



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, March 26, 2025

Mounds View City Hall Council Chambers
2401 County Road 10, Mounds View, 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.

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, Project Manager David Petry, Drainage & Facilities Manager Tom Schmidt, Program Technician Emmet Hurley (video-conference), Office Manager Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney John Kolb from Rinke Noonan

Visitors: City of Columbus: Council Member Janet Heglund and Administrator Jack Davis, Dan Coughlin, Chris Stowe, Catherine Decker

SETTING OF THE AGENDA

District Administrator Tomczik requested that the agenda move the informational item regarding the City of Columbus Wetland Credit to #3 under Action Items.

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

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the March 10, 2025, Workshop and March 12, 2025, 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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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

CONSENT AGENDA

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

Table of Contents-Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
25-020	Lexington Meadows LLC	Blaine	Final Site Drainage Plan	CAPROC 6 items
25-023	Anoka County Highway Department	Fridley	Final Site Drainage Plan Street & Utility Plan	CAPROC 4 items

It was moved by Manager Wagamon and seconded by Manager Weinandt, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated March 18, 2025. Motion carried 5-0.

WCA APPLICATION REQUIRING BOARD ACTION

No.	Applicant	Location	Plan Type	Recommendation
24-076	KCR Investments, LLC City of Lino Lakes	Lino Lakes	Wetland Alteration	Approve with Conditions

Regulatory Manager Hughes stated that this was only a WCA sequencing application but noted that a complete RCWD permit application had been received recently and is under review.

It was moved by Manager Bradley and seconded by Manager Weinandt, to conditionally approve WCA sequencing application 24-076 as outlined in the above Table of Contents in accordance with RCWD Regulatory Manager's Findings and Recommendations, dated March 26, 2024. Motion carried 5-0.

PUBLIC HEARING CONTINUATION: RAMSEY COUNTY DITCH #1 DRAINAGE SYSTEM RECORD CORRECTION

President Bradley explained that the Board had held the initial public hearing on January 22, 2025, where a number of residents addressed the Board that shared their various concerns. He noted that they also heard about some concerns from the DNR related to the height of the crossing under the bridge.

Motion by Manager Weinandt, seconded by Manager Waller, to recess the regular Board meeting and continue the Public Hearing for RCD #1 Drainage System Record Correction. Motion carried 5-0.

District Attorney Kolb explained that this was a continuation of the original hearing and noted that all public comment had been received and unless the President allowed, no further public comment would be taken on this matter. Following the initial hearing, the Board had directed the District Engineer to conduct further evaluation and analysis of the conditions created by the current elevation of the culvert at County Rd I and Hamline Avenue. The Board had reviewed the District Engineer's report dated February 28, 2025, and additional review of that report would also take place today. Under consideration was the reestablishment of record for RCD-1, according to State Drainage Code, Statute §103E.101, subd. 4a, which allowed the Drainage Authority, after investigation, to determine the alignment, cross-section, profile, and right-of-way of a drainage system that it administered. The Board initiated this process after an additional investigation indicating that some of the records indicating those 'as constructed' were missing or lost, and as part of that, the District Engineer was appointed to do the initial investigation and submitted a report, which was reviewed. The Board's decision on the petition has to be based on the weight of the evidence presented and considered in the proceedings. If the Drainage Authority determined that the weight of evidence supported the recommended alignment, cross-section, profile, hydraulic structure locations, materials, dimensions, and elevations in the right-of-way of the drainage system, it may adopt the recommendation as the reestablished record of the as-constructed conditions. The Board was free to revise the recommendation and adopt alternative 'as constructed' condition, as supported by the weight of the evidence.

District Engineer Otterness gave an overview of the follow-up items that the Board had requested have additional review, including investigation on the impact of repairs via District-model modeling; inquiry to County for records for County I/Hamline Avenue at RCD-1; and coordination with MnDNR regarding intent of their letter. He briefly reviewed the documentation that was provided by Ramsey County and explained that the conclusions from the prior report of the ACSIC condition were not changed because of the documents that were received. He explained that they had a follow-up discussion with the DNR on January 28, 2025, regarding the comments they had provided in their letter. He stated that in the meeting, the DNR had indicated that they did not disagree with the ACSIC that was portrayed in their report but wanted to express the position that the profile of the drainage system that was provided would result in potential impacts to public waters that would require regulatory permitting from the DNR, if a repair was done to the as constructed grade. He noted that it was important to note that the District did not have an obligation to do repairs to that grade, but the DNR wanted to get ahead of that in a public forum, in order to provide an indication of the DNR's regulatory authority. He stated that they also did some hydraulic modeling to determine what the impacts would be in the neighboring areas from a hydraulic standpoint. He reviewed Alternative 1: Lower Hamline Avenue culvert invert to ACSIC, and Alternative 2: Increase Hamline Avenue culvert capacity to the 25-year design event. He reviewed the conclusion from the modeling that lowering the RCD-1 culvert at Hamline Avenue would not result in a significant reduction in flooding/wetness for upstream properties. He noted that Ramsey County, as the Road Authority, was responsible for the Hamline Avenue culvert and would be the ones to determine the appropriate culvert sizing and roadway elevation to meet their desired level of service and risk tolerance. He noted that for any repair project,

the District must weigh the benefits of the repair against the associated environmental impacts and cost.

