

Capitol Region Watershed District



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Meeting Minutes of the Capitol Region Watershed District (CRWD) Board of Managers, for **Wednesday, August 19, 2009, 6:00 p.m.** at the office of the CRWD, 1410 Energy Park Drive, Suite 4, St. Paul, MN 55108.

Regular Meeting Minutes

I. Call to Order at 6:03 p.m. (President, Robert Piram)

A) Attendance

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

Others Present

Dawn Nelson, CRWD
Mark Doneux, CRWD
Bob Fossum, CRWD
Forrest Kelley, CRWD
Anna Eleria, CRWD
Elizabeth Beckman, CRWD
Jerome Wagner, CAC
Bill Barton, CAC

Public Attendees

Karen Kushner,
Ramsey County Attorney
Todd Shoemaker,
Wenck Associates
Jack McCann, Update Partners
Jim McCann, Update Partners
Jim Herbert, Barr Engineering
Mike Johnson, HDR Engineering

B) Public Comments to the Proposed 2010 Budget and Levy of the Capitol Region Watershed District
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 2010 Budget and Levy. Administrator Doneux gave a brief presentation of the 2010 Work Plan Goals, Budget and Levy and discussed the significant changes the District has and will experience. Administrator Doneux explained that there will not be any action taken tonight on the proposed 2010 Budget and Levy. However the Board will adopt a preliminary Budget and Levy at the September 2, 2009 Board meeting and the final certification will occur at the December 16th Annual Board meeting. Administrator Doneux said goals of the District in 2010 include successfully owning, operating and maintaining the Trout Brook Storm Sewer Interceptor System. The District will continue to implement an efficient and equitable Permitting Program. Continue to operate the District in a fiscally sound manner. Provide watershed education to the members of the general public, elected officials, community groups and municipal and agency staff. The District staff will accurately monitor, maintain and report the status of the District water resources and Best Management Practices (BMPs). The Board and staff will continue working on the 2010 Watershed Management Plan to be completed, receive state approval and adopted in 2010. Incorporate Geographic Information System technology in all major program areas. Continue to encourage public input through the Citizen’s Advisory Committee, project meetings, workshops and other public events and provide safe working conditions through training, education and proper equipment. The preliminary budget provides \$309,750 for Administration, \$995,037 for Programs, \$567,977 for Projects and \$825,396 for Capital Improvement Projects. This totals \$2,658,160 for the Preliminary 2010 Budget and a resultant tax levy of \$1,772,264 which is a 4.8% increase over 2009. Administrator Doneux noted that the Citizens Advisory Committee made a motion supporting and endorsing the budget at their last meeting. Mr. Barton said he is disappointed that the wetland restoration fund is zero.

Motion 09-08-05: *To close the public hearing on the proposed 2010 Budget and Levy.*

Deneen/Thienes

Unanimously approved

C) Review, Amendments and Approval of the Agenda

Manager Piram asked for additions or changes to the agenda. There were no additions or changes to the agenda.

The Board adopted the Agenda as presented by consensus

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

Mr. Wagner said to protect water resources and Loeb lake groundwater.

III. Permit Applications

A) Permit #09-019 Johnson Senior High School Permit Amendment (Kelley)

Forrest Kelley reviewed CRWD Permit #09-019 Johnson Senior High School Permit Amendment. Mr. Kelley reminded the board that the applicant is Independent School District 625. Mr. Kelley said the project is reconstruction of the school's existing parking lot. Mr. Kelley said this project has 2.1 acres of disturbed area, 1.84 acres of proposed impervious surface and the proposed stormwater management was modified from two underground infiltration trenches to sand filtration systems. Mr. Kelley said the staff recommendation is to approve the permit amendment with no conditions.

