

REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, April 23, 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 1 CALL TO ORDER 2 President Michael Bradley called the meeting to order, a quorum being present, at 9:00 a.m. 3 4 5 ROLL CALL President Michael Bradley, 1st Vice-Pres. John Waller, 2nd Vice-Pres. Steve 6 Present: Wagamon, and Secretary Jess Robertson 7 8 9 Absent: Treasurer Marcie Weinandt (with prior notice) 10 Staff Present: District Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, 11 Drainage & Facilities Manager Tom Schmidt, Operations & Maintenance 12 Inspector Abel Green, Program Technician Emmet Hurley (video-conference), 13 14 Office Manager Theresa Stasica 15 Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI) and 16 District Attorney John Kolb from Rinke Noonan 17 18 Visitors: Brian and Bridget Robinson, Scott Robinson 19 20 21 SETTING OF THE AGENDA 22 23 Motion by Manager Wagamon, seconded by Manager Robertson, to approve the agenda as presented. Motion carried 4-0. 24 25 READING OF THE MINUTES AND THEIR APPROVAL 26 Minutes of the April 7, 2025, Workshop and April 9, 2025, Board of Managers Regular Meeting. 27 28 Motion by Manager Robertson, seconded by Manager Wagamon, to approve the minutes as presented. Motion carried 4-0. 29

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OPEN MIC/PUBLIC COMMENT

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ITEMS REQUIRING BOARD ACTION

Anoka County Ditch 10-22-32 History & Conditions Memo

District Administrator Tomczik explained that this item was a precursor to the next agenda item regarding lowering the culvert on the main trunk of ACD 10-22-32 at West Pine Street. He outlined the background and noted that at their October 23, 2024, meeting, the Board had considered the Wetland Conservation Act (WCA) application and the potential lowering of the culvert, which was not approved at that time. He explained that the reasons for it not being approved were concerns related to the overall system conditions, some of the landowner concerns that had been raised, concerns about the wetland credit cost and the use of District credits for this purpose. He noted that at their March 12, 2025, Board meeting, they had guided staff to proceed to resubmit an application and explained that the WCA rules had changed since that time. He explained that the ACD 10-22-32 Conditions Report provided the Board with information that they may consider before the next agenda action item.

Drainage and Facilities Manager Schmidt stated the Conditions Report was reflective of the concerns that had been raised by landowners throughout this process. He stated that he and District Engineer Otterness believe that it addressed the known deficient areas. He explained that the areas that they had noted in the memo reflect deficiencies due to maintenance needs and stated that they were intending to correct those before lowering of the culvert took place. He stated that he had spoken with the City of Columbus yesterday about their concerns regarding lowering the culvert before they do their graveling of West Pine Street and explained that they were able to come to an agreement and were not as concerned about that situation. He reviewed the locations highlighted on a map and briefly reviewed the immediate priority items, and work would be done. He explained that the other items listed in the report were seasonal priority items and monitored/scheduled items.

District Engineer Otterness noted that the last item listed under seasonal priority items to complete was a culvert that was just west of 4th Avenue, Location #12 on the map. explained that the driveway culvert that was just west of 4th Avenue meets the District's criteria for drainage but noted that for a 100 year rainfall event, the District model indicates a couple feet of difference in water elevation on either side of the driveway. So, there is an opportunity to potentially lower 100 year flood elevation upstream of 4th Avenue by making the driveway culvert larger. He stated that this would go beyond the scope of drainage and was more of a flood management effort, and stated that they were recommending that a sizing review be completed in this location to see if there was the potential to lower flood elevations upstream on the east side of 4th Avenue without creating anything problematic downstream.

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District Administrator Tomczik noted the distinction between repair and maintenance. He stated that the items listed in the Conditions Report were maintenance and items that staff, under their job descriptions and general direction of the Board to fulfill the 103E maintenance obligations, regularly undertaking those efforts. He stated that the Pine Street culvert required Board action, because of the WCA implications, a repair.

Drainage and Facilities Manager Schmidt stated that, in addition to the Pine Street culvert, which was one of the elements of the Alternative #4 approach for managing upstream of Pine Street, there was the driveway/road culvert at 137th Avenue. He explained that they intend to work with the contractor at the same time or adjacent to the Pine Street culvert to lower the culvert to the DNR permitted elevation. He clarified that it was not connected to the lowering of Pine Street, but would be separate maintenance that they undertook. He stated that staff felt this report answered previous questions that had been brought up to the Board during some of their Open Mic sessions from the public.

