

Capitol Region Watershed District



1410 Energy Park Dr., Suite 4 St. Paul, MN 55108
Phone: (651) 644-8888 Fax: (651) 644-8894 www.capitolregionwd.org

Regular Meeting Minutes of the Capitol Region Watershed District (CRWD) Board of Managers, for **Wednesday, April 21, 2010, 6:00 p.m.** at the office of the CRWD, 1410 Energy Park Drive, Suite 4, St. Paul, MN 55108.

I. Called to Order at 6:00 p.m. (President, Bob Piram)

A) Attendance

Robert Piram
Joe Collins
Seitu Jones
Mike Thienes
Marylyn Deneen (absent w/notice)

Others Present

Mark Doneux, CRWD
Bob Fossum, CRWD
Forrest Kelley, CRWD
Dawn Nelson, CRWD
Elizabeth Beckman, CRWD
Anna Eleria, CRWD
Matt Loyas, CRWD

Jerome Wagner, CAC
Todd Shoemaker
Wenck & Associates
David MacMillan,
Ramsey County Attorney

B) Review, Amendments and Approval of the Agenda

Manager Piram asked for additions or changes to the Agenda. Administrator Doneux added a Resolution to Special Report A) Recognition of Attorney David MacMillan. Administrator Doneux noted that there are no representatives from the City of Saint Paul for Special Report B. Administrator Doneux added that there have been several meetings in the past week for Gottfrieds Pit Improvement Project and staff will propose an action item for Unfinished Business A. Administrator Doneux said if the Board would prefer they could have a special meeting next week to further discuss the project.

The Board adopted the Agenda as amended by consensus.

II. Public Comment – For items not on the Agenda.

Jerome Wagner submitted an article announcing Hedrick Smith, who produced the highly acclaimed PBS Frontline documentary “Poisoned Waters” last year, will provide a lecture on Tuesday April 27th at the University of Minnesota’s St. Paul Student Center.

III. Permit Applications

A) Permit # 08-008 Roseville Rainbow Foods Certificate of Completion (Kelley)

Mr. Kelley said a final inspection was conducted for the Rainbow Foods project. All soils have been stabilized and proper installation of permanent BMPs verified with as-built plans. A maintenance agreement for the onsite stormwater management practices was submitted to the District.

Motion 10-04-09: *Approve Certificate of Completion for permit 08-008 Roseville Rainbow Foods and authorize return of \$31,800 surety.*

Thienes/Jones
Unanimously Approved

B) Permit #10-006 Exxon-Mobil Site (Kelley)

Forrest Kelley reviewed CRWD Permit # 10-006 Exxon-Mobile Site. The applicant is the City of St. Paul and the project is rough grading of fill material to prepare parcel for future park use. Mr. Kelley noted that the project is the former Koch-Mobile tank farm at West Seventh and Hathaway. The site is currently vacant

and undergoing vapor extraction to remediate petroleum contamination. Mr. Kelley said this project has 20.2 acres of disturbed area with no proposed impervious area. The stormwater management is erosion and sediment control only. Mr. Kelley said there is a wetland that has formed over the years from being on bedrock that was excavated many years ago. Mr. Kelley noted that one of the conditions is to conduct a meeting with the City of St. Paul and District staff to determine grading limits adjacent to the wetland before placement of any fill material. The staff recommendation is to approve the permit with four conditions.

Motion 10-04-10: *To approve permit #10-006 Exxon-Mobil Site with four conditions:*

1. *Provide inlet protection for the catch basins in Hathaway Street*
2. *Specify that all bare soils shall be stabilized with hydromulch within 7 days of inactivity.*
3. *Conduct a meeting with City of St. Paul and District staff to determine grading limits adjacent to the wetland before placement of any fill material.*
4. *A wetland delineation shall be submitted and approved before Phase 3 begins.*

Thienes/Jones/Piram
Collins Abstained

C) Permit #10-007 Ford Parkway Commercial Site (Kelley)

Forrest Kelley reviewed CRWD Permit # 10-007 Ford Parkway Commercial Site. The applicant is Semper Development and the project is building demolition and reconstruction of three commercial buildings and associated parking lots. Mr. Kelley noted that the location is Ford Parkway and Finn Street. Mr. Kelley said the applicable rules are Stormwater Management (Rule C), Erosion Control (Rule F) and Floodplain Management (Rule D). Mr. Kelley said this project has 1.31 acres of disturbed area, 1.2 acres of proposed impervious surface and the proposed stormwater management will include storm trap detention structures. The staff recommendation is to table the permit with four conditions. Discussion occurred.

