



Capitol Region Watershed District

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Meeting Minutes of the Capitol Region Watershed District (CRWD) Board of Managers, for **Wednesday, December 3, 2008, 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 6:01 p.m. (President, Robert Piram)

A) Attendance

Robert Piram
Joe Collins
Seitu Jones
Mike Thienes
Marylyn Deneen

Others Present

Mark Doneux, CRWD
Bob Fossum, CRWD
Dawn Nelson, CRWD
Forrest Kelley, CRWD
William Downing, CAC
Todd Shoemaker,
Wenck Associates
Phil Belfiori, City of St. Paul
Dave Nelson, City of St. Paul

Justin Miller, City of Falcon Heights
Jim Eulberg, Central Corridor Light Rail Transit
Gary Erickson, Central Corridor Light Rail Transit
Mike Hermann, Central Corridor Light Rail Transit
Shoua Lee, Met Council

B) 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.

No Public Comments.

III. Permit Applications

A) Permit Program/Rules Update (Kelley)

Rules Update

Mr. Kelley said there is one new permit application for the next Board meeting. The applicant is St. Joseph’s Hospital and they are constructing a new building for expansion of the Emergency Department. Mr. Kelley said potential locations have been marked for monitoring wells for the Cleveland Randolph Groundwater Study. Gopher State One Calls has been contacted for utility locations. Mr. Kelley said he submitted an application to the City of Saint Paul Right-of-Way for a permit.

IV. Special Reports – Stormwater Management Update for the Central Corridor Light Rail Transit, Jim Eulberg & Gary Erickson, Central Corridor Light Rail Transit – Metropolitan Council

Administrator Doneux introduced Gary Erickson from the Metropolitan Council Central Corridor Light Rail Transit. Mr. Erickson provided a Project overview of the project. Mr. Erickson explained that there will be 15 stations approximately 1 mile apart. Mr. Erickson also reviewed the project timeline and some typical cross sections of the rail line along University Avenue. Regarding stormwater, the Central Corridor Light Rail Transit will be 111.4 Acres with 98.6% impervious surface and 9.15 acre-feet of required runoff. Mr. Erickson reviewed infiltration trench concept that would achieve approximately 20% of the required volume

reduction standard. He also reviewed another potential concept of boulevard pavers that could achieve an additional 10% of the standard if this practice was feasible. Mr. Erickson then reviewed data showing a proposed payment to the Stormwater Impact Fund to achieve the remaining 70-80% of the volume reduction standard.

Manager Collins inquired about the parking situation for businesses when the Light Rail is installed. Mr. Erickson said they have been meeting with businesses all the way through the corridor and researching how much parking is needed for each business and finding solutions. Manager Thienes asked if there are any major utilities in University Street. Mr. Erickson said there are utilities in the road but not under the curb. The Board did not endorse the concept of paying into the Stormwater Management Fund as the primary solution to meeting the volume reduction standard. Manager Piram asked how this project can be turned into something positive by meeting the standard on-site in an innovative way and make it a showcase of how to manage stormwater runoff. Mr. Erickson said that the budget and timeline for this project is very tight. Mr. Erickson said May 6th is the deadline to record a decision on the draft final environmental impact statement. Once the decision is record the project can begin. Manager Piram asked if the water resource section at Met Council has been involved in the design process so far. Manager Jones said he thought Met Council was conducting a water supply study for the Metropolitans area. Mr. Erickson said Met Council has planners but not engineers to do the design for this kind of project. Managers Jones and Thienes restated their disappointment in not seeing more treatment on-site at this stage of the planning. Manager Piram recommended working with staff to continue to find ways to improve stormwater management on site. Administrator Doneux asked the status on the maintenance facility. Mr. Erickson said the maintenance facility is planned for the Gillette Building in Lowertown.

The Board thanked Mr. Erickson and the other staff for their presentation.

V. Action Items

Consent Agenda

Manager Piram asked for a motion to approve the December 3, 2008, Consent Agenda.

Motion 08-12-01:

- A) Approve Minutes of the November 19, 2008 Regular Meeting as presented.*
- B) Approve the requested One-year Permit Extension of Permit 08-001 Selby Avenue.*
- C) Approve Public Hearing for Draft Proposed Rule Amendment on December 17, 2008 at 6:15 pm.*

Deneen/Jones

Unanimously approved

D) Approve Special Grant Request – City of Falcon Heights (Fossum)

Mr. Fossum explained that he included a memo in the Board packet describing the two Special Grant requests for the City of Falcon Heights and the City of St. Paul together stating that the requests were exactly what the District had in mind when the grant program was developed. Mr. Fossum said the City of Falcon Heights has requested \$110,000 to retrofit their existing City Hall Parking lot with pervious asphalt pavement and a rain garden. The City of St. Paul is proposing a green roof at its new fire station on West 7th Street that would be in addition to the BMPs that were approved as part of the CRWD permit for this site and will be more expensive. Mr. Fossum explained that the evaluation criteria are very good as a screening mechanism for projects, and with a larger applicant pool, the criteria may be good for determining what level (dollar amount) of funding is appropriate. However, staff found with only 2 very good projects to consider it is not possible to quantitatively use the evaluation criteria to determine the precise recommended funding level. Staff recommends funding both projects for an amount of \$88,000 each which represents \$176,000 or 80% of the allocation for 2009. Mr. Fossum said both projects address all three of the major criteria very well. They would treat stormwater effectively, while demonstrating a relatively new technology in locations that are readily available to the public. Manager Collins said he thought they were both great projects.

