



**REGULAR MEETING OF THE RCWD BOARD OF MANAGERS**  
Wednesday, March 13, 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, 1<sup>st</sup> Vice-Pres. John Waller, 2<sup>nd</sup> Vice-Pres. Steve Wagamon, Secretary Jess Robertson, and Treasurer Marcie Weinandt

Absent: None

Staff Present: District Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, Outreach & Grant Technician Molly Nelson, Communications & Outreach Manager Kendra Sommerfeld, Drainage & Facilities Manager Ashlee Ricci, and Office Manager Theresa Stasica

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

Visitors: Rebecca Keller e

**SETTING OF THE AGENDA**

District Administrator Tomczik requested that a new Action Item #3 be added to the agenda, HEI Task Order Additional Services Request.

***Motion by Manager Robertson, seconded by Manager Wagamon, to approve the agenda as revised. Motion carried 5-0.***

**READING OF THE MINUTES AND THEIR APPROVAL**

**Minutes of the February 28, 2024 Board of Managers Regular Meeting. Motion by Manager Robertson, seconded by Manager Weinandt, to approve the minutes as presented. Motion carried 5-0.**

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<b>BOARD OF MANAGERS</b>	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 **CONSENT AGENDA**

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

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

36 No.	Applicant	Location	Plan Type	Recommendation
37 24-006	MnDOT	Roseville	Final Site Drainage Plan Street & Utility Plan	CAPROC 3 items

38  
39  
40 *It was moved by Manager Weinandt and seconded by Manager Waller, to approve the consent agenda*  
41 *as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and*  
42 *Recommendations, dated March 5, 2024. Motion carried 5-0.*

43  
44 **Water Quality Grant Program Cost Share Application**

No.	Applicant	Location	Project Type	Eligible Cost	Pollutant Reduction	Funding Recommendation
R24-02	St. Michaels Lutheran Church	Roseville	Raingarden	\$15,860.00	Volume: 88% TSS: 82% TP: 79%	50% cost share of \$7,500 not to exceed 50%; or \$7,500 whichever cost is lower

45  
46 *It was moved by Manager Weinandt and seconded by Manager Robertson, to approve the Water Quality*  
47 *Grant consent agenda as outlined in the above table, in accordance with RCWD Staff’s Recommendation*  
48 *based on established program guidelines, dated March 13, 2024. Motion carried 5-0.*

49 **OPEN MIC/PUBLIC COMMENT**

50 None.

51 **ITEMS REQUIRING BOARD ACTION**

52 **1. Citizen Advisory Committee (CAC) Member Appointment, Vacant Anoka County Position**  
53 Communications & Outreach Manager Sommerfeld introduced Rebecca Keller and explained that  
54 she had submitted a CAC application. She briefly reviewed Ms. Keller’s background, education,  
55 and experience.

56  
57 President Bradley invited Ms. Keller to come to the podium and address the Board.

58  
59 Ms. Keller explained that she had taught chemistry for about 15 years in St. Paul and noted that she  
60 has always been interested in gaining a better understanding of native plants and how they interact  
61 with their environment.

62  
63 President Bradley expressed his appreciation to Ms. Keller for her interest in the CAC.  
64

65 ***Motion by Manager Bradley, seconded by Manager Wagamon, to appoint Rebecca Keller for***  
66 ***membership on the District’s 2024 Citizen Advisory Committee. Motion carried 5-0.***  
67

68 The Board extended an official welcome to Ms. Keller.  
69

70 Manager Weinandt noted that many on the Board started their career with the District by serving  
71 on the CAC.  
72

73 **2. Jacon, LLC Partial Pay Request #4 Anoka-Washington Judicial Ditch 3 Phase 2 Repair Project**

74 Drainage & Facilities Manager Ricci reviewed the partial pay request #4 for Anoka-Washington Ditch  
75 3, phase 2 repair project. She explained that the project is considered substantially complete but  
76 noted that they anticipate 2 additional payments. She noted that she did not foresee any problems  
77 unless they happen to get a lot of rain that would saturate the spoils and hinder spreading/leveling.  
78 She answered Board questions regarding the status with the DNR Public Water wetland, weather  
79 conditions that may affect the success of seeding, and when soil temperatures would be ready to  
80 begin the seeding process.  
81

82 ***Motion by Manager Waller, seconded by Manager Bradley, to approve JACON LLC’s partial pay***  
83 ***request #4 as submitted and certified by the District Engineer and directs staff to issue a***  
84 ***payment in the amount of \$42,869.94. Motion carried 5-0.***  
85

86 President Bradley expressed the Board’s appreciation for the work Drainage and Facilities  
87 Manager Ricci had done and noted that he was sad to see her go.  
88

89 **3. Houston Engineering, Inc. Task Order 2023-012 Additional Service Request**

90 Drainage & Facilities Manager Ricci explained that HEI Task Order 2023-012 Additional Service  
91 Request for the Anoka-Washington JD3 Branches 1, 2, and 4 (Phase 2) repair project. She stated that  
92 because of the contractor’s construction operations and performance, it required additional staff  
93 time including engineering review.  
94

95 The Board discussed ad valorem charges, the infrequency of this type of request for additional funds,  
96 the importance of ‘knowing your ground’ and whether that was the responsibility of the engineers,  
97 a situation in the past related to culvert placement and JD2, the importance of picking the right  
98 contractor, and the possible precedent that may be set by approving this request.  
99

100 District Administrator Tomczik clarified that the additional services request under consideration is  
101 not just because of the challenges that the contractor had in the marsh with getting the machinery  
102 stuck, also a number of other contractor performance issues that required more intensive project  
103 observation and management than envisioned by the initial task order.  
104

105 Drainage and Facilities Manager Ricci explained that staff and the engineers cannot determine  
106 construction means for how the contractor completes the work. She noted that the District has  
107 worked with this contractor before and they have successfully completed other projects and  
108 clarified that she did not feel this was anything that could have been prevented on the front end.  
109

110 District Administrator Tomczik stated that the District does not prescribe the methods that a  
111 contractor takes to complete the work and noted that the contractor’s staffing and employee  
112 change-overs are beyond the District’s control.

