RCWD
RICE CREEK WATERSHED DISTRICT

REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Monday, August 24, 2026

Mounds View City Hall Council Chambers
2401 County Road 10, Mounds View, Minnesota
and
Meeting also conducted by alternative means
(teleconference or video-teleconference) from remote locations

Minutes

CALL TO ORDER

President Michael Bradley called the meeting to order, a quorum being present, at 9:00 a.m.

ROLL CALL

Present: President Michael Bradley, 1st Vice-Pres. John Waller, 2nd Vice-Pres. Jess Robertson, Treasurer Marcie Weinandt (arrived at 10:03 a.m.), Secretary Janet Hegland

Absent: None

Staff Present: Administrator Nick Tomczik, Regulatory Manager Patrick Hughes, Outreach & Grant Technician Molly Nelson, Drainage & Facilities Manager Tom Schmidt, Project Manager Jen Oknich, Program Support Technician Emmet Hurley (video conference), Lake and Stream Manager Matt Kocian, Office Manager Theresa Stasica

Consultants: District Engineers Chris Otterness and Belle Reeve from Houston Engineering, Inc. (HEI) & District Attorney John Kolb-Rinke Noonan

Visitors: Chris Stowe, Tom Hoffman, Scott Robinson, Craig Schlichting, Mark Fairbanks, Amber Brookman, Mike Perron

Visitors monitoring via Zoom: Jack Davis

OPEN MIC/PUBLIC COMMENT

Mark Fairbanks, 7625 Peltier Lake Drive, explained that he was President of the Peltier Lake Association and was here to show support for the proposed 2027 budget dollars for the proposed pilot alum drip bubbler system. He stated that Peltier Lake is an impaired lake and noted that their long-term goal included addressing the internal phosphorus load of the lake in addition to the work being done to reduce the phosphorus loading for the creeks and ditches that flow into the lake.

Amber Brookman, Shoreview resident, stated that she was representing herself and several of her neighbors from Shamrock Park. She explained that they were deeply concerned about Maplewood Development's request for a variance that seeks to side-step the completion and approval of an EIS before tearing up existing buildings and structures within the site. She referenced the District's WMP and noted that they feel the most damaging impact on the local water bodies has been unregulated sediment runoff generated by local urban development. She stated that the neighborhood cared deeply and was in alliance with the Board to protect it against any additional degradation of the District before it happens. She explained that they were petitioning the Board to use their governing power to deny the variance request by Maplewood Development and halt any structure demolition until the final EIS has been completed. She stated that if the Board does not deny the request, they would ask that additional safeguards be put into place and briefly outlined their suggestions.

Regulatory Manager Hughes explained that this item was not on the Board's agenda today, but the District was aware of the development and had only had pre-application discussions at this point. He noted that the District had not received an application and his understanding was the variance request was for the City's process, and not the District's. He also confirmed that the eventual RCWD permit would require financial surety and the District would complete regular site inspections.

President Bradley noted that if the District had any concerns about the EIS referenced by Ms. Brookman, the District could make comments at the appropriate time in the City's process.

Chris Stowe, 426 Pine Street, stated that the City of Lino Lakes dropped the culvert on Andall Street. He noted that he was here to talk about ACD 10-22-32, Branch 4, and explained that he was pinched between ACD 10-22-32 and Branch 4. He stated that when Branch 4 floods, it ends up flooding his pasture and has done that since Andall Street has been put in. He stated that the work that has been done has flooded him worse than in the past, even though the District has told him that they were simply doing it ACSIC, which has not improved his conditions. He referenced past conversations and frustrations that have arisen regarding the flooding issues he has had over the last 3 years.

There was some back-and-forth discussion with Mr. Stowe and the Board on what pipes he had been referring to.

Public Drainage & Facilities Manager Schmidt noted that the Andall Street pipes are owned by the City of Lino Lakes.

SETTING OF THE AGENDA

Administrator Tomczik requested the addition of a new item #5, under Discussion and Information, regarding Circle Pines Outfall at ACD 53-62 and noted that the Board may consider a closed session.

Motion by Manager Hegland, seconded by Manager Bradley, to approve the agenda as amended, with the addition of a new item #5 under Discussion and Information.

Manager Robertson asked why they would go into closed session and noted that typically there is a statement about why they would go into closed session.

District Attorney Korb noted that he had planned to address it before the agenda item, but could address it now as well. He explained that the Board would be going into closed session under 13D.05, Subd. 3.

Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of August 10, 2026, Workshop and August 12, 2026, Board of Managers Regular Meeting.

