



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, August 23, 2023

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

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, Treasurer Marcie Weinandt, and Secretary Jess Robertson

Absent: None

Staff Present: District Administrator Nick Tomczik, Permit Coordinator/Wetland Specialist Patrick Hughes, Lake and Stream Program Manager Matt Kocian, Watershed Technician/Inspector Ali Chalberg, Communications & Outreach Specialist Kendra Sommerfeld, Technical Field Assistant Abel Green, and Office Manager Theresa Stasica

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

Visitors: City of Hugo Administrator Bryan Bear, Pete Willenbring-WSB, City of Centerville Administrator Mark Statz, Timothy (video-conference), Julie Clark (video-conference)

SETTING OF THE AGENDA

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

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the August 7, 2023 Board Workshop.

Minutes of the August 9, 2023 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 opportunity for discussion:

Table of Contents-Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
23-042	Washington County	Forest Lake	Final Site Drainage Land Development Wetland Alteration	CAPROC 8 items

It was moved by Manager Wagamon and seconded by Manager Waller, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated August 15, 2023. Motion carried 5-0.

PUBLIC HEARING: MINOR AMENDMENT TO THE 2020 WATERSHED MANAGEMENT PLAN

President Bradley recessed the regular meeting for the public hearing.

President Bradley opened the public hearing on the Rice Creek Watershed District's minor amendment to its 2020 Watershed Management Plan. The purpose of this hearing is to receive comments from parties having an interest in the minor amendment to the Rice Creek Watershed District's 2020 Watershed Management Plan, pursuant to Minnesota Rules 8410.0140, subpart 2.

Lake and Stream Program Manager Kocian recognized the District's proper notice of the public hearing and gave a brief review of the proposed minor amendment and noted that the minor amendments are mostly focused on Centerville Lake. The updates include: Updating our list of Board of Managers to reflect recent changes. This is not the primary purpose of the minor amendment, but a good "clean-up" item to include as long as the Plan is open; and Updating language in Section 4.3, Capital Improvement Projects. Specifically, we are updating language in Section 4.3.10 Anoka Chain of Lakes Water Management Project, found on page 4-29 of the WMP. The purpose of these changes is to incorporate information from recently completed diagnostic studies on Centerville Lake. The updated language adds specificity regarding pollutant sources to Centerville Lake (internal loading), and clarity regarding the District's priority in implementing a project to mitigate the pollutant sources (an alum treatment). The minor change to Table 4.3 (pg. 4.38) adds the possibility of a new funding source for this CIP. However, this amendment does not alter existing levies or budgets. The 'recently completed diagnostic studies on Centerville Lake' are also being added to the WMP as a new appendix (Appendix J).

Lake and Stream Program Manager Kocian reviewed comments received from the Met Council, MN Dept. of Agriculture, City of Blaine, the City of Roseville, Mn Dept. of Natural Resources, and BWSR.

Manager Waller stated that this is not the first time the District has done this treatment in the lake and noted that he believed it was also done sometime in the 1990s. He stated that the

cause appears to be internal loading and asked if the management plan was to dump in alum every 30 years or so.

Lake and Stream Program Manager Kocian stated that the proposed minor amendment to the WMP was not ordering the project, but noted that alum is intended to address one of the sources of phosphorus. He stated that alum is not a permanent fix, but he would also argue that any of the other BMPs are permanent either, because every project has a life span.

Manager Waller stated that alum appears to have run its course and questioned whether there were any other maintenance procedures that could be incorporated in order to make it more of a permanent fix.

Lake and Stream Program Manager Kocian explained that the proposed changes to the WMP do not preclude the District from doing other work around Centerville Lake. He stated that adding these changes to the WMP does not take away the opportunity or the need to do other projects in that watershed to control phosphorus.

District Administrator Tomczik suggested that it may be important to note the advancements and current understandings of alum treatments.

Lake and Stream Program Manager Kocian stated that there has been significant improvements in technology and dosing techniques. He stated that the previous treatment that was done on Centerville Lake referenced by Manager Waller was done in 1997 and was a very light dose that was not intended as a permanent solution but to treat the algae bloom. He stated that if they did a treatment following this minor amendment, the dose would be designed to inactivate phosphorus in the sediment which was not done for the past treatment.

Mark Statz, City Administrator/Engineer, City of Centerville, expressed his appreciation to District staff for their hard work in putting together this minor amendment and explained that he was here to express their support for this project.

There being no additional comments, President Bradley closed the public hearing.

PUBLIC HEARING: PROPOSED 2024 BUDGET & LEVY, AND WATER MANAGEMENT DISTRICT (WMD) CHARGES

President Bradley recessed the regular meeting for the public hearing.