Manager Waller asked if the items listed under seasonal were meant to be done this year, as time allowed, in addition to the priority items.

Drainage and Facilities Manager Schmidt stated that was correct.

Manager Waller listed off some examples of things listed under seasonal items and asked if there had been any progress on the lowering of the prison culvert.

Drainage and Facilities Manager Schmidt stated he believed that the permit had been issued for that work.

Regulatory Manager Hughes explained that conditional approval had been given.

Drainage and Facilities Manager Schmidt explained that he believed the State was waiting for their contracting process.

President Bradley asked if the culvert was going to be lowered or repaired.

Drainage and Facilities Manager Schmidt stated that it was going to be replaced, in kind.

Scott Robinson, 8179 4th Avenue, Lino Lakes, shared some history around when the ditches were originally dug with the authority of the County. He referenced the spot on the map where Locations #12 and #13 met and asked if that was one of the culverts they were considering replacing with a larger size.

District Engineer Otterness stated that the one he was referring to was just west of 4th Avenue.

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157 158 159 Mr. Robinson expressed concern that the District would just keep stacking up larger culverts above them and continue to put more water on them. He stated that he believed this culvert had already been replaced by the watershed around 2011 or 2012, and set at a grade that was approved by them.

District Engineer Otterness clarified that they needed to look to see if changing it would provide a benefit and not cause issues upstream, and would be something District staff looked into over the summer months.

Mr. Robinson referenced Location #5 and asked if there was also a culvert there that they were looking to replace.

District Engineer Otterness noted that there was a culvert there that would need to be lowered.

Mr. Robinson referenced various other culverts in their area and their sizes in comparison with the Pine Street culvert. He stated that the District was lowering and making larger culverts upstream of him and changing the ACSIC for those areas of the drainage system. He asked why they were doing portions of the drainage system. He explained that, to him, the ACSIC was where his grandfather had dug it to, under the authority of the County. He reiterated that the ACSIC conditions were one level in one area and something else in another. He expressed concern about this affecting the value of his property because it put him in a floodplain that otherwise wouldn't be, which meant he had to pay for expensive floodplain insurance.

Mr. Robinson explained that he disagreed with the District's ACSIC determination. noted that Houston Engineering went out and did forensic engineering with soil borings, so they know how deep the ditch was dug in 1954 and believed that they set the ACSIC about 18-20 inches higher than that point.

President Bradley clarified that there was no action before the Board to reopen their ACSIC determination, and today's action was about cleaning out to the ACSIC determination.

Mr. Robinson noted that the District had reexamined the ACSIC at Pine Street.

President Bradley disagreed and explained that they were taking it down to the ACSIC level.

District Engineer Otterness stated that they had used evidence along the way and had multiple iterations of this while working through the process of determining the ACSIC. He stated that if there had been information brought in that indicated that the ACSIC was incorrect, then the Board could review that, but he was not aware of any information that had been brought to their attention to counter where the ACSIC was set.

President Bradley thanked Mr. Robinson for providing comments to the Board.

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Manager Wagamon stated that Mr. Robinson had petitioned and paid for the ditch to be cleaned out and asked if that was the elevation the District was going to.

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District Engineer Otterness stated that there was no elevation developed in the 1950s when the work was done, or any action that they could find in the documentation related to a drainage system proceeding. He explained that all they had found in the records was the permission from the County Board in place at the time to allow the landowners to modify the system as they saw fit. He noted that when they went through to consolidate the drainage system in 2011, it established where the drainage system was for alignment and depth, based on the documentation they had.

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Mr. Robinson gave a brief description of how his family had moved the ditches in the 1950s because they didn't want to farm land with 3 ditches running through it.

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Manager Waller stated that the District Engineer had indicated that he could not find a record of the work done in the past by the Robinson brothers regarding the actual depth it was dug. He noted that Mr. Robinson was saying that they had to check that by the hardpan, but was not sure that the engineering firm in 2011 had checked the hardpan, and that he felt the ACSIC was about 18 inches higher than that. He asked how Mr. Robinson proposed that the District go out and check the hardpan location.

