



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, September 27, 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

Absent: Secretary Jess Robertson (with prior notice)

Staff Present: District Administrator Nick Tomczik, Permit Review Technician Kelsey White, Technician/Water Resource Specialist Molly Nelson, Public Drainage Inspector Tom Schmidt, Watershed Technician/Inspector Will Roach, Communications & Outreach Specialist Kendra Sommerfeld (video-conference), and Office Manager Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Louis Smith from Smith Partners

Visitors: None

SETTING OF THE AGENDA

Motion by Manager Weinandt, seconded by Manager Wagamon, to approve the agenda as presented. Motion carried 4-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the September 9, 2023 Workshop and the September 13, 2023 Board of Managers Regular Meeting. Motion by Manager Wagamon, seconded by Manager Weinandt, to approve the minutes as presented.

President Bradley explained that on, page 3, line 86, of the September 9, 2023, workshop minutes, he would like to replace the beginning of the sentence with "After a full discussion."

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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

Motion by Manager Wagamon, seconded by Manager Weinandt, to approve the minutes, with the amendments as noted to the September 9, 2023, Workshop minutes, as discussed. 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
23-057	Fenway Investments, LLC	Forest Lake	Final Site Drainage Plan	CAPROC 8 items

Permit Review Technician White gave the Board a brief overview of the permit.

It was moved by Manager Weinandt and seconded by Manager Wagamon, 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 19, 2023. Motion carried 4-0.

PERMIT APPLICATIONS REQUIRING BOARD ACTION

No.	Applicant	Location	Plan Type	Recommendation
23-056	Jon Hartman	Arden Hills	Floodplain Alteration	VARIANCE REQUEST CAPROC 3 items

District Administrator Tomczik gave a brief explanation of the variance format and protocol.

President Bradley stated that this is talking about a 10 x 15 shed that the report shows that would have de minimis impacts, so the Board felt it was reasonable to proceed in this manner.

Manager Wagamon stated that he has not had a chance to think this through to a conclusion yet because he just read the information this morning but noted that it appears that a lot of work, effort, and District money went into this for just a variance on a 10 x 15 shed.

President Bradley stated that when he read through the information, he had the same thought, but did not come up with a different solution. He suggested that perhaps the next time they are looking at their rules, they take a look at whether there is some way that they would easily define de minimis situation.

Manager Waller stated that he agreed that the solution is in the rules. He stated that he thinks this gets back to the point of extra administrative rules that perhaps are unnecessary and feels that perhaps resources and funds could be better spent elsewhere and explained that he felt the District spends far too much on this type of administrative activities.

District Administrator Tomczik stated that in regulatory areas, there is always the proverbial line in the sand and when a project falls on that threshold, the regulator may have some concern or it may even appear absurd. He stated that the Board has made comments regarding the cost and noted that the District bears the first \$400 of variance applications and the remainder is paid by the applicant. He stated that regardless of what variance is being asked, the criteria remains the same. He noted that the fill in the floodplain was de minimis or exempt from mitigation, the variance is to the freeboard which is what protects the shed from inundation by the flooding

waters. He explained that recording that the shed does not meet freeboard is for the future public, as this property passes hands, that the new owners be aware.

President Bradley stated that he has no grievance against protecting a future owner and feels that if nothing else, this will provide a record that this was done, with knowledge.

District Administrator Tomczik stated that was correct because it requires the landowner to record it on the property.

Manager Wagamon stated that he does not disagree with anything that anyone has said as part of this discussion, but feels it would be nice to do something about this, if there was a way.

District Engineer Otterness stated that there have been many good points brought up and noted that the District has modified rules in the past as they have recognized variances that could potentially be avoided. He suggested that there may be opportunity to modify the rules to avoid the need for a variance with a lower risk type of building. He stated t he would put this on the list for possible rule revisions.

It was moved by Manager Weinandt and seconded by Manager Bradley, to Approve the Variance request for variance application 23-056 as outlined in accordance with RCWD District Engineer's Variance Technical memorandum, dated September 19, 2023. Motion carried 4-0.

It was moved by Manager Weinandt and seconded by Manager Bradley, to CAPROC Permit 23-056 as outlined in the RCWD District Engineer's Findings and Recommendations, dated September 19, 2023. Motion carried 4-0.

OPEN MIC/PUBLIC COMMENT

None.