Motion by Manager Hegland, seconded by Manager Bradley, to approve the August 10, 2026, workshop minutes and August 12, 2026, meeting minutes. Motion carried 4-0.

CONSENT AGENDA

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

Table of Contents-Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
26-072	Wells Fargo	Shoreview	Final Site Drainage Plan	APPROVAL

It was moved by Manager Waller and seconded by Manager Bradley, to approve the consent agenda permit 26-038 as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated August 13, 2026. Motion carried 4-0.

PUBLIC HEARING: PROPOSED 2027 BUDGET, LEVY, AND WATER MANAGEMENT DISTRICT CHARGES

President Bradley recessed the regular meeting for the public hearing.

President Bradley opened the public hearing on the 2027 Budget and Levy, including the watershed-wide property tax levy and a special levy for the Anoka County Ditch 53-62 (ACD 53-62) and Anoka-Ramsey Judicial Ditch 1 WMDs. He explained that the purpose of the hearing is to hear comments and take input from parties having an interest in the proposed 2027 budget and levy. The levy will include a property tax levy on all properties located within the watershed district. It will also include an additional special levy on Water Management Districts for the Anoka County Ditch 53-62 and Anoka-Ramsey Judicial Ditch 1 WMDs.

District Administrator Tomczik recognized page 29 of the packet containing the District's proper notice of the public hearing and presented the 2027 budget. He explained that the total budget supports the implementation of the District WMP and provides for resource management direction for the District. He reviewed each fund and intended work plans within the proposed 2027 budget, including: General Administration; Communications and Outreach; Information Management; Restoration Projects; Regulatory Programs; Ditch & Creek Maintenance; Lake & Stream Management; and District Facilities. He reviewed the fund balance estimations, proposed balance transfers at the end of 2026, and the total proposed expenditures for 2027 of $15,118,735. He reviewed the expected revenue, including $6,143,782 via General Levy; $565,705 Water Management Districts; $817,931 fees and investment income; $6,224,674 fund balance; and $1,366,643 from secured grant and appropriation funding. He referenced the packet materials that show the levy implications for property owners and explained that the levy is challenging as allocated across 4 different counties. He explained that the expectation is that the District's tax impact for 2027 would be moderate to declining from the 2026 amount. He noted that the District anticipated the 2027 ACD 53-62 WMD charge to result in a total collection of $78,524; and the 2027 ARJD 1 WMD charge to result in a total collection of $487,181.

President Bradley reiterated that the purpose of the public hearing was to receive comments from interested parties and asked if there was anyone who would like to speak during the public hearing. He explained that the comments shared by Mr. Fairbanks earlier in the meeting would be included in the record for the public hearing.

Drainage & Facilities Manager Schmidt noted that the Lake Johanna Outlet Structure repair is budgeted and scheduled for this year, but there have been challenges, which meant they were too late in the year to complete this project. He explained that because of this, staff was proposing to move it from the 2026 budget to the 2027 budget, the project cost is $408,000, which is proposed that it would all be pulled from the fund balance.

Chris Stowe, 426 Pine Street, stated that he felt this was a case of regular math and accounting in looking at where the money had been spent and why they want more. He stated that there was an increase in the budget from 2026, but the District was correctly spending money where they should be, because he believed the majority of their budget should be spent on ditch/creek maintenance and repair. He noted that when the water ends up in the lake, it shouldn't be the District's problem. He expressed concern about some of the projects the District was considering spending money on such as, street sweepers with vacuums; restoration projects; potential conflict of interests with Managers voting on issues related to their place of residence; and concerns about the District spending money on lakes and restoration projects.

President Bradley encouraged the public to review State laws about the District's obligations.

Tom Hoffman, Environmental Coordinator for the City of Lino Lakes, stated that Lino Lakes had been working cooperatively with the District regarding the Shenandoah Stormwater Improvement Project for several years. He explained that the proposed project will reduce the phosphorus loading to Rice Lake and help improve the overall project. He expressed appreciation to the Board for working with Lino Lakes on this project and hopes that it will move forward to construction and implementation.

Manager Waller stated that he had not seen the WMD for restoration projects for RCD 2,3 and 5, which is for the restoration at Jones Lake. He noted that the Board has had a lot of discussions about that and explained that it was in the plans and available. He stated that he didn't care for the use of language included for 'Program Project Anticipation Fund', which used to be called "Reserves," because he would prefer it to be called "Reserves."

Manager Robertson stated that the public hearing was still open and needed to be closed. She reminded the Board that, as written in bold font in the packet information, Board members should refrain, during the hearing, from asking other Managers for their opinions or thoughts in response to comments made.