Motion 09-08-06: *To approve permit amendment # 09-019 Johnson senior High School with no conditions.*

Deneen/Thienes

Unanimously Approved

B) Permit # 09-020 Hmongtown Marketplace (Kelley)

Mr. Kelley reviewed Permit # 09-020 Hmongtown Marketplace. Mr. Kelley said the applicant is Hmongtown Marketplace and the consultant is Alliant Engineering. Mr. Kelley said the project is a parking lot redevelopment and infiltration basin construction. Mr. Kelley said this project has 1.93 acres of disturbed area, 1.15 acres of proposed impervious surface and the proposed stormwater management is one surface infiltration basin. Mr. Kelley said the staff recommendation is to approve the permit with three conditions.

Motion 09-08-07: *Approve Permit # 09-020 Hmongtown Marketplace with three conditions.*

1. *Receipt of \$5,750 surety and maintenance agreement.*
2. *Specify type of inlet protection or include a typical detail for the catchbasins in Como Avenue.*
3. *Provide documentation that off-site discharge to the north is acceptable to the adjacent property owner.*

Thienes/Collins

Unanimously Approved

C) Permit #09-023 Central Corridor Light Rail Transit 4th Street Utilities Update (Kelley)

Forrest Kelley reviewed CRWD Permit #09-023 Central Corridor Light Rail Transit 4th Street Utilities. Mr. Kelley noted that the Board reviewed the permit at the August 5th Board meeting and voted to table the application with 3 conditions. Mr. Kelley said staff has received a re-submittal that reroutes the stormwater from the street into the proposed tree trenches. Mr. Kelley said CRWD and Metropolitan Council staff have been working towards a solution to satisfy all permit conditions. The staff will provide an updated recommendation for action at the September 2nd Board meeting.

D) Permit #09-024 700 Raymond Avenue Variance Request (Kelley)

Mr. Kelley said the applicant is the Update Company and the consultant is Plowe Engineering. Mr. Kelley said the project is renovation of an existing building and a parking lot reconstruction. Mr. Kelley said this

project has 1.1 acres of disturbed area, 0.67 acres of proposed impervious surface and the proposed stormwater management is two surface filtration basins. Mr. Kelley said the applicant has submitted a request for a variance. Mr. Kelley explained that the variance request as stated in the letter is to exempt the property from the one acre size limit for runoff which would essentially exempt the project from the stormwater standards of Rule C. Mr. Kelley said the applicant provided a list of site specific circumstances providing support for the variance request. The CRWD permit threshold applies for all development and redevelopment that creates one acre or more of total land disturbance. The applicant has submitted plans indicating it is technically feasible to achieve compliance with CRWD stormwater standards within the constraints of the site. Staff have not identified any out of the ordinary site constraints that would differentiate this from other redevelopment projects. Mr. Kelley said the percentage of the cost spent on stormwater management practices can be expected to be greater on a redevelopment project than on a project that proposes to construct a new building. Total projects costs and cost to construct the stormwater management practices were not submitted, however, based on the BMPs in the proposed plans the costs are not expected to be unreasonable. Jack McCann explained that the Update Company is a small family owned business that has purchased and recycled buildings for 30 years. Manager Piram explained that if approved, this application would be the first of its kind to receive a variance for this purpose. Manager Piram said the Board would be setting precedence and feels the Rules are very clear. Everyone else who has applied understands the 1 Acre Rule. Discussion occurred.

Motion 09-08-09: *Deny requested variance and table Permit #9-024 700 Raymond Avenue with five conditions.*

1. *Receipt of surety and maintenance agreement.*
2. *Submit a copy of the NPDES permit application.*
3. *Remove the option to seed the proposed filtration basins from the detail on sheet C4. Live plantings have proven to be much more effective than seed at vegetating bioretention basins.*
4. *Revise the HydroCAD model or the project plans:*
 - a. *Clarify whether the overflow for CB2 in the HydroCAD model is the overflow to the street (192.95) or over the curb to the forebay. Adjust model or plan as necessary.*
 - b. *Adjust HydroCAD model so that flow out is equal to or less than flow in for CB3 and CB4 for the 2-year event.*
 - c. *Since filtration is desired, revise "exfiltration" outlet devices so water is routed to the downstream basin or catchbasin rather than "discarded" from the model.*
 - d. *Adjust Filtration Basin 2 exfiltration and 8" orifice invert elevations so they correspond between the model and sheet C2.*
5. *Submit soil borings to document alternative compliance sequencing.*

