



## REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Monday, June 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

#### **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, and Treasurer Marcie Weinandt

Absent: Secretary Jess Robertson -with prior notice

Staff Present: District Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, Drainage & Facilities Manager Tom Schmidt, Project Manager David Petry, Lake and Stream Manager Matt Kocian, Operations and Maintenance Inspector Abel Green, Program Technician Emmet Hurley (video-conference), Office Manager Theresa Stasica

Consultants: District Engineers Chris Otterness and Adam Nies from Houston Engineering, Inc. (HEI) and District Attorney John Kolb from Rinke Noonan

Visitors: Teresa O'Connell, Nyle Zikmund

#### **OPEN MIC/PUBLIC COMMENT**

None.

#### **SETTING OF THE AGENDA**

District Administrator Tomczik explained that staff would like to add 2 agenda items under Items for Discussion and Information: #4 - 2026 Stormwater Management Grant Program, and #5 - Open Meeting Law Update. He reminded the Board that, with Manager Robertson's absence, they would need to appoint a Secretary Pro Tem for today's meeting.

4325 Pheasant Ridge Drive NE #611 | Blaine, MN 55449 | T: 763-398-3070 | F: 763-398-3088 | [www.ricecreek.org](http://www.ricecreek.org)

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

President Bradley asked if Manager Wagamon was willing to step in as Secretary Pro Tem for today's meeting.

Manager Wagamon agreed to step in as Secretary Pro Tem.

### **READING OF THE MINUTES AND THEIR APPROVAL**

**Minutes of the June 9, 2025, Workshop and June 11, 2025, Board of Managers Regular Meeting.**

***Motion by Manager Bradley, seconded by Manager Weinandt, to approve the minutes as presented. Motion carried 3-0-1 (Wagamon abstained).***

### **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 the opportunity for discussion:

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

| <b>No.</b> | <b>Applicant</b>        | <b>Location</b> | <b>Plan Type</b>         | <b>Recommendation</b> |
|------------|-------------------------|-----------------|--------------------------|-----------------------|
| 25-061     | City of White Bear Lake | White Bear Lake | Final Site Drainage Plan | CAPROC 4 items        |

***It was moved by Manager Weinandt and seconded by Manager Bradley, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated June 13, 2025. Motion carried 4-0.***

### **ITEMS REQUIRING BOARD ACTION**

#### **1. Anoka County Ditch 72 – Petition for the Partial Abandonment and Reroute**

Public Drainage & Facilities Manager Schmidt stated that the District had received a petition for a partial abandonment and reroute of segments of the ACD 72 system. He explained that the process in this situation would be for the Board to accept the petition and appoint the District Engineer to review and file a report.

***Motion by Manager Waller, seconded by Manager Weinandt, to adopt Resolution 2025-04 Findings And Order Accepting Petition And Directing Appointment Of Engineer***

#### **ORDER**

***A. The Board of Managers accepts the petition and appoints Houston Engineering to investigate the effect of the proposed action under the standards found in sections 103E.227 and 103E.806 and file a report of findings.***

***B. The Engineer is directed to include in its investigation an assessment of effects from the proposed action to private property which may require Petitioner to acquire flowage or other easements related to the diversion of drainage system waters and realignment of the drainage system, an assessment of the impact of encroachment on right of way of CD 72, an assessment of the impact of the proposed action on the function and integrity of CD 72, and an assessment of the requirements for alternative drainage system easements for the drainage system re-alignment.***

C. *This order is not an approval of the proposed action, nor does it modify the drainage system. Subsequent proceedings on the petition will occur consistent with the requirements of Statutes Sections 103E.227 and 103E.806.*

**ROLL CALL:**

***Manager Bradley – Aye***

***Manager Robertson – Absent***

***Manager Waller – Aye***

***Manager Weinandt – Aye***

***Manager Wagamon – Aye***

***Motion carried 4-0***

**2. Anoka Washington Judicial Ditch 4 Work Order**

Public Drainage & Facilities Manager Schmidt stated that this item was a work order for Rybak to do some maintenance on JD4 adjacent to Brown's Preserve in Columbus. He stated that the ditch had become so filled with cattails that it needed excavation and explained that the work exceeded delegation and was before the Board because it was such a large maintenance project.

***Motion by Manager Waller, seconded by Manager Bradley, to approve the Public Drainage system repair work order for Rybak Companies for sections of AWJD 4 as outlined and directed by staff in District Drainage Department Repair Report 25-043, estimated at \$59,925.***

Manager Waller noted that he was on this road about a week ago and found it to be a disaster and would not take a tandem truck over the roadway. He stated that part of this work order was to reinforce the berm and remove the upstream weir structure.