Manager Deneen agreed. Manager Collins moved and Manager Piram seconded the motion to fund both projects at the requested amount. Manager Piram said he is excited about both projects and recommended the District fund the full amount requested for both projects. Manager Deneen said that would not leave funds for other applicants. Manager Collins said if and when another applicant applies the funds could be allocated from somewhere else. Manager Thienes said he is not comfortable depleting the fund to only having less than 20% remaining. Manager Thienes also expressed concern over the high treatment cost per pound of phosphorus. Manager Piram said projects of this caliber that are happening in 2009 have probably already obtained funding and believes it would be okay to fund the whole dollar amount for the two projects. Manager Thienes noted that staff time is included in the budget and would leave even less funds for additional projects and continued to oppose funding the full requested cost of either project. Manager Collins withdrew his motion and made a new motion to approve the grants for \$88,000.00 each and they could apply later in the year for additional money and the motion was second by Manager Thienes. Discussion occurred.

Motion 08-12-02: *Approve City of Falcon Heights 2009 Special Grant request for reimbursement funding for an amount not to exceed \$88,000 and authorized the Board President to enter into a Cost Share Agreement subject to the following conditions:*

1. *Review and approval of the Cost Share Agreement by the Ramsey County Attorney;*
2. *CRWD shall review and approve of the construction plans and specifications prior to the project being bid or the beginning of construction which every is earlier;*
3. *CRWD shall review and approve the signage, monitoring, and promotion plan for the project;*
4. *The project shall be fully functional for no less than 15 years;*
5. *Falcon Heights will have 2 years from the date of the executed Cost Share Agreement to complete the project and request reimbursement.*
6. *Any changes to project plans after construction begins must be approved by the CRWD.*

Collins/Thienes

Motion carried 3-2, Collins, Deneen, Thienes in favor, Jones and Piram opposed.

E) Approve Special Grant Request – City of Saint Paul (Fossum)

Motion 08-12-03: *Approve City of St. Paul 2009 Special Grant request for reimbursement funding for an amount not to exceed \$88,000 and authorized the Board President to enter into a Cost Share Agreement subject to the following conditions:*

1. *Review and approval of the Cost Share Agreement by the Ramsey County Attorney;*
2. *CRWD shall review and approve of the construction plans and specifications prior to the project being bid or the beginning of construction which every is earlier;*
3. *CRWD shall review and approve the signage, monitoring and promotion plan for the project;*
4. *The project shall be fully functional for no less than 15 years;*
5. *St. Paul will have 2 years from the date of the executed Cost Share Agreement to complete the project and request reimbursement.*
6. *Any changes to project plans after construction begins must be approved by the CRWD.*

Collins/Thienes

Motion carried 3-2, Collins, Deneen, Thienes in favor, Jones and Piram opposed.

F) Approve Delegates for MAWD Annual Meeting (Doneux)

Administrator Doneux said each year watershed districts are asked to appoint and certify two delegates and one alternate for the Minnesota Association of Watershed District (MAWD) annual meeting. A mailing was sent recently to all Board Members for the Annual Meeting and Trade Show. Administrator Doneux said the managers must appoint two delegates and one alternate for this year's annual meeting.

Motion 08-12-04: *Appoint Marylyn Deneen and Joe Collins as delegates and Seitu Jones as an alternate delegate for the 2008 MAWD Annual Meeting.*

Piram/Jones

Unanimously approved

G) Adopt Position on proposed MAWD Resolutions for Annual Meeting (Doneux)

Administrator Doneux explained that part of the annual meeting of the Minnesota Association of Watershed District (MAWD), delegates are asked to consider and take action to resolutions submitted to the membership. Administrator Doneux said there are ten resolutions for consideration and the Board should provide the appointed MAWD Annual meeting delegate's direction on the following resolutions.

1. Facilitation of Lake Management Drawdown Projects- Nine Mile Creek W D, Brown's Creek WD
2. Permitting of On-Stream Flood Damage Reduction Structures on the Wild Rice River - Wild Rice River WD
3. Project Team Provide Watershed with Mitigation Information Concerning FDR Projects - Wild Rice WD
4. MAWD \work together with BWSR & MASWCD to Increase Base Funding for SWCDs - Wild Rice WD
5. Annual Audits Are Forwarded to State Auditor for Review - Wild Rice WD
6. MAWD work with MASWCD, BWSR, DN& and others to Establish Buffer Incentive Program - Wild Rice WD
7. Ombudsman Be Appointed and Funded for the MPCA and DNR - Wild Rice WD
8. Consolidated Conservation Lands Benefits - Red Lake WD
9. Oppose Watershed District Budget Approval by Counties - MAWD Board of Directors
10. Proposed Amendment to WCA and/or Rules to Implement WCA - Lower MN River WDD.