Manager Wagamon asked if the records found matched the original ACSIC that the District had.

District Engineer Otterness stated that was correct and had provided an identical grade/slope of the ditch as what the District had recommended.

Office Manager Stasica interjected into the Board's discussion and explained that they had malicious and inappropriate content that had interrupted their meeting online, and suggested that the Board let the people know who were trying to participate via Zoom to contact the office with questions or comments they had wanted to make during the meeting.

President Bradley asked if the Board should postpone their vote because of the issues with the online meeting participation.

District Administrator Tomczik suggested that District Attorney Kolb run through where he had included the engineers report and other responses to comments in the proposed order.

District Attorney Kolb referenced page 47 of the packet, proposed Resolution No. 2025-02, which contained findings and an order which was consistent with staff's recommendation to adopt the ACSIC, including the alignment, grade, dimensions, all of the data related to culverts and crossings as well as right-of-way that was recommended by the District Engineer in their report. The order also addressed the specific nature of the comments that were made at the public hearing, the actions the Board took to investigate those comments, and included the District Engineer's general recommendations regarding the adoption of ACSIC and the information and analysis of the additional investigation. The Board was welcome to act today if it found that the findings and the order were consistent with its intent or, they could continue this to another date, time and location, and explained that he would prefer that the Board announce that information on the record so they would not have to re-notice the hearing, at which time the Board could give the findings and order further consideration and also consider any specific comments that may come through the invitation that was just extended for people to contact the office. He stated that it was up to the Board and reminded them that at the last public hearing, they had taken all available public comments and had closed the public comment portion of the hearing. He clarified that unless they chose to re-open the public comment section, the Board had the discretion to act on this item today, if it met their intent.

President Bradley stated that all they would be doing today was setting the ACSIC and stated that he assumed that anyone interested in commenting today most likely had concerns about repairs rather than the ACSIC, so he felt it would be appropriate for the Board to close this aspect of the process.

Motion by Manager Waller, seconded by Manager Weinandt, to close the public hearing on RCD #1 Drainage System Record Correction and reopen the Regular Meeting. Motion carried 5-0.

President Bradley reiterated that the only action the Board would be taking today would be to establish the ACSIC and noted that they had not heard any evidence that was found to be incorrect.

Motion by Manager Weinandt, seconded by Manager Bradley, to adopt Resolution 2025-02 Findings And Order Reestablishing And Correcting Drainage System Record For Ramsey County Ditch 1 (Statutes §103E.101, subd. 4a):

Therefore, the RCWD Board of Managers makes the following:

ORDER

The Board of Managers hereby reestablishes and corrects the drainage system record of RCD 1 to reflect the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system as detailed in the engineer's Technical Memorandum dated April 10, 2024, attached as **Exhibit A** to this Order.

Manager Robertson stated that she had a schedule conflict the night of the public hearing and asked for clarification that there were no comments regarding what they were currently discussing, and was just general apprehension about the project itself. She asked how the Board would deal with comments from the individuals who had wanted to offer them online today. She stated that the packet stated that this item was 'informational' and asked if the Board was on a timeline, because she wanted to be fair to the public commenters, if there happened to be appropriate ones. She explained that she wanted to ensure that the Board was leaving space for public engagement, if there were comments on this specific action.

President Bradley suggested that staff report back to the Board at their next meeting with information about the substance of the comments that may come in.

ROLL CALL:

Manager Bradley – Aye

Manager Robertson – Aye

Manager Waller – Aye

Manager Weinandt – Aye

Manager Wagamon – Aye

Motion carried 5-0

OPEN MIC/PUBLIC COMMENT

Catherine Decker, 614 Pine Street, Lino Lakes, expressed concerns about a ditch project near her home that has caused drainage issues and flooding for neighbors. She questioned the Rice Creek

Watershed District's actions, including the lowering of culverts and potential obstruction of water flow by sod farmers.