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Mr. Robinson explained that it had already been done and paid for, and explained that he had seen graphs and profiles of the ditch that showed that Houston Engineering had found the hardpan. He stated that in 2011 what the District had done was not go to the hardpan but decided that there was a culvert on Main Street at a certain level and another at Carl Street at a certain level and they determined the level by drawing a straight line between them, which is not what the level would have been in 1954.

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District Administrator Tomczik suggested that District Engineer Otterness comment on the assembly of public drainage information and the assessment that was done on-site related to the original ditch depth that was found.

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District Engineer Otterness stated that the District needed to look at the system as a whole. He explained that in many areas of the system, the bottom of the ditch is already dug below the ACSIC level. He stated that even if the desire was to lower the ACSIC grade on certain properties down to the hardpan, the efficiency of the system would still be limited by downstream elevations, so functionally it would not change how anything would operate if they tried to dig out muck in an area that had already been over-dug. He noted that downstream from here there was not a lot of grade, so digging out any portion of, for example, Location #3, #4, or #5, would functionally not change how the system operated because they would not have the grade to make it function any better than what it was right now.

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Mr. Robinson stated that he felt District Engineer Otterness was saying that the culverts are where they are, so that was what would control the water. He reiterated that he contended that the culverts were not as low as they should be.

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District Attorney Kolb noted that he was here in 2008-2011 when the Board went through the first round of establishing this lower portion of ACD 10-22-32. He encouraged the Board to go back and look at the historical review documents that were used at that time to weigh the evidence and determine the ACSIC grade line in this portion of the drainage system. He stated that there was nothing that Mr. Robinson had said that was incorrect, but that was just a portion of a history of modification of this ditch system since the original establishment of Ditch 10 around 1890 and then being overlaid with Ditch 22, overlaid Ditch 32 and slicing off a portion of the watershed of ACD 53-62. He explained that there was an incredible history here, and the Robinsons' part of that history was important because they recognized that there were certain rights that the Robinson properties established through those activities in the 1950s. He noted that in the end, if they look at the report, they will see that there is other evidence that indicated that the grade line of the ditch could only sustain a certain elevation and the majority of those areas that cross the Robinson properties were over excavated and there was no way to drain them out without improving lower portions of the system which he felt District Engineer Otterness was trying to describe. He clarified that this was not solely based on culverts, but some were considered to be more reliable than others, nor was it solely based on soil borings, and he tried to account for anomalies in the grade line that could not be corrected without improvement to the system.

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President Bradley asked District Attorney Kolb to explain what it meant to have areas that were over-dug and run up against parts that were properly dug, and the cost and necessity of improvements versus a repair.

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District Attorney Kolb noted that he would not characterize anything as being improperly dug, because it was just dug the way it was at the time, but acknowledged that it does create practical challenges. He stated that the District cannot lower that ditch, make it steeper, or make it any more hydrologically efficient than it is today without a petition for improvement. He stated that if they have a petition for improvement then they have to go through that process which included multiple public hearings, engineering, agency review and explained that they know that agency review will be highly critical of any change that increases the hydrologic regime downstream, transports sediment or other pollutants downstream, or otherwise impacts resources that are on the landscape that may be drained or damaged. He stated that if that were part of the impacts of an improvement, then they would also have to go through mitigation or other activities, so there was a practicality portion of any improvement, but until they have a petition, they are limited as to what they can do. He stated that he felt what was being proposed was

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to try to make the system as efficient as possible and noted that for the culverts adjacent to 4th Avenue what was being proposed was a hydraulic analysis to see what the impact may be of altering them and clarified that there was no immediate plan to alter them. He reiterated his encouragement for the Board to go back and review the historical documentation and explained that he felt the Board, at that time, made the best of the situation, given the evidence they had at the time.

Manager Wagamon asked how far south the Robinsons had dug.

Mr. Robinson explained that they had started at the lake and had come all the way up.

Manager Wagamon stated that it was a part he did not understand because if the Robinsons were permitted to dig from that point to their property, he asked which part the District questioned.

