



Capitol Region Watershed District

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Regular Meeting Minutes of the Capitol Region Watershed District (CRWD) Board of Managers, for **Wednesday, October 6, 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 6:10 p.m. (President, Bob Piram)

A) Attendance

Robert Piram
Joe Collins
Seitu Jones
Mike Thienes
Marylyn Deneen

Others Present

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

Todd Shoemaker,
Wenck & Associates
Jim Herbert, Barr Engineering

B) Review, Amendments and Approval of the Agenda

Manager Piram asked for additions or changes to the Agenda. Administrator Doneux requested adding Action Item V. D) Contract amendment for Stop the Rain Drain.

The Board adopted the Agenda as amended by consensus.

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

There were no public comments.

III. Permit Applications

A) Public Hearing on Draft Rule Amendments (Kelley)

Manager Piram, President of the Capitol Region Watershed District Board of Managers, opened the public hearing and explained that the purpose of the hearing is for the Board to hear and accept public comments on the proposed Wetland Rule Amendment. Forrest Kelley noted that the District adopted Wetland Management Rule E on September 6, 2006. Revisions were made to the buffer requirements in 2008. Because 98% of the pre-settlement wetlands have been filled, and the remaining wetlands have generally been altered, the CRWD wetland rule was written to provide protection to all wetland areas within the District. This protection was incorporated into CRWD Rule by referencing the Minnesota Wetland Conservation Act (WCA), and eliminating exemptions and other activities that are allowed for under the State Rule. In August 2009, revised WCA Rules were adopted by the State of Minnesota. There are a number of wording changes that affect how CRWD Wetland Rule E is applied towards wetlands within the District. The most significant change is the re-classification of incidental wetlands from an exemption to “non-regulated” wetlands. This change creates a potential loop-hole in the authority CRWD has to require permits for impacts to wetlands that exist due to activities taken for a purpose other than creation of wetland. Mr. Kelley stated that a Technical Advisory Committee meeting was held August 23, 2010 to discuss an amendment to CRWD Wetland Management Rule E. Seven members attended, and there was general consensus and understanding of the District’s intentions in amending the Rule. Mr. Kelley noted that the District did receive 3 comment letters. Two comment letters were in support of the amendment. Mr. Kelley said the third letter was in support by the Board of Water and Soil but recommended not referencing the

outdated rule. Manager Piram noted that the 45 day comment period ends October 18, 2010. There were no public comments during the public hearing. Manager Piram requested a motion to close the public hearing.

Motion 10-10-01: *To close the public hearing on the proposed Amendment to Wetland Management Rule E.*

Deneen/Jones

Unanimously approved

B) Permit #10-027 Lafayette Bridge (Kelley)

Forrest Kelley reviewed CRWD Permit # 10-027 Lafayette Bridge. The applicant is Mn/DOT and the project is demolition and reconstruction of the Lafayette Bridge. Mr. Kelley said the project is located on Highway 52 across the Mississippi River from Plato Blvd to 7th Street. Mr. Kelley said the applicable rules are Stormwater Management (Rule C), Erosion Control (Rule F) and Flood Control (Rule D). Mr. Kelley said this project has 47.4 acres of disturbed area, 6.38 acres of proposed impervious surface and the proposed stormwater management will include structural pollution control devices, wet ponds and filtration basins. The staff recommendation is to approve the permit with 1 condition. Mr. Kelley noted that Jim Herbert from Barr Engineering is present to answer any questions. Manager Piram asked how long the construction will take. Mr. Kelley said he wasn't sure. Manager Collins asked if the construction would add weight to the soils. Mr. Herbert answered yes. Mr. Herbert discussed the key issues that were identified that could affect the Trout Brook Interceptor (TBI). Mr. Herbert also discussed Barr Engineering's recommendations to protect the integrity of the TBI during and after construction of the new bridge and related interchanges. Manager Piram confirmed that the key issues, concerns and recommendations have been sent to MN/DOT. Discussion occurred and it was the consensus of the Board to table permit #10-027 until further review by the District Attorney to assure the long term protection and integrity of the Trout Brook Storm Sewer.

Motion 10-10-02: *Table #10-027 Lafayette Bridge subject to the following three conditions:*

1. *Ensure project will not negatively impact the structural integrity of the Trout Brook Storm Sewer. District will conduct analysis of additional fill over Trout Brook interceptor and provide comments to Mn/DOT.*
2. *Provide plans or documentation to show the amount of cut or fill within the 100yr floodplain. Provide compensatory storage if necessary.*
3. *Address the items identified in the memo from Barr Engineering regarding the Trout Brook Interceptor.*

Jones/Deneen

Unanimously Approved

Motion 10-10-03: *Approve requested variance to allow up to 694 cubic feet of fill below the Mississippi River 100-year flood elevation for permit #10-027 Lafayette Bridge .*

Collins/Jones

Unanimously Approved

C) Permit #10-031 Macalester College Fine Arts Center (Kelley)

Forrest Kelley reviewed CRWD Permit # 10-031 Macalester College Fine Arts Center. The applicant is Macalester College and the project is remodeling and expanding the Macalester College music, art and theater buildings. Mr. Kelley said the project is located in the center of the Macalester College campus. Mr. Kelley said the applicable rules are Stormwater Management (Rule C), Erosion Control (Rule F) and Flood Control (Rule D). Mr. Kelley said this project has 3.97 acres of disturbed area, 2.8 acres of proposed impervious surface and the proposed stormwater management will include an underground infiltration trench. The staff recommendation is to approve the permit with 1 condition.