Dan Coughlin, Vice President of Operations and Facilities at University of Northwestern, introduced himself to the Board and explained that he used to be the District Administrator for the Middle Fork/Crow River Watershed District, was a former Board member for the Sauk River Watershed, and used to live next door to former RCWD Manager Haake. He noted that he planned to work with District staff to try to figure out ways to preserve, protect, and enhance Lake Johanna and Little Johanna that was located near their campus.

Christopher Stowe, 426 Pine Street, echoed the same concerns as Ms. Decker. He highlighted the negative impact on his property due to improper drainage and culvert placement. Both Mr. Stowe and Ms. Decker urged the board to address these issues and maintain the ditches properly before approving new developments in the area.

ITEMS REQUIRING BOARD ACTION

1. 2024 District Financial Reports and Audit

District Administrator Tomczik stated the District had worked with Redpath and Company on the 2024 Annual Financial Report and Audit and explained that the results were a 'clean' audit. He noted that there is a letter that references Internal Control and explained that the auditors had not identified any deficiencies that they considered to be a material weakness. There is also a letter related to Minnesota Legal Compliance that stated that nothing had come to the attention of the auditor that would cause them to believe that the District failed to comply with provisions of the Minnesota Legal Compliance Audit Guide for Other Political Subdivisions. He explained that there was a block of text within the packet memo that was no longer relevant because, yesterday, the City of Circle Pines paid the previously unpaid invoice in the amount of \$45,800. He noted that Rebekah Peterson, with Redpath and Company was available virtually if the Board had any questions.

Motion by Manager Wagamon, seconded by Manager Bradley, to accept and authorize the filing of the Rice Creek Watershed District 2024 Annual Financial Report and Audit.

Manager Robertson stated that District Administrator Tomczik referenced that the outstanding invoice had been paid by the City of Circle Pines, so if they approve the report, as stated, it may be helpful to amend the motion to ensure the statement on page 12 and statement 3 on page 14, were removed, because the invoice had been paid.

Manager Weinandt clarified that this was the reflection from 2024, and the invoice was paid in 2025.

Motion carried 5-0.

Manager Weinandt noted that she felt Redpath and Company had, once again, done a very thorough job, which they were able to do because of the great work done by Office Manager Stasica.

2. MS4 Permit – Petition for Reevaluation Form

Project Manager Petry gave an overview of the MS4 permit program and explained that the District currently held a permit from the MPCA because portions of the District's public drainage system were located within what MPCA defined as an 'urbanized area'. He stated that current communications with the MPCA have suggested that the District may no longer meet the requirements to be regulated by an MS4 permit, because it was a public drainage system. He gave a brief outline of the communication that had taken place between the District and the MPCA and explained that the MPCA had asked the District to formally submit a petition for re-evaluation of the applicability of the MS4 permit to the District as outlined in Minn. R. 7090.1010, Subp. 4.

Motion by Manager Waller, seconded by Manager Bradley, to authorize the Administrator to sign and submit the MS4 Petition for Reevaluation Form to the MPCA. Motion carried 5-0.

3. City of Columbus Wetland Credit Inquiry

District Administrator Tomczik referenced a memo on page 197 of the packet and noted that in front of them at the dais, there were also copies of recent communication that had been received from the City of Columbus. He explained that Jack Davis, City Administrator, and City Council Member Janet Heglund from the City of Columbus were here to address the Board.

Columbus City Council Member Heglund shared some background and history of the situation, in order to help the Board understand how everything got to this point. She explained that they had a bill into the legislature requesting funding to pay for the last 1,200 feet of Hornsby Street NE, which had not been improved. She noted that they were also planning a trail to go along that road and explained that the cost for the trail and wetland mitigation was not eligible for the local government roads wetland replacement program. She outlined the estimated cost from their engineer for Columbus' share of the wetland impacts for the trail portion and stated that their request was related to an MOA that existed in 2009, where there was an agreement that if there were projects that Columbus would entertain that required wetland credits, that they could then come to the District and make a request which is what they were doing today. She stated that there are .14 acres of wetland credits that would be required for the trail, which was valued at about \$18,000.

Manager Weinandt asked if Forest Lake also needed wetland credits.

Columbus Council Member Heglund stated that Forest Lake does have wetland replacement obligations yet did not need wetland credits and explained that they were purchasing them with the \$4.5 million that they received.

President Bradley stated that this was an issue of credits versus compensation and explained that the District's letter to the City said that they recognized the complexity of that whole transaction from the past, but had essentially said that if Columbus found a project that would fall within the District processes, the District would see what they may be able to do for them, but would have to balance their request against all the other requests the District received. He stated that, for example, he did not believe that the District could give Columbus credits out of its bank, because this was not a water quality or a flooding issue and was a development issue but felt that there was support to give Columbus the \$18,006.52, as a payment in recognition of the claims that they has as a result of the very complex situation from the past.

