



# RAMSEY-WASHINGTON

## METRO WATERSHED DISTRICT

### Ramsey-Washington Metro Watershed District Minutes of Regular Board Meeting March 3, 2021

The Regular Meeting of March 3, 2021, was held via Zoom web conferencing. A video recording of the meeting can be found at <https://youtu.be/zDA1niVg4Tc>. Video time stamps included after each agenda item in minutes.

**PRESENT:**

Larry Swope, President  
Cliff Aichinger, Vice President  
Dianne Ward, Treasurer  
Val Eisele, Manager

**ABSENT:**

Dr. Pam Skinner, Secretary

**ALSO PRESENT:**

Tina Carstens, District Administrator  
Tracey Galowitz, Attorney for District  
Nicole Soderholm, Permit Inspector  
Dave Vlasin, Project Coordinator  
Kyle Kubitzka, Water Quality Technician  
Burt Johnson, Twin Lake Association  
Cristina Holzer, Stevens Engineers

Paige Ahlborg, Project Manager  
Brad Lindaman, Barr Engineering  
Bill Bartodziej, Natural Resource Specialist  
Erin Anderson-Wenz, Barr Engineering  
Melissa Elke, Twin Lake Association  
Ward Isaacson, Twin Lake Association

**1. CALL TO ORDER**

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

President Swope invited all members of the Board and staff to introduce themselves.

**2. APPROVAL OF AGENDA (0:05)**

Tina Carstens requested to add an item Election of Officers for the Treasurer position under Action Items.

President Swope requested to add Item 15, Manager's Comments and Next Month's Meeting and 16 would be to Adjourn.

Motion: Manager Aichinger moved, Manager Ward seconded, to approve the agenda as amended.

Further discussion: Tina Carstens noted that this would also be the time to remove an item from the Consent Agenda.

President Swope requested to remove Item A from the Consent Agenda for modification. Tina Carstens confirmed that item could be considered separately following the approval of the Consent Agenda.

A roll call vote was performed:

Manager Aichinger    aye  
Manager Ward        aye

Manager Eisele     aye  
President Swope    aye

Motion carried 4-0. (Manager Skinner absent)

**3.       RECOGNITION OF OUTGOING BOARD MEMBER – MARJ EBENSTEINER (0:07)**

Tina Carstens recognized Marj Ebensteiner for her eight years of service on the Board.

President Swope expressed appreciation for Marj’s time on the Board.

Manager Aichinger commented that he will miss her cheerfulness and leadership on the Board.

**4.       NEW BOARD MEMBER INTRODUCTION – VAL EISELE (0:09)**

Manager Eisele introduced himself and provided background information on his education and career experience. He commented that he enjoys modeling complex systems and is excited to learn more on the Board. He stated that he applied because of the flooding in his neighborhood and the critical role that this organization plays in people’s lives to mitigate risks.

The Board welcomed Manager Eisele.

**5.       RAMSEY-WASHINGTON METRO WATERSHED DISTRICT BOARD MANAGER OATH OF OFFICE (0:11)**

Tracey Galowitz administered the Oath of Office to Manager Aichinger, Manager Eisele, President Swope, and Manager Ward noting that the Managers can sign the form and send it back electronically.

**6.       CONSENT AGENDA (0:12)**

- A. ~~Approval of Minutes from February 3, 2021~~
- B. Treasurer’s Report and Bill List
- C. Permit Program
  - i. 21-03 – Phalen Parking Lot Improvement, Phase 2 – Saint Paul
- D. Stewardship Grant Program
  - i. 21-05 CS – Cherokee Hills 2, Phase 2 – Rain Garden
- E. Keller Channel Weir and Phalen Outlet Modifications – Change Order No. 2

Motion: Manager Aichinger moved, Manager Ward seconded, to approve the consent agenda as revised.

A roll call vote was performed:

Manager Aichinger   aye  
Manager Ward        aye  
Manager Eisele       aye  
President Swope      aye

Motion carried 4-0. (Manager Skinner absent)

**A.     Approval of Minutes from February 3, 2021**

President Swope commented that meeting minutes are an important way the District communicates with residents. He noted on page four, Item 6A, the third paragraph, it should state, “...~~this idea~~ Phalen Creek daylighting...” On page seven, in the motion designating the Official Bank, it should be specified as the 4M Fund through Minnesota Cities US Bank. On page nine additional discussion should be added related to idea for a summary page showing all the graphs of lake levels in one place. On page ten, the third paragraph, it was requested that the first sentence become its own paragraph.

Manager Ward referenced the fourth paragraph on page ten. She commented that she believed the problem was with the County Parks and not the County Board. She believed that direction was given for staff to express the frustration of the Board on behalf of the District with the delayed process and problems it causes. She noted that staff has an upcoming meeting to further discuss the issue and find a possible solution.

Manager Ward commented that it would be good to ensure that the Parks are forwarding the requests quickly and express the delay that this is causing for projects.

Manager Aichinger stated that the County has submitted a permit request for a parking lot and part of the discussion should be that the County expects the District to deal with permit requests quickly and should also be judiciously reviewing requests.

President Swope asked the Managers to further consider this issue and perhaps form a motion later during the meeting to support staff.

Motion: Manager Aichinger moved, Manager Ward seconded, to approve the minutes from February 3, 2021 as amended.

A roll call vote was performed:

Manager Aichinger	aye
Manager Ward	aye
Manager Eisele	aye
President Swope	aye

Motion carried 4-0. (Manager Skinner absent)

## **7. VISITOR PRESENTATIONS (0:22)**

Burt Johnson thanked Manager Eisele for accepting the new position and thanked Marj Ebensteiner for her service on the Board. He stated that the Twin Lake Association appreciates the work that the Board and staff complete. He reviewed the three goals of the Twin Lake Association, to prevent inundation from neighboring bodies of water or other sources, to ensure that there is a functioning outlet to prevent flooding of Twin Lake, and to preserve the water quality of Twin Lake. He commented that thanks to the work the District has done in the past few years, the berm has been reinforced and the outlet has been installed, therefore residents are cautiously and optimistically awaiting the results. He stated that the shoreline restoration project is also upcoming and thanked staff for the effort to setup that project. He commented that they look forward to continuing to work with the District.

## **8. PERMIT PROGRAM (0:24)**

A. Applications – See Consent Agenda

B. Monthly Enforcement Report

During February zero notices were sent.

Nicole Soderholm provided background information on the memorandum that is prepared each month related to violations and general permit updates.

## **9. STEWARDSHIP GRANT PROGRAM (0:26)**

A. Applications – See Consent Agenda

B. Budget Status Update

Paige Ahlborg commented that each month she provides a budget status update tracking funds allocated for the program. She stated that the Board approves requests over \$5,000 while staff can approve requests under that amount.

President Swope noted that research was included under public art and that discussion should continue in the future as to how that item should be classified.

**10. REPORT OF MANAGERS (0:27)**

President Swope stated that he worked with staff the previous week to add certain items to the agenda. He stated that the Board never seems to get around to operational and policy issues that are brought up during a meeting.

Manager Aichinger stated that he does not have objections to putting this item in this place on the agenda as long as the discussion is relatively brief. He noted that the problem placing the item in this position is that discussion can become lengthy and that could perhaps prohibit the Board from discussing the actual action items. He noted that perhaps these would be better placed at the end of a short meeting or during a special meeting.

President Swope stated that he would suggest that the maximum length for this item be 30 minutes. He believed that this would be a good place in the agenda as it would allow for follow up comments on a visitor comment. He stated that this placement was meant to follow the items that would have outside participation but before the more technical items. He agreed that perhaps a workshop should be held to address the list of items he has created. He noted that the benefit of a workshop would also be to facilitate discussion rather than taking action.

A. Summary of Closed Meeting Held February 10, 2021 at 6:00 p.m.

Manager Aichinger reported that the Board met in closed session on February 10, 2021, at 6:00 p.m. via web-conference platform Zoom to discuss the Administrator's performance review and salary adjustments.

President Swope suggested conducting the election for Treasurer at this time rather than in the Action Items.

B. Election of Treasurer

Tina Carstens opened the floor for nominations for the position of Treasurer. She noted that Managers Ward and Eisele currently do not have officer positions.

Manager Aichinger nominated Manager Ward for the position of Treasurer.

Manager Ward confirmed that she would accept the nomination.

A roll call vote was performed:

Manager Aichinger	aye
Manager Ward	aye
Manager Eisele	aye
President Swope	aye

Motion carried 4-0. (Manager Skinner absent)

C. Board Issues, Policies and Operation

i. Meeting Minutes

President Swope commented that he remains uncomfortable with the format of the minutes as it does not identify the Manager making the comment. He noted that it is difficult to follow a complex discussion because you cannot tell if one Manager is making the comments or multiple Managers making comments during a discussion. He

stated that when this format was chosen the agreement was to try this format and come back for further discussion. He stated that he would prefer to have the Manager names inserted back into the minutes. He also believed there should be additional review of the minutes by the Secretary before the draft minutes are published in the Board packet as that should reduce the amount of time the Board needs to review the minutes during the meeting.

Tina Carstens commented that she spoke with another Administrator that stated she distributes the draft minutes to the Board prior to the meeting to allow for each member to review their comments and provide input prior to the meeting. She stated that another Administrator commented that they have begun to include timestamps on their minutes for the agenda items as it allows people to follow the entire discussion in detail in the related video if desired.

President Swope commented that meetings will not always be videotaped and available on YouTube, or another platform whereas minutes remain. He agreed that he would like the ability to review the minutes prior to the meeting to provide comments.

Tina Carstens noted that she could verify suggested changes based on the video or audio recording, as changes become difficult when a Manager attempts to provide intent behind their statement rather than what was said.

Manager Aichinger stated that he is always troubled with minutes as they can range from extremely simple in only recording actions to including exhaustive discussion. He believed that the summary provided in the current format are the maximum length and could even be further condensed. He stated that if a member of the public wants more detail, they can obtain the recording and listen to the full discussion therefore he does not have a concern with transparency. He stated that he has no objection to using names of Managers as the District used that format for many years.

President Swope commented that if someone accepts a position of public office, they should be willing to publicly state their comments. He noted that people can still obtain the recording and therefore could still identify who is making the comments.

Manager Eisele asked if there has ever been a practice with Board members making statements to support their comments in the minutes.

President Swope commented that they have done that with visitor presentations, allowing visitors to provide transcripts of what was said to ensure it was accurately reflected.

Manager Eisele stated that in some meetings he attends with regulatory agencies, each person takes their own notes in order to provide a comprehensive transcription.

Tina Carstens stated that another Administrator commented that they ask the Manager or President making a motion to summarize the discussion, which could then be included in the minutes.

Tracey Galowitz commented that the concept of minutes for a local municipality is to include the motions and actions. She stated that this type of discussion would be more appropriate for a committee meeting. She stated that perhaps this would be another workshop item as the minutes are meant to reflect the action taken and the recording would reflect the discussion. She noted that minutes are not meant to detail who said what in every comment but acknowledged that President Swope prefers to use minutes for record of discussion.

President Swope acknowledged the minimum requirement but stated that the more information that can be put into the minutes as to how decisions are made, the clearer the process of the District is to others.

Manager Ward agreed that some level of detail is needed because this is a public agency. She stated that the more explanation there is for decisions, the better educated the public can be. She also believed it would be helpful if there is potential litigation.

Motion: Manager Ward moved, Manager Aichinger seconded, to change the minutes to identify the Managers speaking, add timestamps, distribute the draft minutes to the Managers before including draft minutes in the packet, and keep the same level of detail.

Further discussion: Manager Aichinger commented that staff creates the packet the week before the meeting and asked what would be considered adequate time for review by the Managers. Tina Carstens noted that she receives the minutes back fairly quickly and she then distributes to some staff members for review and formatting. She stated that she can send the draft minutes two weeks prior to the next meeting and Managers should comment only to her with proposed changes that she will review.

A roll call vote was performed:

Manager Aichinger	aye
Manager Ward	aye
Manager Eisele	aye
President Swope	aye

Motion carried 4-0. (Manager Skinner absent)

ii. Visitor Presentations

President Swope stated that he is fine with the current format for this item. He noted that in the past a visitor makes a comment and then it falls flat. He proposed that Managers be allowed to ask a follow up question without getting into a discussion, realizing that it could create a situation that is not productive. He asked that each presenter be allowed up to four minutes and if desired the Board be allowed two additional minutes for any follow up questions, with the intent that each visitor presentation with Board questions be limited to six minutes total.

Manager Aichinger commented that some comments can be easily replied to, but other comments require follow up work and response from staff. He cautioned against getting in a drawn out back and forth discussion. He suggested that Managers asking questions of visitors address their question to the President, so that the President remains in control of the discussion.

President Swope agreed with that format. Tina Carstens noted that time could also be used to delegate follow up to staff. She explained that the visitor comments do not always precipitate into an action needed by the Board but noted that when it does it would typically occur in the next Board packet or on a future Board agenda.

**11. PRESENTATIONS AND/OR ACTION ITEMS**

A. Ryan Drive and Keller Parkway Conveyance Upgrades Accept Plans and Solicit Bids (1:01)

Brad Lindaman stated that a draft set of construction drawings were included in the packet and are at the 90 percent level of completions, which is the typical process. He noted that this project comes from the Owasso Basin Bypass Beltline Feasibility Study from the past year and is an enlargement of the culvert under Ryan Drive and the conveyance capacity through to Keller Parkway. He provided details on the existing pipe and the upgrades proposed through the project. He noted that the estimate of probable construction costs was included in the packet along with the contingency, engineering, and administrative oversight. He stated that staff seeks authorization to finalize the design and bidding documents and solicit for bids.

Manager Ward commented that this project was chosen as a project that would allow more water to move in high rain events. She expressed concern that if this is approved the District would be liable for the entire project cost,

while there would be a benefit to Little Canada, Ramsey County, and the other stakeholders and therefore potentially those stakeholders could contribute to the cost.

Brad Lindaman noted that the City of Little Canada has been receptive to the proposed project and recognizes that section of roadway is in tough shape and this would improve the situation for properties in that vicinity. He stated that the City would need to complete its own feasibility study to support its contribution, which could be around \$200,000. He stated that the Little Canada City Council authorized the necessary study, and he is confident that the City will contribute some funds toward the project. He stated that while the City is moving ahead as quickly as it can, he would encourage the Board to keep the process moving in order to help the flooding situation but noted that the Board does not have to move urgently. He stated that even if the City does not approve funding for the project, he would still encourage the District to complete the project.

Manager Ward asked if Ramsey County would be likely to participate. Brad Lindaman stated that because Keller Parkway is in good shape, the County is not likely to contribute towards the project. He stated that staff has been in contact with the railroad and it recognizes that there are some problems with the pipe. He stated that staff will continue to encourage the railroad to upgrade its pipeline, but the railroad is sensitive to others completing work in their right-of-way and therefore would want to do the work themselves if they choose to do it.

Dave Vlasin stated that they met with a railroad representative one or two years ago and walked the system, but the representative did not see an issue as they believe the water is being conveyed through the pipe and not overtopping the tracks.

Manager Aichinger commented that he is not concerned with the railroad response. He stated that this project scope does not go into the right-of-way for the railroad and therefore their participation is not expected. He stated that if Little Canada chooses to contribute that would be nice, but he would still support moving forward with this infrastructure improvement regardless of whether another entity contributes.

President Swope commented that Little Canada has been a great partner to work with but agreed that the District should still complete the project regardless of whether another entity contributes.

Motion: Manager Aichinger moved, Manager Ward seconded, to approve the preliminary design, estimated costs, and proposed project schedule and direct staff to finalize the design and bidding documents and solicit bid proposals.

A roll call vote was performed:

Manager Aichinger	aye
Manager Ward	aye
Manager Eisele	aye
President Swope	aye

Motion carried 4-0. (Manager Skinner absent)

**B. North St. Paul Target Accept Bids and Order Project (1:13)**

Erin Anderson-Wenz commented that the bid opening was held on February 23<sup>rd</sup> noting that staff was pleased with the number of bidders that replied, which provides a good bidding climate. She stated that eight bids were received, with Peterson Companies submitting the lowest bid and recommended awarding the project.

President Swope commented that it was nice to see a more uniform range of bids as recent bids have often included an outlying bid.

Erin Anderson-Wenz noted that the District did share its opinion of cost and most bidders chose to submit under that amount.

Motion: Manager Ward moved, Manager Aichinger seconded, to accept the bids and award the North St. Paul Target Store BMP Retrofit project to Peterson Companies and direct staff to prepare and mail the notice of award, prepare the agreements and review required submittals.

A roll call vote was performed:

Manager Aichinger aye  
Manager Ward aye  
Manager Eisele aye  
President Swope aye

Motion carried 4-0. (Manager Skinner absent)

C. New Project Scope Summaries (1:18)

Tina Carstens advised that the project scope summaries were included for the Board to review. She noted that the emergency response plan was within the budget and budgeted for 2021, therefore she did not believe a motion was necessary for that item. She noted that the Shallow Lake Aeration Study was not included in the budget, which is why she believed action would be needed. She commented that the item could be funded through the research budget for 2021 and the remainder could be budgeted for in 2022.

- i. Emergency Response Plans
- ii. Shallow Lake Aeration Study

Motion: Manager Aichinger moved, Manager Ward seconded, to authorize the Shallow Lake Aeration Study.

Further discussion: President Swope asked if staff has looked for potential partners to participate in this study, such as the University of Minnesota. Erin Anderson-Wenz stated that outreach was not included as part of the scope. She stated that the District shares information with the U of M Saint Anthony Laboratory and could reach out to that entity as they have partnered with them in the past. She was not aware of other entities currently completing this research.

A roll call vote was performed:

Manager Aichinger aye  
Manager Ward aye  
Manager Eisele aye  
President Swope aye

Motion carried 4-0. (Manager Skinner absent)

Tina Carstens provided a general update on the purpose of the emergency response plans and related communication that she has with the different cities.

**12. ADMINISTRATOR'S REPORT (1:24)**

A. Meetings Attended

No comments.

B. Upcoming Meetings and Dates

Tina Carstens advised of the upcoming legislative MAWD event, noting that she will register the District and provide information to Managers on how they can connect.

Manager Aichinger referenced the staff performance reviews and was curious as to how staff have commented with concerns of working remotely during the pandemic and the possibility of staff continuing to work remotely at times.

Tina Carstens stated that she had discussions with staff about the opportunity to work remotely and all of the staff have expressed interest in returning to the office setting but there is a desire to provide the option to work from home as an efficiency at time as well; using the example of winter weather or when an employee is not feeling well. She noted that staff mentioned that it is nice to use Zoom for permit meetings as it allows different participants (engineers and applicants) to attend without driving to the District office.

President Swope commented that he would also encourage staff to review the options for recording the regular in-person board meetings, noting that the Zoom platform allows many people, such as members of the public, to participate without leaving their homes. Tina Carstens agreed the Zoom platform is helpful but noted that sometimes a hybrid format can be tricky. She stated that staff can look into different options.

#### C. WaterFest Update

Tina Carstens welcomed input from the Board on the concept for the WaterFest event which is proposed to be held during one week in June, noting that each day would have a different focus or vendor with a related self-directed activity at Lake Phalen.

Manager Ward stated that she would like to pursue the concept of accessibility to the water for disabled people. She believed that would increase the scope and allow more people to enjoy the water amenities. She mentioned North Star Community Rowing and Courage Kenny Rehabilitation Institute for kayaking.

Manager Aichinger believed that this would be a great idea to move forward for this year. He suggested fishing as an activity for one of the days.

#### D. CAC Update and Membership

Tina Carstens noted that an update from the last meeting was included. She advised that there were 11 applicants, but four of those were outside of the District boundaries and were redirected to their appropriate District. She stated that the remaining seven candidates were great applicants and staff recommends appointment of the applicants.

Motion: Manager Aichinger moved, Manager Ward seconded, to approve the CAC roster and new members for 2021 as presented.

A roll call vote was performed:

Manager Aichinger	aye
Manager Ward	aye
Manager Eisele	aye
President Swope	aye

Motion carried 4-0. (Manager Skinner absent)

### **13. ATTORNEY REPORT (1:37)**

President Swope commented that this is a new item added to the agenda with the purpose to allow the Attorney to provide any necessary updates.

Tracey Galowitz commented that when the auditors complete an audit, she is also asked to complete a legal liability review audit letter. She noted that there are some pending claims with Sunram and therefore she had to review the claim and determine whether there would likely be liability for the District. She stated that she does not believe it likely for the District to have liability in the pending claims.

She stated that legal staff will work with Barr Engineering to review project documents as the contracts are voluminous and they will determine if any updates are needed.

#### **14. PROJECT AND PROGRAM STATUS REPORTS (1:40)**

##### **A. Ongoing Project and Program Updates**

i. Response to Accuracy of LIDAR and XP-SWMM Question

President Swope thanked staff for providing this information. He noted that board decisions are made based off LIDAR and modeling data and therefore it is important that data is put into perspective. He noted the uncertainty with LIDAR and thought that was important to keep in mind.

ii. Response to Request for More Public Facing Technical Materials

President Swope commented that he likes the idea of creating an executive summary of the reports which can be shared online.

Manager Ward agreed that would be a helpful preview and additional technical information can be found within the report.

iii. Interim Emergency Response Planning

iv. FEMA Flood Mapping Updates

v. Kohlman Creek Flood Risk Reduction Feasibility Study

vi. Ames Lake Area Flood Risk Reduction Feasibility Study

vii. Special Project BMP Monitoring

viii. Shallow Lake Aeration Study

ix. Tanner Lake Alum Facility Monitoring

x. Automated Lake Monitoring Systems

xi. North St. Paul Store Stormwater Retrofit Project

xii. Targeted Retrofit Projects

xiii. Aldrich Arena Project

President Swope referenced Aldrich Arena and asked for clarification on the communication with Ramsey County. Paige Ahlborg noted that information was provided to Ramsey County for as-builts. Erin Anderson-Wenz stated that the District continues communication with stakeholders in order to continue to provide input on upcoming project opportunities as they arise.

xiv. Wakefield Park/Frost Avenue Project

President Swope referenced the Wakefield Lake report and asked if that information would be posted on the website. Erin Anderson-Wenz stated that it is just documentation of how the project went. Tina Carstens stated that is an internal document used by the District, noting that pictures and other project information is available for the public.

xv. Keller Channel Weir and Phalen Outlet Resiliency Modifications

President Swope referenced the delay on the Keller weir and asked if the delay will impact the ability to complete the project. Brad Lindaman stated that the project will be completed but the contractor will need more time to do that. He stated that the change order extended the contract based on what was requested in additional time. He stated that with the extension the contractor has agreed that in the interim the gates could be opened and closed manually, or a generator could be used for temporary power.

President Swope noted that the delay was due to the delay of Ramsey County in its permitting. He noted that this delay at the County level continues to impact District projects.

Tina Carstens stated that District staff will continue to work with Ramsey County staff in attempt to resolve the issue.

Brad Lindaman noted that the contractor is working on the control structure for the Keller weir and therefore more progress will be made in the next few weeks. He stated that the milestone will be that the gate could be installed and operated manually in the interim. He noted that not all project delays are due to permitting. He provided an update on another construction project noting that Fitzgerald has been completing work on the Owasso Basin project. He stated that the contractor reached the final northern stretch and advised of problems with equipment mobilization in that area. The contractor has stated that he feels that completing that section at this time would necessitate a change order but noted that staff continues discussions as they feel it was the responsibility of the contractor to determine how that would work be done. He stated that staff will continue discussions and provide an update to the Board if necessary.

xvi. Ryan Drive and Keller Parkway Conveyance Project

xvii. Beltline/Battle Creek Tunnel Five-Year Inspection  
Manager Aichinger referenced the Beltline Battle Creek Tunnel Inspection noting that perhaps it would be possible to develop a standard permit with Ramsey County for this work which would prevent future delays. He stated that perhaps the District could look for that type of permitting where the District would consistently be on Ramsey County property. Tina Carstens stated that she brought that idea forward for a general permit of that nature and will include it in her discussion with Ramsey County.

xviii. Natural Resources Update

xix. Communications Program Update

B. Lakeline Article: Strategic Aquatic Plant Harvesting as a Multi-Faceted In-Lake Management Tool

Manager Aichinger commended staff for their work on the article.

**15. MANAGER COMMENTS AND NEXT MONTH'S MEETING (2:02)**

President Swope stated that the continued discussion on the relationship with Ramsey County should appear on the next agenda.

Manager Aichinger stated that perhaps updates on the WaterFest event could be included on future agendas.

**16. ADJOURN**

Motion: Manager Aichinger moved, Manager Eisele seconded, to adjourn the meeting at 8:34 p.m.

Motion carried 4-0. (Manager Skinner absent)