



**Ramsey-Washington Metro Watershed District  
Minutes of Regular Board Meeting  
July 10, 2024**

The Regular Meeting of July 10, 2024, 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/xaFV5J760Ns>. Video time stamps included after each agenda item in minutes.

**PRESENT:**

Val Eisele, President  
Ben Karp, Vice President  
Mark Gernes, Secretary

**ABSENT:**

Matt Kramer, Treasurer  
Stephanie Wang, Manager

**ALSO PRESENT**

**Staff:**

Tina Carstens, District Administrator  
Paige Ahlborg, Assistant Administrator  
Nicole Maras, Regulatory Program Manager  
Ashlee Ricci, Grant Program Specialist  
Eric Korte, Monitoring Program Manager  
Mary Fitzgerald, Regulatory Specialist  
Dave Vlasin, Project Coordinator  
Patrick Williamson, Natural Resources Specialist  
Mia Collazo, Water Monitoring Intern  
Kendra Kloth, Inspections Intern

**Consultants:**

Laurann Kirschner, Attorney for District  
Erin Anderson Wenz, Barr Engineering  
Jay Hawley, Barr Engineering  
Marcy Bean, Barr Engineering

**Visitors:**

Stephan McLafferty, Shoreline Landscaping  
Jodi Cremers, Woodland Hills Church  
Janice Rohling, Woodland Hills Church

**1. CALL TO ORDER**

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

**2. APPROVAL OF AGENDA (0:15)**

President Eisele requested to add Resolution 24-02 Woodbury Target Stormwater Retrofit Change in Contractor as action item 7B.

Motion: Manager Karp moved, Manager Gernes seconded, to approve the agenda as amended.

Motion carried unanimously.

**3. CONSENT AGENDA (1:37)**

- A. Approval of Minutes from June 5, 2024
- B. Treasurer's Report and Bill List
- C. Permit Program
  - i. 24-34 Rice Street Crossing, Shoreview
- D. Stewardship Grant Program
  - i. 24-40 CS 2024 Lake Phalen Aquatic Vegetation Harvesting

President Eisele asked for more information on the training and education budget.

Tina Carstens explained that a lot of training happens in the fall and that is when the Board will see spending from that budget.

President Eisele asked for more information on the current status of the health and safety budget.

Tina Carstens explained that the District is working on updating the safety manual so there is more spending from that budget this year.

President Eisele requested that Target Stormwater Retrofit progress payment number three include an updated contract price when that time comes.

Manager Gernes requested more information on the disposal of plant materials for stewardship grant application 24-40 CS Lake Phalen Aquatic Vegetation Harvesting.

Ashlee Ricci explained that the DNR manages the disposal regulations and noted that this project also has a DNR permit. Ashlee stated that she would look into further details of the disposal process.

President Eisele asked for information on the moderate vulnerability drinking water supply management area in permit application 24-34 Rice Street Crossing and how that pertained to this particular permit.

Nicole Maras explained that there are certain areas in the District that are designated as drinking water supply management areas where extra care is needed regarding stormwater infiltration so as not to contaminate the drinking water supply. Nicole explained that MPCA manages the rules and regulations around the drinking water supply management areas and noted that it is sited in the permit for extra filtration and the high ground water levels. Nicole explained that this is something checked during the permit review process due to the MPCA's restrictions and prohibitions for stormwater infiltration near drinking water.

Motion: Manager Gernes moved, Manager Karp seconded to approve the consent agenda.

Motion carried unanimously.

#### **4. VISITOR COMMENTS (7:59)**

No comments.

#### **5. PERMIT PROGRAM (8:32)**

##### **A. Applications**

##### **i. 24-35 Woodlane Drive Retaining Wall Removal, Woodbury**

Nicole Maras provided a description of the project, noting that it was to remove and replace a failing retaining wall and adding a graded embankment to improve safety and stability. Nicole explained that a variance was requested for the compensatory storage requirement, Nicole explained the applicant was able to demonstrate the adjacent homes have adequate freeboard even with an increase (less than 0.01 ft) in the 100-year high water level and they were able to demonstrate through modeling that there was no peak flood elevation impacts downstream.

