



**Ramsey-Washington Metro Watershed District
Minutes of Regular Board Meeting
December 5, 2018**

The Regular Meeting of December 5, 2018, was held at the District Office Board Room, 2665 Noel Drive, Little Canada, Minnesota, at 6:30 p.m.

PRESENT:

Marj Ebensteiner, President
Cliff Aichinger, Vice President
Dianne Ward, Treasurer
Dr. Pam Skinner, Secretary
Lawrence Swope, Manager

ABSENT:

ALSO PRESENT:

Tina Carstens, District Administrator
Amanda Staple, Recording Secretary
Brad Lindaman, Barr Engineering
Bill Bartodziej, Natural Resource Specialist
Maureen Hoffman, Washington County

Paige Ahlborg, Project Manager
Tracey Galowitz, Attorney for District
Nicole Soderholm, Permit Inspector
Chris O'Brien, Communications Coordinator

1. CALL TO ORDER

The meeting was called to order by President Ebensteiner at 6:30 p.m.

2. APPROVAL OF AGENDA

Motion: Cliff Aichinger moved, Lawrence Swope seconded, to approve the agenda as presented. Motion carried unanimously.

3. CONSENT AGENDA

- A. ~~Approval of Minutes from November 7, 2018~~
- B. 2019 BMP Program Service Agreement with Washington Conservation District
- C. 2019 BMP Program Service Agreement with Ramsey County Soil and Water Conservation District

Tina Carstens requested to pull Item A from the Consent Agenda for additional discussion.

Motion: Cliff Aichinger moved, Dr. Pam Skinner seconded, to approve the consent agenda as amended. Motion carried unanimously.

- A. Approval of Minutes from November 7, 2018

Tina noted that Manager Ward stated that there was some discussion missing for Item 8A, found on the bottom of page two and the top of page three, regarding the temporary versus permanent fix. Manager Ward believed that additional detail should be added. She noted that she could add a few extra sentences with that detail.

Tina noted on the bottom of page three, it should state, "...He The."

Motion: Dianne Ward moved, Lawrence Swope seconded, to approve the Minutes from the November 7, 2018 meeting as amended. Motion carried unanimously.

4. TREASURER’S REPORT AND BILL LIST

Motion: Cliff Aichinger moved, Dr. Pam Skinner seconded, to approve the December 5, 2018, bill list as submitted. Motion carried unanimously.

5. VISITOR PRESENTATIONS There were none.

6. PERMIT PROGRAM

A. Applications

Permit #18-28: RWMWD 2019 Maintenance and Repair Project – Various Cities

Nicole Soderholm stated that this is the erosion control permit for the annual maintenance and repair project, which will be further discussed later on tonight’s agenda.

Motion: Dr. Pam Skinner moved, Cliff Aichinger seconded, to approve Permit #18-28. Motion carried unanimously.

Permit #18-29: Larpenteur-Prosperity Filtration BMP – St. Paul

Nicole Soderholm stated that Ramsey County is doing this project to acquire volume reduction banking credits for use on future projects. This project will construct an enhanced regional filtration basin which will use spent lime. She stated that this basin would be designed to catch water from 125 acres, 50 of which are impervious. She stated that the spent lime will need to be properly maintained in order for the credits to be used in the future. Manager Aichinger asked if the County owned this land or purchased the land. Nicole replied that the County purchased this land.

Motion: Cliff Aichinger moved, Dianne Ward seconded, to approve Permit #18-29. Motion carried unanimously.

Permit #18-30: Morrie’s Mercedes Benz – Maplewood

Nicole Soderholm stated that there is an existing dealership off Highway 61 and noted that the proposal would be to demolish that building and construct a larger building and parking lot. She stated that there is a variance request and provided additional information on the filtration system proposed that is not typically applied under our rules. Manager Aichinger stated that in the past the Board has reviewed this type of system under new technologies and it is ranked highly.

Brad Lindaman noted that using the system in this fashion is a new thing. He explained that although this is not a traditional variance, in that a rule is not specifically being met, but there is thought as to whether the system would function in the intended manner if not properly maintained. Manager Aichinger asked if this permit would be required to submit proof of annual maintenance. Nicole stated that part of the approval would require a more rigorous operations and maintenance plan to be submitted and agreed that documentation of annual maintenance should be provided.