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

President Bradley asked District Administrator Tomczik to comment on why the WMDs for RCD 2, 3, and 5 had not been included.

District Administrator Tomczik noted that the WMD for RCD 2, 3, and 5 exists and is currently idle. He stated that it was within the District's Board's plan, nothing is funded by WMD for 2027 because they didn't have the time horizon for the protocols to take place and put a charge on county collection, when the Board orders a project, the budget may be amended and WMD collections in future years.

PUBLIC HEARING: RAMSEY COUNTY DITCHES 2 & 5 PETITION FOR REALIGNMENT AND IMPOUNDMENT

President Bradley closed the regular meeting and opened the public hearing. He read aloud a statement outlining the purpose of the hearing, which was to receive comments and testimony from all parties interested in the Impounding and Rerouting of Ramsey County Ditches 2 and 5. The Board's consideration of this request is governed by Statute Section 103E.277, Section 103E.227, which allows a person to petition for impound, reroute, or divert drainage system waters for beneficial use.

District Attorney Kolb explained that the Board was here to discuss two separate items that are combined because they are related: modification of the downstream end of RCD 5, and impounding and rerouting drainage system waters at the upstream end of RCD 2; and modification of the outlet structure at the outlet end of Jones Lake. He noted that these two items support the petition from New Brighton, St. Anthony, and Roseville Basic Water Management Project 2013-01, but have independent utility. He explained that if the Jones Lake component of the Basic Water Management Project was never built, it was still advisable that the Board fix the outlet end of ditch 5 and allow for the sediment basin to be constructed. He noted that the current outlet at Jones Lake was failing and deteriorating and, at the very least, needed to be restored. He briefly outlined the decision standards for the Board to consider for these items.

Manager Waller asked if the Jones Lake Ordinary High Water Mark and the definition of the lake itself were not part of the drainage system.

District Attorney Kolb stated that the Ordinary High Water Mark, to the extent one has been determined by the DNR for Jones Lake, does affect some of the work that the District is allowed to do, but was not specifically included in the ditch.

District Engineer Otterness shared a presentation regarding RCD Ditches 2 & 5 Realignment and Impoundment, including the basis for review, site location, proposed modifications, purpose and effects of the modifications, and the environmental effects and permitting. He stated that staff was recommending the Board order the impoundment of RCD 2 & 5 and the realignment of RCD 5.

Manager Waller asked if the forebay would require wetland credits because it looked like there would be 2 acres excavated.

District Engineer Otterness explained that the forebay does not require the use of any wetland credits because they weren't working within wetlands. He stated that in the forebay they would be working above the Ordinary High Water Level in Jones Lake.

Manager Hegland asked if the public hearing was for the whole project even though the part that was going to move forward was the forebay and the realignment.

District Engineer Otterness confirmed that the hearing is for both the outlet and the realignment, though the initial construction project will be only the realignment and forebay. He further explained that the impoundment and realignment were combined in these proceedings because they are related to each other and didn't want to do them as two separate hearings.

District Administrator Tomczik stated that he felt this needed a bit more clarification and explained that this was a public hearing for RCD 2 & 5, which are components of the Basic Water Management Project.

District Attorney Kolb noted that when Manager Hegland had used the term "whole project," the bells that went off were for the Basic Water Management Project. He explained that they were not at the Basic Water Management Project hearing and were just dealing with two items that are related, and reiterated that they have independent utility to the two ditches.

Manager Hegland explained that this was confusing for her because they were impounding water from Jones Lake and that these two projects don't increase flooding risks, but when they have discussed the dredging and the best way to address capacity in Jones Lake, the Board has talked about the need for extra storage. She stated that she needed staff to say that there was adequate capacity in Jones Lake right now and any additional capacity required from doing these two projects would already be there, even without the larger dredging question.

District Engineer Otterness stated that the impoundment and realignment provide independent utility to the drainage system and public as a whole. He stated that the value of the overall Jones Lake project would change if there were to be no excavation completed in Jones Lake. He explained that the impoundment and realignment can be completed without damaging people upstream.

Manager Hegland asked if she was correct that raising the level of the outlet would back water up into Jones Lake.

District Engineer Otterness stated that was correct and explained that it would happen during flood events.

Manager Hegland stated that if the Board has not moved forward on the final resolution on the dredging, if there was adequate capacity if the outlet is replaced, and there was a large rainfall event within the current Jones Lake.

District Engineer Otterness stated that there would be adequate capacity because they have an overflow for the outlet structure, so they do not have increased risk for the properties that are upstream.

