



REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, December 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

President Michael Bradley called the meeting to order, a quorum being present, at 6:30 p.m. He noted that Manager Robertson has a previous commitment and would need to leave the meeting early, which meant that the Board needed to appoint a Secretary Pro-Tem to serve in her absence.

Motion by Manager Waller, seconded by Manager Bradley, to appoint Manager Wagamon to serve as Secretary Pro-Tem in the absence of Manager Robertson. Motion carried 5-0

ROLL CALL

Present: President Michael Bradley, 1st Vice-Pres. John Waller, 2nd Vice-Pres. And Secretary Pro-Tem Steve Wagamon, Treasurer Marcie Weinandt, and Secretary Jess Robertson

Absent: None

Staff Present: District Administrator Nick Tomczik, Permit Coordinator/Wetland Specialist Patrick Hughes, Watershed Technician/Inspector Will Roach, Lake and Stream Program Manager Matt Kocian (video-conference), Water Monitoring Technician Catherine Nester, Public Drainage Inspectors Ashlee Ricci and Tom Schmidt, and Office Manager Theresa Stasica

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

Visitors: Collette Adkins

SETTING OF THE AGENDA

President Bradley noted that a revised agenda had been distributed and asked for an explanation of what had changed.

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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

District Administrator Tomczik explained the ordering of items difference between the original agenda and the revised agenda including the addition of an item regarding Earned Sick and Safe Time RCWD Notice and Adoption

Motion by Manager Weinandt, seconded by Manager Bradley, to approve the agenda, as revised.

Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the October 25, 2023 Board of Managers Regular Meeting and November 8, 2023 Regular Meeting, and Minutes of the December 7, 2023 Ramsey County Ditch 4 Repair Report & Water Management District Public Hearing. Motion by *Manager Robertson, seconded by Manager Weinandt, to approve the minutes as presented. Motion carried 5-0.*

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
22-082	City of Roseville	Roseville	Public/Private Drainage System Wetland Alteration Floodplain Alteration	CAPROC 7 items
23-070	Blino, LLC/ VorandeSoto, LLC	Lino Lakes	Final Site Drainage Plan	CAPROC 3 items

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

PERMIT APPLICATIONS REQUIRING BOARD ACTION

No.	Applicant	Location	Plan Type	Recommendation
21-135	Christopher Voxland	Forest Lake	Floodplain Alteration	VARIANCE REQUEST Amendment #1-APPROVAL

Permit Coordinator/Wetland Specialist Hughes advised that absent manager objection, he and the engineer would dispense with the practice of reading through the engineer’s variance memo. He stated that the applicant requests an after-the-fact variance from the floodplain alteration rule requirement to replace flood storage volume for the amount of material placed within the floodplain and offered to answer any questions the Board may have. The applicant’s original floodplain fill volume fell below the 100-cubic-yard threshold of the District requirement, but that site conditions resulted in a fill volume of 186 cubic yards. Mr. Hughes and Mr. Otterness reviewed the potential impact of this fill and advised that it is minimal.

Variance Request

It was moved by Manager Bradley and seconded by Manager Waller, to Approve the Variance request for variance application 21-135 as outlined in accordance with RCWD District Engineer's Variance Technical memorandum, dated December 5, 2023. Motion carried 5-0.

Permit Application

It was moved by Manager Bradley and seconded by Manager Waller, to Approve Permit 21-135 as outlined in the RCWD District Engineer's Findings and Recommendations, dated December 5, 2023. Motion carried 5-0.

OPEN MIC/PUBLIC COMMENT

Collette Adkins, 8640 Coral Sea Street NE, Blaine, stated that she has lived in this location for about 16 years. She explained that her property abuts a paved walking trail and wanted to discuss a problem that she has observed. She stated that she likes to walk along the trail and that to her understanding, the District has contracted to set traps along the creek. She stated that this year the beaver dam is about 8 inches high and that she observed a Conibear body gripping trap set on top of the dam in a visible location. She stated that she has observed people walking their dogs off leash and children using the dam to cross the creek and playing in the woods on either side of the creek. She also expressed concern about non-targeted wildlife. She stated that she understands that the District needs to keep water flowing in the creek, but many cities across the country have used non-lethal methods that do not result in simply killing the beavers year after year. She suggested use of a large PVC pipe at the bottom of the dam which is commonly referred to as a 'beaver deceiver' and referenced where this has been used successfully. She asked the District to consider using this non-lethal method to control the beaver population.