President Eisele stated that he appreciated the report. President Eisele questioned the comments stating some of the water could be held on the streets and questioned if the streets in this area flood periodically.

Nicole Maras stated that flooded streets were in the detailed modeling for existing conditions and that is how it behaves with the existing conditions. Nicole explained that modeling demonstrated no adverse flood impacts for both peak discharge and rise in high water levels downstream, noting road flooding would not be a new adverse flood condition as a result of this permit.

Motion: Manager Gernes moved, Manager Karp seconded, to approve permit 24-35 Woodland Dr Retaining Wall Removal, Woodbury with the variance.

Motion carried unanimously.

ii. 24-36 Cottage Place Wetland Restoration, Shoreview

Nicole Maras provided details on the permit request for Cottage Place project noting that it is triggering rule E for wetland disturbance. Nicole explained that the District will be working in the area creating new wetland and restoring the wetland buffer. Nicole stated that because the site is over one acre it is also triggering erosion and sediment control within the District's rules. Nicole explained that the variance request for wetland disturbance is included to accommodate the goal of the project which is to restore a wetland.

Manager Gernes questioned how the federal rule actions related to long eared bats and tree concerns would affect the scheduling of the project.

Erin Anderson Wenz explained that there have not been bats found at the location but it is an environment conducive to bats and because of that trees would not be removed until the fall, noting that removal can take place November 15 through April 1.

Manager Gernes noted that he did not see anything in regards to the contractor making sure their equipment is free of invasive species that could be tracked into the restoration site.

Erin Anderson Wenz stated that she would be able to check and see if that is something that is already included.

Motion: Manager Karp moved, Manager Gernes seconded to approve permit 24-36 Cottage Place Wetland Restoration, Shoreview with the variance.

Motion carried unanimously.

B. Monthly Enforcement Report

Nicole Maras provided a review of the enforcement report.

**6. STEWARDSHIP GRANT PROGRAM (41:12)**

A. Applications – See consent agenda

B. Budget Adjustment Request – 24-16 CS Woodland Hills Church

Paige Ahlberg provided history on the Woodland Hills Church project. Noting the current situation requiring a budget adjustment is something that hasn't been seen before. Paige explained that part of this project involves removing over an acre of impervious surface from the north side of the parking lot. Paige stated that a rain garden was incorporated in the plans for stormwater treatment as well as native plantings. Paige explained that once the contractor started excavating, multiple layers of pavement were found causing the project to be put on hold until more investigating could be done.

Marcy Bean provided more details on what the original plans entailed. Marcy stated that test pits were dug to get a better handle on the volume of materials found. Marcy went on to provide more details on how the pavement levels vary throughout the site, noting that it gets very deep in some locations.

Erin Anderson Wenz described the details of the original soil borings and explained what was found at that time and how it differs from what was found in other locations of the site during the current project work.

Marcy Bean stated that the reasoning for the deep layers of parking lot is unknown and that it was a choice that the former land owners had made at some point in time. Marcy explained there was another location on site where an unexpected concrete slab and concrete vault was located. Marcy provided more information on the investigation completed which included looking at aerial photos of the site and work completed at nearby locations.

Marcy Bean provided more detail on the vault that was found noting that the contractor did not enter the vault but was able to see visible pipes.

Stephan McLafferty explained that walls in the vault had been crushed or caved in so there wasn't a large void but there were iron and poly pipe visible but he could not tell what was inside of the vault due to the soil being pushed in.

Manager Gernes questioned if the vault could be related to the carwash that was potentially at the site and if finding that out would help understand if there are contaminate concerns.

Manager Karp stated that the unknowns in the request were his biggest concern. Manager Gernes stated that the request is for \$100,000 but the actual cost is unknown at this time.

Tina Carstens stated that the District would only pay for the work completed to a maximum amount of \$100,000.