Motion 10-10-04: *Approve permit #10-031 Macalester College Fine Arts Center subject to the following condition:*

1. *Receipt of surety and maintenance agreement.*

Thienes/Jones

Unanimously Approved

Motion 10-10-05: *Approve 4,061 cubic feet of Volume Reduction credits for permit #10-031 Macalester College Fine Arts Center subject to the following two conditions:*

1. *Submittal of as-built plans to verify post-construction volume reduction.*
2. *Review and approval of the Ramsey County Attorney.*

Thienes/Collins

Unanimously Approved

D) Permit Program/Rules Update (Kelley)

There was no permit program/rules update. Mr. Kelley thanked District Staff, Wenck Associates and everyone for their assistance with permits while he was away on his honeymoon.

V. Action Items

Consent Agenda

Manager Piram asked for a motion to approve the October 6, 2010 Consent Agenda.

Motion 10-10-06:

A) Approve Minutes of the September 15, 2010 Regular Meeting

B) Approve Ahler-Sheppard Stewardship Grant with reimbursement funding not to exceed \$240 subject to the following conditions:

1. *CRWD and Mary Ahler and Martha Sheppard must approve and enter into a Cooperative Agreement;*
2. *Any changes to project plans must be approved by CRWD; and*
3. *All conditions must be met and the project completed within one year after project approval.*

C) Approve Balaam Stewardship Grant amendment with reimbursement funding not to exceed \$900 subject to the following conditions:

1. *CRWD and Susan Balaam's must approve and enter into a Cooperative Agreement;*
2. *Any changes to project plans must be approved by CRWD; and*
3. *All conditions must be met and the project completed within one year after project approval.*

Jones /Collins

Unanimously approved

Discussion

D) Approve Contract amendment for Stop the Rain Drain (Beckman)

Ms. Beckman noted that at the August 4, 2010 meeting, CRWD Board authorized staff to carry out the proposed Stop the Rain Drain campaign. During that meeting the Managers also authorized the Board President to enter into an agreement with Conservation Corps of Minnesota to complete Stop the Rain Drain project work. Ms. Beckman said the Conservation Corps withdrew from the project on September 9, 2010. At the September 15 meeting, Board Managers authorized the Administrator to enter into agreement with up to three gutter contractors, each not to exceed \$3,000.00. Staff contacted eight gutter contractors by phone and in writing, requesting final proposals by Friday, October 8, 2010. Ms. Beckman said one contractor, Seamless Gutter Delivery of West St. Paul, has submitted a proposal, met with staff, signed an agreement and has scheduled redirection work to be completed on eight garages on October 7-8. Ms. Beckman stated that the eight projects range in total cost from \$184 to \$464. Labor costs make up from 30-50% per project, ranging from \$53 to \$199. Ms. Beckman said three of the eight projects treat one side of the sloped roof;

five treat both or all sloped sides and includes both gabled and hip roofs. Ms. Beckman explained that the average cost is about \$300 per garage.

Ms. Beckman said there have been 84 homeowner inquiries into the program since August. In addition to the eight projects scheduled for this week, there are currently 30 more viable program candidates. Ms. Beckman noted that with a budget of \$25,000, the program could potentially serve an additional 80 homeowners this fall. Ms. Beckman said in order to continue project work, staff requests approval to engage additional contractors to complete project work.

Motion 10-10-07: *Authorize the District Administrator to enter into one or more agreements with local gutter contractors to carry out Stop the Rain Drain project work for a total amount not to exceed \$15,000.00.*

Thienes/Deneen

Unanimously approved

VI. Unfinished Business

A) William's Street Pond Improvement Update (Doneux)

Administrator Doneux and Todd Shoemaker had a meeting earlier in the week with Tom Peterson, Deb Bloom and Bob Fossum to discuss the William Street Pond. Mr. Shoemaker reminded the Board that the William's Street Pond is located next to the Armory in McCarrons subwatershed 4. Mr. Shoemaker said Wenck subsequently evaluated other treatment options and Wenck staff recommends that the project now include a combination of sediment excavation and filtration to meet the CRWD goal for William Street Pond. Discussion occurred.

B) Crosby Lake Management Plan Update (Eleria)

Ms. Eleria said the first Citizen's Advisory Group (CAG) meeting was held September 29, 2010 at the Highland Park Senior High School. Over 35 residents attended who are interested in the Crosby Lake Management Plan development process and the health of Crosby Lake. Ms. Eleria said there were three presentations by the City of Saint Paul, Wenck Associates and District staff. Ms. Eleria said there will likely be two more CAG meetings held in late December/early January 2011 and late spring 2011. The second meeting will be an interactive session with citizens providing input on their concerns for Crosby Lake and on activities and projects for protecting the lake. At the third meeting, the lake management plan will be presented to the CAG. Ms. Eleria said it was obvious that the group was very interested, committed and informed group participating. Manager Collins added that he thought it was a great meeting.