Manager Wagamon asked where this had been used successfully.

Ms. Adkins stated that, to her knowledge, the only place in Minnesota that has used this method is the Minneapolis Park and Recreation Board. She explained that she has a Master's degree in Wildlife Conservation and works as an environmental attorney for the Center for Biological Diversity, which is a national non-profit organization. She stated that she has worked on reducing beaver trapping all across the country and offered to send the District examples and more information and reiterated that she felt there are ways to keep the water flowing without killing the beavers.

President Bradley stated that this is something the District should look into and stated that the District clearly does not want to create a public hazard. He stated that beavers can be the bane of the District's existence and while they may never make peace with each other, if there is a way for a better and safer approach, he believes the Board would be interested in considering it.

ITEMS REQUIRING BOARD ACTION

1. Truth in Taxation Public Meeting

District Administrator Tomczik stated this agenda item is an opportunity for the public to comment on the District's 2024 budget and levy. He explained that he has not received any additional input or communication from the public.

President Bradley asked for confirmation that the District is proposing to increase the budget to \$834,339.00, which is about \$250 more than 2023.

District Administrator Tomczik clarified that it is actually about a \$10,000 decrease from 2023, however the fund balance spending is up, so the levy does have an increase.

President Bradley stated that he believes the levy has an increase of about 6%. He observed that there was no one present for this item and asked if there was anyone online that wished to address the Board.

There were no public comments.

2. Affirming Certification of 2024 Tax Levy and Budget

Motion by Manager Weinandt, seconded by Manager Bradley, to affirm Resolution 2023-09 adopting the 2024 budget and directing certification of the 2024 tax levy, and to notify Anoka County, Hennepin County, Ramsey County, and Washington County. Motion carried 5-0.

Manager Robertson left the meeting.

3. Lower Rice Creek Stabilization Repair Minnesota Native Landscape Payment

Lake and Stream Program Manager Kocian gave an overview of the Lower Rice Creek Stabilization Project inspection in early 2023 where they found that one of the thirteen sites required repair. He stated that the Board had approved a contract in August of 2023 with Minnesota Native Landscapes, Inc. to conduct the repair work. He explained that staff and the consulting engineer, Emmons and Olivier Resources, were happy with their work and recommended payment.

Motion by Manager Waller, seconded by Manager Weinandt, to approve payment of \$24,070.00 to Minnesota Native Landscapes, Inc, for repair work on Lower Rice Creek.

Manager Waller asked if there was a reason that they had not selected the original contractor for this repair work.

Lake and Stream Program Manager Kocian explained that the original contractor was Barr Engineering and the particular engineer that did the design and much of the field work

was based in Duluth, so because this was a relatively small project, they wanted to have someone local for contractor oversight.

Manager Waller stated that he can recall touring this area and remembers some portion being quite wild and many people like the public trail to be more manicured. He asked if the District would be doing any work on the rest of the curves in the area that may need some help with stabilization and if so, when they should do that work.

Lake and Stream Program Manager Kocian stated that the project here targeted an area with a high concentration of banks that required repair, but there are some additional places where they can do stream bank stabilization throughout the area. He stated that they do not have any concrete plans to initiate any large projects, but thinks it would be appropriate to pick off a few of the higher priority projects one by one.

Manager Weinandt clarified that original project grant funding came from the Clean Water Fund.

Motion carried 4-0.