Brad asked what would happen if the system is not maintained, specifically the enforcement the District would have. Tracey Galowitz stated that the District could take action if the maintenance agreement is not followed. Tina Carstens noted that the maintenance agreement would be between the applicant, the District, and City of Maplewood. Brad said that his experience with this type of system is that there is a lot of maintenance required because of the cartridges that need to be replaced. Manager Aichinger stated that perhaps staff reach out to the City of Maplewood to express their concern with this type of system and the maintenance that is required. Nicole stated that from the standpoint of the applicant this route would be less risky than the other method that would be available, noting that if the other method fails the entire parking lot would need to be ripped up in order to replace it. Tracey stated that an additional paragraph could be added that would address the liability of the applicant, should the system not be maintained properly, and a hold harmless and indemnification statement for

the District. She confirmed that she could also add language that would state that if this system were to fail the applicant would need to put in a new system.

Nicole confirmed the consensus of the Board that they would continue to support this type of system as a variance going forward. President Ebensteiner stated that this approval will set forward a model for what would need to be included in future requests in terms of additional language. She stated that she would err on the side of being more inclusive with language rather than less inclusive in terms of required maintenance. Manager Skinner stated that this request includes a variance for the buffer, but noted that there would be a larger buffer in some areas. She stated that it would be nice to have something that would guarantee that the additional buffer area is kept to keep that average buffer.

It was the consensus of the Board that the following items should be added: manufacturer's recommended maintenance schedule, site specific operations plan, indemnification and hold harmless paragraph, failure to maintain would require replacement of the system, and the average buffer must be kept in place.

Motion: Cliff Aichinger moved, Dr. Pam Skinner seconded, to approve Permit #18-30 with the added special provisions and approving the variance requests. Motion carried unanimously.

B. Monthly Enforcement Report

During November, 16 notices were sent to address: install/maintain inlet protection (4), install/maintain perimeter control (3), install/maintain construction entrance (3), sweep streets (1), stabilize exposed soils (1), contain liquid/solid wastes (1), remove discharged sediment (1), and protect/maintain permanent BMPs (2).

7. STEWARDSHIP GRANT PROGRAM

A. Applications None.

B. Budget Status Update No comments.

C. 2018 Program Overview and 2019 Program Review and Approval

Paige Ahlborg stated that 2018 was a very busy year which included 26 unique applications from individual property owners and two retrofit projects. She reviewed the 2018 allocation by category, noting that there were a lot of large projects within the priority areas. She noted that the maximum amount for residential projects was raised to \$15,000 and that property owners have the opportunity to present their case to the Board if the price exceeds the \$15,000 maximum. She stated that the maintenance grant has received positive feedback and a lot of interest from property owners. Paige identified the locations of the 320 cost-share projects that have been constructed since the program began in 2006. She stated that 25 retrofit projects have been constructed since that program began in 2014. She stated that the District intern inspected the cost-share projects and provided a summary of the results, noting that the projects with a grade of A have increased. She stated that all four projects ranked with a C applied for the maintenance grant which will help to improve the quality of the project. She stated that 2019 is gearing up to be a busy year through both the retrofit program and stewardship grant program and provided examples.

Paige provided details on the Snail Lake shoreline restoration project, noting that all properties identified in red have agreed to be a part of the project and has a total project area of 67,750 square feet. She said that it will be a two-year project which will be put out for bid in 2019. She noted that, once complete, the contractor would complete two years of maintenance on the project as well.

Paige stated that the maintenance program will go out for RFQ in February, with a two-year contract. She reviewed the required maintenance period for different projects. She stated that for 2019 staff is not requesting any changes to the program and would propose the same priority subwatersheds, which are based on the TMDL and WRAPP studies. The 2019 cost share coverage amounts would be proposed to stay the same as well.

Motion: Cliff Aichinger moved, Dr. Pam Skinner seconded, to approve the 2018 priority areas as the following subwatersheds: Battle Creek Lake, Battle Creek, Beaver Lake, Bennett Lake, Carver Lake, Fish Creek, Gervais Creek, Kohlman Creek, Kohlman Lake, Lake Emily, Lake Owasso, Shoreview Pond, Wakefield Lake and Willow Creek; approve 2019 coverage amounts as shown in table one; and approve staff to continue watershed maintenance, equity initiative, and aquatic plant harvesting grants. Motion carried unanimously.