President Bradley opened the public hearing on the 2024 Budget and Levy including the watershed wide property tax levy and a special levy for the Anoka County Ditch 53-62 (ACD 53-62) WMD.

District Administrator Tomczik recognized the District's proper notice of the public hearing and presented the 2024 budget highlights. He explained that the total budget supports the implementation of the District WMP and provides for resource management. He reviewed funds and plans for 2024 within: General Administration; Communications and Outreach; Information Management; Restoration Projects; Regulatory; Ditch and Creek Maintenance; Lake and Stream Management; District Facilities; and Project Anticipation.

District Administrator Tomczik stated that the total proposed expenditures are \$8,344,339 for 2024 and total projected revenue would be \$6,674,168 of which \$6,099,751 is from watershed wide general property tax levy and the remainder would be from the Water Management Districts, fees, grants, investment income, and the use of the District's fund balance. He explained that in 2024, they intend to use \$1,660,171 from the fund balance. He stated that the property tax rate for 2024 is not yet available but the thought is that it will likely be moderate to declining from the 2023 rate due to the 19.52% rise in taxable market value against the 6.17% increase in the levy for 2024. He noted that the 2023 property tax impact rate on \$200,000 of property value in the District is estimated around \$32/year which is a decrease. He gave a brief overview of the 2024 Water Management Districts for ACD 53-62 – which has a proposed total collection of \$29,187. He explained that staff had not received any comments on the proposed budget.

President Bradley explained that the purpose of the public hearing was to receive comments from interested parties and asked if there was anyone that would like to speak during the public hearing.

Mark Statz, City of Centerville, pointed out that the budget included a regulatory budget of \$1.6 million which contrasts with \$2.2 million for restoration projects and a few other million dollar budgets for stream and waterbodies. He stated that he wanted to applaud the District for the fact that the project based budget is larger than the regulatory budget and encouraged the District to continue to work towards that imbalance because he feels it is important to emphasize projects over regulation. He noted that he feels many of the regulatory things that are in place in the District are duplicated by the NPDES and MS4 rules that all of the member cities already have in place. He stated that he feels that progress has been made towards limiting some of the redundancy by sharing inspectors on developments which he thinks has been a great partnership. He stated that he feels that the District has excellent staff but would argue that he was not sure there was a need within the District for regulatory practices because the city's already have the regulatory framework in place. He stated that the \$1.6 million that the District has set aside for regulatory could be used to pay for other things like an alum treatment for Centerville Lake. He noted that this is an annual amount and questioned what impact it would have if the District spent those funds on projects rather than regulatory work.

President Bradley noted that he felt that if the District removed \$1.6 million, it would not go to projects, but would just disappear.

Manager Waller thanked Mr. Statz for coming to today's meeting and stated that he has the same thoughts on this issue. He stated that he has had numerous conversations with the Board about money for projects versus the need regulatory duplication. He stated that he believes the money would not disappear and could be put into the District's mission, which is flood control and water quality and explained that he supported the comments being made by Mr. Statz.

President Bradley stated that the District is constantly looking for a way to control the regulatory costs. He stated that he believes there are 3 cities (Circle Pines, Hugo, Mounds View) who have their own ordinances adopting equivalent to RCWD rules, which they applaud. He stated that the District is partnering with cities, and noted that Centerville is sort of a test case, for JPAs for

inspection services. He stated that this is a complex and important issue and they will continue to encourage their partners to work with them. He stated that he feels the purpose of the permitting process is to deal with flood control and water quality.

Mr. Statz noted that both of those things are regulated by the MS4 rules which apply to all cities within the District. He stated that the efforts that the District is making in regulations are oftentimes duplicative. He stated that as part of their JPA, they have stated that they would like the District to handle it, but have also said that they were willing to pay the District for those efforts because they recognize that either the City or the District needs to do it, but the whole idea is that that they both don't need to do it.

Manager Waller noted that he felt an important point of what was just said was that they pay the District to provide that regulatory service so it is a source of income, not a loss.

Mr. Statz stated that within District Administrator Tomczik's presentation he mentioned the 19.52% increase in taxable market value and reminded the Board that this did not mean that there were 19.52% more taxpayers and just means that home values went up. He explained that he thinks it is a very artificial thing to base a levy decision on and encouraged the Board to eliminate that from their lexicon because it is so arbitrary and is essentially 'apples and oranges'. He stated that he believes that the Board should base a levy decision on how much new taxable value is out there, such as new homes and new businesses.

Manager Wagamon stated that he agreed that this is something the District should definitely be looking at and noted that he felt Mr. Statz has made some valid points.

