



## REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, September 13, 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

1<sup>st</sup> Vice-Pres. John Waller called the meeting to order, a quorum being present, at 9:00 a.m.

### ROLL CALL

Present: 1<sup>st</sup> Vice-Pres. John Waller, 2<sup>nd</sup> Vice-Pres. Steve Wagamon, Treasurer Marcie Weinandt, and Secretary Jess Robertson

Absent: President Michael Bradley (with prior notice)

Staff Present: District Administrator Nick Tomczik, Permit Coordinator/Wetland Specialist Patrick Hughes, Public Drainage Inspector Ashlee Ricci, Communications & Outreach Specialist Kendra Sommerfeld, and Office Manager Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners; Brian Olsen-Ramsey County Soil & Water Conservation Division (video-conference)

Visitors: None

### SETTING OF THE AGENDA

District Administrator Tomczik noted that he wanted to make the Board and the viewing audience aware that they were having some microphone difficulties. He noted that under the Consent Agenda for Water Quality Grant Program Cost Share applications, the applicant has requested that Permit No. R23-07, be postponed until 2024. He stated that under the District Engineer's update there is an additional informational item, Drainage Work Group Update.

***Motion by Manager Robertson, seconded by Manager Wagamon, to approve the agenda, as revised. Motion carried 4-0.***

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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

## READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the August 23, 2023 Board of Managers Regular Meeting. Motion by *Manager Robertson, seconded by Manager Weinandt, to approve the minutes as presented. 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 opportunity for discussion:

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

No.	Applicant	Location	Plan Type	Recommendation
22-097	Tomas Commercial RE	Lino Lakes	After-the-Fact Final Site Drainage Plan	CAPROC 10 items
23-052	Anoka County	Shoreview Lino Lakes	Final Site Drainage Plan Street & Utility Plan Wetland Alteration	CAPROC 6 items

*It was moved by Manager Wagamon and seconded by Manager Robertson, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated September 5, 2023. Motion carried 4-0.*

### Water Quality Grant Program Cost Share Application

No.	Applicant	Location	Project Type	Eligible Cost	Pollutant Reductions	Funding Recommendation
R23-07	Suzanne DePalma	Roseville	Rain Garden	\$3,967.92	Volume: 37% TSS: 39% TP: 35%	Not to exceed 50% up to \$1,983.96; up to \$7,500.00
R23-08	Mary Jane Glynn & Ben Williams	White Bear Township	Shoreline Restoration & Stabilization	\$11,575.78	Volume: 26% TSS: 98% TP: 79%	Not to exceed 50% up to \$5,787.89; up to \$7,500.00
R23-09	Drew Stagstetter	White Bear Township	Shoreline Restoration & Stabilization	\$11,900.00	Volume: 3% TSS: 80% TP: 31%	Not to exceed 50% up to \$5,950.00; up to \$7,500.00

*It was moved by Manager Weinandt and seconded by Manager Robertson, to approve the Water Quality Grant consent agenda as outlined in the above table (with R23-07 postponed at the request of the applicant), in accordance with RCWD Staff's Recommendation based on established program guidelines, dated September 7, 2023.*

Manager Weinandt stated that she attended the Citizens Advisory Commission meeting and feels that they had did a great job reviewing these applications and conducting a robust discussion of each one.

**Motion carried 4-0.**

## OPEN MIC/PUBLIC COMMENT

None.