Marcy Bean proceeded to provide details on the options available which included continuing the project as designed, putting the parking lot back, as well as looking for other opportunities to reduce paved areas. Marcy explained that more cost estimating would need to be done. Marcy stated that the church's preference is to not cover it again to be revisited in the future, such as has been happening. Marcy explained that the church would like to continue on with the current designs. Marcy provided different ideas on how to continue with the project and stated that she has been working with Stephan McLafferty on the numbers for what would need to be removed and the fill that would need to be brought in, assuming that everything is clean and can be disposed of. Marcy stated that the project is currently stalled until a path forward is found.

Managers expressed concern regarding the risk of contamination on the site.

Tina Carstens explained that the pits were dug down to the native clay soil and that dealing with the vault would be the church and contractors' responsibility as it is part of their project. Tina noted the district is involved to pay for the BMP and results and in order to get there is the District is willing to contribute more funds. Tina explained the decision on how to complete the project would be the landowner and contractor's responsibility.

President Eisele expressed concern that if more money is given and it turns out the project cannot be fully completed the District would be unable to recoup any funds if the project is only partially completed.

Tina Carstens explained that the funds are provided as reimbursement as the project is completed, noting that if the project is not complete there would not be funds to reimburse.

Paige Ahlborg stated that this project did get approval to pay the contractor ahead of time and noted that one payment had been made. Paige explained that the church has expressed commitment to completing this project as designed and that the work will be done to come up with the best plan moving forward.

Janice Rohling stated that she would have to discuss the potential contamination more with the church's board. Janice stated that the church would like to continue with the rain garden and explained they try to be as environmentally friendly as possible and with recent habit changes of their church patrons they are finding they no longer need the parking spaces. Jodie stated that if the problem area has to remain a parking lot they will still continue with the rain garden. Jodie stated that the church is excited to help model ways to cooperate with the environment and help with the

environmental issues facing the community. Janice stated the church hoped to become a demonstration to other churches of what can be done with unused parking areas.

Manger Karp stated that because the project has already started, the church is committed and there would be water quality improvement he is ok with the additional funding.

Manager Gernes stated he was comfortable with awarding the additional funds and sharing the burden. Manager Gernes did express some hesitancy and that there needed to be a serious discussion on assessing if the project design as originally envisioned is the best course forward even with the additional funding. Manager Gernes stated that he believed this was a great project and would vote yes to the additional \$100,000.

President Eisele stated that he would like more transparency and for the money to come with additional obligations where more updates on final designs are provided to make sure the BMP will be as effective.

Tina Carstens stated that District staff are partnering closely with the church and trusted that a solution would be found that met everyone's needs.

Motion: Manager Gernes moved, Manager Karp seconded to approve 24-16 CS Woodland Hills Church with additional information being provided throughout the redesign process.

Motion carried unanimously.

C. Budget Status Update

Ashlee provided an overview of the budget status report noting the staff approval projects.

**7. ACTION ITEMS**

A. Beltline Mississippi River Branch Outfall Replacement Bid Award (1:31:50)

Erin Anderson Wenz provided details on the area of the project noting a sink hole was found in 2023 and design work has been completed on how to repair the damage. Erin explained the Barr Engineering's team designed the repairs and the project went out to bid. Erin stated that the low bidder came in a bit higher than Barr's estimated cost. Erin provided reasons for why the bids may have come in higher than the estimate including the increased water in the area. Erin stated that Minger Construction Co. Inc. is the lowest responsible bidder and is a company familiar to the District.

Motion: Manger Gernes moved, Manager Karp seconded to accept the bids and award the Beltline Mississippi River branch outfall replacement project to Minger Construction Co. Inc. Direct staff to prepare and mail the notice of award, prepare the agreements, and review the required submittals.

Motion carried unanimously.

B. Woodbury Target Store Stormwater Retrofit Project Change in Contractor (1:35:50)

Erin Anderson Wenz provided history on the project and the company awarded the project. Erin explained that the company was a newer, lesser known one, but after references were checked and the bid was reviewed there was nothing that warranted rejecting the low bid. Erin provided more details on what occurred with the project and explained that it became clear that the company was new to this kind of work. Erin detailed a critical day where structures were installed, noting that it was found the structures were not the right elevation and needed to be removed. Erin explained that at that point, the contractor indicated that they had lost confidence in their ability to complete the project.