District Administrator Tomczik stated that the State has cast quite a broad net with its MS4 program. He noted that the District sets its individual standards to best serve the watershed resources. If they are to accomplish the goal it is probably best done by multiple entities. He stated that other municipalities don't have as robust a program as the City of Centerville and some have programs that are not as effective. He reiterated that in some cases it is best to have multiple entities involved and they look to the municipalities to support the District in accomplishing that goal for the resource. He stated that he was not critical of city's programs because each is uniquely different but reminded the Board that the watershed has 28 communities. He stated that he feels the District's regulatory program is a fine one and that it serves the District well.

There being no additional comments, President Bradley closed the public hearing.

OPEN MIC/PUBLIC COMMENT

There were no comments.

ITEMS REQUIRING BOARD ACTION

1. Stormwater Reuse Study Agreement

Watershed Technician/Inspector Chalberg gave a brief overview of the request for an MOA with WSB to evaluate the design, operation, and performance of multiple stormwater reuse systems throughout the District. She reviewed the locations, estimated cost, and explained that staff is recommending approval.

Bryan Bear, City Administrator, City of Hugo, stated that he supported this project and noted that there were some important rule changes that took place about ten years ago. He stated that those changes allowed for, and encouraged, stormwater reuse to occur. He stated that in the City of Hugo they have been building these systems ever since and this year, depending on the weather, they may use 100 million gallons of stormwater and noted that they feel it is one of the best BMPs that the District has available. He stated that he had appreciated the earlier discussion about the District's mission of flood control and water quality and noted that the reuse systems are multi-purpose systems that benefit both flood control and water quality. He stated that the systems they have installed in Hugo are all very different and he believes that the District will benefit from the effort to study these systems to ensure that the systems can do a better job in the future. He stated that he thinks that they may be able to make some changes to the systems that they have installed that may improve results. He reiterated that he was here to support this project and thanked the Board for considering it.

Manager Waller thanked Mr. Bear and Pete Willenbring for coming to the meeting today. He stated that the whole reuse project was brainstormed by the City of Hugo. He stated that the District has received quite a bit of applause for these types of programs and he is happy to support studying them in more detail. He noted that the 100 million gallons of water referenced by Mr. Bear was water that did not come out of the aquifer.

President Bradley stated that he was a longtime fan of the reuse projects in Hugo and Centerville.

Motion by Manager Waller, seconded by Manager Bradley, to approve the Memorandum of Agreement with WSB for the Proposal to Complete and Evaluation of Ten Stormwater Re-Use Systems within the Cities of Hugo, Centerville, Mahtomedi and Lino Lakes for the Rice Creek Watershed District including any non-material changes, authorizing the District Administrator to execute the agreement upon advice of counsel.

District Administrator Tomczik noted that the statement of work in the agreement is a bit rough in a few places and the dollar amount was incorrect, so they will make the necessary adjustments.

Manager Weinandt asked where this would be located in the 2023-24 budgets.

District Administrator Tomczik noted that it would be Fund 60-37, Ground Water Management Stormwater Reuse Program.

Motion carried 5-0.

2. **Adoption of 2023 Watershed Management Plan Update**
Motion by Manager Bradley, seconded by Manager Wagamon, to adopt Resolution 2023-08 Resolution Adopting Watershed Management Plan Minor Amendment Pursuant to Minnesota Rules 8410.0140, Subpart 2.

THEREFORE, BE IT RESOLVED that the RCWD Board of Managers adopts for implementation the 2023 RCWD WMP Minor Amendment, effective immediately and directs the RCWD Administrator to distribute copies of the WMP update pursuant to Minnesota Rules 8410.0140, subparts 4 and 5.

ROLL CALL:

Manager Bradley – Aye
Manager Robertson – Aye
Manager Waller – Aye
Manager Weinandt – Aye
Manager Wagamon – Aye
Motion carried 5-0.

3. **Lower Rice Creek Repair, Construction Agreement**

Lake and Stream Program Manager gave an overview of the Lower Rice Creek Stabilization project that was completed in 2021 which addressed erosion. He shared some before and after photos along the Lower Rice Creek. He explained that this is a District facility which means it is subject to inspection by District staff to ensure that it is functioning properly. He stated that they had inspected all of these sites in 2023 and all but one of the thirteen sites was in really good shape. He noted that this one site needs repair work and noted that time is of the essence because this section is unraveling very quickly and explained that it was outside of the original warranty period for the construction. He stated that he did not believe that this failure was the result of a poor design or the result of a poor installation by the contractor. He stated that he feels it was designed appropriately and constructed well and the issue is the result of some very unique turbulent flows that are impacting the bank at this specific location.