Thienes/Piram/Deneen
Collins Opposed

E) Permit # 09-025 Roseville Dog Park Erosion (Kelley)

Forrest Kelley reviewed CRWD Permit #09-025 Roseville Dog Park Erosion. Mr. Kelley said the applicant is the City of Roseville. Mr. Kelley said the project is an emergency pipe installation and gully repair at 481 Larpenteur Avenue. Mr. Kelley said this project has approximately 2400 square feet of disturbed area with no proposed impervious surface. Mr. Kelley said the staff recommendation is to approve the permit with two conditions.

Motion 09-08-10: *To approve permit # 09-025 Roseville Dog Park with two conditions.*

1. *Provide a detail of rip rap plunge pool at the proposed flared end.*
2. *Provide bio-rolls or equivalent slope velocity checks to maintain sheet flow over the repaired gully.*

Collins/Deneen
Unanimously Approved

F) Permit Program/Rules Update (Kelley)

Mr. Kelley said there are potentially three permits that will return for next Board agenda.

IV. Special Reports – No Special Report

V. Action Items

Consent Agenda

Manager Piram asked for a motion to approve the August 19, 2009, Consent Agenda.

Motion 09-08-11:

A) Approve Minutes of the August 5, 2009 Regular Meeting (Nelson)

B) Approve Accounts Payables for \$236,445.36 and the Accounts Receivable for \$822.29 for the month of July 2009 and direct Board President and Treasurer to endorse and disperse checks for payment. (Nelson)

C) *Approve the Reichenbach Stewardship Grant with reimbursement funding not to exceed \$535.00 subject to the following conditions:*

- 1. The CRWD and Bob Reichenbach must approve and enter in a Cooperative Agreement;*
- 2. Any changes to project plans must be approved by the CRWD; and*
- 3. All conditions must be met and the project completed within one year after project approval.*

D) *Approve the Walker Stewardship Grant with reimbursement funding not to exceed \$165.00 subject to the following conditions:*

- 1. The CRWD and Gretchen and Tim Walker must approve and enter in a Cooperative Agreement;*
- 2. Any changes to project plans must be approved by the CRWD; and*
- 3. All conditions must be met and the project completed within one year after project approval.*

Thienes/Collins

Unanimously approved

For Discussion

E) Trout Brook Storm Sewer Interceptor Engineer (Eleria)

Ms. Eleria explained that in early July, the Board authorized the distribution of a request for qualifications (RFQ) for engineering services for the Trout Brook Storm Sewer Interceptor (TBI). Engineering services may include hydrologic/hydraulic modeling of TBI, design and construction administration of repairs, inspection/monitoring of the system, and other tasks requested by staff and the Board. Ms. Eleria said statements of qualifications were received from the seven firms: Barr Engineering, Bonestroo, CDM, HDR Engineering, HR Green Company, TKDA and Wenck Associates. Ms. Eleria explained that the TBI engineer selection committee comprised of Mike Thienes, Joe Collins, Mark Doneux and Anna Eleria. The committee reviewed and discussed the qualifications of the seven firms and selected three firms to interview: Barr Engineering, HDR Engineering and TKDA. Ms. Eleria explained that interviews were scheduled for August 18th and 19th. Ms. Eleria said after much deliberation the committee recommends Barr Engineering. Ms. Eleria said all three firms were very qualified but the committee had to choose one firm.