Administrator Doneux said staff would recommend supporting all resolutions except #4. Currently, Watershed Districts receive no base funding from BWSR and an increase in base funding for SWCDs should include similar funding for Watershed Districts. The Board should also be aware of the MAWD position on resolution #9. Administrator Doneux said there is a proposal to increase MAWD dues in 2010. The current proposal would raise the CRWD dues from \$2,000 to \$5,000. Administrator Doneux said staff supports the increase in MAWD dues provided it comes with increased services.

Motion 08-12-05: *Authorize the delegates to assess the resolutions discussed before them and vote using their best judgment.*

Deneen/Jones

Unanimously approved

H) Authorize Change Order Approval for TBI-Maryland Avenue Repairs (Doneux)

Administrator Doneux said at the September 5, 2007 Board Meeting Managers authorized the Administrator to approve change orders for the Como Golf Course Pond project up to 10% (singularly or in aggregate) of the contract amount not to exceed \$36,000 subject to conditions. Administrator Doneux said the District is again starting a major construction project that has a very tight time schedule. To ensure the timely completion of the Trout Brook Interceptor Maryland Avenue Repairs project and to allow necessary in field changes to meet the schedule Administrator Doneux requested authorization to approve change orders up to 10% of the contract amount which is \$228,000 subject to conditions as discussed. Manager Thienes said he feels giving staff the authority to approve change orders of \$228,000 singularly or in aggregate is too much money without Board consent. Manager Thienes said he would be comfortable with a \$50,000 change order 10% in aggregate.

Motion 08-12-06: *Authorize the Administrator to approve change orders up to \$50,000 singularly or in aggregate of the contract amount for the Trout Brook Interceptor – Maryland Avenue Repair 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.*
- 3) *Includes both engineering and construction work.*

Thienes/Piram

Unanimously approved

D) Approve Water Resource Technician Position Description (Doneux)

Administrator Doneux noted that the 2009 Work Plan and Budget provides for the establishment of a Water Resource Technician position. The new Water Resource Technician position workload will consist of approximately 40%-water monitoring, 30% BMP monitoring, maintenance and inspections, 25% permit site monitoring and 5% GIS/database work. The proposed position is reflected in both the 2009 work plan and budget and was funded for 10 months beginning March 1, 2009. Administrator Doneux said staff seeks to begin the process of establishing the Water Resource Technician position at this time so that the hiring process can begin and the new person can get involved in the 2009 monitoring preparation from the beginning. Staff is requesting to start the hiring process now to have the new person start work in early to mid February. This approach could cost up to \$4,000 more than budgeted for the Monitoring Program. Administrator Doneux noted that the draft position description was developed from tasks included in existing Capitol Region Watershed District staff position descriptions. Manager Jones reminded staff to advertise in the same fashion as in the past to assure all members of our community receive notice.

Motion 08-12-07: *Approve the establishment of the Water Resource Technician position and authorize staff to advertise and fill the position.*

Thienes/Jones

Unanimously approved

VI. Unfinished Business

A) 2010 Watershed Management Plan – Update (Fossum)

Mr. Fossum discussed the Issue Identification Meeting dates. Mr. Fossum said a Watershed Management Plan Technical Advisory Committee meeting was held November 18th. Both Managers Piram and Deneen attended. Mr. Fossum said there was a lot of suggestions and comments. Mr. Fossum said either Mark Doneux or himself will be providing the presentation at the Community Group meetings and there will be a representative from EOR, Inc. The Managers chose and discussed the meetings they plan to attend. Manager Jones told Bob Fossum he would provide him with additional contacts to mail and invitation to.

B) Trout Brook Interceptor (TBI) – Maryland Avenue Repairs Update (Doneux)

Administrator Doneux provided a few slides showing the dewatering pump and pipes, photos of the excavation of the sags and the exposed pile. Administrator Doneux said the construction schedule extends from now until June 14th with substantial completion by Feb. 20th, which is when the repairs for Sag 1 and 2 will be finished. They have begun installation of a silt fence to protect the wetland resource areas and high visibility fence around the perimeter of the project site and the large trees to be saved. They have also begun grading at the site. They are also laying and fusing together the 12” pipe for dewatering. Dewatering comprises pumping of water from upstream end of TBI repair section and piping it downstream along and near the DNR bike trail to the downstream section near Mississippi Street/I-35E.

For Discussion

VII. General Information

A) Administrator's Report (Doneux)

Administrator Doneux provided a list of meetings for the remainder of the year. Administrator Doneux said Michael MacDonald who is both on the Citizen's Advisory Committee and the District 10 – Environment Committee has requested using the large conference room for evening meetings for a series of environmental workshops in 2009.

VIII. Wednesday, December 17, 2008 Regular Meeting Agenda Review

IX. Adjournment – The meeting was adjourned at 8:03 p.m. by consensus.

Respectfully submitted,

Dawn M. Nelson

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