Motion 10-04-11: *To table permit #10-007 Ford Parkway Commercial Site subject to the following four conditions:*

1. *Receipt of \$6,000 surety and maintenance agreement.*
2. *Delete the wooden stake inlet protection device from the plans.*
3. *Revise Storm Trap plans so that they correspond to the plans and HydroCAD model. Currently, the Storm Trap plans do not contain invert elevations.*
4. *Satisfy the CRWD volume retention requirement. If contaminated soils have been confirmed, submit test results, documentation from MPCA, or the Phase II investigation report. If filtration is to be used, the volume retention requirement increases to 5,096 cubic feet.*

Thienes/Collins
Unanimously Approved

D) Permit #10-008 Gottfried's Pit Lift Station (Kelley)

Forrest Kelley reviewed CRWD Permit # 10-008 Gottfried's Pit Lift Station. The applicant is CRWD and the consultant is Bonestroo. The project is pipe and pump capacity upgrades at the Gottfried's Pit lift station. Mr. Kelley said the applicable rules are Stormwater Management (Rule C) and Erosion Control (Rule F). Mr. Kelley said this project has .06 acres of disturbed area, 220 sq. ft. of proposed impervious surface and the proposed stormwater management will include disconnected impervious and native vegetation buffer. The staff recommendation is to approve with no conditions. Discussion occurred.

Motion 10-04-12: *To approve permit #10-008 Gottfried's Pit Lift Station without conditions.*

Jones/Collins
Unanimously Approved

E) Permit Program/Rules Update (Kelley)

There was no Permit Program/Rules update.

IV. Special Reports

A. Recognition of Attorney David MacMillan

Manager Piram thanked Mr. MacMillan for his presence at the Board meetings and dedication to the District. Mr. MacMillan said in his opinion the Capitol Region Watershed District Board and staff are one of the most impressive group in what he has seen when it comes to knowledge and recognition of its role in water management. Mr. MacMillan added that it has been his pleasure to work with the District Board and staff. The Board presented Mr. MacMillan with a certificate of appreciation and thanked him for his years of dedication.

Motion 10-04-13:

WHEREAS, David MacMillan has been an active registered attorney in the State of Minnesota since 1975, and

WHEREAS, David MacMillan has been an attorney for Ramsey County and while with the County served as the attorney for Ramsey Conservation District and Capitol Region Watershed District, and

WHEREAS, David MacMillan, has been directly involved in the preparation of the official legal instruments of the Capitol Region Watershed District, and

WHEREAS, David MacMillan was instrumental in helping establish the legal framework from which the Capitol Region Watershed District accepted ownership of the Trout Brook Storm Sewer Interceptor System from the Metropolitan Council, and

WHEREAS, David MacMillan was directly involved in the landmark rulemaking process of the Capitol Region Watershed District, and

WHEREAS, David MacMillan played a important role in acquiring the critical easements for the award winning reconstruction of the Trout Brook Storm Sewer Interceptor System, and

THEREFORE BE IT RESOLVED, that the Board of Managers of the Capitol Region Watershed District honors and recognizes David MacMillan’s many years of efforts and commitment to public service, outstanding legal counsel and lasting contribution to the Capitol Region Watershed District.

Thienes/Jones

Unanimously Approved

B. City of Saint Paul Water Resource Protection Cooperative Policy, Phil Belfiori

Administrator Doneux said since the Como 7 project that started in 2003 through the draft Como 3 plan, projects proposed on park land have raised the issue of park diversion with Parks staff. The Division of Parks and Recreation and the Department of Public Works have been developing a joint policy to formalize the collaboration of water quality protection projects on park land. The draft Water Resources Protection Cooperative Policy has been provided to the District. Administrator Doneux said staff thought Phil Belfiori and Bruce Elder from the City of Saint Paul were going to attend tonight’s meeting to discuss the policy but there was a miscommunication at the city and they determined that the city did not need to be at the meeting.