Motion 09-08-12: *Approve Barr Engineering as the Trout Brook Storm Sewer Interceptor Engineer.*

Thienes/Collins

Unanimously approved

F) Comments on Draft STP Zoning Ordinance (Fossum)

Mr. Fossum explained that CRWD was made aware of the Metropolitan Airports Commission Draft STP Zoning Ordinance in late July. CRWD was unable to review and provide comments to the MAC by the comment deadline of July 30, 2009. Mr. Fossum said the District received a copy of the Metropolitan Council's letter which specifically identifies CRWD and suggests the MAC meet with us to discuss the proposed ordinance and possible conflicts with our Watershed Management Plan and Rules.

Motion 09-08-13: *Approve comment letter to MAC on Draft STP Zoning Ordinance with requested changes.*

Collins/Deneen

Unanimously approved

G) Watershed Management Plan – (Fossum)

Mr. Fossum said earlier this year, the Managers reviewed and commented on the draft Implementation section of the 2010 WMP. At the June 17, 2009 Board meeting, the managers authorized distribution to the advisory groups. Mr. Fossum said staff conducted 2 Community Group meetings with the CAC and TAC in July to review and receive comments on the draft Implementation Section. Additionally, comments were received via email and phone. Mr. Fossum said Staff compiled the comments and suggested responses/changes. Mr. Fossum discussed the most significant comments with the Board and asks for direction on making changes to the draft document. Mr. Fossum explained that according to the schedule reviewed at the last Board meeting there will need to be two special meetings to review and prepare the 2010 WMP for the formal review process, which is scheduled to begin in October. Mr. Fossum suggested possible times and dates for the two special meetings.

Motion 09-08-14: Set special meeting #1 from 5:00—7:00 pm on Sept. 3 and special meeting #2 from 5:00—7:00 pm on September 22 for review and preparation of the 2010 WMP.

Deneen/Thienes

Unanimously approved

VI. Unfinished Business

A) Watershed Survey Update (Beckman)

Ms. Beckman said in April, CRWD contracted with Amherst H. Wilder Foundation's Wilder Research to conduct an evaluation of watershed residents that includes 400 completed telephone surveys and two focus groups. Ms. Beckman said there are 230 surveys completed; the sample represents within the margin of error the CRWD population in all aspects with the exception of homeowners under the age of 40. At the August 5 meeting Board managers expressed interest in focus group audiences who were; homeowners under the age of 40 who are cell phone-only users; and phone survey respondents who indicated they were "very concerned" about water quality but did not engage in more than one water quality protection behavior. Ms. Beckman said Ela Rausch of Wilder Research and CRWD staff are planning a focus group this September with "very concerned, low action" individuals. The group will be asked questions about barriers, motivators for change, preferred methods for receiving information, and test media messaging. Ms. Beckman said Wilder will work with CRWD staff to develop the final focus group protocol. Ms. Beckman said Ela Rausch is now recommending a method other than a focus group to gather information for the under 40, cell phone only group. The strategy is to mail a letter to a sample of 1,000 households in the District who do not have a listed phone number. Ms. Beckman said Wilder will pull the sample and compose the letter, which will be printed on CRWD letterhead. The letter will ask the receiver to contact Wilder via phone to participate in the survey. Ms. Beckman said a 10% response rate is likely, which will yield an additional 100 completed surveys for analysis. Respondents from this group may also be recruited to participate in our focus group. Ms. Beckman said Wilder does not recommend staff attend the focus group but the meetings will be recorded. The Board agreed with this approach for the second Focus Group.

B) DRAFT CRWD 2008 Annual Report (Beckman)

Ms. Beckman said according to the Minnesota Board of Soil and Water Resources, all metropolitan watershed management organizations are required to annually submit an Activity Report, Financial Report, and Financial Audit. Ms. Beckman reviewed draft language for the CRWD 2008 Annual Report with the Board. Ms. Beckman explained that Connie Lanphear of Green-i Communications will design and layout the report for printing and in its final form the report will include photographs of District work. Ms. Beckman asked to receive the Board Managers comments/changes/revisions by August 24th.