### ITEMS REQUIRING BOARD ACTION

1. **Consider Resolution to Adopt 2024 Budget and Direct Certification of 2024 Proposed Tax Levy -There will be a public meeting on the District's budget and levy adopted today on December 13, 2023 at 6:30 p.m. in the Shoreview City Hall Council Chambers and remotely (teleconference or video-teleconference) in conformance with MN Stat. 275.065**

***Motion by Manager Weinandt, seconded by Manager Wagamon, to adopt Resolution 2023-09 Resolution to Adopt 2024 Budget and Direct Certification of 2024 Tax Levy.***

**THEREFORE BE IT RESOLVED**, that the Rice Creek Watershed District Board of Managers adopts a 2024 general fund and plan implementation budget totaling \$8,334,339;

**BE IT FURTHER RESOLVED**, that a levy of \$6,099,751 be certified to the Counties of Anoka, Ramsey, Hennepin and Washington and levied upon all taxable property in the Rice Creek Watershed District for the year 2024, as authorized by the Metropolitan Surface Water Management Act, Minnesota Statutes Section 103B.241, to pay the cost to prepare the District's watershed management plan and for projects identified in the plan as necessary to implement the purposes of Minnesota Statutes Section 103B.201;

Manager Roberston asked for confirmation that this was a Preliminary Budget with final approval to happen in December after the Truth in Taxation hearings.

District Administrator Tomczik stated that was not correct and the resolution before the Board is to approve the budget and the proposed levy and explained that this needed to be certified by the counties so they can prepare for collection. He explained that at the December Truth in Taxation meeting, the Board can consider a reduction, but cannot increase it.

Manager Robertson stated that she felt that meant that technically it was a preliminary budget and noted that she felt there was still some wiggle room on some items that the Board could discuss before the final budget is adopted. She noted that she understands that it cannot be increased, but feels it is important to note that it can be reduced.

District Administrator Tomczik asked the District Attorney to make a clarifying statement on this subject.

District Attorney Smith stated that the Watershed law requires that they adopt a budget and certify the levy by September 15<sup>th</sup>. He explained that they have the opportunity to reduce the levy towards the end of the year along with the opportunity to take additional

input from the public at the Truth in Taxation meeting. He stated that at that time, the Board can reduce their levy but were not required to take any further action, so, if they do not take additional action before the end of the year, the action the Board takes today would be final.

Manager Weinandt clarified that the Board can go back and look at this again and asked if they could 'move' money or just reduce the levy.

District Attorney Smith stated that the Board can adjust the budget after today's adoption including moving money within funds, but cannot increase their overall levy and budget.

Vice-President Waller stated that he thought the deadline to certify the levy was September 30<sup>th</sup>.

District Attorney Smith reiterated that the deadline for the District was September 15<sup>th</sup>.

Vice-President Waller stated that he considers this a preliminary budget and his understanding from statements made by President Bradley was that the Board would be taking a look at some items more closely. He noted that in the last few years he feels the budget process has become a bit more opaque and looks forward to having additional discussion on the budget and levy.

Manager Robertson explained that historically she has not voted 'no' against preliminary budgets. She stated that she will vote in favor of this motion, with the thought that it is a preliminary budget even though the language does not specifically say that. She reiterated that she would vote 'yes' with the caveat that she was looking forward to further discussion in order to potentially reduce some of these numbers and, at the very least, dive in a bit deeper. She explained that she felt that the language in the resolution did not seem to match the narrative that staff has given them regarding this item.

Vice-President Waller stated that generally he would not be in favor of tax increases, but today, he will vote in favor of this 'preliminary' budget because he wants to be on the side of the majority in order to be able to bring this back for further review. He stated that he will vote 'yes' with the understanding that this will be brought back before the Board prior to December and noted that he expects that there will be changes made and this version will not be the final budget.

District Administrator Tomczik asked for Board direction as to what within the budget they would like to have additional discussion.

Manager Wagamon stated that he does not have anything specific right now, but plans to look more closely at it and would like to reserve the right to pass along those comments at a later time.

Vice-President Waller stated that he was not referring to one particular item either and would like it be a more open discussion.

Manager Robertson stated that item that she would like to have the most discussion on was the regulatory item that they had previously discussed, but would also like it to be left open and not just focus on that particular item, if something comes up.

District Administrator Tomczik suggested that this item be scheduled for discussion at the next Board workshop in October and asked that the Board let him know if there were specific things or further information was needed prior to that time.

