller stated that he is planning to attend the legislative thing at the Capitol on the 6th
865 and 7th.

866 Manager Wagamon stated that he was also planning to attend.

867 President Bradley noted that has a family commitment and will most likely not be able to attend the
868 meetings on the 6th and 7th.

869 **ADJOURNMENT**

870 ***Motion by Manager Robertson, seconded by Manager Bradley, to adjourn the meeting at 11:47 a.m.***

871 ***Motion carried 5-0.***