4. WISKI Monitoring Database Software

Lake and Stream Program Manager Kocian explained that they were seeking approval for the purchase of a new monitoring database program called WISKI. He noted that a move to a new water quality database has been a long time coming and noted that their current system works but it is 'aging'. He explained that many other watershed districts and WMOs around the Twin Cities have already been moving to this new database and the reports are coming back from them that this new system works quite well.

Water Monitoring Technician Nester gave an overview of the Water Information System by Kisters, which is referred to as 'WISKI'. She reviewed the current problems with the database and how the WISKI database could help and reiterated that there are many other similar organizations that have already begun utilizing this software including Met Council, MPCA, and the DNR. She stated that if this was approved, the plan would be to set up the system and conduct training over the winter months. She noted that Coon Creek Watershed District is also in the process of adopting this software and there have been conversations with them about the possibility of having joint training which means they could share the costs as well. She explained that the goal would be to have the new system up and running and ready to go for the 2024 data collection.

Motion by Manager Waller, seconded by Manager Bradley, to authorize the Administrator execute a purchase agreement with Kisters North America, Inc., in an amount not to exceed \$33,000.00, along with an additional 10% contingency fund, if necessary.

Manager Waller stated that he was looking forward to the efficiencies that this software will help create in their database but wanted to acknowledge that he still really liked paper.

Manager Wagamon stated that he thinks everything about this proposal makes sense to him and does not see a downside to this choice.

Motion carried 4-0.

5. Ramsey County Ditch (RCD) 4 Final Order Directing the Repair and Implementing Water Management District Charges

Public Drainage Inspector Ricci stated the Final Order had been placed on the dais at tonight's meeting. She explained that it included the comments that were received from three different landowners and stated that it was fairly straight forward with nothing that should impact the proposed repair and WMD charge. She explained that there was also a second request included in the information she shared prior to the meeting for a Task Order for HEI to continue to move forward to plan designs.

Motion by Manager Bradley, seconded by Manager Waller to reconvene the RCD 4 Public Hearing regarding repair. Motion carried 4-0.

Manager Waller confirmed that Public Drainage Inspector Ricci had stated that the District had not received any additional information or input since the initial public hearing.

Public Drainage Inspector Ricci stated that she had not gotten any additional written comments.

Motion by Manager Weinandt, seconded by Manager Wagamon, to adopt Resolution 2023-12: Final Findings and Order Directing the Repair of Ramsey County Ditch 4 and Implementing Water Management District Charges

Therefore, the RCWD Board of Managers makes the following:

ORDER

- A. The Board of Managers orders implementation of the repair of RCD 4 consistent with the engineer's recommended repair, contained in the Technical Memorandum, as amended, dated July 13, 2023, and consistent with the capital improvement program contained in the District's Watershed Management Plan.

- B. The Board of Managers orders the allocation of costs for the repair of RCD 4 in a manner consistent with the recommendation contained in the Technical Memorandum, dated October 31, 2023.
- C. The Board of Managers approves imposition of Water Management District Charges for the repair of RCD 4 as defined in the Watershed Management Plan and as outlined in the Technical Memorandum, dated October 31, 2023. A copy of the charge breakdown by parcel is attached hereto.
- D. The Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for implementation of the repair in a manner consistent and compliant with existing law. The Board reserves to itself, however, all subsequent actions required by law to proceed upon Board approval.
- E. The Board of Managers further authorizes expenditures for the repair of RCD 4 and the collection of revenues consistent with this order.

ROLL CALL:

President Bradley – Aye

Manager Robertson – Absent

Manager Wagamon – Aye

Manager Waller – Aye

Manager Weinandt – Aye

Motion carried 4-0.

Motion by Manager Weinandt, seconded by Manager Wagamon, to Approve Houston Engineering Task Order 2023-014, as presented. Motion carried 4-0.

President Bradley closed the public hearing and reconvened the Regular Board meeting.

6. 2024 Rice Creek Watershed District Board Calendar

District Administrator Tomczik reviewed the Board calendar for 2024.

Motion by Manager Wagamon, seconded by Manager Weinandt, to approve the 2024 calendar, as presented. Motion carried 4-0.