District Attorney Kolb stated that they do not know all of those details and explained that in the minutes of the County Board meeting, there was a request from the Robinson's to do some work on ACD 10-22-32 and the County gave them that permission, but clarified that there were no specifics as to what was done. He stated that there was a lot of history here and a lot of private work that had been done with and without documentation.

President Bradley asked Mr. Robinson to look at the map and point out where he felt his family had dug.

Mr. Robinson stated that his family would have dug Locations #1, #2, #3, #4, #5, #12, and also downward as well.

Manager Robertson asked if it might make more sense to table this item pending the review of the historical documentation referenced by District Attorney Kolb.

President Bradley stated that he did not believe that made sense.

Manager Robertson stated that she appreciated that the scope of the work went beyond Pine and Jodrell, but when there are repeat customers who share their concerns with the Board, that sometimes she felt they did not look through a lens of how they can work together and try to do the right thing for these property owners. She explained that she was all for maintenance in the ditch system and appreciated the broad lens review on the entire system instead of just the two pain points of Pine and Jodrell, but she will not vote for this until they have some kind of resolution with the residents. She explained that was why she had a very difficult time voting on things like this to move them forward because they had the same people coming in to express concerns and the District tells them what is best for them, but the Board doesn't live there or having standing water, ditch issues, or water flow issues on their properties like these residents do. that she would like to table this item until they had a full historical review.

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President Bradley stated that the District has the responsibility to maintain what they have, and there is a report here to do that. He stated that Mr. Robinson was there telling the District that they should go back to what they did in 2011 because they didn't do it right.

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Manager Waller noted that this was an agenda item for doing minor maintenance activities and asked staff, if this item was tabled today, whether that would prevent them from doing the minor maintenance activities. He stated that tabling this was just not accepting the report at this time, and felt that they would still be able to go ahead and do the work on the system.

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District Administrator Tomczik explained that this agenda item was to share with the Board as to the overall condition of the system because when they had previously considered the lowering of Pine Street, there were concerns raised that they should be looking at the entire system as well as the use of wetland credits. He stated that Manager Waller was correct that all of the materials in this document were already delegated by the Board to staff and this was not an action item, but an explanation and information for Board consideration so there was an understanding with staff from which to consider the Pine Street culvert lowering which was a WCA decision. He noted that with Regulatory Manager Hughes' work with BWSR and a change in the WCA, the lowering of Pine Street was not seen as an impact requiring replacement, which brought it back to a no-loss, which was a delegated authority from the Board to staff for approval. He stated that because the Board had directed staff to bring it back to them, they were doing that, and the Board, taking the action, in light of the delegated authority to staff, gives it the utmost certainty as the State and other parties consider the way the law was changed about decisions.

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Manager Waller clarified that the action item for the Board was the next agenda item and reiterated that the things outlined in this report were minor maintenance things, so no motion was necessary for this item because there wasn't any action to be taken other than to perhaps accept the report. He stated that he felt some important information had come from today's meeting, such as where the Robinson family had authority from the County Board. He stated that the District did have the ability to go look at soil borings from Marshan Lake up to Location #1 to see where the hardpan was, and assumed that information was included within the historical record, but believes that they have dug it deeper.

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Mr. Robinson asked staff to display the map again because there is a culvert that was not depicted in the southeast corner by their driveway that was collapsing and had some sloughing.

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Drainage and Facilities Manager Schmidt stated that the District had sent staff to walk through the culvert, and it was not collapsing.

Operations & Maintenance Inspector Green stated that it didn't seem to be collapsing and noted that staff were able to walk through it.

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President Bradley stated that there appeared to be interest in looking into this claim based on the 2011 record, but reiterated that this was a separate thing from trying to get this maintained and trying to lower the Pine Street culvert now, and suggested that the Board move on.

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Brian Robinson, 310 Main Street, stated that if they cannot argue the historic depths, he asked if the District would assure them that they would maintain the system at its depth. He referenced the map and section #4 and noted that from end to end, it was way higher than the District's historic levels, which he felt needed to be addressed immediately, especially from Carl Street to the airstrip. He noted that he felt the whole thing was having problems and was above the historical grade. He stated that there was a failing culvert at Carl Street, which wasn't included in their report, and asked when that would be addressed.

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Drainage and Facilities Manager Schmidt stated that it could be addressed at his convenience.