C. 2009 Monitoring Program Report, Matt Loyas, CRWD Water Resource Technician

Mr. Loyas reviewed the 2009 draft Monitoring Report. Mr. Loyas stated he would review the monitoring locations, monitoring methods, the data analysis, monitoring results, and the proposed 2010 Monitoring. Mr. Loyas said from late March through December 2009, CRWD collected water quality and flow data from storm sewers, stormwater ponds, lakes and BMPs at 15 stormwater sites. Of those 15 sites, nine sites were full monitoring stations where both water quality and flow data were collected. Four major subwatersheds in CRWD; East Kittsondale, Phalen Creek, Saint Anthony Park, and Trout Brook, had full monitoring stations. The other five full monitoring stations collected data from portions of two major subwatersheds, Saint Anthony Park and Trout Brook. Como 7, Villa Park, Trout Brook – West Branch, and Trout Brook – East Branch are located within Trout Brook subwatershed while Sarita is located within the Saint Anthony Park

subwatershed. Samples were collected during both baseflow (dry weather) and stormflow (wet weather) and were analyzed for a suite of water quality parameters including nutrients, sediment, metals, and bacteria. Of the remaining six sites, two were flow-only stations at Como Lake and Lake McCarrons and four were water level recording stations at four stormwater ponds located in the Trout Brook subwatershed. Mr. Loyas said Ramsey County Public Works Department monitored water quality of the four lakes in CRWD on a monthly or bi-monthly basis from May through September. The lakes were monitored for a suite of water quality parameters including nutrients, sediment, water clarity, and chlorophyll *a*. Mr. Loyas said 2009 was a below average year for precipitation based on historical normal averages. Compared to other monitoring years, 2009 had similar rainfall to 2008 and was drier than 2005, 2006, and 2007. Five monitoring sites were monitored through December and collected approximately 270 days of data. These five sites collected data for three of the four major subwatersheds. Sites not monitored through December were removed in November and collected approximately 215 days of data. Mr. Loyas said in general, CRWD major subwatersheds had less flow and lower phosphorus and sediment loads and yields in 2009 than in previous years. Trout Brook subwatershed generated the highest discharge and TP and TSS loads in CRWD with Phalen Creek and St. Anthony Park subwatersheds producing the next highest TP and TSS loads. Most of this pollutant loading occurred during storms rather during dry weather conditions. On a per acre basis, the water export was highest from Phalen Creek subwatershed compared to the other major subwatersheds. Trout Brook subwatershed had the second highest water yield. In terms of pollutant concentrations and yields, East Kittsondale had lower flow-weighted average concentrations of TP and TSS in 2009 than other years, but was still highest of the four major subwatershed sites. In East Kittsondale, land use and activities produced higher pollutant loading per acre of land and per inch of runoff than other subwatersheds. Mr. Loyas said for the most part, CRWD was more polluted for TP and TSS than the Mississippi River and minimally impacted streams in this ecoregion with CRWD monitoring sites having higher flow-weighted average concentrations. While East Kittsondale subwatershed had the highest TP and TSS flow-weighted average concentrations, Trout Brook subwatershed had the lowest flow-weighted concentrations. Mr. Loyas noted that besides phosphorus and sediment being pollutants of concern in CRWD, metals and bacteria issues were identified in 2009. During storm events, the average lead and copper concentrations at all monitoring sites except one were higher than the state standards. Average zinc concentrations during storms at four monitoring sites were higher than the state standard. Mr. Loyas said nearly all samples from every site during storm events in 2009 exceeded the maximum standard for *E. coli* bacteria with many concentrations much higher than the maximum standard, several greater than 100,000 mpn/100mL. Conversely, during dry weather, all monitoring sites except East Kittsondale met the maximum standard for *E. coli* bacteria. At East Kittsondale, during dry weather conditions every bacteria sample but one was in excess of the maximum standard. Besides high bacteria concentrations, CRWD has documented other evidence that indicates illicit discharges are occurring within the subwatershed. Manager Piram asked how staff knows something is an illicit discharge as opposed to being something else. Mr. Loyas said staff manually goes through the hydrographs and the shape is somewhat different too that points out the illicit discharge. Mr. Loyas said in comparison to stormwater from other urbanized areas in the country, CRWD had higher median concentrations for numerous pollutants including bacteria, total suspended solids, total phosphorus, total Kjeldahl nitrogen, copper and lead. Median concentrations of ammonia, nitrate+nitrite and cadmium were lower in CRWD than in other urban communities. Mr. Loyas said despite the elevated pollutant concentrations of stormwater in CRWD, all four lakes in CRWD had fairly good water quality meeting the state eutrophication standard, which is based on total phosphorus and chlorophyll *a* concentrations and water clarity (Secchi depth). Eutrophication indicators for CRWD lakes were very similar to those seen in 2008. Mr. Loyas said based on the results and findings of the 2009 monitoring program, CRWD makes several recommendations for 2010. CRWD will continue to document illicit discharges, collect water additional water quality data, and work with the City of Saint Paul to determine the source(s) of the high bacteria concentrations at East Kittsondale during dry weather. CRWD will also further investigate the data from the subwatersheds of most concern to better identify relationships between portions