Laurann Kirschner explained that options per the contract were to voluntarily terminate the contract either with everyone agreeing (terminating the contract "for convenience") or to terminate for cause. Laurann stated that the

termination for cause process is much more extensive and would have caused a greater delay to the project. Laurann explained that the best option was for the contractor to walk away from the project and for the district to put a new contractor in place. Laurann stated that there were discussions with the contractor's attorney to come up with a voluntary termination contract that was signed by both parties. Laurann explained that the contract included wording that this was a voluntary departure that released further claims by either party except for any omissions or acts by the contractor that result in future harm. Laurann stated that there are recommended payments including for materials purchased that can be used going forward.

Erin Anderson Wenz provided details on the materials on site that the new contractor will be able to use.

Manager Karp questioned if the completed work would change Peterson Companies bid.

Erin Anderson Wenz stated that Peterson Companies bid would be adjusted to the new scope of the project.

Laurann Kirschner provided details on the emergency statute that allowed for this to not go out for public bid again due to the concerns for property and safety. Laurann explained that Barr reached out to Peterson Companies based on the history they have with working on prior Target projects and they seemed like the wise choice.

Manager Karp questioned if Peterson Companies were the next lowest bid or if there were any in between.

Erin Anderson Wenz stated that they were not the next lowest bid. Erin explained that the reason that the District did not go with the next in line was due to the need for a well-known company with prior experience on similar sites who has current capacity that could get the project done as soon as possible.

Laurann Kirschner explained that because of the emergency situation the District had no responsibility to go with the next lowest bidder and it is separate from the initial bidding process.

Manager Gernes questioned if Peterson Companies would have any issues with the materials at the site.

Erin Anderson Wenz explained that if Peterson Companies found the materials suitable the District would pay for the materials and Peterson would complete the installation. Erin explained that the former contractor would not be paid for any materials that Barr or Peterson Companies rejected. Erin explained more details on the plan related to materials and how it would be purchased if more were needed. Erin stated that change orders will be coming to the board in the future. Erin explained that even with the potential increase in cost it is still on track to come in less than Barr's opinion of cost.

Manager Gernes questioned if this would cause any issues with budgeting.

Tina Carstens explained that the District had expected to pay more for this project and budgeted for the higher expected amount so there is enough room in the budget for any increased cost.

Motion: Manager Karp moved, Manager Gernes seconded to approve resolution 24-02.

Motion carried unanimously.

## **8. ATTORNEY REPORT (1:52:51)**

Laurann Kirschner stated that it had been a busy month and provided an overview of tasks the attorney's office had been working on over the last month. This included helping navigate the contractor replacement for the Woodbury Target Stormwater Retrofit project and contract document review for the Cottage Place Wetlands project. Laurann also provided an update on the Fish Creek tributary easement appraisals, noting that she had received the appraisals documents and will be passing those along.

**9. BOARD DISCUSSION TOPICS (1:54:05)**

No comments.

**10. NEW REPORTS AND/OR PRESENTATIONS (1:54:40)**

A. South District (Non-Beltline) Flood Risk Resiliency Study Presentation – Jay Hawley, Barr Engineering

Erin Anderson Wenz provided an introduction to the presentation given by Barr Engineering staff, Jay Hawley. Erin gave an overview of Jay’s experience working with the District noting his involvement with flood risk reduction work.

Jay Hawley started his presentation by providing an overview of the study, noting that he will discuss the model updates, evaluated system modifications, high level cost estimation and next steps. Jay explained that the study was a continuation of the Battle Creek/Fish Creek resiliency study, which focused on the northern two thirds of the watershed and this study continued to southern parts of the District. Jay stated that purpose of this study was to do a planning level look at the full system and find impacted structures and find projects that can be completed to remove those structures from the floodplain without purchasing them, as well as identifying big picture projects. Jay provided background on previous resiliency studies. Jay gave information on the updated District H&H models and provided details on the information that was updated. Jay continued on to explain once the flood prone structures were located categories were created, the first being District flood risk areas with District control or interest and the other for areas that have constrictions, municipality storm sewers that are far away from District projects and water bodies.