7. 2023 Comprehensive Wetland Protection and Management Plan (CWPMP) Report -HEI Task Order

Permit Coordinator/Wetland Specialist Hughes explained that the District has 5 CWPMPs and noted that each year, Houston Engineering compiles information about the activities within these areas.

Manager Wagamon asked if there were plans to make changes to the CWPMPs.

Permit Coordinator/Wetland Specialist Hughes stated that this was just to compile the report and not to change the rules.

Motion by Manager Wagamon, seconded by Manager Waller, to authorize the Board President to execute the HEI Task Order 2023-015 to prepare the 2023 CWPMP Annual Monitoring Report in an amount not to exceed \$17,000.

Manager Waller asked if the District had to submit a report to BWSR because the District was still the local unit of government for the Wetland Conservation Act in these cities. He stated that, if that was the case, and the cities became the local unit of government, if they would then be responsible for submitting this report rather than the District.

Permit Coordinator/Wetland Specialist Hughes stated that the District is the local government unit that administers the Wetland Conservation Act, so it is its obligation to provide those reports to BWSR. He stated that if a municipality in the District became the authority, he believes that the CWPMP would not necessarily remain in effect and the municipality would have to get some sort of approval for a similar CWPMP.

Manager Waller asked how the District could offer the municipalities a carrot in order for them to be in charge of their plans and free up some of the District resources.

Permit Coordinator/Wetland Specialist Hughes stated that these typically do not follow political boundaries and are typically based on drainage area, so he would offer that it would be simpler for the District to administer its own plan and submit the report on it.

Manager Waller stated that he thought each City had its own plan and did not think there was a District plan. He asked staff to think about this possibility and take a look to see if there may be areas of additional proficiencies that could be achieved by making a change.

District Administrator Tomczik stated that he finds the efficiency lies in managing the resources through a watershed district approach and noted that the District is currently the LGU. He stated that it would be up to the various communities to decide if they would like to venture into administration but noted that he suspects costs, staffing, and primary focus may be an issue. He shared some history behind the CWPMPs and the District's regulatory role.

Motion carried 4-0.

8. City of Fridley 2021 East Moore Lake Enhancement Project Cost Share Extension Request

Technician Will Roach stated that the City of Fridley has requested a one year extension for the East Moore Lake Enhancement project. He noted that this project had received cost-share approval in 2021 and explained that Fridley has completed the work but is still

waiting for power to be brought to the site for the system start up and testing. He stated that the original agreement expired on November 30, 2023, so the City is requesting this extension while it gets the last bit of work completed.

Motion by Manager Weinandt, seconded by Manager Bradley, to amend the 2021 cost-share agreement between Rice Creek Watershed District and the City of Fridley by amending the expiration date to November 28, 2024, and delegate signature authority of the extension memo to the District Administrator. Motion carried 4-0.

9. Jacon, LLC Partial Pay Request #1 Anoka-Washington Judicial Ditch 3 Phase 2 Repair Project

Public Drainage Inspector Ricci reviewed the first partial pay request from Jacon for repair of Anoka-Washington JD3, branches 1, 2, and 4 project. She explained that this would cover mobilization, tree removal, and some excavation work. She noted that this has been inspected and reviewed by the District Engineer.

Motion by Manager Waller, seconded by Manager Bradley, to approve JACON LLC's pay request #1 as submitted and certified by the District Engineer and directs staff to issue a payment in the amount of \$68,194.04. Motion carried 4-0.

Public Drainage Inspector Ricci stated that they have completed almost all of the work on Branch 2 and have begun excavation on Branch 1 with the majority of the tree work already completed. She noted that they have had unforeseen issues arise and explained that staff believes that the costs will exceed the 10% contingency. She stated that staff intends to bring back additional information at the January Board meeting along with a request for additional contingency funds.

Manager Weinandt asked if the weather conditions have been favorable for the project.