of the subwatersheds, the variations from year to year, and the differences in discharge and pollutant loading between baseflow and stormflow. Manager Piram provided staff with changes for the final report.

Motion 10-04-14: *To approve 2009 Monitoring Report with recommended changes.*

Thienes/Jones

Unanimously Approved

V. Action Items

Consent Agenda

Manager Piram asked for a motion to approve the April 21, 2010 Consent Agenda as presented.

Motion 10-04-15:

A) Approve Minutes of the April 7, 2010 Regular Meeting as presented.

B) Approve Accounts Payables for \$185,441.36 and the Accounts Receivable for \$16,045.24 for the month of March 2010 and direct Board President and Treasurer to endorse and disperse checks for payment.

C) Authorize Board President and Administrator to sign and submit the representation letter to the State Auditor.

D) Accept the LMCIT liability coverage and NOT waive the Monetary Limits on municipal tort liability and to purchase an insurance rider for accident coverage for volunteers.

E) Approve comment period on CRWD's Draft 2009 SWPPP Annual Report and approve May 19, 2010 as the public meeting date for the SWPPP Annual Report.

Thienes/Jones

Unanimously approved

Discussion

F) Approve Partner Grant for Community Design Center (Beckman)

Ms. Beckman said on April 9, 2010 CRWD received a Stewardship Grant request from Community Design Center of Minnesota (CDC). The CDC's mission is to help revitalize low/moderate income communities by providing technical assistance and operating programs that will enhance the physical, economic, social, ecological, and spiritual well being of community residents. Since 1996, CDC has operated Youth Enterprise on St. Paul's East Side, engaging thousands of youth in education, training, and work projects that improve the environment and develop young leaders. The main programs are Garden Corps, and Youth Conservation Corps (YCC) internships. From September 2008 through August 2009, these programs reached more than 1,800 children and parents. Ms. Beckman said the YCC interns perform direct restoration and conservation work. Other learning goals include increased knowledge and skills for ten youth who serve as tour guides to 50-100 local residents visiting the Bruce Vento Nature Sanctuary. Tours include information about the history, environmental restoration, and water quality protection projects of the Sanctuary. Students also provide supervised rain garden installation education to 100 local residents and/or youth. Ms. Beckman continued to say that as part of its Watershed Awareness objective, the CRWD Education Plan lists youth education and field events as education formats. Ms. Beckman said in an effort to preserve staff time and remain focused on the prioritized homeowner education elements of the Plan, staff will seek to intentionally partner with a small number of organizations like CDC that are directly engaged in youth education. In 2009, CRWD staff led YCC interns on a field experience to the Mississippi River, and other CRWD projects. In 2010, CRWD staff will repeat the field experience, and also train two interns to assist with macroinvertebrate and fishing education events at Como Lake. Staff recommends approval of the CDC with funding not to exceed \$5,000.00 from the Stewardship and Partner Grants fund (210) for which the 2010 budget is \$59,000.00 and \$36,600.00 has been committed in 2010.