Manager Robertson asked for the preferred method of communication with staff on budget items. She asked if they should go to Manager Weinandt first, as the Treasurer, and then to staff, or, if they should go directly to staff.

District Administrator Tomczik suggested that they address communication regarding budget items with him and asked that they try to get those items to him sooner rather than later in order to give time for preparation and to be shared with the appropriate individuals.

Manager Weinandt stated that she agreed that approach would work best because then the initial inquiry would be sent to District Administrator Tomczik and then the responses can be sent out to the full Board.

**ROLL CALL:**

***Manager Bradley – Absent***

***Manager Robertson – Aye***

***Manager Waller – Aye***

***Manager Weinandt – Aye***

***Manager Wagamon – Aye***

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

**2. Anoka-Washington Judicial Ditch 3 Stabilization HEI Task Order**

District Administrator Tomczik reminded the Board that the District had received a grant for this project and this would outline the steps to be taken with the District Engineer.

Public Drainage Inspector Ricci noted that the District was awarded \$60,000 for this feasibility study with a \$7,000 match and noted that they have budgeted additional funds to address the difference in that amount with the proposed cost.

Manager Weinandt asked for confirmation that this was the Watershed Based Implementation Grant money that through the Clean Water Counsel that BWSR directs to this watershed.

Drainage Inspector Ricci stated that was correct.

Manager Weinandt noted that Clean Water Funds are being used for ditch maintenance, ditch improvement, water conveyance, and water quality.

District Engineer Otterness noted that the scope of this also includes a portion of Clearwater Creek that is downstream of the JD-3 channel so they will be looking at everything from I-35E all the way to Peltier Lake. He stated that what they are reviewing is not what they would consider to be a traditional repair on the drainage system and will try to do more stability of the ditch banks, which is the justification for using Clean Water funding for this work.

***Motion by Manager Wagamon, seconded by Manager Weinandt, to authorize the Board President to execute HEI Task Order 2023-009 to complete the scoping analysis of JD 3/ Clearwater Creek in the amount of \$74,900.00. Motion carried 4-0.***

**3. Citizen Advisory Committee Appointment – Ramsey County**

Communications & Outreach Specialist Sommerfeld gave an overview of a potential candidate for filling the Ramsey County vacancy on the CAC and explained that staff recommended appointing Andrew Kovac to the CAC.

Manager Weinandt stated that she would echo the comments made by Communications & Outreach Specialist Sommerfeld and noted that she had a delightful conversation with Mr. Kovac. She stated that she would also recommend approval of the appointment of Andrew Kovac to serve on the CAC. She explained that she had communicated with President Bradley and he had concurred with the idea of appointing Mr. Kovac to this position.

***Motion by Manager Weinandt, seconded by Manager Waller, to appoint Andrew Kovac for membership on the Citizen Advisory Committee for 2023-2024. Motion carried 4-0.***

**4. US Sitework, Inc. Partial Pay Request #8 Anoka County Ditch 53-62 Main Trunk Repair Project**

Public Drainage Inspector Ricci gave an overview of the Partial Pay Request #8 for ACD 53-62 and noted that it included seeding over areas that have exposed soils and noted that there are still a few punch list items, including re-seeding areas that did not stabilize.

***Motion by Manager Wagamon, seconded by Manager Waller, to approve US Sitework, Inc.'s pay request #8 as submitted and certified by the District Engineer and directs staff to issue a payment in the amount of \$17,011.74. Motion carried 4-0.***

5. **Check Register Dated September 13, 2023, in the Amount of \$130,730.27 Prepared by Redpath and Company**  
***Motion by Manager Weinandt, seconded by Manager Robertson, that she reviewed and approves the check register dated September 13, 2023, in the Amount of \$130,730.27, prepared by Redpath and Company. Motion carried 4-0.***

## **ITEMS FOR DISCUSSION AND INFORMATION**

### **1. District Engineer Update and Timeline**

District Engineer Otterness noted that there was a public information meeting for JD-3, Branches 1,2, and 4, and explained that they expect the contractor to begin work in the coming month.

