



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS
Wednesday, April 10, 2024

Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota
and
Meeting also conducted by alternative means
(teleconference or video-teleconference) from remote locations

Minutes

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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, Secretary Jess Robertson, and Treasurer Marcie Weinandt

Absent: None

Staff Present: District Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, Outreach & Grant Technician Molly Nelson, and Office Manager Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners; Megan Hansen-Redpath & Company (video-conference); Nick Neylon, Ramsey County Soil & Water Conservation Division (video-conference); Breanna Keith-Anoka Conservation District (video-conference)

Visitors via (video-conference): 2nd Vice-Pres. Steve Wagamon

President Bradley noted that Manager Wagamon was not able to physically make it to the meeting and would be following along on-line, but would not be voting, participating, since he was not present in the chambers.

SETTING OF THE AGENDA

Motion by Manager Bradley, seconded by Manager Weinandt, to approve the agenda as presented. Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the March 27, 2024, Board of Managers Regular Meeting. Motion by Manager Robertson, seconded by Manager Weinandt, to approve the minutes as presented. Motion carried 4-0.

BOARD OF MANAGERS	Jess Robertson Anoka County	Steven P. Wagamon Anoka County	Michael J. Bradley Ramsey County	Marcie Weinandt Ramsey County	John J. Waller Washington County
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33 **CONSENT AGENDA**

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

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

37 No.	Applicant	Location	Plan Type	Recommendation
38 18-051	Richard DeFoe	Centerville	Final Site Drainage Plan	Post-Issued Amended CAPROC 2 items
41 24-010	Capital Trust Development, LLC	Blaine	Final Site Drainage Land Development Floodplain Alteration	CAPROC 11 items
45 24-012	CS Adren Hills, LLC	Arden Hills	Final Site Drainage	CAPROC 5 items

47 ***It was moved by Manager Waller and seconded by Manager Robertson, to approve the consent agenda
 48 as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and
 49 Recommendations, dated April 2, 2024. Motion carried 4-0.***

51 **Water Quality Grant Program Cost Share Application**

No.	Applicant	Location	Project Type	Eligible Cost	Pollutant Reduction	Funding Recommendation
A24-01	Mary Coffey	Lino Lakes	Shoreline Stabilization & Restoration	\$6,785.00	Volume: 100% TSS: 100% TP: 100%	25% cost share of \$7,500 not to exceed 50%; or \$7,500 whichever cost is lower
R24-03	Jan Krentz	White Bear Lake	Shoreline Stabilization & Restoration	\$41,173.63	Volume: 67.9% TSS: 99.8% TP: 78.7%	50% cost share of \$7,500 not to exceed 50%; or \$7,500 whichever cost is lower
R24-04	Presbyterian Church of the Way	Shoreview	Raingardens	\$178,259.00	Volume: 63% TSS: 63% TP: 63%	\$20,000.00 cost-share of eligible project costs

52
 53 Outreach & Grant Technician Nelson reviewed the Water Quality Grant Program Cost Share applications
 54 for consideration.

56 Manager Weinandt asked why some cost share amounts were at \$7,500 and others were at \$20,000.

58 Outreach & Grant Technician Nelson explained that the rain garden at the Presbyterian Church of the Way
 59 is a larger project and consists of a treatment train of three large rain gardens. She noted that staff and

60 Ramsey SWCD met to discuss the project and felt it was very beneficial for water quality and flood
61 management and came to a consensus, along with the CAC, to offer a higher grant amount.

62
63 President Bradley stated that the District has done this sort of thing before, particularly at churches.

64
65 District Administer Tomczik noted that Manager Wagamon was in attendance at the CAC meeting.

66
67 ***It was moved by Manager Weinandt and seconded by Manager Robertson, to approve the Water Quality***
68 ***Grant consent agenda as outlined in the above table, in accordance with RCWD Staff's Recommendation***
69 ***based on established program guidelines, dated April 4, 2024. Motion carried 4-0.***

70 **OPEN MIC/PUBLIC COMMENT**

71 None.

72 **ITEMS REQUIRING BOARD ACTION**

73 **1. 2023 District Financial Reports and Audit**

74 Manager Weinandt stated that at the beginning of April, District staff and herself met with Redpath
75 and Associates to review the draft 2023 Financial Report which was included in the meeting packet.
76 She stated that they issued a clean opinion and additional information within the audit was
77 information on their investments and Fund 99 for future projects. She stated that they also talked
78 about the Centerville project as well as the bonding efforts. She noted that Megan Hansen from
79 Redpath and Associates is on-line if the Board had any questions.