Manager Wagamon explained that he had seen the equipment that would be used for this project and found it amazing.

Drainage and Facilities Manager Schmidt noted that the work described by Manager Waller was work that staff would be discussing with the Board at their July Workshop meeting, because that work was separate from what was being presented today. He stated that the work on today's agenda was only in the ditch and was related to previously approved work.

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

**3. HEI Task Order 2025-008: Old Central Avenue Feasibility Study**

Project Manager Petry stated this item was for a HEI task order to provide a feasibility study to assess potential streambank stabilization and stormwater treatment alternatives along the Lower Rice Creek in Fridley. He explained that this came up as a result of early coordination with Anoka County's transportation division and noted that the County was

working on 3 separate projects that were related, including a bridge replacement, road resurfacing, and a regional trail realignment. He noted that the deadline for the task order would be September 30, 2025, and would be assigned to 60-03 within the approved budget amounts.

***Motion by Manager Bradley, seconded by Manager Wagamon, to approve and authorize the Administrator to sign HEI Task Order 2025-008: Old Central Avenue Feasibility Study, not to exceed \$26,000.00. Motion carried 4-0.***

**4. HEI Task Order 2025-011: JD 3 / Clearwater Creek – Channel Restoration Final Plans**

Project Manager Petry stated that this was for a HEI task order for JD3/Clearwater Creek for the channel restoration downstream of Clearwater Creek or the main trunk of AWJD-3. He explained that the District had previously accepted a grant through BWSR's watershed implementation funding for the project, and this was just the task order to complete that work.

District Administrator Tomczik noted that as plans were further developed, it was likely that staff would be back before the Board, presenting information on potential easements, or an additional task order.

District Engineer Otterness stated that this extended into Lino Lakes a bit, so it will go all the way up to 35E and down to Peltier Lake. He explained that the intent would be to review existing easements and try to limit the number of easements that may be needed.

***Motion by Manager Weinandt, seconded by Manager Bradley, to approve and authorize the Administrator to sign HEI Task Order 2025-011: JD 3 / Clearwater Creek – Channel Restoration Final Plans, not to exceed \$110,000.00.***

Manager Weinandt stated that she would be driving up to Rosseau to remind administrators and the watershed districts that this was not BWSR money and was Clean Water Fund money. She asked that the Board be very clear on these projects, where the money was coming from. She asked if they use the project money for the planning if they would go into project implementation money in order to do the work.

District Administrator Tomczik explained that it would be a combination and noted that he felt Manager Weinandt had made a valid point, and staff would make sure to identify the Clean Water Fund in promotional items.

Project Manager Petry stated that the design would be paid out of the Clean Water Fund, which is managed by BWSR. He stated that future construction will be done with either grant funds or other District funds.

President Bradley stated that the District had previously received a report from Houston Engineering with various options, and this was the next step, which was turning that work

160 into an actual plan, including determining final costs, which would come back before the  
161 Board for approval.

162  
163 Manager Waller stated that the Clean Water Fund money would be used for paying for  
164 the final plans, but the construction funding has not been totally determined yet. He  
165 explained that the construction funding could come from an additional grant or ad  
166 valorem taxes.

167  
168 District Administrator Tomczik noted that the earlier in the watershed that sedimentation  
169 can be addressed, the better it is in preventing it from going downstream and into the  
170 lake.

171  
172 ***Motion carried 4-0.***

173  
174 **5. Stream Health Evaluation Program Proposal – Friends of the Mississippi River**

175 Lake and Stream Manager Kocian stated that he was here to seek authorization from the  
176 Board to proceed with a contract with the Friends of the Mississippi River to run the  
177 Stream Health Evaluation Program (SHEP) in 2025. He explained that the SHEP is a  
178 volunteer monitoring program which had been around since 2006 in order to collect  
179 biological data in District streams, specifically macroinvertebrate data. He stated that  
180 the biological data collected as part of this program can tell them a lot about the overall  
181 health of the system. He noted that the costs for this program had been anticipated and  
182 were part of the 2025 budget. He introduced Tere O'Connell, who serves on the Citizen  
183 Advisory Committee, who was a long-term volunteer with the SHEP program.

184  
185 Tere O'Connell explained that she had been with SHEP since the beginning and noted that  
186 they have to leave things for the next generation the best they can, and she felt that doing  
187 this kind of work means a lot to everyone, and encouraged the Board to continue their  
188 support of this program. She stated that most of the volunteers are from the Rice Creek  
189 area. She distributed copies of information she had related to SHEP and some of the  
190 areas where she had collected data.