Manager Weinandt asked how many people had attended the public information meeting.

Vice-President Waller stated that he believes there were about 12-16 people in attendance. He stated that he and Manager Wagamon had attended and felt it was a very good meeting and people seemed enthused about the project and believes that they will pass along information to their neighbors. He stated that he felt Drainage Inspector Ricci gave an excellent presentation about the project.

Manager Wagamon stated that he would concur that Drainage Inspector Ricci did an excellent job.

Vice-President Waller stated that District Engineer Adam Nies had also done a great job with his presentation.

### **2. Drainage Work Group Update**

District Engineer Otterness stated that he had attended a Drainage Work Group meeting and gave a summary of the discussion including a draft policy statement by the Clean Water Council.

Manager Weinandt noted that she served on the Clean Water Council Policy Committee and stated that she had received some comments since the Drainage Work Group met. She stated that she will continue to investigate this because there are apparently some concerns but stressed that this was a draft policy statement.

District Engineer Otterness stated that the Drainage Work Group had also discussed notification requirements under the 103E Stat. and gave a brief outline of some of the issues they talked about. He noted that they had also discussed the subcommittee that he is part of regarding identifying how the adequacy of the outlets should be determined and also the runoff and sediment repair costs.

Manager Weinandt stated that drainage issues can be quite controversial and would point out that there was an e-mail from Jan Voit, MN Watersheds, that noted some of the discussion about the policy statement and reiterated her emphasis that it is a 'draft' policy statement. She explained that the Clean Water Council has a very open format while conducting meetings which means when they are 'webinars', there are a lot of extra people in the meeting. She that just because something was stated during the meeting did not necessarily mean it had been adopted by the Committee.

District Administrator Tomczik stated that the Board, in the past, has had concerns about the validity and use of the Drainage Work Group, which was why he had asked District Engineer Otterness to give an update to the Board.

The Board discussed the Drainage Work Group, assessment policies, and details and intent of the resolution the District had put forth to MN Watersheds.

### **3. Administrator Updates**

District Administrator Tomczik stated Public Drainage Inspector Tom Schmidt had received a letter of appreciation from Washington County Commissioner Miron for work he has done. He stated that staff is continuing to engage with the DNR on ACD 10-22-32. He stated that the District has interacted with the Ecological and Water Resources Group at the DNR, in particular Jack Gleason. He noted that Mr. Gleason's engagement with the District has been early, often, and he has been very responsive, which shows an understanding of the public process. He shared the good news that the District's Climate Resiliency project will be presented at the MAWD conference.

### **4. Managers Update**

Manager Weinandt noted that she saw on Facebook that the District has been invited to present on the White Bear Lake at the Wildwood Library and stated that it was nice to see the District out there helping with educational activities.

Communications & Outreach Coordinator Sommerfeld explained that she and Lake and Stream Program Manager Matt Kocian were invited to give a general education outreach at the Wildwood Library which is a Washington County library. She noted that they had reached out to the District because they get quite a few requests for information about White Bear Lake, in general. She stated that the library has indicated that they would be interested in doing other events with the District, but explained that staff was looking at



this as a trial run in order to see how it goes. She gave a brief overview of the topics they are expecting to cover during their presentation on September 26, 2023 at 6:00 p.m.

District Administrator Tomczik noted that the District continues its engagement with the City of Birchwood regarding the Priebe Lake Outlet Project (PLOP) and is continuing to work on a Memorandum of Understanding (MOU).

Vice-President Waller stated that he wanted to compliment Public Drainage Inspector Schmidt for his hard work. He stated that he would like to nominate Public Drainage Inspector Schmidt for this year's Outstanding Watershed Staff Awards, as employee of the year. He noted that he had attended the Washington County Consortium meeting and gave a brief overview of the two items that were discussed.

#### **ADJOURNMENT**

***Motion by Manager Wagamon, seconded by Manager Robertson, to adjourn the meeting at 9:58 a.m. Motion carried 4-0.***