Motion 10-04-16: *Approve Community Design Center grant request with reimbursement funding not to exceed \$5,000.00 subject to the following conditions:*

1. *The CRWD and Community Design Center must approve and enter into Cooperative Agreement;*
2. *Any significant grant-funded programming changes will be reviewed by CRWD; and*
3. *All conditions must be met and the project completed by December 31, 2010.*

Collins/Jones

Unanimously approved

G) Approve Partner Grant for Chalchitlicue Environmental Summit (Beckman)

Ms. Beckman said Ce Tempoxcalli will continue its sixth year of efforts to create positive environmental behavior changes in the Latino community in the Twin Cities metro area through the Chalchitlicue Environmental Project in St. Paul on Friday, May 21, 2010. Ms. Beckman said the Environmental Summit is part of the Chalchitlicue Environmental Project. Since 2005, Chalchitlicue Environmental Project has worked to reverse the trend of environmental illiteracy in Minnesota's Latino community by educating hundreds of Latino households on best practices to reduce contribution to nonpoint source water pollution. Through presentations and interactive workshops, the Summit provides a synthesis of information to increase community engagement in watershed knowledge and action. Ms. Beckman said attendance at the Summit has increased by 25% annually. Approximately 70% of the 1,000 2009 attendees were St. Paul residents. The 2010 attendance at Friday's Summit is projected to exceed 1,000. Ms. Beckman noted that in 2009, CRWD Board approved a \$4,900.00 grant for facility rental for the Summit, and costs for development and printing of a bilingual water education guide. Ms. Beckman explained that more space is needed for the 2010 Summit, and catering will be handled onsite instead of on a donation basis. The grant request is \$7,880.00 for facility and catering, and \$6,700.00 for workshop development and resource guide updates. Staff recommends funding the facilities and catering portion of this request, \$7,500.00 from Partner Grants budget for which the 2010 budget is \$35,000, and \$27,400 has been committed in 2010. Manager Thienes said next year if this is submitted again he would like to see a better description as to how the grant is being spent and what the educational benefit is. Ms. Beckman said the Chalchitlicue group would be delighted to provide a summary presentation to the Board. Manager Thienes said he would like that.

Motion 10-04-17: *Approve the Chalchitlicue Environmental Summit request with reimbursement funding not to exceed \$7,500.00 subject to the following conditions:*

1. *The CRWD and Chalchitlicue must approve and enter into Cooperative Agreement;*
2. *CRWD staff will be notified of significant grant-funded programming changes; and*
3. *All conditions must be met and the project completed by December 31, 2010.*

Collins/Jones

Unanimously approved

H) Authorize Distribution of Draft Cleveland Randolph Groundwater Study Summit (Kelley)

Mr. Kelley said the Cleveland-Randolph Groundwater Study began in January 2009. All data has been collected, compiled, and analyzed and Wenck Associates has completed the Draft Report. Mr. Kelley noted that the Draft Report includes local groundwater elevations, identifies areas of high groundwater and presents a computer model to estimate the impact of potential future infiltration projects. Mr. Kelley said recommendations for stormwater management and potential actions to alleviate existing problems are also discussed. Mr. Kelley said staff would like to provide copies to the City of St. Paul Public Works Department for review and comment. Once comments are received and the final draft is approved by the Board, the Report will be distributed to the public through coordination with the Highland District Council. Mr. Kelley asked the Board if they had any revisions or recommendations to be included in the next draft. The Board did not have any comments. Discussion occurred.