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81 Manager Waller clarified that when Manager Weinandt mentioned the bonding efforts, she was
82 referring to the State bonding program and not the District bonding. He asked District
83 Administrator Tomczik to go to note #7 in the audit report related to the defined pension program
84 and asked him to take some time to review it with staff, understand how it works, and to make sure
85 the money is there when it is needed.

86
87 Manager Weinandt stated that they did spend a large chunk of their time, while reviewing the audit,
88 on the pension program to make sure that they were solid in their contributions.

89
90 Manager Waller clarified that he was not just concerned about the current contributions but making
91 sure that the actuary table is provided for down the line so when the time comes for the obligation
92 to be paid out, it is there.

93
94 President Bradley stated that he agreed that this is an important issue, but the District cannot
95 control how much is put in or how much the employees take out but agreed that it was important
96 for the employees to understand this program.

97
98 District Administrator Tomczik recognized the points being made by Manager Waller and President
99 Bradley and agreed that the long-term viability and solvency of the pension program is a long-term
100 effort and one that interested parties should pay attention to. He noted that staff had handed out
101 and made available a new memo for the agenda item. District Administrator Tomczik for the record
102 stated the packet includes a letter communication from the auditors, packet page 68, of professional

standards identifying what the audit is about and what it is not about. He referenced page 140 of the packet and the 'Report on Internal Control', noted that the auditors did not find any deficiency in the District's internal control that they would consider a material weakness. He referenced page 142 of the packet and the 'Minnesota Legal Compliance Report', stated that this letter's statement that nothing came to the attention of the auditor that caused them to believe that the District had failed to comply with the various provisions of state statute that they are obligated to follow.

Manager Weinandt stated that there is such a smooth process of completing the audit because every day, throughout the year, Office Manager Stasica handles the financial information. She reminded the Board that Megan Hansen, Redpath & Associates was on-line if the Board had any questions for her.

District Administrator Tomczik stated that he felt it was important to point out that Redpath & Associates has two different divisions, one that the District deals with daily accounting and the other division is the auditor and noted that the two sides do not interface.

Manager Wagamon stated that he knows that Manager Weinandt is on top of this issue, but wanted to back her up, as the ex-Treasurer. He stated that he agreed with what both Manager Waller and Manager Weinandt stated and noted that he does think that they are looking at this very closely.

Motion by Manager Weinandt, seconded by Manager Waller, to accept and authorize the filing of the Rice Creek Watershed District 2023 Annual Financial Report and Audit. Motion carried 4-0.

- 2. Check Register Dated April 10, 2024, in the Amount of \$83,647.20 April 10, 2024, in the Amount of \$83,647.20 Prepared by Redpath and Company**

Motion by Manager Weinandt, seconded by Manager Robertson, to approve check register dated April 10, 2024, in the Amount of \$83,647.20 Prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineers Update and Timeline

District Engineer Otterness noted that RCD4 repair efforts are out for bids and were currently being advertised. He stated that he expects that they will be coming to the Board sometime in May for consideration of the bids.

2. Administrator Updates

District Administrator Tomczik expressed his appreciation to Houston Engineering for their work on behalf of the District at Houston Engineering's expense, to apply for grants on behalf of the District for investigation on storage opportunities along JD 2 and for the Jones Lake flood mitigation project. He stated that HF #4944 was introduced at the Capital Investment Committee, and he was able to speak about the need and urgency. He explained that they had sent a thank you as well as a clarifying point on the phasing and staging of the overall project to the Committee. He stated that open district positions have been posted and some cost will be incurred in order to get them on

148 some platforms that are most productive. He noted that staff has discovered that there is a
149 conflict with the proposed date of May 8, 2024, for the RCD 1 public information meeting, and are
150 now scheduling the meeting for May 15, 2024 at 7:00 p.m.

151

152 **3. Managers Update**

153 Manager Waller asked if Houston Engineering had been in contact with Hugo and Forest Lake
154 regarding the grant application related to JD2.

155 District Engineer Otterness stated that if they are successful in being awarded the grant, they will
156 be doing coordination with those cities to talk about the results and finding out what the benefit
157 would be in each of those individual areas.

158 Manager Waller stated that he hopes that there is no intention of placing the storage facilities in
159 the right-of-way of the ditch and that they would be off to the side and separate.