8. ACTION ITEMS

A. 2019 CIP Maintenance and Repair Project Bid Review and Award

Brad Lindaman distributed the bid results to the Board. He stated that the preliminary plans and specifications for the project were presented at the last meeting with direction provided to staff to finalize the documents and put the project out for bid. He noted that a number of items were pulled from the base project to create alternates, explaining that the Board could then make the decision on whether to move forward on those elements. He stated that four bids were received with a wide range in price. He noted that the alternates were not part of the lowest base bid process. He reported that the lowest bidder was Fitzgerald Excavating and Trucking, who did complete the 2017 and 2018 projects.

Tracey Galowitz stated, as was suggested at the last meeting, a letter was to go out to Fitzgerald notifying they may not be considered a responsible bidder, based on work delays on the last project. The letter did not get to Fitzgerald before they produced a bid. However, Fitzgerald was notified after it was determined they were the low bidder on the project. She stated that staff met with Jason Fitzgerald prior to tonight's District meeting and he understands if he is chosen for this project and does not meet the deadline this may be his last opportunity to complete a project for the District. Tracey stated, the District has the right to obtain liquidated damages should the project run over the project deadline. She used the example of \$200 per day for each day a project is over the deadline, based on her time, as well as the engineer's time on the project. She stated, Fitzgerald does quality work and because of the price difference between this bidder and the next lowest bidder, she would recommend choosing Fitzgerald, with the clear understanding that this may be his last opportunity should he run past the deadline.

Brad estimated about \$25,000 in Barr's fees were incurred by the district after the deadlines on the two projects completed by Fitzgerald in 2018. These costs, in addition to the costs associated with Dave Vlasin's time and Tracey Galowitz's time on these two projects after the deadlines, results in an extra total cost of \$40 000 to \$50,000 in working with this contractor in 2018. Brad also noted that there is a big gap between the Fitzgerald bid and the next lowest bidder that far exceeds this extra cost. President Ebensteiner stated the District has had problems with the contractor, but in the end the result of the project was good. She noted there is no guarantee there would not be similar hassle with other contractors.

Manager Ward stated, perhaps it would be helpful for staff to identify priorities which would help the contractor schedule appropriately. Manager Aichinger stated he has been in meetings where Tracey Galowitz has talked with contractors and if the contractor looked her in the eye and agreed, he believes that is the honest response. He agreed that perhaps more of a schedule is requested from the contractor upfront to help the contractor with his problem with organization. He stated these are small individual maintenance projects rather than a large CIP project and therefore he is not worried with the exact timing.

Manager Skinner asked if some of the costs were recovered through the retainage. Brad replied that the Board ultimately chose not to go down that path. Manager Skinner stated that perhaps it should be made clear that the District incurred those expenses in the past and did not take that from the retainage, but if the deadline is missed this time, the District will pursue funds from the retainage. President Ebensteiner stated the bid is so low, she tends to want to choose Fitzgerald.

Motion: Dr. Pam Skinner moved, Cliff Aichinger seconded, to accept the bids and award the 2019 CIP Maintenance and Repair Project to Fitzgerald Excavating and Trucking and to direct staff to prepare and mail the notice of award,

prepare the draft agreements and review the required submittals. Motion carried 4-1 (Aichinger, Ebensteiner, Skinner, Swope in favor. Ward opposed).

Brad noted that there was a discussion with Ramsey County Parks and the City of Shoreview regarding the alternate items. He provided additional details on alternate A which makes changes to the Snail Lake overflow. Currently if the lake were to overflow it would travel down the “backdoor route” towards the Crestview Addition. The work in alternate A would change that flow path to direct the water to Wetland A. He stated that all the partners involved agreed to complete alternative A work as part of the District’s contract.

He next provided additional details on alternate B which includes the construction of a stop log structure in the pedestrian tunnel under Gramsie Road. This would allow the city to block the flow of water from Grass Lake to the north through the tunnel and into the NW Gramsie Road pond thus taking the pressure off the groundwater system around Suzanne Pond.

Tina Carstens noted that the City of Shoreview is interested in cost-sharing for both alternates A and B. Brad noted that once the stop log structure is installed, Shoreview has agreed to be responsible for the operation.

Brad provided additional details on alternate C, noting that in the meeting with the County and City it was learned that there will be a trail project and the County/City will include that trail raising in their project and alternate C will not be necessary. He provided additional details on alternate D which includes the building up and connecting a ridge to take away the possibility of water to travel to and from Wetland A to the west. Tina that ultimately it was decided that alternate D would be a District responsibility because it completes the overflow path work we started in the last project.

President Ebensteiner commended staff for working out the details on the alternates and the cost-shares.