191  
192 Manager Weinandt thanked Ms. O'Connell for her willingness to put on her waders and  
193 go out to collect this data.

194  
195 Lake and Stream Manager Kocian explained that the last part of the volunteer program  
196 was identifying the invertebrates in a lab, and noted that there was a quality assurance  
197 and quality control process that goes along with it that was administered by Bolton and  
198 Menk. He stated that Bolton and Menk have found that the volunteer accuracy has  
199 been 95%+, with the most recent years being at 99%.

200  
201 ***Motion by Manager Bradley, seconded by Manager Weinandt, to authorize the***  
202 ***Administrator to enter into an agreement with Friends of the Mississippi River for the***

***Stream Health Evaluation Program, for an amount not to exceed \$24,000.00. Motion carried 4-0.***

**6. Ramsey County Ditch 4 Repair – Valdez Final Pay Request**

Public Drainage & Facilities Manager Schmidt stated that this item was the final pay request from Valdez Lawn Care and Snow Removal for the repair work done in 2024 on RCD-4 and to close the contract.

District Administrator Tomczik stated that there were two landowners on the system that had been concerned about the extent of the work and had spoken with the Board at previous meetings.

District Engineer Nies stated that he had a brief presentation regarding the project, but needed a moment to connect and be able to share his presentation materials.

President Bradley suggested that they move ahead on the agenda and approve the check register while he was working on the appropriate connections.

**7. Check Register June 23, 2025, in the Amount of \$226,183.84 and June Interim Financial Statements Prepared by Redpath and Company**

***Motion by Manager Weinandt, seconded by Manager Wagamon, to approve check register dated June 23, 2025, in the Amount of \$226,183.84 and June Interim Financial Statements prepared by Redpath and Company. Motion carried 4-0.***

**ITEMS FOR DISCUSSION AND INFORMATION**

**1. Staff Reports**

**2. July Calendar**

President Bradley noted that there would not be a CAC meeting in July.

Manager Weinandt stated that, depending on what the Board hears about remote participation in meetings, she would not be able to attend the July 7, 2025, Workshop meeting, in person.

**3. Administrator Updates**

District Administrator Tomczik stated that the District had purchased a new trailer to assist in its management of the public drainage system and facilities. He noted that HEI adjusted its ACD 53-62 branch 5 and 6 charge memo consistent with city zoning maps, so there was a slight increase in the potential deferred charges. He explained that there would not be a projects and practices grant from the State this year, which the District had used in the past for capital projects. He stated that there have been a number of issues at Hanson Park with the electrical components of the Iron Enhanced Sand Filter (IESF) and explained that they had discovered some leaking of the penetrations in the

vault wall, so the Board would see an approved work order to address ways to keep things dry.

Manager Weinandt asked if the District had any assurance from the company that provided the pumps and equipment, or if there was a limited lifespan on those components.

Operations and Maintenance Inspector Green stated that there is a warranty, but much of this was outside of the warranty because it was a problem with the site and not the equipment.

Manager Wagamon stated that he has heard people say that there was a lot of maintenance involved in running the IESF beds correctly.

Operations and Maintenance Inspector Green noted that it was not too awful because when the phosphorus sits in the beds, the plants gobble it up, which means they can just go pull out the plants and take them to the County dump, which removes the phosphorus from the system forever. He stated that there are some locations where it can be a bit more labor-intensive to keep the sand pits clean.

Public Drainage & Facilities Manager Schmidt noted that 2 of the 3 IESFs in the District were now fully functional.

President Bradley noted that District Engineer Nies was able to share his presentation with the Board, so they would return to Items Requiring Board Action, #6.

#### **ITEMS REQUIRING BOARD ACTION – continued...**

##### **#6 - Ramsey County Ditch 4 Repair – Valdez Final Pay Request – continued....**

District Engineer Nies gave a brief presentation outlining the close-out of the RCD-4 repair project. He reviewed the overall process involved in doing a close-out of a project and explained that the District had not received the IC-134 forms, so the final payment would be contingent on receipt of those forms. He reviewed the location of the repair, shared a brief history of the repair project phasing, timeline of events, and shared photos of the construction process, the current vegetation establishment in the area, and the bank stabilization between Little Lake Johanna and Lake Johanna.