ITEMS REQUIRING BOARD ACTION

1. Miron Water Quality Grant Contract Extension - W20-02

Technician/Water Resource Specialist Molly Nelson briefly described the original contract from August of 2020 and explained that there was an extension in February of 2022. She explained that the reason for the first extension and the one before the Board today is because the applicant was waiting on an additional grant from the NRCS. She stated that the District has received confirmation that the NRCS will be providing grant funds for this project and project work is expected to begin in 2024. She noted that District staff has set aside funds for this project in 2024 budget through the Water Quality Grant Program. She referenced a few changes to note including the overall project cost and noted that the applicant has not yet signed the contract. She explained that the thought was that the Board could take action and then staff would work to get the signature. She explained that project work would not begin until the contract has been officially signed and filed.

Manager Weinandt asked if this would be watershed money and not Clean Water funds.

District Administrator Tomczik stated that was correct, it is watershed, District, money.

Manager Weinandt noted that this was originally approved in 2020 and asked if those dollars had already been earmarked and put into another account to await the project or would it be taken out of 2024's budget funds.

District Administrator Tomczik explained that the District makes an annual examination in order to identify any project in which the Board has committed to providing funds but the project has not yet been installed and paid out. He stated that in that case, they take the customary amount and add those dollars, so they would technically be reserving those funds out of the fund balance to show that they will be spent in the coming year.

Manager Wagamon stated that he has no problems with this contract, but stated that he feels it is important when it is businesses that the District is giving grant money to, that the businesses put in a big share. He stated that this feels as though they are getting into picking winners and losers when they give money to one company but not another. He reiterated that he feels that those companies should have to have a hefty investment in it themselves to qualify.

Manager Waller stated that he did not disagree and referenced his past voting record on the Bald Eagle phosphorus reduction program. He stated that one of his objections at the time was that the golf course did not put very much money into it. He stated that the COVID program was involved and that has had an impact on this development and there were issues behind the scenes with engineering and borings that have caused a delay. He stated that he was glad to see this finally come about with the impact on the water quality system for JD-2 and eventually Peltier Lake, as the resource of concern.

Manager Wagamon stated that on this particular project, he knows Mr. Miron is looking for funding for his portion. He reiterated that he did not have a problem with this particular application because he thinks by the end, Mr. Miron will have put in plenty of his own money, but, just as a general rule would like to see applicants put in their own money.

Manager Waller stated that he agreed and also felt it was important to put in your own funds.

Motion by Manager Wagamon, seconded by Manager Waller, to amend the W20-02 Water Quality Grant Program contract between the Rice Creek Watershed District and Fran Miron by extending the expiration date to March 27, 2025, and authorize the Board President to sign. Motion carried 4-0.

2. Houston Engineering Inc. (HEI) Task Order 23-010 Public Drainage System Level 2 & 3 Inspections

Public Drainage Inspector Schmidt reviewed the Houston engineering task orders for the inspections that are beyond that staff level for things like drone flights and GPS field surveys. He reviewed the intended work areas for ACD 53-62, Branch 2, WJD 2 (upstream of the Rice Lake weir), ACD 10-22-32, Main trunk and Branches 1, 2, 3, and 4, and the entire JD 2 Main Trunk.

Motion by Manager Waller, seconded by Manager Weinandt, to authorize the Board President to execute HEI Task Order 2023-010 to schedule and complete Level 2 and 3 Inspections for an amount of \$19,800.

Manager Waller stated that he would support much more of this type of activity and explained that he did not think the District spent enough of their resources on the drainage and stormwater conveyance system.

President Bradley noted that, as a Board, they have established a schedule for all the facilities and are working to maintain and improve them.

Manager Waller stated that he did not disagree but would say that the District needs to do much more and put a greater emphasis on maintaining the stormwater conveyance system.

Manager Wagamon stated that he agreed 100% because he believes it is critical that the District do the ongoing maintenance and referenced the beaver dams that have been a disaster. He stated that sort of thing is nobody's fault, but it takes people on the ground looking all the time to find that type of thing. He stated that he would agree with Manager Waller that the District needs a more robust approach to keeping them up.

Motion carried 4-0.

3. 2024 Stormwater Management Grant Release Authorization and HEI Task Order 23-011 Stormwater Management Grant Application Review

Watershed Technician/Inspector Will Roach explained that staff was asking for approval to release the RFP package and solicit applications for the 2024 Stormwater Management Grant program year. He explained that the CAC has recommended that a question be added to the application that asks how they learned about the program.

President Bradley asked if this grant would be available to individuals.