Motion: Cliff Aichinger moved, Dr. Pam Skinner seconded, to approve alternates A, B and D and direct staff to continue discussions with the City of Shoreview and the County on cost-share amounts. Motion carried unanimously.

B. 2019 Budget and Levy Final Approval – Resolution 18-08

Tina Carstens stated that she outlined a few changes that were made, which slightly reduced the overall levy amount from the preliminary levy in September.

Manager Swope referenced the flood response line item and asked when or how that would be used. Tina noted that the fund was used for the Grass Lake berm project. She stated that if additional opportunities should arise or there was an event that needed immediate action, those funds would be available.

Motion: Dianne Ward moved, Lawrence Swope seconded, to approve the FY 2019 General Fund and CIP budgets and adopt Resolution 18-08. Motion carried unanimously.

9. ADMINISTRATOR’S REPORT

A. Meetings Attended No comments.

B. Upcoming Meetings and Dates

Tina Carstens noted that the office holiday party will be held on Thursday, December 20, and invited the Managers to attend.

Manager Aichinger asked for input on the District health benefits. Tina noted that there was a moderate increase of seven percent. She stated that there is an additional buy-up option that was also offered to employees.

C. Upcoming Project Coordination Update

Tina Carstens provided an update, beginning with Aldrich Arena. Paige Ahlborg noted that additional information will come to the Board in February or March for Aldrich Arena. President Ebensteiner noted that perhaps this would be a good location for a public art element to be added due to the high amount of traffic at that location.

Tina provided an update on the rapid transit routes which will run through the District.

10. PROJECT AND PROGRAM STATUS REPORTS

A. Project Technical Report: West to East Vadnais Lake Gravity Flow Feasibility Evaluation

Brad Lindaman stated that there has been discussion on this topic for the past few months. He stated that the information from the soils, piezometers, and ground water modeling has shown that there is not nearly as much flow through the berm that was original speculated. He stated that the study has shown that this option is not a practical approach. He stated that now that it is known that there is clear separation between the lakes, the lowering of the outlet of West Vadnais could be pursued. Manager Skinner stated that she would still be curious to see the results of the water quality testing that was done.

B. Project Report: Lake Owasso Emergency Response Plan and Snail Lake/Grass Lake Area Flood Risk Reduction Projects

Brad Lindaman provided additional details on the emergency response plan, noting that trigger points will be created to when the cities should be on alert and when the cities should take action. President Ebensteiner commented that some entity has the obligation to alert the homeowner that their property is at risk for flooding. Brad noted that there is often a discrepancy between the FEMA information and the District information. He stated that even though flood insurance may not be required from FEMA, the homeowner may benefit from having flood insurance. Tina stated that the District shares the information with the city, who would then be responsible to share that information/notification with the property owners. Tracey Galowitz stated that, on the other side, some of those properties have not flooded in the past and providing a notice to the property owner could actually decrease their property value because of the known risk.

Motion: Cliff Aichinger moved, Dr. Pam Skinner seconded, to direct staff to continue discussions with the cities to finalize the emergency response plans for their review and approval. Motion carried unanimously.

C. Ongoing Project and Program Updates

- i. Owasso Park Stormwater Master Plan
- ii. Beltline Resiliency Study
- iii. At Risk Subwatershed Feasibility Studies
- iv. District Office Parking Lot Retrofit
- v. FEMA Flood Mapping
- vi. West Vadnais Lake Outlet Permitting
- vii. 500 Year Atlas 14 Modeling
- viii. Auto Lake Monitoring Systems
- ix. Maplewood Mall Monitoring
- x. Wakefield Park/Frost Avenue Project
- xi. Targeted Retrofit Projects
- xii. BMP Design Assistance and Review
- xiii. Beltline/Battle Creek Tunnel
- xiv. New Technology Case Study: Nutrimax™ Advanced Vegetated Bioretention
- xv. Natural Resources Program
- xvi. Education Program
- xvii. Communications Program

Manager Skinner requested that groundwater be added to the list in the future.

11. INFORMATIONAL ITEMS

Tina Carstens noted that the MAWD conference occurred the previous week and there were some nice changes to the format which were well received. She reported that the nine proposed resolutions passed as proposed.

12. REPORTS OF MANAGERS None.

13. ADJOURN

Motion: Dr. Pam Skinner moved, Cliff Aichinger seconded, to adjourn the meeting at 8:49 p.m. Motion carried unanimously.

Respectfully submitted,

Dr. Pam Skinner, Secretary