President Bradley asked if there was anyone who wanted to speak at the public hearing.

Chris Stowe, 426 Pine Street, stated that this project, according to the District's website, would cost $7.6 million, which he felt was a lot of money for a runoff swamp. He stated that this was located right off the freeway and full of muck, sand, and everything else running off the freeway. He asked why the District would start impounding ditches and taking on more financial responsibilities, but their proposed budget already shows that they would be short around $4 million. He asked the Board to vote against this project and explained that he felt it was a waste of money.

Craig Schlichting, City of New Brighton, stated that the City had spent time over the last few years assembling properties and easements that go beyond this project. He thanked the Board for their consideration of this project and explained that the City of New Brighton was in support of realignment of the ditch and capturing sediment from runoff.

There being no additional comments, President Bradley closed the public hearing and reconvened the regular Board meeting.

ITEMS REQUIRING BOARD ACTION

1. Ramsey County Ditches 2 & 5 Petition for Realignment and Impoundment

President Bradley read aloud from the Board Deliberation Guide included in the meeting packet on whether the proposed project would be of a public or private benefit. He stated that he would say yes to that question.

Manager Robertson referenced the information being shared by President Bradley and asked if there was also a place to consider the order itself, or if they were independent actions.

District Attorney Kolb stated that the deliberation guide was asking questions on the fundamental basis of a decision and explained that their answers will determine whether things can move forward or not. He stated that after that, the Board can consider the findings and whether they can be modified to better reflect what had transpired during the proceedings.

Manager Robertson stated that she just wanted to make sure that they were two separate actions.

District Attorney Kolb stated that they were separate actions and explained that it was just to lay the foundation for a potential order that would either approve or deny.

President Bradley asked for a verbal vote from the Board on whether they believed the proposed project would be of public or private benefit.

President Bradley – Yes
Manager Waller – Yes
Manager Robertson - Yes
Manager Weinandt – Yes
Manager Hegland - Yes

President Bradley asked for a verbal vote on whether the proposed project would impair the utility of the RCD 2 and RCD 5 drainage systems or deprive affected landowners of its benefits.

Manager Bradley – No
Manager Waller – No

Managers Hegland and Robertson asked staff some clarifying questions to ensure they understood what they were being asked to consider.

President Bradley continued his request for a verbal vote on this item.

Manager Robertson – No
Manager Weinandt – No
Manager Hegland - No

Motion by Manager Bradley, seconded by Manager Weinandt, to adopt Resolution 2026-10 Findings and Order Granting Petition To Impound And Reroute Drainage System Waters With Conditions.

ORDER

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for RCD 2 and RCD 5, hereby orders as follows:

A. That the Drainage Authority's Petition to impound and reroute drainage system waters is granted subject to all of the conditions stated in this Order.

B. The District shall be responsible for all costs associated with the design and construction of the proposed project, including all permits, for the rerouted portions, all costs incurred to conduct these proceedings, and all costs incurred by the Drainage Authority.

C. Following construction, the original drainage system records shall be modified to reflect reroute and impoundment locations as described in the project concept plans and engineer's report of findings.

D. Following construction, the Drainage Authority shall have jurisdiction over and be responsible for repairs of the modified portions of the drainage system.

Manager Robertson asked if this was considering the order shown on pages 46-49 of the packet materials.

District Attorney Kolb stated that is the order that would authorize the modification of RCD 5 to allow for the forebay and the realignment, and also the order that would allow the modification at the outlet of Jones Lake on RCD 2 to allow for the impoundment of waters inside of Jones Lake, as they currently do. He clarified that they would just be replacing it and putting it in a new location.

Manager Robertson referenced information from page 48, Order: B, which logs the costs associated with this project and specifically stated that the District shall be responsible for all costs associated with the design and construction and asked if this encompassed some of the heated dialogue that Board had around some of the ecological contracts and debates regarding identification of endangered and rare plants and their restoration. She explained that she recollected that the Board had decided that they did not want to be responsible for some of those costs.

District Attorney Kolb explained that this order only dealt with the rerouting and impounding, so this was not the same discussion about the potential ecological restoration of Jones Lake that would be required as part of the DNR permitting for the larger project.

Manager Robertson stated that she felt there was confusion because they keep referring to the part of the project that they have not received permitting for, as though it was the confirmed path for completion of the overarching goal regarding the flooding. She noted that during the presentation and some of the dialogue, they have referenced dredging of Jones Lake and things that the District does not have permits to do. She explained that she just wanted to ensure that this was separate from those items and didn't want to inadvertently be locked into agreeing to something that she didn't actually agree to.