C) Land Acquisition (Eleria)

Ms. Eleria said the CRWD Board and Staff had a discussion about their position on CRWD land acquisition, the possible circumstances and criteria the Board would exercise their authority to acquire land for water resource protection purposes. Ms. Eleria explained that the impetus for this discussion is the current opportunity for CRWD to purchase a 1.42 acre parcel comprised mostly of wetlands in the Trout Brook subwatershed. Ms. Eleria noted that four out of five managers were present during that discussion and in general, they were favorable to considering land acquisition under certain circumstances and policies. Ms. Eleria summarized the key points made about a potential approach and policy to land acquisition; due to maintenance costs and concerns, either very careful considerations of cost/benefit of land ownership or no long-term ownership of land. Consider purchasing land, restoring, if necessary, and transferring to another entity such as the City; Acquired wetlands could be used for wetland banking purposes; Parcels of land available for purchase must be considered on a case-by-case basis; Potential parcels must serve a valuable water resource management purpose and be in concert with CRWD's 2010 Watershed Management Plan and the long-term liabilities of land ownership and property disposition must be explored. Ms. Eleria noted that a recent Star Tribune newspaper article about land acquisition by Minnehaha Creek Watershed District was

included in the Board packet. Discussion occurred. Manager Piram said staff need to draft a policy for the Board to review.

D) Office Lease (Doneux)

Administrator Doneux noted that on September 15, 2006, the District's original lease with Wellington Management was amended to expand the square footage from 3,586 to 5,792. The amended lease is a 5 year lease through October 31, 2011. Administrator Doneux noted that the lease amendment included a one-time option to terminate after three years. The District chose not to exercise this option. With the addition of Kathleen McCarthy, the GreenCorps member working with us for the next year, all available office space has been utilized. The office has no functional space for potential new employees. Administrator Doneux said with the recently adopted Watershed Management Plan, programs, projects and capital improvements are planned to increase over the next 10 years. Administrator Doneux noted that the original 2011 budget and work plan included an additional 4.5 FTEs to accomplish the goals for 2011 in the Watershed Management Plan. While those positions will not be added in 2011, it illustrates the anticipated need for additional staff to meet the goals of the Watershed Management Plan. Administrator Doneux continued to say that in order to meet the anticipated work load from the new adopted plan and to inform the Board about future lease discussion he suggested the Board direct staff to work with the Personnel Committee to develop a short term (1-3 yr) and long term (5-10 yr) staffing plan. Administrator Doneux noted that a staff plan would help inform future office space and lease discussions.

Motion 10-10-08: Direct staff to work with the Personnel Committee to develop a short term (1-3 yr) and long term (5-10 yr) staffing plan.

Thienes/Deneen

Unanimously approved

VII. General Information

A) Administrator's Report (Doneux)

- 1) Administrator Doneux attended a Ford Site Open Space Work Group meeting on Monday, September 27th.
- 2) Staff attended a Tree and Stormwater Conference on Tuesday, September 28th. Orjen Stal from Sweden who spoke at the conference met with District and City of Saint Paul Staff on Thursday, September 30th. The cost for the special meeting with Orjen Stal will be \$500.
- 3) Staff attended a Great River Park planning meeting on September 29th and presented the Stream Corridor Restoration and Wetland Reestablishment programs to the Park planner and City staff.
- 4) 35 residents attended the Crosby Lake Management Plan Kick-off meeting that was held on Wednesday, September 29th from 7:00 - 8:30 PM at Highland Park Senior High School. Managers Piram and Collins attended as well as Shirley Reider and Bill Barton from the CAC. The Technical Advisory Group will meet on Thursday, October 14th at 9:00 AM at the District office.
- 5) Manager Thienes hosted a boat tour of McCarron's shoreline restoration sites with Ramsey County Commissioner Jan Parker, Ramsey Conservation District (RCD) Board Member Karen Eckman and RCD staff.
- 6) Administrator Doneux has a meeting with Region V EPA officials on Thursday, October 7th to discuss CRWD programming and how our experiences can inform NPDES rulemaking.

- 7) Administrator Doneux will be giving the Arlington Pascal BMP Performance Effectiveness and Cost Benefit Analysis presentation to a Region V EPA TMDL conference in Fort Wayne, Indiana on October 20th.
- 8) A Receptionist from the Jeanne Thorne agency will start on Friday, October 8th, part time.
- 9) Metro MAWD will meet again on October 12th at 7:00 PM at the District Office.
- 10) The Annual Water Resources Conference will be held on October 19th and 20th at the Saint Paul River Centre.
- 11) Administrator Doneux will be attending the BWSR Academy training on October 26-28 in Brainerd.

VIII. Meeting Agenda Review

Wednesday, October 20, 2010 – Regular Meeting Agenda Review

IX. Adjournment – 7:27 p.m. adjourned by consensus.

Respectfully submitted,

Dawn Nelson