Motion 10-04-18: *Authorize distribution of the Cleveland-Randolph Groundwater Study Draft Report to the City of Saint Paul staff.*

Collins/Jones

Unanimously approved

VI. Unfinished Business

A) Gottfried's Pit Improvement Project (Fossum)

Mr. Fossum explained that the Gottfried's Pit Improvement project includes replacement of pumps at the Pit and installation of 630 feet of new forcemain under Larpenteur Ave and south to the cul-de-sac on Huron St. in St. Paul. Mr. Fossum noted that at the November 4, 2009 Board meeting, the Managers approved the cooperative construction agreements with Falcon Heights, Roseville, St. Paul and Ramsey County. The Managers authorized bidding for the project at the December 6, 2009 Board meeting. Mr. Fossum said five bids were received and opened on Friday April 9, 2010. Penn contracting was low bidder with a base bid of \$359,883. Mr. Fossum reviewed a table listing the project cost estimates used to develop the cooperative construction agreements with the partners; Roseville, Falcon Heights, St. Paul, and Ramsey County and the actual costs estimates based on work and bidding through April 10, 2010. Mr. Fossum said the total project cost used for the cooperative construction agreements is \$508,626 and the total estimated cost as of April 9, 2010 is \$505,373. Mr. Fossum said staff has some concern about awarding a bid to the contractor with minimal contingency for this project. Staff and the District's engineer would prefer a contingency of 10% of the low bid prior to awarding. Mr. Fossum explained that since the Board packet was mailed, significant progress has been made relative to the financing of the project.

Motion 10-04-19: *Authorize Board President and Administrator to execute an amended cooperative construction agreement for the Gottfried's Pit Stormwater Improvement Project with Ramsey County.*

Thienes/Jones

Unanimously approved

Motion 10-04-20: *Order the Gottfried's Pit Lift Station Modification Project and award the contract to the lowest responsible Bidder, Pen Contracting for a total base bid amount of \$359,883.00 subject to the approval of the Ramsey County Attorney.*

Thienes/Collins

Unanimously approved

Motion 10-04-21: *Authorize the Administrator to approve change orders up to \$20,000 singularly or in aggregate of the contract amount for the Gottfried's Pit Lift Station Modification Project subject to the following conditions:*

- 1) *Staff authorization is only for change orders that need approval prior to the next Board meeting to keep the project on schedule.*
- 2) *The Administrator shall report any change orders at the next meeting of the Board of Managers.*

Thienes/Collins

Unanimously approved

VII. General Information

A) April CAC Update (Thienes)

Manager Thienes said the April CAC meeting included a brief discussion on the 45-day review period of the 2010 Watershed Management Plan. The Committee participated in a Minnesota Water Sustainability Framework presentation that uses an automated, instant voting process. Manager Thienes explained that the presentation is a series of questions that everyone answers anonymously with clickers. When all votes are in, the computer tallies the votes. Manager Thienes added that it would be a great way to conduct a public hearing. Manager Piram asked how much the equipment is. Administrator Doneux said \$2,000. Manager

Jones added that he has also used the clicker and thought it would have been a great asset during the Management process.

B) Metro MAWD (Thienes)

Manager Thienes said the April 20th Metro MAWD meeting was the first that CRWD provided the agenda. Manager Collins said he thought the meeting flowed nicely. Manager Thienes said the meeting was well attended.

C) Watershed Artist in Residence Program (Jones)

Manager Jones said CRWD and RWMWD had a joint meeting at CRWD. Manager Jones said he provided a short presentation on how artists have integrated their work in stormwater BMPs throughout time. Manager Jones added that Christine Baumler, Artist in Residence discussed her work and had the opportunity to meet staff from both Watersheds. Manager Jones was asked to provide his presentation to the Board.

D) Watershed Tour, Wednesday, June 9, 2010, 5:30 – 9:00 pm

Administrator Doneux said the Citizen’s Advisory Committee requested a tour of the Watershed and staff selected June 9th and would like to invite the Board. Administrator Doneux said it would be a very informal tour. The Board agreed that a tour is a good idea.

VIII. Meeting Agenda Review

Wednesday, May 5, 2010 Regular Meeting Agenda Review

IX. Adjournment – 8:15 p.m. adjourned by consensus.

Respectfully submitted,

Dawn Nelson