113  
114 District Attorney Smith explained that the fundamental principle in this situation was to keep an  
115 arms-length distance in the contract with the construction firm so that the liability for selection of  
116 means and methods lies with the contractor.

117  
118 The Board discussed the contract terms and payments, increased staff time to ensure the work was  
119 completed accurately, ‘red flags’ prior to picking this contractor, the selection process for  
120 contractors on a public bid, concerns about this additional expense actually being the responsibility  
121 of the District, and citizen concerns that had been raised during this process.

122  
123 ***Motion by Manager Weinandt, seconded by Manager Bradley, to authorize the Board President***  
124 ***to execute the Additional Service Request for HEI Task Order 2023-012 in the amount of \$39,500.00***  
125 ***for additional expended and contemplated construction management efforts, bringing the total***  
126 ***cost of the task order to \$120,000.00.***

127  
128 Manager Wagamon explained that he would vote in favor of this motion, but agreed with some of  
129 the statements that were shared that just because the staff had asked the engineers to help, does  
130 not absolve the contractor of their responsibilities.

131  
132 Manager Waller explained that he would vote against this motion and noted that he felt it sets a  
133 precedent and felt that the extra costs should be shared across the Board.

134  
135 ***Motion carried 3-2 (Robertson and Waller opposed).***

136  
137 **4. Check Register Dated March 13, 2024, in the Amount of \$121,304.20 Prepared by Redpath and**  
138 **Company**

139 ***Motion by Manager Weinandt, seconded by Manager Bradley, to approve check register dated***  
140 ***March 13, 2024, in the Amount of \$121,304.20 Prepared by Redpath and Company. Motion***  
141 ***carried 5-0.***

142  
143 **ITEMS FOR DISCUSSION AND INFORMATION**

144 **1. District Engineers Update and Timeline**

145 District Administrator Tomczik noted that the boundary project shows a 94% of the utilized budget,  
146 but only 85% of the work completed which appears to be similar to the item just discussed.

147  
148 District Engineer Otterness explained that for this project they have not gone out of scope on the  
149 project so they would not charge the District for any overages that may occur. He noted that this  
150 is different than the inspection for JD 3, where the work out of scope for time in the field.

151  
152 **2. Administrator Updates**

153 District Administrator Tomczik noted that following the workshop discussion regarding ACD 10-22-  
154 32 and the ACSIC he understood the direction to be to get the materials into the record. He stated  
155 that they have placed the presentations into the DrainageDB database, which is a publicly visible  
156 document database and the materials also reside in the District’s meeting record. He noted that  
157 the information from the City of Columbus’ engineer was also placed in the database. He stated  
158 that there is a Stormwater Management grant from 2019 with Willernie and the submittal of final  
159 materials has expired, and staff is using some administrative judgement in this situation and working  
160 with Willernie. He explained that the city engineer had passed away and there was some  
161 disconnect on some of the reporting as-built materials. He stated that staff is working with the  
162 City of Willernie to secure sufficient information to document completion in order to award the  
163 funds despite the expiration date having passed. He stated that RCD 2,3,5, also referred to as the I-  
164 35 Flood Mitigation Efforts, has been included in SF #4337 and he is hoping to hear from the House  
165 partners in the near future about a companion bill.  
166

167 President Bradley noted that there has been talk about putting together a package to send to each  
168 of the Senators who represent the District advising them of this information.  
169

170 District Administrator Tomczik explained that they were currently creating that communication as  
171 it relates specifically to Ramsey County and the three partner cities.  
172

### 173 **3. Managers Update**

174 Manager Waller stated that with regard to the language difference between official profile and  
175 ACSIC, he would like something to be included in the record. He noted that it didn’t necessarily  
176 need to be about ACD 10-22-32 but about the JD-2 which was the official profile that was done by  
177 103E.701, Sub. 2. He stated that he does not want there to be confusion in the future. He stated  
178 that he visited with Senator Housley earlier in the week who encouraged the District to get the  
179 Senator on the bill to talk to the chairman of the Bonding Committee despite their announcement  
180 that they would not accept any new projects this session. He noted that he had attended the  
181 legislative meeting for the Minnesota Watersheds and noted that there were not many people there  
182 and he did not see any legislators in attendance. He outlined a few of the items that were  
183 discussed at the administrators meeting and the Executive Board meeting. He noted that they made  
184 the decision to move the annual meeting from Alexandria to Nisswa. He thanked District  
185 Administrator Tomczik for taking the time to work with the City of Willernie due to the issues  
186 following the loss of their engineer.  
187

188 Manager Wagamon stated that he had voted for the additional services request discussed earlier in  
189 the meeting but asked that staff and the consultants not take this as a sign that he would be a ‘yes’  
190 vote again for this same type of thing in the future.  
191

### 192 **ADJOURNMENT**

193 *Motion by Manager Robertson, seconded by Manager Bradley, to adjourn the meeting at 9:56 a.m.*  
194 *Motion carried 5-0.*