Jay stated that 29 structures were identified in the Battle Creek watershed and 4 structures in the Fish Creek/ Carver Lake watershed. Jay provided information on the locations of those structures. Jay reviewed the three main categories of modifications looked at to reduce the flood risk which were: store water, change direction of flow, and increase flow. Jay provided more details on the options available for those modifications including increasing storage in existing ponds, modifying storm sewer systems, increasing conveyance capacity, and providing flood-storage in parks or other existing open spaces. Jay highlighted potential system modifications at Battle Creek, noting that three projects are linked so all three would need to be completed in order. Jay provided more details on potential projects, noting that some could be completed as standalone projects. Jay continued to explain the potential projects identified and the details of those projects. Jay went on to provide details on the concept planning-level opinion of probable construction cost, noting that these cost estimates had not yet been updated and that would be done with more detail through feasibility studies. Jay provided more information on the next steps and prioritization suggestions.

President Eisele questioned if the flood risk findings would be brought to the cities where the risks exist.

Tina Carstens confirmed that the city specific information would be provided similar to what had been done with previous studies.

Erin Anderson Wenz stated that sharing the details will provide cities with information on local structures as well.

President Eisele stated that he was looking forward to see more information as planning takes place.

B. Kohlman Lake Internal Load Management Scope Summary (no presentation)

No comments.

C. Watershed Management Plan Scope Summary (no presentation)

No comments.

**11. ADMINISTRATOR’S REPORT (2:18:09)**

A. Meetings Attended

No comments.

B. Upcoming Meetings and Dates

Tina Carstens reviewed the upcoming meetings and dates.

C. Staff Anniversaries

No comments.

D. Board Action Log

No comments.

E. Minnesota Watersheds Updates

Manager Gernes provided information on the sessions he attended at the Minnesota Watersheds Summer Tour detailing the different projects and ideas that were discussed in those sessions.

F. 2025 Budget Planning Memo

No comments.

**12. PROJECT AND PROGRAM STATUS REPORTS (2:27:14)**

*Project Feasibility Studies*

- A. Ames Lake Area Flood Risk Reduction Planning Study
- B. Phalen Village Flood Risk Reduction
- C. Resiliency Study for Non-Beltline Tributary Areas
- D. Owasso Basin/North Start Estates Improvements
- E. Street Sweeping
- F. Maplewood Mall 2024 Assessment
- G. Payne-Phalen Natural Resources Inventory
- H. Watershed Approach to Retrofit Projects

*Project Operations*

- I. Lake-Level Station Maintenance and Rain Gauge Installation

*Capital Improvements*

- J. Woodbury Target Store Stormwater Retrofit Project
- K. Roosevelt Homes
- L. Targeted Retrofit Projects 2024
- M. Stewardship Grant Program
- N. Pioneer Park Stormwater Reuse

President Eisele requested more information on the next steps for this project.

Erin Anderson Wenz explained that the project is going well and they are waiting on submittals from the contractor as well as waiting on a timeline from Watertronics, who supply parts, pumps and treatments.

- O. Fish Creek Tributary Improvements
- P. Cottage Place Wetland Restoration
- Q. County Road C Culvert Project
- R. Kohlman Creek Flood Risk Reduction Projects: Final Design

*CIP Project Repair and Maintenance*

- S. Routine CIP Inspection and Unplanned Maintenance Identification
- T. 2024 CIP Maintenance and Repairs Project
- U. Beltline Mississippi Branch Outfall Replacement Project

*Program Updates*

- V. Natural Resources Program
- W. Public Involvement and Education Program
- X. Communications and Outreach Program



Y. Citizen Advisory Committee Program

**13. MANAGER COMMENTS AND NEXT MONTH'S MEETING (2:34:05)**

No comments.

**14. ADJOURN**

Motion: Manager Gernes moved, Manager Karp seconded, to adjourn the meeting at 9:04 p.m. Motion carried unanimously.