Watershed Technician/Inspector Roach stated that the way the program language is worded is for municipal partners. He noted that in the past, residents have expressed interest in this program and believes they have been directed towards less competitive grant opportunities within the District.

President Bradley stated that he would like to understand why the CAC was concerned about how people would hear about a grant that is only available to the District's partners.

District Administrator Tomczik noted that in the past there have been private landowners who have asked for assistance through this program and explained that they had directed them to other programs that were available. He stated that these dollars are typically associated with public entities or institutions that have a likelihood of success on the landscape in fulfilling the maintenance obligation.

President Bradley stated that he appreciated the CAC's suggestion, but expressed concern that this may be adding a step that was not necessary.

Manager Weinandt noted that she attended the CAC where this was discussed and noted that one of their priorities is how they interface with the public. She stated that she believes this is just another data point to help them figure out where information is going, how they receive communication, and how it can be improved and enhanced. She asked where this request would appear within the application.

Watershed Technician/Inspector Roach explained that it would be under Section 6 of the application form.

President Bradley reiterated his concern that this would be adding one more step to the process because the District would consider their application regardless of where they heard about it.

District Administrator Tomczik suggested that perhaps the language could be adjusted to indicate that answering that question would be optional. He noted that he would guess that 99% of the answers they get will say they heard about it because the District sent it to them.

Manager Weinandt asked if the District would send it out to every library, school, or church, because they would also be eligible. She read aloud from page 54 of the packet where it stated that this is 'funding to assist cities, counties, school districts, libraries, and other public and private entities with the implementation of the stormwater management project.'

President Bradley noted that it is possible the Board has just discovered another problem.

Manager Wagamon questioned the addition of 'private entity' on that list.

District Administrator Tomczik stated that any private entity application that, for example, had a campus and were interested in cost-share with the District, this would be one avenue that they could apply. He stated that in this instance, the District would look for them to record and maintain that obligation.

President Bradley asked if he was suggesting that the District has the duty to reach out beyond their partners where they intend the money to go with the hope for an outreach to something like a library and, if so, he would suggest that would not be a good idea.

Manager Wagamon stated that he wanted it to be clear because he feels it makes a big difference. He stated that when he read this, he was under the impression that private entities were eligible and asked if that was true.

Manager Weinandt stated that when she served on the CAC, they had an application for this money from a church which had a large campus and had some opportunity to do some stormwater management in collaboration with the city. She stated that it was the church that had initiated the work, but the funds were used for the project.

Permit Technician White noted that there were some technical difficulties with the audio and asked to reach aloud a comment from Communications & Outreach Specialist Sommerfeld that she had submitted through the chat box related to the Forest Lake High

School water cistern/reuse project that was funded by the Stormwater Management Grant.

Manager Waller stated that was a grant for \$505,000 of which the District was a partner, but the applicant was the school district. He stated that he would like to know what the problem is with the current application and asked why there was all the brand-new stuff.

Manager Weinandt stated that it was not all brand-new and was just adding.

Manager Waller referenced his notes and said he had written ‘what is the problem with the current program?’ He stated that it appears to be another example of less productivity and added labor. He stated that he agreed with the concerns expressed by President Bradley and stated that he did not see a need to change this language.

Manager Weinandt stated that the Board asked the CAC to do a whole lot of work on this grant program and believes they have worked hard over the years. She stated that there are 3 levels of review on this program, and it is taken very seriously. She stated that to honor the good work of the CAC, she did not feel that adding a simple line about where they heard about this program was a big deal nor would it take up much extra time for the applicant or those reviewing the application. She stated that she felt it was simply a way to track the outreach of the District.

President Bradley suggested a modification to replace ‘must’ with ‘should’.

Manager Wagamon stated that he would agree and stated that he takes what the CAC does very seriously but does not believe that the Board will always agree with them, nor are they obligated to. He clarified that he believes the CAC does an excellent job, but the Board cannot just accept what they say but needs to make their own decisions.

President Bradley stated that he did not want to indicate that there is some sort of rift between the Board and the CAC.

Motion by Manager Bradley, seconded by Manager Weinandt, to authorize staff to initiate the 2024 Stormwater Management Grant Program and to notify potential applicants of funding availability by publishing the attached Requests for Proposals, as modified to replace the word ‘must’ with ‘should’.

Manager Waller reiterated that he did not think anything was wrong with the original process and agreed with the statement made by Manager Wagamon that the CAC was a recommending body. He stated that he did not see a need for a change in this program but clarified that he supports the money for the program.