District Attorney Kolb assured the Board that it was not something he would do and wanted to be clear on the front end. He stated that these two proposed actions potentially support final implementation of the Basic Water Management Project that was petitioned by the cities; these have independent utility and would be recommended anyway for proper function of the two ditch systems, regardless of Jones Lakes and the greater project.

Manager Waller stated that he believed the independent utility of the items being discussed was necessary, but, because of the constant references to the Jones Lake Restoration Project, he was confused by the way the order was written and read aloud some examples.

President Bradley read aloud portions of language from the order that he felt clearly showed that the Board would only be voting on the two specific aspects being discussed today.

Motion by Manager Bradley, seconded by Manager Weinandt, to amend Resolution 2026-10 to insert language into paragraph B, to read, "The District shall be responsible for all costs associated with the design and construction of the proposed impound & reroute of drainage system, including all permits, for the rerouted portions, all costs incurred to conduct these proceedings, and all costs incurred by the Drainage Authority." Motion carried 5-0.

President Bradley stated that the roll call vote would now be on the motion that had been made and seconded to adopt Resolution 2026-10, as amended, in the previous motion.

ROLL CALL:
Manager Bradley – Aye
Manager Hegland - Aye
Manager Robertson – Aye
Manager Waller – Aye
Manager Weinandt – Aye
Motion carried 5-0.

2. Anoka Washington Judicial Ditch #3 – Petition for the Partial Abandonment and Realignment of Branch 2

Administrator Tomczik gave an overview of the petition the District had received to partially abandon and realign AWJD #3, Branch 2, and noted that staff recommends accepting the petition and giving direction to the District Engineer.

District Engineer Otterness displayed the location of the property and explained that they were proposing to realign part of the ditch system in order to accommodate land development.

Manager Robertson asked if the petitioner covered the engineering costs that would be associated with reviewing this petition and request.

District Engineer Otterness confirmed that those costs would be covered by the petitioner.

Motion by Manager Waller, seconded by Manager Bradley, to adopt Resolution 2026-11 Findings and Order Accepting Petition and Appointing the Engineer.

ORDER

A. The Board of Managers accepts the petition and appoints Houston Engineering to investigate the effect of the proposed realignment and file a report of findings.

B. The Engineer is directed to evaluate stormwater modeling of the proposed development and the hydrologic condition in the realigned public drainage system.

C. The Engineer is directed to include in its investigation an assessment of effects from the realignment on benefitted property owners of the public drainage system.

D. The Engineer is further directed to provide the Board with information related to the lifecycle costs of future maintenance of the proposed modifications of the

public drainage system.

E. This order is not an approval of the realignment or partial abandonment proceedings, nor does it modify the drainage system. Subsequent proceedings on the petition will occur consistent with the requirements of Minnesota Statutes, sections 103E.227 and 103E.806.

Manager Waller stated that this was a central area of Western Hugo and noted that it was a very important junction of a number of branches in the system. He stated that he wanted to see the development proceed, but also wanted to see the proper protections to ensure that good drainage takes place in the future.

District Engineer Otterness stated that this project does encompass multiple branches of the drainage system and noted that the proposed petition was only related to branch 2. He assured the Board that staff would be looking at the other branches and main trunk as part of the permitting process, under Rule I, to make sure that what they are doing would not inadvertently damage the public drainage system. He explained that the City, as the Stormwater Authority, would be reviewing the rest of the project.

ROLL CALL:
Manager Bradley – Aye
Manager Hegland - Aye
Manager Robertson – Aye
Manager Waller – Aye
Manager Weinandt – Aye
Motion carried 5-0.

3. Anoka County Ditch 10-22-32 Repair Alternative 4

Drainage & Facilities Manager Schmidt reminded the Board that they had discussed this over the last few years and stated that a Board decision on this item will provide information so they can move forward with the public process. He explained that because there was not an identifiable monetizable benefit, staff was recommending that the Board not proceed with Alternative 4.

Motion by Manager Waller, seconded by Manager Robertson, to not proceed with Alternative 4.

Manager Waller asked why this wasn't being discussed at a workshop.

President Bradley stated that they had discussed it at a workshop and noted that the consensus at the workshop was essentially what he had just stated in his motion.

Manager Waller explained that what he had in mind was a workshop that had the city officials there as well. He noted that if he read the background information correctly, his motion meant that there would also be a future public hearing to provide all parties (landowners, municipal and county elected and staff representatives) to address the Board for the record. He read aloud portions of the details within the staff report.

President Bradley clarified that what he just read was language provided by District staff and was not language provided by actions taken by the Board.