Public Drainage Inspector Ricci explained that they have not because the ground is very soft and 'peaty'. She stated that they were hoping for very cold temperatures in order to form a crust and frost layer to help support the equipment. She stated that because of the warm temperatures the work moves along more slowly because they need to use mats in order to access the area and also need to use smaller pieces of equipment to ensure they remain stable. She stated that ideal conditions would be cold without snow. She noted that they were planning to move over to Branch 4 in the new year and staff is working on keeping those nearby residential neighborhoods updated on the plans.

10. Anoka County Ditch 53-62 Main Trunk Repair Project Complete & US Sitework, Inc. Final Pay Request

Public Drainage Inspector Ricci explained that payment request for ACD 53-62 and noted that this was the 9th and final pay request. She explained that the contractor had submitted documentation for close-out of the project and staff considers it complete. She

noted that costs of the repair will be allocated between the WMD at 60% and the District (ad valorem) at 40%.

District Engineer Otterness gave a brief presentation outlining the wrap-up of the Anoka County Ditch 53-62 Main Trunk Repair Project. He noted that the District was very happy with the work done by U.S. SiteWorks and their collaboration with the District in these efforts. He noted that there has been continuous engagement with the public during this project. He reviewed details within the contract and explained that they were still working on collecting funds from the City of Circle Pines for this project. He suggested that, in the future, for this type of repair project where there is a city financial contribution, that the District clarify the city's responsibility in writing before the project is started. He reviewed the type of work completed, project challenges including channel stability, guy wire relocation, plastic debris, and slope failure. The Board discussed the importance of the contractors using the most appropriate equipment to complete the projects.

District Engineer Otterness shared photos of the project area before and after completion. He discussed the slope vegetation and stability, standing water levels in the ditch before and after the project, and site access. He stated that this project was just the initial step in the overall process of maintaining the drainage system. He noted that in addition to mowing and spraying, it will need to be inspected on a regular basis. He explained that the state requires that the timespan between an inspection on any given system is a maximum of every 5 years.

Motion by Manager Wagamon, seconded by Manager Bradley, to approve US Sitework, Inc.'s final pay request as submitted and certified by the District Engineer and directs staff to issue a payment in the amount of \$22,588.40. Motion carried 4-0.

11. Earned Sick and Safe Time RCWD Notice and Adoption

District Administrator Tomczik stated that the material for this agenda item had been passed out to the Board just prior to the meeting and noted that the Board had also discussed it at the recent Board workshop meeting. He explained that the State has adopted a new Earned Sick and Safe Time (ESST) law that will be effective January 1, 2024 which requires the District Employee Handbook to adjust some language in order to comply with the State's new law. He reviewed some of the administrative actions that will need to be taken when this is approved.

Motion by Manager Waller, seconded by Manager Weinandt, to approve implementation of ESST by incorporation into the District employee handbook, including any non-material changes on advice of counsel.

Manager Waller asked District Attorney Holtman if the Board would be able to meet the legal timeline for approval on this item since it has to be in effect by January 2, 2024. He referenced the language 'non-material changes on the advice of counsel'.

District Attorney Holtman stated that the changes will be effective by the legal deadline and that the referenced language simply refers to any final formatting or clarity issues.

Motion carried 4-0.

12. December 27, 2023 Check Register – Resolution Authorizing Treasurer Approval

District Administrator Tomczik reminded the Board that they will not meet again in the month of December and this item authorizes payment for the December check register.

Motion by Manager Bradley, seconded by Manager Wagamon, to adopt Resolution 2023-13 Authorization For Payment Of December 2023 Check Register

THEREFORE BE IT RESOLVED that the Board of Managers authorize the District Treasurer to review and approve payment of the December 27, 2023 check register in an amount not to exceed \$400,000 for operating expenses, and \$575,000 surety returns.

ROLL CALL:

President Bradley – Aye

Manager Robertson – Absent

Manager Wagamon – Aye

Manager Waller – Aye

Manager Weinandt – Aye

Motion carried 4-0.