C) CCLRT Stormwater Workshop Update (Doneux)

Administrator Doneux said on June 25th the CRWD along with the Metropolitan Council, City of Saint Paul, Ramsey County and other partners held a CCLRT Stormwater Workshop. Many issues are being worked on with staff regarding this project. Administrator Doneux discussed the 1st draft summary report from the June 25th workshop and noted that the summary has been distributed to all of the partners that attended the workshop. Administrator Doneux said there will be a final draft for adoption by the District and partners. Administrator Doneux reminded the Board that the MPCA 319 was not approved for this project. Staff will continue to consider other grant programs for this project. Administrator Doneux said the District is now reviewing the Met Council permit application for the advance utility relocation in 4th Street as part of the CCLRT project. Administrator Doneux said staff will update the Board on this permit during the Permit Applications section on the agenda.

D) Update on Clean Water Partnership Program – Grants and Loans (Eleria)

Ms. Eleria explained that the Minnesota Pollution Control Agency (MPCA) is accepting proposals for water resource project grants and loans that will be funded through the State Clean Water Partnership Program. Over \$2,000,000 of grant funds and just under \$2,000,000 of loan funds will be available for two types of proposals: resource investigation/diagnostic study projects and implementation projects. Ms. Eleria said the maximum individual award is \$250,000 for grants and there is no limit for loans. Ms. Eleria said a minimum 50% match of total project cost is required. The match can be cash or in-kind services in any combination and priority will be given to projects that prevent impairments and degradation of Minnesota waters. Ms. Eleria said proposals are due on Friday, September 18, 2009. Ms. Eleria said staff have compiled a list of potential District projects to consider for the CWP grant/loan program. CRWD staff determined that the top three projects are: 1) implementation of Villa Park BMP; 2) development of Villa Park subwatershed analysis study; and 3) development of a Crosby Lake Management Plan. The consensus of the Board was to submit Villa Park and Crosby Lake for Clean Water Partnership funding.

VII. General Information

A) CAC Update

Manager Thienes said Administrator Doneux reviewed the Draft Implementation Section - 2010 Watershed Management Plan and the 2010 Work Plan, Budget and Levy.

B) Administrator's Report (Doneux)

Administrator Doneux gave the Administrators Report and noted the following events and announcements

A) City House Celebration is Thursday, August 20th 5:00 – 7:30 PM.

B) District 6 Rain Garden Workshop, Wednesday, August 26 2009, Rice Street Recreation Center. Rain garden workshop for residents of District 6 coordinated by Friends of the Mississippi River and led by CRWD funded staff Shawn Tracy. CRWD staff will attend workshop to talk about CRWD Stewardship Grant program, and CRWD will provide a complementary copy of *Blue Thumb Guide to Raingardens* to each attendee.

C) Land Conservation and Clean Water Summit is Thursday, September 24th and Friday, September 25th.

D) Recreation for Adults 50+ Rain Garden Tour is Wednesday, September 30, 10:00 - 11:00am. Walking tour of Frankson-McKinley and Hamline-Midway gardens for St. Paul Division of Parks and Recreation Adults 50+ Program.

E) BWSR Mid-summer update 2009. BSWR has issued an update on funding, rules and other items of general interest to Watershed Districts.

- F) The University of Minnesota Stormwater Management Practice Assessment Project has issued their August 2009 edition of the “Updates” newsletter.
- G) The 2009 Budget included funding for a part-time receptionist position. This position was funded for ¼ time over the entire year (\$6,000). A part time receptionist will provide time for Dawn to be away from the phone and front desk to so she can prepare Board and CAC minutes, and manage accounts payable/receivable. To accommodate this change and create a work station for Katie, minor remodeling will occur later this summer in the office.
- H) The office will be closed on Monday, September 7th for the Labor Day Holiday.

VIII. Wednesday, September 2, 2009 Regular Meeting Agenda Review

There was no discussion.

IX. Adjournment – The meeting was adjourned at 8:02 p.m. by consensus.

Respectfully submitted

Dawn Nelson