Manager Hegland asked Drainage & Facilities Manager Schmidt to outline what had been accomplished and not accomplished.

Drainage & Facilities Manager Schmidt explained that the elements of Alternative 4 that have been completed include lowering of the culvert at West Pine Street, lowering of the culvert at Rybak's driveway to the permitted DNR elevation, and the excavation of the channel from Jodrell to Pine Street. He noted that the items that had not been completed were lowering the culverts under Jodrell to the ACSIC and the lowering of the Rybak driveway culvert to the ACSIC.

Manager Hegland stated that what the Board had discussed at the workshop a few months ago was that there was a decision that needed to be made on the proposed repair Alternative 4 because, at the time, it had been the recommendation by staff. She stated that as this was discussed, there appeared to not be any real benefit to going down that path in terms of trying to address the flooding and conveyance problems. She noted that originally the discussion had been around having a meeting with the city and county officials and stakeholders to discuss Alternative 4. She stated that what wasn't in front of them today was what would come next if this motion was approved. She explained that in the staff memo there was a proposal from staff for a future public hearing, which she would be in favor of but felt work needed to be done ahead of the hearing to give the Board other options that could be considered so they can address concerns from the public about the ditch system. She stated that the current motion did not include language about the next step and asked what the Board felt about whether or not they should include a commitment to a next step or not after they make a decision regarding Alternative 4.

Manager Weinandt stated that she agreed with Manager Hegland's description of how the Board had discussed things in the past. She stated that she felt the Board agreed that there was a much larger issue that involved groundwater, surface water, and development. She noted that she felt the Board also agreed that while the District should be part of those larger discussions, it doesn't hold the total responsibility for the solution.

The Board discussed some of the past discussions of the potential problems.

Manager Hegland reiterated her question for the Board on whether the motion should be amended to include direction that would commit the Board to a further process, make a separate motion, or leave it unspoken.

Manager Waller stated that he felt there was a need for some type of future public process, which he felt would solve several problems that haven't been talked about, such as the size of the culvert under the air park, whether or not the Ordinary High Water mark that the DNR has established is correct, the culvert under Jodrell, and the issues that have been shared by Mr. Stowe. He felt Staff's suggestion to have some sort of future public process would be essential.

Manager Weinandt stated that she would suggest that the Board vote on the motion regarding Alternative 4 separately and potentially take a second action regarding a future public process. She asked if this was something that was discussed, or should be discussed, in the 10-year plan.

Administrator Tomczik stated that climate change, the effects of groundwater, and efforts the District puts into them can all be things that the Board brings forward as important components of its WMP.

Manager Weinandt stated that she didn't see this as just a singular issue with this particular ditch system.

President Bradley stated that he didn't think the District was in the position of being able to come forward with solutions yet, but they are in the position where they can sit down with these parties and start discussing the problems being seen, and then the District can figure out if it had a role in finding a way to solve the problems.

Manager Robertson stated that she didn't feel another motion was necessary, because she felt the consensus of the Board has been crystal clear that this matter is not going away, but they want to take the right steps, in a collaborative effort, to find solutions that actually solve the real problems.

ROLL CALL:
Manager Bradley – Aye
Manager Hegland - Aye
Manager Robertson – Aye
Manager Waller – Aye
Manager Weinandt – Aye
Motion carried 5-0.

Manager Hegland noted that there is $100,000 set aside in the proposed budget for the repair of ACD 10-22-32 and asked for clarification on its inclusion.

Administrator Tomczik stated that $100,000 was also present in 2026 and was dependent on the Board's action. He stated that because of the action the Board had just taken, that could be removed from the budget or shifted to another item, such as the Lake Johanna outlet.

Manager Waller noted that the Lake Johanna outlet was already financed and was just a carryover. He stated that this $100,000 was under Fund 80 and didn't see any reason to leave it in there because there would probably be some maintenance on it.

Manager Robertson stated that the Board was talking about things that were not on the agenda and should move on to the next agenda item.

Manager Hegland explained that she had asked the question about the budget item because the Board had also discussed future engagement with the public and didn't think this money could be used to support that because it was under a maintenance and ditch repair line item.

Administrator Tomczik stated that it is a repair line in the budget and if the Board chose to use it, it could be left there. He explained that it was important for the Board to know that they previously had directed the District Engineer to explore options; he brought back 4 options to repair the system.

4. HEI Task order 2026-012 – 2026 District Wide Modeling Program Annual Updates

Administrator Tomczik explained that this item was for the annual updates of the District Wide Modeling Program.