13. Check Register Dated December 14, 2022, in the Amount of \$212,142.86 Prepared by Redpath and Company

Motion by Manager Weinandt, seconded by Manager Bradley, to approve check register dated December 13, 2023, in the Amount of 168,229.35, as prepared by Redpath and Company. Motion carried 4-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Update and Timeline

President Bradley noted that he found this update and timeline information helpful, especially the bar graphs.

District Administrator Tomczik asked District Engineer Otterness if he had any initial comments on the beaver trapping situation that was raised earlier in the meeting.

District Engineer Otterness stated RCWD staff and engineer have dealt with the issue and concerns similar to those raised this evening. He stated that there have been a number of devices that people have used to try to discourage beavers from clogging culverts and noted that if a culvert is put in, it tends to increase the negative effects of beaver activity.

He stated that he does think is a good idea for the District to stay on top of new devices and trends to manage beaver activity. He noted that he does believe there are alternative practices that can be tried in certain locations, but felt that in this specific location, installing a small pipe, as suggested, would diminish the drainage function rather than help it. He stated that he would advocate for continued education surrounding beaver management and noted that this is a state-wide issue.

Manager Waller stated that he would agree that installing a culvert would only encourage the beavers to build their dam higher and wider. He stated that can also create problems because the public begins to expect that the dam is allowed to stay there which could be a real danger to flooding and for the actual capacity of the ditch. He stated that he felt that sometimes the well-meaning devices just cannot provide the capacity needed for that ditch.

President Bradley agreed and noted that he felt the traps should be placed somewhere that is not so accessible to the public.

Manager Wagamon stated that while he was not a huge fan of beavers, he feels the Board should take a look at some of the alternate approaches. He noted that last year they were trapping beaver in his ditch and caught 2 otters instead of 2 beavers, which troubled him. He explained that he felt there were downsides to the traps and noted that he did not think there was an easy answer for this issue.

Manager Waller noted that he was not opposed to considering alternative approaches, but cautioned that he wanted to be protective of the overall capacity of the drainage system.

Public Drainage Inspector Ricci stated that the trap referenced by Ms. Adkins earlier in the meeting was not placed by the District or a District contractor. She stated that staff works very closely with the trappers and are very selective to ensure that they are as safe as possible, which includes making sure they are not visible to the public. She said that staff has seen an uptick in private trapping and by landowners. She stated that she does not know whose trap was referenced earlier tonight, but she can confidently say that it was not the District's trap. She noted that she was able to catch Manager Robertson as she was leaving to explain this to her as well. She stated that staff is open to considering non-lethal options and explained that she would be reaching out to Ms. Adkins to get more information on what she has seen in her work.

2. Staff Reports

Manager Weinandt reiterated her comments from prior meetings about how much she enjoys receiving these staff reports.

3. December/January Calendar

4. Administrator Updates

District Administrator Tomczik gave a brief update on the proposed legal watershed boundary revision. He noted that the District has been working with the DNR on ACD 10-22-32. He stated that Columbus will have a workshop meeting in January and noted that he and District Engineer Otterness will plan to attend and noted the DNR request for a site visit on the 137th Street culvert. He stated that they plan to bring back additional information to the Board as they have it. He stated that the League of Minnesota Cities property casualty premium annual payment was due and noted that it had increased a bit from last year.

5. Managers Update

Manager Waller attended the Washington County Consortium meeting and highlighted the presentation made by the District regarding Climate Change. He also attended the legislative committee meeting on water where they are still talking about the nitrate problem in SE Minnesota.

Manager Weinandt noted that she was online with Redpath and Associates yesterday to begin preparation for the 2023 audit.

President Bradley stated that there was an excellent meeting with Senator Mary Kunesh earlier today and explained that she had agreed to be an author for the District's efforts to secure funding for RCD 2, 3, 5 projects. He reviewed some of the other individuals they have reached out to regarding this issue.

ADJOURNMENT

Motion by Manager Waller, seconded by Manager Wagamon, to adjourn the meeting at 8:28 p.m. Motion carried 4-0.