***Motion by Manager Bradley, seconded by Manager Waller, to approve Valdes Lawn Care and Snow Removal, LLC's final pay request as submitted and certified by the District Engineer and directs staff to issue payment of \$19,947.94, contingent upon receipt of the required close-out submittals, including release of all liens and approval of Form IC-134 forms. Motion carried 4-0.***

#### **ITEMS FOR DISCUSSION AND INFORMATION – continued...**

291  
292 **4. 2026 Stormwater Management Grant Program**

293 Program Manager Petry stated that it was budget season, and they had recently been  
294 discussing regional stormwater pond maintenance and street sweeping. He explained  
295 that, historically, the Stormwater Management Grant program guidelines identified  
296 maintenance activities that restore a BMP to its original function or repair it to its original  
297 design as ineligible for funding through this program. He stated that the Board struck this  
298 language from the 2025 program guidelines and asked if there was consensus of the  
299 Board to expound on this to also include regional stormwater pond maintenance in this  
300 program. He stated that if there was consensus from the Board, staff could begin  
301 working on developing the appropriate program.

302  
303 District Administrator Tomczik clarified that this would also include the potential for the  
304 street sweeping aspect within the existing District grant program.

305  
306 The Board discussed regional stormwater pond maintenance and street sweeping.  
307 President Bradley stated that previous meetings on the issue the Board position was that  
308 the District does not want to clean ponds or sweep streets but they want to be good  
309 partners.

310  
311 District Administrator Tomczik stated that he wanted to be clear about staff's position  
312 because the Workshop discussion had included the idea that this program would be the  
313 vehicle to undertake the work, and thanked the Board for their input to clarify what the  
314 potential grant language would be.

315  
316 **5. Open Meeting Law Update**

317 District Attorney Kolb stated that the legislature this year revisited the Open Meeting Law  
318 and made some substantial changes to provisions dealing with remote attendance at  
319 meetings with interactive technology. He explained that they took away the limitation  
320 on the number of times in a year where a member can participate remotely, the  
321 requirement for the location to be open and accessible to the public, and the specific  
322 notice requirements for the remote location. Now, when the Board adopts their regular  
323 meeting schedule it can include a general statement that or more Managers may attend  
324 from remote locations. He noted that this was not a privilege of Managers to be able to  
325 attend remotely, but of the organization, to allow the remote attendance. He stated  
326 that the Board should look at their current policy to ensure it was consistent with the  
327 current law and that the Board adopt something that they were comfortable with in terms  
328 of their control, management, or limitations, on the opportunity to attend remotely. He  
329 suggested that the Board revoke the prior policy, because then the Statute would apply  
330 and would allow the District time to make modifications. He explained that if they chose  
331 to do this, for example, Manager Weinandt could attend remotely when she is traveling  
332 at the beginning of July.



334 ***Motion by Manager Waller, seconded by Manager Wagamon, to revoke the current***  
335 ***policy related to remote attendance by interactive technology and follow the current***  
336 ***State Statutes. Motion carried 4-0.***  
337

338 District Attorney Kolb noted that the District has been served with a Torrens title  
339 registration matter in Anoka County. He explained that the County recognized that the  
340 District has an easement on the property from a prior permit and recommended that it  
341 be included in the Certificate of Title as finally issued. He stated that the District did  
342 have to appear even if it was just to say that they agreed with the title examiner's  
343 recommendation, but would like to reserve their right to defend their interests, if others  
344 objected to its inclusion in the Certificate of Title. He noted that the applicant agrees  
345 with the recommendation, so there should be nothing that they have to do unless any of  
346 the other parties object to the District's interest. He explained that he did not have the  
347 actual documents in question yet, so he was not sure of the nature of this easement.  
348

349 District Administrator Tomczik noted that the District had seen this kind of situation  
350 before and explained that it typically involved a stormwater BMP that the landowner has  
351 placed on the property, and recognized the District's authority and interest in it.  
352

353 Manager Weinandt stated that there were easements on many properties along the ditch  
354 system and asked if they see this kind of thing on the transfer of properties along the ditch  
355 systems.  
356

357 District Attorney Kolb stated that this was not a transfer and was the landowner having  
358 the opportunity to take their title and convert it to a Torrens Certificate, which gives the  
359 landowner a different level of security in terms of title to their property and eliminates a  
360 lot of unknown claims.  
361

## 362 **6. Manager Updates**

### 363 **ADJOURNMENT**

364 ***Motion by Manager Waller, seconded by Manager Wagamon, to adjourn the meeting at 10:20***  
365 ***a.m. Motion carried 4-0.***  
366  
367