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Mr. Robinson asked if there were any funds available to cover the culvert costs because it was considered a private crossing.

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Drainage and Facilities Manager Schmidt stated that he would propose that it be replaced as part of the system and make the culvert crossing part of the system, which would relieve the landowner from future maintenance responsibilities.

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Mr. Robinson noted that he felt the culvert could collapse at any time.

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Drainage and Facilities Manager Schmidt explained that he had staff checking the culvert after every rain event.

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Manager Waller asked if Mr. Robinson was proposing that the replacement and future maintenance costs for this culvert would be taken on by the District. He asked if the District taking over the responsibility for it would be acceptable to Mr. Robinson.

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Mr. Robinson stated that he would have to run it by his family, but was sure it would be acceptable because it had to be dealt with. He stated that his family just wants to know if they will be responsible to pay for the culvert because it used to be a private ditch.

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Manager Waller stated that he felt that what Drainage and Facilities Manager Schmidt had said was that the District would be responsible for the replacement and maintenance of it, and that the culvert would become part of the public system, therefore, the public would be responsible for it.

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Mr. Robinson stated that as long as they would still have access to use that driveway to come in and out, he felt his family would consider that approach.

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District Engineer Otterness clarified that they were recommending in the report that this culvert be replaced and are also recommending that the ditch be cleaned on either side of the airpark culvert, and were planning to do this work sometime this summer.

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Drainage and Facilities Manager Schmidt reiterated that regardless of whether the Board tabled the next item or not, the maintenance works outlined would be completed this year before any dropping of culverts took place.

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2. Anoka County Ditch 10-22-32 Main Trunk West Pine Street Culvert Lowering

District Administrator Tomczik noted that the material provided for the previous agenda item had been given for context for this item.

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Regulatory Manager Hughes stated that the application was resubmitted and noticed in March of 2025. He noted that through discussion of the 2024 statute changes that affected the WCA, there was a consensus that, although there is a drainage effect, it would not result in any sort of impact to the wetland and would not require replacement. He stated that because of that, they changed the application so that the activity of lowering the culvert would fit the criteria of no loss, which meant that they would not have to provide any credits out of the Browns Preserve Wetland Bank.

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Manager Waller stated that it was good that the District did not have to spend over \$200,000 in wetland credits for something that had no change and commended Regulatory Manager Hughes for his work on this.

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Manager Wagamon stated that he wanted to echo his appreciation to Regulatory Manager Hughes for his hard work on this item because this was also important to him.

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Motion by Manager Bradley, seconded by Manager Waller, to adopt Resolution 2025-03 No-Loss Determination for ACD 10-22-32 Culvert Replacement (W Pine Street)

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THEREFORE BE IT RESOLVED that the Board approves the Notice of Decision (NOD) as presented by District staff, and authorizes the District administrator to issue the NOD, with any final non-material changes, and distribute it, all in accordance with WCA and its implementing rules.

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Manager Waller noted that this work report had studies in it for the sizes of culverts that were just downstream, and some may be sized incorrectly because they were sized

smaller than the one at Pine Street was currently. He noted that following this study, there would be further decisions on how those culverts will be maintained.

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Manager Robertson asked if the lowering of the culvert that was being recommended would address some of the concerns that Mr. Stowe had repeatedly brought before the Board regarding his property.

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District Engineer Otterness stated that the analysis the District had done through their modeling showed that any change that would happen downstream due to the culvert lowering would be insignificant. He stated that he could not say whether this analysis would resolve all of Mr. Stowe's concerns, but it had addressed them through analysis.

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Regulatory Manager Hughes pointed out the locations of the culvert to be lowered, and Mr. Stowe's property was on the map.

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Manager Robertson stated that she did not want to overshadow the time that Regulatory Manager Hughes had invested in this or what he was able to save the District some money by not having to deal with wetland credits, but she felt it was the responsibility of the Board to work with and work through the ongoing concerns that are raised by property owners.

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ROLL CALL:

Manager Bradley - Aye Manager Robertson – Aye Manager Waller - Aye Manager Weinandt – Absent Manager Wagamon - Aye **Motion carried 4-0**

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3. Check Register Dated April 23, 2025, in the Amount of \$222,895.43 and April Interim Financial Statements Prepared by Redpath and Company

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Motion by Manager Wagamon, seconded by Manager Bradley, to approve check register dated April 23, 2025, in the Amount of \$222,895.43 and April Interim Financial Statements prepared by Redpath and Company. Motion carried 4-0.

