



# Capitol Region Watershed District

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**Meeting Minutes** of the Capitol Region Watershed District (CRWD) Board of Managers, for **Wednesday, September 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 6:00 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  
Anna Eleria, CRWD  
Elizabeth Storey, CRWD  
Forrest Kelley, CRWD

Michael MacDonald, CRWD  
Todd Shoemaker, Wenck

#### B) Review, Amendments and Approval of the Agenda

Manager Piram asked for additions or changes to the agenda. Administrator Doneux requested moving Action Item K to follow Public Comment because Bob Fossum has a meeting with District 13 at 7:00 p.m. Manager Collins requested adding discussion about stewardship grants to Unfinished Business. Forrest Kelley requested adding Permit #08-026 to permit applications.

*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) Permit # 07- 017 Cottage Ave Wetland Extension Request (Kelley)

Mr. Kelley said the Board of Managers approved Permit 07-017 Cottage Avenue Wetland at the September 5, 2007 Board Meeting with two conditions. Mr. Kelley said the permit is valid for one year from Board approval and will expire on September 5, 2008. The project has not begun and the applicant has submitted a letter requesting an extension to the approved permit. The applicant applied for and was granted a variance from the City of St. Paul’s building setback requirement in order to minimize wetland impacts. The applicant has cited the current real estate market conditions and inability to secure financing due to the current state of the economy as reasons for project delay. Mr. Kelley explained that the current permit was approved under the old wetland rule that was revised on March 5, 2008. The previous rule required an average buffer of 25 feet with a minimum of 12.5 feet and the current rule requires a minimum 25 feet of buffer surrounding wetlands. The approved plan does not meet the current wetland buffer requirements due to this revision. Administrator Doneux said he spoke to Attorney David MacMillan, whose recommendation was to deny the request for an extension due to the change in wetland rules since the Permit was approved. Discussion occurred.

**Motion 08-09-01:** *Deny Permit # 07- 017 Cottage Ave Wetland Extension Request.*

Deneen/Jones

Unanimously approved

**B) Permit # 08-024 Regions Behavioral Health Building (Kelley)**

Forrest Kelley reviewed CRWD Permit #08-024, Regions Behavioral Health Building. Mr. Kelley stated that the Applicant is Regions Hospital and the Engineer is Olson Associates. The project is construction of a new Behavioral Health Building and drive entrance. The project is located on Jackson Street near University Avenue. The applicable rules are Stormwater Management (Rule C), Erosion Control (Rule F) and Floodplain Management (Rule D). Mr. Kelley said this project has 1.36 acres of disturbed area, 0.97 acres of total impervious surface and the proposed stormwater management is three infiltration raingardens. Mr. Kelley said the freeboard requirements are not met. Mr. Kelley said they need to change the elevation. Manager Collins asked if there are options to satisfy the freeboard requirements. Mr. Kelley said yes, they could make the raingardens deeper, add more storage space or possibly raise the building. Manager Deneen asked if this is the first time Regions Hospital has requested direction from the District. Mr. Kelley said this is their first permit application but they did approach District staff for development review before the District had Rules. Mr. Kelley said the staff recommendation is to table with four conditions.

**Motion 08-09-02:** *Table Permit # 08-024 Regions Bahavioral Health Building subject to the following four conditions:*

1. Receipt of \$4,850 surety and maintenance agreement.
2. Provide pretreatment of runoff for Rain Gardens B and C. Pretreatment is necessary to prevent coarse sediment from clogging the rain gardens and reducing the infiltration capacity.
3. Satisfy CRWD freeboard requirements for the “power plant” and “east entrance” buildings. One of the following two criteria must be satisfied:
  - a. Low opening must be a minimum of two feet above the proposed 100-year elevation. Currently, the 100-year elevations for Rain Gardens A and C are 789.6 and 787.7, respectively, or
  - b. Low opening must be one foot above the emergency overflow elevation. Currently, the emergency overflow elevations for Rain Gardens A and C are 789.8 and 788.2, respectively.
4. Include the detail of the rain garden and outlet structure in the project plans.

Thienes/Deneen

Unanimously approved

**C) Permit # 08-026 NRG Pipeline Removal (Kelley)**

Forrest Kelley reviewed CRWD Permit #08-026, NRG Pipeline Removal. Mr. Kelley stated that the Applicant is NRG Energy Center Rock-Tenn LLC and the Engineer is Rachel Contracting. The project is removal and abandonment of a steam pipe from the Old Xcel Plant to Rock-Tenn Recycling. The project is located from Shepard Road to Wabash Avenue, along the Canadian Railroad. The applicable rule is Erosion Control (Rule F). Mr. Kelley said this project has 1.6 acres of disturbed area with no impervious surface proposed. Mr. Kelley said the flooding and erosion control standards are met. Mr. Kelley explained that District monitoring staff were at Kittsondale when they discovered this project was underway. The monitoring staff alerted Mr. