



**Ramsey-Washington Metro Watershed District
Minutes of Regular Board Meeting
September 7, 2022**

The Regular Meeting of September 7, 2022, was held at the District Office Board Room, 2665 Noel Drive, Little Canada, Minnesota, and via Zoom web conferencing, at 6:30 p.m. A video recording of the meeting can be found at <https://youtu.be/FT9rRTwcwK4>. Video time stamps included after each agenda item in minutes.

PRESENT:

Larry Swope, President
Dianne Ward, Vice President
Dr. Pam Skinner, Secretary
Val Eisele, Treasurer

ABSENT:

Matt Kramer, Manager

ALSO PRESENT:

Tina Carstens, District Administrator
Brad Lindaman, Barr Engineering
Dave Vlasin, Project Coordinator
Nicole Bolduc, Hamline University Student

Paige Ahlborg, Project Manager
Mary Fitzgerald, District Inspector
Laurann Kirschner, Attorney for District
Cory Tellers, Xcel Energy

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA (1:15)

Motion: Manager Eisele moved, Manager Ward seconded, to approve the agenda as presented.

Further discussion: Manager Eisele referenced an email and asked if that would be discussed. Tina Carstens noted that could be covered under Manager Comments.

A roll call vote was performed:

Manager Skinner	aye
Manager Eisele	aye
Manager Ward	aye
President Swope	aye

Motion carried unanimously.

3. CONSENT AGENDA (2:10)

- A. ~~Approval of Minutes from August 3, 2022~~
- B. Treasurer's Report and Bill List
- C. Permit Program
 - i. 22-24 – Impact Apartments, Oakdale
- D. 2022 Targeted Retrofit Projects – Change Order No. 3

Manager Eisele requested to remove Item A from the Consent Agenda for further discussion.

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

Further discussion: Manager Eisele referenced the McDonald's item and stated that he was curious about the budget. President Swope stated that he had questions about that too and it was a closed-out permit where funds were returned.

A roll call vote was performed:

Manager Skinner	aye
Manager Eisele	aye
Manager Ward	aye
President Swope	aye

Motion carried unanimously.

A. Approval of Minutes from August 3, 2022

Manager Eisele noted that he did not recall saying that residents are expected to provide the manpower for sandbagging and would like that statement removed. Tina Carstens confirmed that she could remove that statement.

Motion: Manager Ward moved, Manager Eisele seconded, to approve the minutes from August 3, 2022 as amended.

A roll call vote was performed:

Manager Skinner	aye
Manager Eisele	aye
Manager Ward	aye
President Swope	aye

Motion carried unanimously.

4. VISITOR COMMENTS (5:33)

No comments.

5. PERMIT PROGRAM (5:55)

A. Applications

Permit #22-25: Xcel Energy Maplewood Gas Plant – Maplewood

Mary Fitzgerald presented the request from Xcel Energy for repairs to their existing gas plant. She noted that there are emergency repairs and repairs to bring the station up to code. She noted that the request includes a wetland variance request for truck access. She stated that the improvements to stormwater will be an upgrade from the existing site conditions.

Manager Skinner referenced the permanently disturbed wetland buffer in the amount of .29 acres and asked if that would be made up somewhere else on the site. Tina Carstens replied that typically if there is a utility or significant safety concern a buffer disturbance has been approved. She stated that the stormwater improvements would offset the buffer loss.

Manager Skinner referenced the incidental wetland determination and asked if that would be impacted. Mary Fitzgerald confirmed that the incidental wetland would be impacted. Manager Skinner expressed concern because even the incidental wetland is of high quality. She noted that there would also be wetland buffer loss on a high-quality wetland.

Tina Carstens stated that the incidental wetland is under WCA and was determined to be created without intent to create a wetland.

Manager Skinner stated that there are not enough places to make quality wetland in the District, but this is a great place to create a wetland as these are high quality and this will result in a loss of one of those wetlands. She stated that she may not support the request for that reason.

Manager Ward asked what other options were reviewed to avoid the loss of wetland buffer. Paige Ahlborg stated that she does not have all the background but is aware of the urgency for these repairs and upgrades. She stated that the District follows the WCA guidelines for incidental and therefore if a wetland is considered incidental, it does not have the protections given by WCA.

Manager Skinner referenced the disturbed buffer and asked if there were a policy in place that would require that to be made up in another area. She stated that the District has a budget to create wetlands and perhaps the District could preserve that incidental wetland to create an expanded wetland. Tina Carstens stated that typically a gas station or gas plant would not be an ideal location for wetlands. She stated that staff would not find this to be an ideal location because of the land use.

Paige Ahlborg commented that currently the water draining through the buffer and into the wetland is sediment laden and dirty and therefore this will provide an improvement even with the buffer disturbance because of the stormwater treatment provided.

Manager Eisele stated that he was equally concerned but it seems that the wetland buffer would be disturbed to ensure that if there was spillage, it would not directly go to the wetland. Paige Ahlborg confirmed and noted that additional spill containment would be added during this upgrade.

Tina Carstens stated that she understands the concerns but noted that because of the land use and safety reasons, she would not want to hold up safety improvements that are needed for the site.

President Swope stated that Barr Engineering is the firm for the applicant but also reviews the District permits. He asked for input on how that is managed procedurally as the firm would essentially be reviewing its own work. Brad Lindaman confirmed that this happens from time to time. He noted that Barr discusses this with Tina Carstens and ensures the application form is submitted by someone other than Barr Engineering. He stated that Barr did assist with the wetland portion of this project. He stated that the District has staff to ensure that there is no conflict of interest.

President Swope asked for details on the incidental wetland. Paige Ahlborg stated that Nicole Soderholm did walk the site with someone from BWSR. Tina Carstens stated that the Notice of Decision.

President Swope recognized the concern for the wetland but noted that these are needed safety improvements and the District has to follow its procedures for incidental wetlands.

Manager Skinner asked if it could be explored more as to how this site could do better to create wetlands. She was reluctant to approve anything that would involve a loss. She stated that she would like to see a different solution.

President Swope asked if the wetland could be moved but acknowledged that it seems the whole site is going to be used. Tina Carstens stated that it is not within the District policy to require that.

Manager Ward stated that perhaps that would be an option to require that for the loss of the buffer.

Manager Ward commented that this is presented as an exception for safety but did not see timeframes.

Manager Skinner commented that she would be voting against the request. Tina Carstens asked for clarification on whether that would be opposition to the permit or the variance request, or both. Manager Skinner commented that she would oppose the variance.

Mary Fitzgerald commented that the existing facilities are already in the wetland buffer and therefore a variance request would be needed no matter what.

Manager Skinner asked if the buffer could be expanded in another area to meet the average. Mary Fitzgerald was unsure where the property lines fall and whether there would be room for expansion. Tina Carstens commented that the District does not consider what is currently in place disturbance because the District has changed the rules since the site was created.

Manager Eisele asked if other considerations were reviewed in the layout and mitigation of this risk. Brad Lindaman stated that he was unsure but asked another member of Barr whether they reviewed other areas in which the disturbance could occur or where expansion could occur in return for the loss of buffer. He noted that a review of the perimeter of the site was done but it was limiting because of the railroad and roadway. He stated that if the Board denies this request, the applicant would most likely reduce the size of the holding area for spill response, which may not be big enough and could delay the project. He stated that the only reason the buffer is being lost is to create the storage volume.

Tina Carstens clarified that the incidental wetland is not shown on the District wetland map and does not have a high quality designation and a wetland that will not be disturbed with this project is shown as Manage 1 on the map.

Manager Skinner hoped that the applicant could do something better.

Cory Tellers, Xcel, provided background information on the purpose of the site which was created in the 1950s. He stated that the codes and variances of the 1950s are not the same as they are today, and they are attempting to bring the site up to the current standards. He stated that they need a new truck loading system that will fill propane bullets and the code requires that facility be 75 feet from any buildings, which it currently is not. He stated that the new code also requires a distance of 100 feet from the road. He stated that with the current footprint of the facility this was the only option that would meet those standards. He noted that it was a wet spring, so there was some standing water in the incidental area which is a result of the grading that was done in the 1950s. He stated that when they reviewed the site recently the incidental wetland was completely dry. He stated that the grading of the site is not the best and erosion has not helped that, therefore they are attempting to be proactive. He stated that if a spill were to occur now, it would pool under the tank which is a fire hazard, therefore they will be completing some grading to ensure that a spill would properly drain. He also provided details on the stormwater treatment that would occur.

Manager Skinner commented that she is bothered by the loss of wetland buffer and asked if this could be redesigned to create replacement of that wetland buffer in another area.

Mr. Tellers stated that the purpose of the buffer is to have a strip between the facility and wetland and was unsure how they could create buffer on another side of the wetland in an area that is already native. He stated that they

are constrained with options because of the size of the facility and its footprint as the rules of the District have changed since the site was created. He stated that if there was a leak the propane would vaporize unless is it very cold, under which conditions the leaked propane would follow the designated path into the capture basin as proposed.

President Swope stated that essentially the District would not be losing anything.

Manager Skinner commented that they would be losing the incidental wetland and the buffer. Tina Carstens confirmed that there would be loss of the low spot, but the applicant would be building another low spot.

Manager Eisele stated that he believes that the buffer loss would be a result of the creation of the fill pond and the incidental wetland would be the truck loading area. He stated that the buffer reduction would provide an area for containment if there were a spill.

Manager Ward commented that is the problem of Xcel and not the District. Tina Carstens commented that the pond needs to be in that location because of the proximity to the facility. She stated that the applicant has stated that in order to create more buffer, they would be disturbing an already natural area on the other sides of the wetland.

Manager Eisele stated that the holding pond will provide benefit. Tina Carstens stated that incidental wetland was never rated high quality as it is incidental and therefore is not included on the plans.

Paige Ahlborg stated that perhaps staff could work with the natural resource specialists to improve the natural areas around the wetland to address the concerns of Manager Ward. Mr. Tellers confirmed that they would be more than willing to do that. He stated that they believe this is the best path forward and are open to improvement.

Manager Ward asked why this needs to be done tonight rather than postponed. Mr. Tellers replied that the truck loading is not in a working stage, and they need to get that moving prior to the winter when the facility would be needed.

Tina Carstens stated that if the decision were to table, the additional information requested would need to be specified. She noted that additional conditions could be added as well.

Manager Eisele stated that perhaps a condition could be added about working with staff on the buffers. He asked if Xcel is trying to get the work done before winter. Mr. Tellers replied that they are trying to get the truck loading done this year before winter. He stated that the catch basin pond would not be created under next year, but they submitted the entire project as a whole.

Manager Eisele asked if approval could be done for the truck loading and then the Board could ask Xcel to come back for the remainder which involves the buffer disturbance. Mr. Tellers confirmed that he would agree to that.

Laurann Kirschner stated that the variance request should be tabled pending additional information. Tina Carstens confirmed that if the variance is tabled, and the permit is approved, the applicant could move forward with the work that does not involve disturbance of the buffer.

Motion: Manager Eisele moved, Manager Ward seconded, to table the variance request and approve Permit #22-25.

A roll call vote was performed:

Manager Skinner aye
Manager Eisele aye
Manager Ward aye
President Swope aye

Motion carried unanimously.

Laurann Kirschner stated that the tabled variance would need to be considered within 60 days or it would become approved, therefore it should be presented at the next meeting. Tina Carstens asked and received confirmation that the applicant can authorize extension of that review period.

B. Monthly Enforcement Report

During August, 23 notices were sent to address: install/maintain inlet protection (2), install/maintain perimeter control (9), sweep streets (2), stabilize exposed soils (2), remove discharged sediment (2), implement property dewatering (1), install/maintain permanent BMPs (1), install slope/ditch checks (1), install/maintain energy dissipation (2), and complete required site inspections (1).

6. STEWARDSHIP GRANT PROGRAM (52:55)

A. Applications - None

B. Budget Status Update

Paige Ahlborg provided a brief update.

Manager Ward noted that this item is under budget every year and asked if the budget should be reduced in order to reduce the levy. Paige Ahlborg stated that staff is looking to offer a program to the cities for enhanced street sweeping that would use funds as well. Tina Carstens noted that the budget is variable because last year almost all the funds were spent. She noted that the funds do carry over so if less funds are used, less are levied.

7. ACTION ITEMS (56:16)

A. 2023 Preliminary Budget and Levy Public Hearing

- i. Approval of 2023 Preliminary Budget and Levy Certification to Ramsey and Washington Counties – Resolution 22-10

President Swope opened the public hearing.

Tina Carstens stated that the last time the budget was reviewed there was a proposed 12 percent increase to the levy which has been decreased to seven percent. She provided an overview of the budget broken down per program and plan goals.

Manager Skinner reiterated the desire to keep the levy stable or increase slightly.

President Swope agreed but noted that there is also high inflation and projects still need to be completed. He believed that this does follow that slower increase, compared to the increases proposed by some cities or counties this year.

Manager Ward commended staff for carefully vetting projects and managing funds well. She stated that people's taxes will go up because the market value has increased and not solely because of levies.

Tina Carstens explained that even though the levy is increasing, the tax rate is decreasing because of the increase in market value. She highlighted some of the items that are budgeted conservatively and will be known in the coming months before the final budget and levy are certified. She highlighted the capital improvement projects items that are budgeted.

There were no comments from the public.

President Swope closed the public hearing.

Motion: Manager Skinner moved, Manager Ward seconded, to approve the draft budget for purposes of the preliminary levy and approve Resolution 22-01.

A roll call vote was performed:

Manager Skinner	aye
Manager Eisele	aye
Manager Ward	aye
President Swope	aye

Motion carried unanimously.

8. ATTORNEY REPORT (1:09:00)

Laurann Kirschner provided an overview of the work her firm did for the District including ensuring the notice was provided for the public hearing and contract documents for projects.

President Swope asked if there was any feedback on the appointment of Board members that was previously discussed. Laurann Kirschner replied that there has not been any further instruction.

9. BOARD ISSUES, POLICIES, AND OPERATION (FOR DISCUSSION AT MEETING) (1:10:34)

A. Action Log: Additions, Deletions, Purpose

Manager Eisele stated that he appreciated the details and content that was added. He asked if others read the report in the email regarding requested changes to the drainage law. He stated that it seems to be a proposed set of work that he is not familiar with. He stated that it seems that the working group looks at the big changes to see if there is an impact downstream, which seems in addition to the review the District does.

Tina Carstens commented that there are MAWD representatives that attend the work group meetings to represent the watersheds. She stated that there was legislation proposed that was a major concern to the working group and, in the opinion of MAWD, that legislation would delay the maintenance needs for ditch work that could impact property owners. She commented that this is not a public notice but discusses the notification requirements. She commented that the District does not manage ditches like places outside of the metro area, and therefore does not fall into that category. She noted that if desired, she could provide more context at the next meeting. Manager Eisele confirmed that it would be helpful to have a paragraph or so of information in the Administrator Report.

B. Board Member Roles and Responsibilities

Manager Eisele stated that perhaps a workshop had an agenda item devoted to this purpose. He stated that he would be more interested in the different roles and responsibilities such as Treasurer, Secretary, etc. He noted that would allow him to better understand what he should or should not be doing. Tina Carstens confirmed that she is working to develop some written information that will be presented to the Board.

10. NEW REPORTS AND/OR PRESENTATIONS (1:22:25)

None.

11. ADMINISTRATOR'S REPORT (1:22:31)

A. Meetings Attended

No comments.

B. Upcoming Meetings and Dates

No comments.

C. Ongoing Project Update

President Swope asked for details on the Ponds of Battle Creek. Tina Carstens stated that she has been in talks with the County and provided a brief update.

She also provided an update on the potential boundary change process for West Vadnais Lake.

Tina Carstens asked if there are conflicts with any potential Board tour dates and the Managers provided input.

D. MAWD Items for Discussion

Tina Carstens provided an update on the summer tour that she attended.

She provided details on the proposed MAWD changes to the dues structure and the strategic plan. She noted that MAWD would like a comment letter related to the strategic plan.

President Swope commented that there is a mix of strategy and short-term tactics. He commented that he was happy to see a lot of information and direction towards more transparency. He stated that many of the items are assigned to the President, Vice President, etc. and believed that there should be further review into delegation of those duties to ensure those officers are not overrun with meetings.

Manager Ward commented that she would support a general letter of support encouraging the group to continue to work on and refine the plan.

Manager Eisele stated that the committees formed do not seem to be unique to drive the initiatives. He agreed that the plan is directionally correct but is not necessarily measurable.

President Swope commented that it is a good first step.

Motion: Manager Eisele moved, Manager Ward seconded, to direct staff to draft a letter of general support for the MAWD strategic plan, incorporating the comments of the Board.

A roll call vote was performed:

Manager Skinner	aye
Manager Eisele	aye
Manager Ward	aye
President Swope	aye

Motion carried unanimously.

12. PROJECT AND PROGRAM STATUS REPORTS (1:51:25)

- A. Interim Emergency Response Planning
- B. Kohlman Creek Flood Risk Feasibility Study
- C. Kohlman Creek/Wakefield Lake Diversion Feasibility Study
- D. County Ditch 17 Improvements Feasibility Study
- E. Phalen Village Feasibility Study
- F. Ames Lake Area Flood Risk Reduction Planning Study
- G. Owasso Basin/North Star Estates Improvements

- H. [Double Driveway Pond Optimization Study](#)
- I. [Carver Pond Improvement Study](#)
- J. [South Metro Mississippi River TSS TMDL](#)
- K. [Annual Water Quality Report Assistance](#)
- L. [Kohlman Permeable Weir Test System](#)
- M. [Shallow Lake Aeration Study](#)
- N. [Target Store Stormwater Retrofit Projects](#)
- O. [Targeted Retrofit Projects](#)
- P. [Stewardship Grant Program – Street Sweeping](#)
- Q. [Woodbury Target Stormwater Retrofits](#)
- R. [Lake Emily Subwatershed Regional BMP](#)
- S. [Beltline Five Year Inspection](#)
- T. [District Inspection Standardization](#)
- U. [CIP Maintenance and Repair Project 2022](#)
- V. [Natural Resources Program Update](#)
- W. [Public Involvement and Education Program Update](#)
- X. [Communications Program and Website Update](#)

President Swope commented that he was happy to see the lake levels monitoring integration page on the website working its way forward.

Manager Ward asked if the agenda could be similar to this format of the report. Tina Carstens confirmed that she could make that change.

Manager Eisele asked the feedback on the response time for Item A. Brad Lindaman stated that some of these sites have longer response time which provides an opportunity for sandbagging while some sites are prone to flash flooding and therefore cannot be protected. He stated that they are working with the cities to share that information as it is the responsibility of the cities to act upon the plans and make necessary decisions.

Manager Eisele referenced Item J and stated that it seems there is not the data to complete the assessment. Tina Carstens commented that the District does have the data but needs to complete that assessment. She stated that data will help to guide the District to determine if the requirements are being met.

Manager Eisele referenced Item P and asked if he could find out more information. Tina Carstens confirmed that she has data that she can share with him.

13. MANAGER COMMENTS AND NEXT MONTH'S MEETING (1:57:33)

A. [Action Log](#)

No comments.

14. ADJOURN

Motion: Manager Skinner moved, Manager Eisele seconded, to adjourn the meeting at 8:28 p.m. Motion carried unanimously.