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President Bradley recessed the meeting at 10:12 a.m. and reconvened at 10:17 a.m.

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ITEMS FOR DISCUSSION AND INFORMATION

Priebe Lake Outlet Project (PLOP)Operations and Maintenance Agreement Update Drainage and Facilities Manager Schmidt stated that when the District repaired and replaced the Priebe Lake Outlet, part of the investigation of the outlet pipe revealed that there were other contributors to the regional storm sewer to the outlet. He noted that to capture the responsibilities of all of the parties that contribute water to it, the City of Birchwood and the City of Mahtomedi had asked for an operations and maintenance plan for the PLOP, which the District has put together. He stated that the District received a comment from White Bear Lake, which they incorporated, even though it was not substantive. He explained that they were supplying the proposed agreement to the Board as an informational item before it was sent out to all the parties for signatures.

Manager Waller stated that he felt that the City of Birchwood would be asking about Hall's Marsh and asked if this had been distributed to Birchwood already.

District Attorney Kolb explained that it had been submitted to Birchwood, and the language that addressed that remained unchanged from the original draft. He referenced Section 3 on page 105 of the packet and read aloud a portion of the agreement. He stated that in the agreement, the City of Birchwood agrees to take responsibility for it, and the District agreed to work with them to manage the function of the outlet project to facilitate their goals for Hall's Marsh itself.

2. Anoka County Ditch 53-62 Branches 5 & 6 Water Management District Charge Development Task Order

Drainage and Facilities Manager Schmidt stated that part of the process for the repair report for ACD 53-62 branches 5 and 6 was the development of the charge for the Water Management District (WMD). He stated that they now have a Task Order where this amount would be within the delegated authority for the District Administrator Tomczik to approve. He explained that the WMD would be levied again for the repair project per the District's historical split of charges to local and ad valorem funds.

3. Anoka County Ditch 53-62 Branches 5 & 6 Public Information Dates

Drainage and Facilities Manager Schmidt stated staff was suggesting May 28, 2025, at 6:00 p.m. for holding a public information meeting on the repair report for ACD 53-62, branches 5 and 6, and noted that the Mounds View City Council Chambers would be available for use at that time.

Manager Waller suggested holding the meeting at Blaine City Hall, even though Blaine City Hall was not located in the District.

There was consensus of the Board to keep May 28, 2025, at the Mounds View Council Chambers as a back-up date if they were not able to schedule something in Blaine, as requested.

4. Staff Reports

5. May Calendar

District Administrator Tomczik noted the public information meeting on ACD 53-62, branches 5 and 6, was tentatively scheduled for 6 p.m. on Wednesday, May 28, 2025, as just discussed.

President Bradley stated that he also had the CAC meeting scheduled for May 7, 2025.

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6. **Administrator Updates**

District Administrator Tomczik stated the District had made a grant application on Hardwood Creek in JD-2 for potential storage adjacent to the system and noted that they should have a response to their application sometime in May. He stated that the District had received a termination letter from the MPCA that informed them that it no longer met the required minimum for being part of the MS4 program. He stated that staff had been looking at several of the district's policies, and would be looking at moving through the policy book to make updates before bringing them back to the Board. He stated that he will be moving forward with a public expenditure for logo clothing, that was last done in 2022, to promote the District and team. He noted that there had been a lot of fraud activity with many entities moving away from paper checks, and stated that the District is doing the same and will likely need to update some of their policies regarding this as well.

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7. **Managers Update**

Manager Waller attended the Metro MN Watersheds chapter meeting on April 15, 2025, and reviewed topics of discussion.

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President Bradley noted that MnDOT had prepared a comprehensive map of the areas that were flooded and felt it would be helpful for the District to get their project included on that map. He stated that he was hopeful that they would be included on that map because he felt it would help them in their lobbying efforts.

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ADJOURNMENT

Motion by Manager Bradley, seconded by Manager Robertson, to adjourn the meeting at 10:32 Motion carried 4-0. a.m.

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