160 District Engineer Otterness explained that the intent is to be investigating off-channel storage.

161 Manager Waller stated that he understands the District has had problems in the past with in-channel
162 storage.

163 District Engineer Otterness clarified that there have been situations where in channel storage has
164 been utilized successfully and others where it has been problematic and explained that it really
165 depends on the situation.

166 Manager Waller stated that he had attended the Washington County Consortium and felt that there
167 was a very interesting presentation given by the school district. He stated that at the Woodbury
168 school campuses, they have created a program, in coordination with the City of Woodbury, to begin
169 storing stormwater on what used to be called 'wetlands' and have turned into scientific labs for the
170 students. He noted that at the last meeting the Board passed a resolution about working on the
171 technical revisions of the rules and the ones they are most interested in were C, D, E, and F. He
172 stated that as they take a look at these rules, the first thing he would like to know is how many of
173 the District's 28 cities already have a rule for stormwater management, erosion sediment control,
174 floodplain alteration, and wetland alteration. He explained that the reason he wants the answers to
175 those questions is because he believes that the District does not have the obligation to provide a
176 rule if a rule is already in place.

177 District Administrator Tomczik stated that staff will review and offer its inventory of the information
178 Manager Waller was interested in from the member cities. He noted that the State has cast a
179 broad net so many of the MS4 permit District obligations are also those that the municipalities are
180 held to. He stated that the District exists within the defined hydrologic boundary to set a standard
181 by which the entire area is successful, so piece meal approach by the political entities can be
182 problematic for a unified solution. He stated that he did think it would be good for the District to
183 review and know what all is in place.

184 Manager Waller explained that he was a strong believer in having some structure, which comes from
185 the State, and then having some flexibility to the communities with their individual rules because
186 sometimes 'one size does not fit all'. He noted that he felt it was important to recognize that the
187 cities have the flexibility to make their own rules and that the District respects them.

188 President Bradley agreed that the Board should have a full understanding of the responsibilities of
189 everyone involved in this process.

190 Manager Waller stated that he also did not want to see duplication. He reiterated that the District
191 only needed to have a rule in place in the absence of a rule from the cities.

192 District Attorney Smith stated that he thinks there is a distinction between the legal framework and
193 policy preferences that the Board may have. He explained that under the Watershed Planning
194 Law, the District is obligated to develop a Comprehensive Plan and set standards for the whole
195 watershed from which local units of government can adopt the equivalent of those standards or be
196 more restrictive and can seek to take over the enforcement role, but it is not the case that through
197 that planning process the District does not have responsibility if local communities have already
198 adopted some kind of water quality or quantity water resource control. He noted that the District,
199 as they develop their plan, could decide that they do not want to adopt aggressive standards and
200 could make the decision to leave the local standards to all local communities to adopt and take a
201 passive/hands-off approach, but explained that he was not sure that would be viewed as fulfilling
202 all of their planning responsibilities in the review process.

203 President Bradley asked what role BWSR would play in reviewing the rules.

204 District Attorney Smith stated that in reviewing the plan, BWSR has approval authority and for the
205 rules that are adopted to implement the standards within the plan, the role is advisory.

206 Manager Weinandt stated that tomorrow will be the Centerville public information meeting at the
207 Wargo Nature Center at 5:00 p.m. She stated that on April 16, 2024 there will be the Metro MN
208 Watershed meeting at Capital Region at 7:00 p.m., in person, and noted that she plans to attend.

209 President Bradley stated that he will attend the Centerville public information meeting but was not
210 sure if he would be able to attend the Metro MN Watershed meeting. He stated that he felt that
211 District Administrator Tomczik did a superb job presenting the District's request for money before
212 the legislature and noted that he actually thought he gave one of the best presentations overall. He
213 noted that the Board had held a workshop meeting earlier in the week and Tom Schmidt, in his new
214 role, came and gave a nice presentation.

215 Manager Wagamon thanked District Administrator Tomczik for mentioning that he had been in
216 attendance at the CAC meeting and explained that he felt that they had a thorough discussion and
217 spent most of their time discussing the Water Quality Grant program applications. He congratulated
218 Tom Schmidt for his new position within the District.

219

220 **ADJOURNMENT**

221 ***Motion by Manager Waller, seconded by Manager Weinandt, to adjourn the meeting at 9:36 a.m.***

222 ***Motion carried 4-0.***