Motion by Manager Weinandt, seconded by Manager Bradley, to authorize the Administrator to execute the agreement to enter into an agreement, on the advice of counsel, with Minnesota Native Landscapes for streambank repair work on the Lower Rice Stabilization Project, for an amount not to exceed \$24,070. The District Administrator is further authorized to approve contract amendments not to exceed 20% of the contract price (\$4,814).

Manager Waller stated that he was in favor of taking care of the meander banks and was glad to hear that staff is doing the inspections. He stated that he believes when they visited the Fridley campus there was a need for a second project. He asked that staff continue to conduct these inspections and noted that he expects to see another project to reinforce more of those meanders in order to stop erosion.

Motion carried 5-0.

4. Minnesota Watersheds Proposed Resolution

Communication & Outreach Coordinator Sommerfeld noted that at the August 8, 2023 workshop meeting, the Board had directed staff to update this resolution.

District Administrator Tomczik stated that the attachments to the resolution are intended to give Minnesota Watersheds and their team as much as possible to support them in legislative efforts. He stated that he feels this firmly identifies the District's position and what they are trying to accomplish.

Manager Waller stated that he believes this is a good start but that there are other things that need to be done about the drainage rules.

President Bradley thanked staff and District Attorney Kolb for their work on this resolution.

Motion by Manager Bradley, seconded by Manager Waller, to direct staff to submit the proposed resolution with attachments, Support of New Legislation Modeled After HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs, to MN Watersheds.

Manager Weinandt noted that this refers to the Drainage Water Work Group. She stated that she had seen in the staff reports that Drainage Inspector Ashlee Ricci and the District Engineer were attending those meetings. She asked if there was anyone else on staff that was attending these meetings and asked how effective they felt the work group was.

District Administrator Tomczik confirmed that District Engineer Otterness plays a critical role on the work group and was also on the Adequacy of Outlet subcommittee of the work group. He stated that Drainage Inspector Ricci also attends those meetings and he had also attended them in the past. He stated that he feels there is a good cross section of the County counterparts in out-State Minnesota and is a good entity to discuss these types of matters.

Manager Waller stated that he hopes this goes further than just the Drainage Work Group. He stated that he understands that they are well meaning, but he gets the feeling that it was invented as the place where legislation goes to die. He stated that he is in favor of this action, along with additional actions. He stated that he also feels that there are other rules that they need to look at in the drainage system.

President Bradley noted that he supported Manager Waller's observations.

Motion carried 5-0.

5. Check Register Dated August 23, 2023, in the Amount of \$443,446.46 Prepared by Redpath and Company

Motion by Manager Weinandt, seconded by Manager Robertson, that she reviewed and approves the check register dated August 23, 2023, in the Amount of \$443,446.46 and the August 31, 2023 Interim Financial Statements. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports

Manager Weinandt stated that she loved the staff reports and noted that they show how busy and engaged staff is around the District. She stated that she was happy to see four staff members in attendance at today's meeting.

Manager Waller stated that he also thinks it is nice to see staff in attendance at the Board meeting.

2. September Calendar

President Bradley noted that Manager Robertson had asked for a substitute for the CAC on September 6, 2023 at 5:30 p.m. and explained that Manager Weinandt had volunteered.

3. Administrator Updates

4. Managers Update

Manager Waller stated that he had attended the Washington County Consortium meeting. He noted that he would like to see more staff assigned to conduct detailed inspections on all of their systems. He stated that he would like the District to get back to the basics of making sure the ditches are clean and work well.

District Administrator Tomczik confirmed that District staff does inspect the systems consistent with the protocol that has been established and this is reported to the Board on an annual basis. He reviewed some of the staffing shifts and changes and noted that the District is growing in all areas. He also noted that Rinke Noonan and Smith Partners participate in the DWG.

Manager Weinandt stated that she is the watershed representative to the Clean Water Council and noted that they had a meeting last Monday. She stated that it is extremely important that WMPs are updated because it is only through recognition of projects in the WMPs that Clean Water Funds can be distributed. She stated that 10 years ago there were 5 pilot watersheds out-State that were starting to do their plans and as of this year, the entire State is now covered with comprehensive watershed plans. She noted that the Clean Water Council does a tour every two years and this time around they will look at projects within the Metro area which will include a presentation from the District on the Clean Water Funds that have been incorporated. She invited the Board to attend this meeting on September 19, 2023 at 12:15 p.m. and noted that she will send the details to the Board.

ADJOURNMENT

Motion by Manager Wagamon, seconded by Manager Waller, to adjourn the meeting at 10:27 a.m. Motion carried 5-0.