Motion by Manager Bradley, seconded by Manager Weinandt, to Approve and Authorize the District Administrator to sign Houston Engineering Task Order 2026-012, 2026 District Wide Modeling Program Annual Updates, in an amount not to exceed $30,000.

Manager Robertson asked how much of the work around this deliverable was done by staff. She noted that in the packet information she saw a lot of references to District staff and asked how much of this work would be staff versus HEI work.

Administrator Tomczik stated that it was Houston Engineering's Task Order and the work was a coordination of the data that they had in place from the District's permit program and other events that occur throughout the District. He stated that this information is coordinated between the Regulatory Program and Houston Engineering to make sure the model is updated accordingly. He clarified that it was a Houston task and all their work, and the District shared the proper information with them.

Motion carried 5-0.

5. **Washington Judicial Ditch #2 Ditch Bank Repair**

Drainage & Facilities Manager Schmidt explained that this request was for emergency work that was done on WJD-2 for repairs for a bank failure and repair and stabilization of a portion of the ditch. He noted that the contractor was already on site and familiar with the situation, so staff directed them to take the steps necessary to complete this repair work. He stated that the work had been completed with an additional cost of $49,302.45.

Motion by Manager Waller, seconded by Manager Robertson, to approve Washington Judicial Ditch #2 work order and the attached invoices for Dunaway Construction, as outlined and directed by staff in District Drainage Department Repair Report #26-051 for a total of $49,302.45.

Manager Waller expressed appreciation to Drainage & Facilities Manager Schmidt for his work on this project because he knew it had been a difficult place to work with the landowners.

Motion carried 5-0.

6. **Anoka County Ditch 53-62 Branches 5 & 6 Repair – Final Pay Request**

Drainage & Facilities Manager Schmidt stated that this request was for final payment to Apex Drainage for their work on ACD 53-62, Branches 5 & 6, and to close the contract. He noted that the work was completed and had included several outstanding contract items and final stabilization.

District Engineer Reeve gave a presentation outlining the process for closeout of the project, specified the location of the project area, selective repairs that were included, project team, and showed pictures of the area before, during, and after construction. She reviewed the future maintenance needs of the area, including mowing, spraying, inspection, and spot maintenance when needed.

Motion by Manager Bradley, seconded by Manager Robertson, to approve Apex Drainage LLC's final pay request as submitted and certified by the District Engineer and direct staff to issue payment of $18,859.75.

Manager Weinandt asked how the payment was split for the total project and whether it had been ad valorem funds.

Administrator Tomczik stated that it was both split payment and ad valorem.

District Engineer Otterness explained that it was a 60/40 split, with 60% to the Water Management District and 40% ad valorem.

Motion carried 5-0.

7. Check Register Dated August 24, 2026, in the Amount of $359,083.20 Prepared by Redpath and Company

Motion by Manager Weinandt, seconded by **Manager Hegland,** ***to approve check register dated August 24, 2026, in the Amount of $359,083.20, and August Interim Financial Statements prepared by Redpath and Company. Motion carried 5-0.***

ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports

2. September Calendar

President Bradley noted that there was an extra meeting scheduled for September 14, 2026 at 6:00 p.m. for the AWJD-3 Clearwater Creek Stabilization Project.

Manager Robertson stated that she would not be able to attend that meeting because she already had an obligation that night for a City Council meeting.

Administrator Tomczik explained that the September 14, 2026 meeting was a public information meeting, so the Board would not take any official action.

3. Administrator Updates

Administrator Tomczik noted that the Minnesota Watersheds Summer Tour will begin on August 25, 2026. He stated that BWSR, in partnership with Minnesota Watersheds, was soliciting nominations for an outstanding employee.

President Bradley asked that discussion of a nomination for outstanding employee be added to the September workshop agenda.

4. Manager Updates

Manager Waller noted that he planned to attend the Minnesota Watersheds Summer Tour.

Manager Weinandt stated that she would also attend the Minnesota Watersheds Summer Tour.

5. City of Circle Pines Outfall at ACD 53-62

District Attorney Kolb explained that the District had received a threat of a claim, and a demand from the City of Circle Pines related to the repair of city stormwater outfalls that were included as part of the overall repair of ACD 53-62. He stated that there is an allegation that one of those outfalls had failed and was, in some way, the fault of the work that the District did when repairs were made. He asked that the Board close the meeting pursuant to Statute 13D.05, Subd. 3B for attorney-client privilege.

Motion by Manager Bradley, seconded by Manager Waller, to close the meeting to receive advice and counsel from District Attorney Kolb regarding a potential legal challenge from the City of Circle Pines for an outfall at ACD 53-62.