Motion by Manager Bradley, seconded by Manager Wagamon, that in response to the request from the City of Columbus, the District would issue payment in the amount of \$18,006.52, in recognition of their contribution to the development of Brown's Preserve, as alternative compensation, rather than the use of wetland credits.

Manager Wagamon asked if this action would satisfy the City of Columbus regarding the wetland credit issue.

Columbus Council Member Heglund confirmed that it would satisfy the City of Columbus.

Manager Weinandt asked if they would buy credits out of the Butterfly bank.

Columbus Council Member Heglund explained that Columbus would not, but Forest Lake would be buying out of the Butterfly Bank.

Manager Waller stated that the .14 wetland credits were equal to \$18,006.25 and asked if Columbus planned to just send a check to Forest Lake who would then take care of the trail.

Columbus Council Member Heglund confirmed that is what would happen, because Forest Lake would be the primary contractor.

Manager Waller noted that the District had worked on trails before and asked District Administrator Tomczik for some additional details.

District Administrator Tomczik explained that he saw the money coming out of the Clear Lake Fund and noted that the project referenced by Columbus Council Member Heglund was on the District's project list because shoreline stabilization was a subset of the

roadwork. He noted that there was a good bit of public use, fishing pressure, that took place in that area and stated that a trail would allow the public to access the area.

Manager Waller stated that he felt that using these funds for trails was a reasonable use.

Motion carried 5-0.

4. Check Register March 26, 2025, in the Amount of \$88,298.63 Prepared by Redpath and Company

Motion by Manager Weinandt, seconded by Manager Wagamon, to approve the check register dated March 26, 2025, in the Amount of \$88,298.63 and March Interim Financial Statements prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Stantec Iron Enhanced Sand Filter Agreements

Drainage and Facilities Manager Schmidt explained that the District had a yearly contract for the annual maintenance work required for the Iron Enhance Sand Filters (IESF), which, in the past, was with Davey Resource Group (DRG). He explained that for 2025, the District had engaged with Stantec, Inc. to conduct this maintenance work and noted that the cost would be comparable to what was paid to DRG. He reviewed the contract pricing for Hansen Park and Bald Eagle IESFs and explained that each individual contract was below the threshold for approval by the Board President, but since the total amount exceeded that authority, staff wanted to share this information with the Board to ensure transparency and clarity.

2. Staff Reports

Manager Weinandt referenced one of the staff reports that mentioned that one of the District's newer hires had the pleasure of removing 6 cabinets worth of paper.

District Administrator Tomczik stated that the District still had some paper files and staff was working on going through them, scanning them to retain the records, but also dispose of the paper.

3. April Calendar

President Bradley noted that Manager Wagamon was slated to attend the CAC meeting and asked if he would be able to attend.

Manager Wagamon stated that he would be able to attend.

Manager Weinandt explained that she would not be in attendance on April 23, 2025.

4. Administrator Updates

District Administrator Tomczik stated that there was some recent staff training where they reviewed the regulatory program and its interaction with the other District programs and also had a presentation on the District's glacial geology. He reiterated that the City of Circle Pines had paid their past due invoice and were seeking some long-term sediment maintenance support for its Golden Lake Pond. He explained that he had reached out to Representative Gottfried for the next steps regarding the proposed bill on RCD-2,3, and 5. He noted that since the District's audit had been formally adopted, staff would engage with the 4M Fund and take a look at the District's investments.

5. Managers Update

Manager Waller stated that he felt some of the questions raised today, while the Board was discussing ACD 10-22-32 could be answered by reviewing the original ditch records and asked staff to dig those records out for the Board to review.

President Bradley asked if he wanted staff to pull out the engineer's report that was adopted and the ACSIC documents.

Manager Waller stated that he planned to go home and dig in his boxes from 2008, 2009, and 2010 and see what he had as well.

Manager Wagamon stated that he agreed that it would be a good idea to review some of the older records on ACD 10-22-32 to have more background information.

District Administrator Tomczik stated that staff was working on a conditions report for the Board related to the culvert at Pine Street, and he felt what Managers Waller and Wagamon were discussing would also fit in nicely with that type of information on ACD 10-22-32 as well.

President Bradley stated that he had attended the Minnesota Watersheds hearing, and they had passed the resolutions. He noted that he wanted to officially acknowledge that the District had received compensation from the City of Circle Pines for a past due invoice and expressed his appreciation to Manager Robertson and Manager Wagamon for their participation in that process.

ADJOURNMENT

Motion by Manager Waller, seconded by Manager Robertson, to adjourn the meeting at 10:17 a.m. Motion carried 5-0.