Motion carried 4-0.

Motion by Manager Bradley, seconded by Manager Weinandt, to authorize the Board President to execute HEI Task Order 2023-011 for Engineering review of the 2024 Stormwater Management Grant Program applications. Motion carried 4-0.

4. Professional Development - Kendra Sommerfeld

District Administrator Tomczik stated that the District offers educational assistance for its employees. He explained that Communications and Outreach Coordinator Sommerfeld has asked to utilize this assistance in pursuit of her Master in Natural Resources Stewardship degree. He noted that he has reviewed the materials and finds them to be consistent with this policy and recommends approval.

Manager Wagamon asked why this process included coming before the Board and explained that he feels this is a decision that District Administrator Tomczik could be making on his own.

District Administrator Tomczik explained that the short answer is that this is the approach in the adopted policy; for it to come before the Board for approval and noted that he did believe that this was good information for the Board to know.

Manager Wagamon stated that he would agree that it is good information for the Board to have but feels that staff can just tell them.

District Administrator Tomczik noted that the Board could look to amend the policy and delegate that authority.

Manager Waller stated that the present policy is to bring this before the Board as a way to keep them informed and noted that it is possible that this could be something that exceeds the limits of the District Administrator's ability to approve. He stated that he supports the present policy and would like to keep it as something that comes before the Board. He stated that he wants to make it clear that he is a big supporter of this program.

Motion by Manager Waller, seconded by Manager Weinandt, to approve reimbursement of Natural Resource Inventory and Data Analysis and Wetland Ecology and Restoration courses at Colorado State University when Ms. Sommerfeld demonstrates successful completion of the course with a "C" or better.

District Administrator Tomczik explained that this is above and beyond the activity that staff routinely has with continuing education and conferences.

Watershed Technician/Permit Coordinator White stated that Communications & Outreach Specialist Sommerfeld expressed her appreciation for the Board support via the comment function on Zoom.

Motion carried 4-0.

5. Check Register Dated September 27, 2023, in the Amount of \$281,336.01 and September Interim Financial Statements Prepared by Redpath and Company

Manager Weinandt noted that she holds quarterly meetings with District Administrator Tomczik and Office Manager Stasica where she reviews this information.

Motion by Manager Weinandt, seconded by Manager Wagamon, move to approve of the September 27, 2023 check register in the amount of \$281,336.01 having reviewed the September 27, 2023 check register and the September 2023 Interim Financial Statements, both prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports

2. October Calendar

District Administrator Tomczik noted that there will be a public information meeting regarding RCD-4 on October 3, 2023 at 6:30 p.m. in the Willow Room and Roseville City Hall which has been posted appropriately for Board attendance.

President Bradley noted that he would be out of town and asked if Manager Waller could fulfill any formal or informal duties that may be necessary at the public information meeting.

District Administrator Tomczik explained that this would be an informational meeting for landowners and comments to be considered in development of the project and for the landowners can be made aware of District activity.

3. Administrator Updates

District Administrator Tomczik stated that earlier today, Quad Press released an article regarding Centerville Lake and the potential water management district. He stated that the District is keeping communication open with Mr. Stowe who met with the Board at a recent workshop and stated that they are working to further address his questions and schedule a site visit. He stated that staff would like to schedule the City-County partner meeting for November 8, 2023 at 1:00 p.m. He stated that there was a letter received from the City of Columbus that he responded to Columbus staff and is sharing both with the Board for any further Board direction. He reviewed planned topics for the upcoming workshop meetings.

4. Managers Update

Manager Waller stated that during the legislative session this year, they passed a \$2 million budget for meetings for the next three years for various entities concerning White Bear Lake and noted that it is not clear how this may affect the District.

District Administrator Tomczik stated that it is important to make note of the Watershed Management Plan. He noted that he appreciated the information shared by Manager Waller and clarified that the District's focus is primarily surface water and their activity related to ground water is a bit more indirect. He encouraged the Board to make sure that as this moves forward that they are in continuity with their WMP or change it accordingly to ensure they are clear on their activity.

Manager Weinandt explained that she is on the Clean Water Council and noted that they met last week and took a field tour of the metro area. She reviewed some of the presentations and discussion items from the meeting and tour.

ADJOURNMENT

Motion by Manager Wagamon, seconded by Manager Waller, to adjourn the meeting at 10:18 a.m. Motion carried 4-0.