Manager Robertson explained that she would not vote in favor of a closed session. She stated that she received copies of the emails from the City of Circle Pines and did not believe there was a formal legal proceeding on their behalf. She stated that she felt this was a very loose application to invoke attorney-client privilege, when there is no formal legal action against the District. She explained that she believed this conversation should be transparent. She noted that she, Manager Waller, and former Manager Wagamon had been asked to be a conduit for communication with the City of Circle Pines, and her concern was that with this action, that door would be closed for those conversations, and she was not comfortable with that.

District Attorney Kolb acknowledged that the Board can vote for or against moving into closed session. He explained that he was worried that if there was discussion about how the District may approach addressing the City of Circle Pines claim, it should be protected, because it will involve strategy and may involve advice from him to the Board. He stated that he would not be able to freely give advice in an open session like he would be able to in a closed session. He stated that he respected and understood the concerns shared by Manager Robertson and noted that there was much of the discussion that could happen in an open session, but that would also limit the nature of the portions of the discussion that he would participate in.

Manager Hegland stated that she hadn't seen anything on this and would prefer they do as much as they can in an open session.

District Attorney Kolb suggested that staff review the background facts and then the Board can make a decision on whether or not to move into closed session.

Administrator Tomczik stated that the District had completed work on the City of Circle Pines outfalls into ACD 53-62 under the City of Circle Pines agreement with the District. He explained that City of Circle Pines had provided their specifications for the outfalls that define the design to be constructed, including trash guard and other specific design elements. He stated that the contractor the District hired completed the work, Houston Engineer inspected the project, and the project was closed out. He noted that the storm sewer pipe did fail. The City of Circle Pines storm sewer was found to be heavily deteriorated, and his understanding was that at the time of construction it was a challenge to connect the pipe to the outfall vault. He stated that the District secured the area with snow fencing, entered into investigation and discussion with the City of Circle Pines. He noted that the City of Circle Pines took its own report that was provided to the District, but the District had not received any of the attachments referenced within the report. He explained that they were then provided to the District, and staff asked the District Engineer to review the materials and submit a report to the Board. He stated that he had intended for this to be included in the September 1, 2026 workshop meeting, but in the interim there had been exchanges back and forth with the City of Circle Pines and noted that the last couple of communications to be the strongest where the report identified $73,000 of repair work for the outfall. He stated that the City of Circle Pines made the statement that the District pay for all of it. He explained communication of an alternative position that the City of Circle Pines stated to be 'false' and noted that at this point he entered into discussions with District Attorney Kolb regarding moving forward because they appear to be at a deadlock. He understood this to be an articulated claim of the District that they would be responsible for approximately $73,000, before the report from HEI, and explained that his understanding was that it was not a well-founded claim. He stated that the WSB report that was completed by the City of Circle Pines included some of the informational matters that would suggest that it was not the District's work explicitly and uniquely that caused the failure.

District Engineer Otterness stated that he wanted to clarify one thing and explained that the failure that occurred was in the pipe sections that are upstream of the structure and the work the District had completed. He stated that the District had not worked in that area or disrupted them. He noted that when the pipes separated, it scoured out the soil around the outlet structure that the District constructed and explained that the outlet structure was still intact. He noted that it was clogged with sediment that needed to be removed, but the structure was still intact. He explained that the fix proposed by the City of Circle Pines included a number of items that are unrelated to the original work done by the District.

President Bradley stated that they appear to be missing photographic evidence for where this is located and whether the problem was the connection to the outfall or upstream of that area. He suggested that staff bring that information to the next workshop.

Manager Waller stated that he would like the Board to have access to the email communications that have been going back and forth in addition to the photographs requested by President Bradley. He explained that he felt the Board should have access to this information before they consider any actions, including a closed session.

President Bradley stated that he didn't see the need to go into a closed session to discuss strategies and asked staff to provide all the information they will need to make a decision.

Motion withdrawn by Manager Bradley, second withdrawn by Manager Waller, to close the meeting to receive advice and counsel from District Attorney Kolb regarding a potential legal challenge from the City of Circle Pines for an outfall at ACD 53-62.

District Attorney Kolb explained that the correspondence received, to date, does indicate that the City of Circle Pines believed this was urgent and wanted it addressed right away. He stated that the District had told them that there was nothing about the claims they had asserted that would prevent them from going ahead and fixing it now. He stated that there was nothing wrong with the course of action on this item that the Board has chosen.

ADJOURNMENT

Motion by Manager Robertson, seconded by Manager Waller, to adjourn the meeting at 11:36 a.m. Motion carried 5-0.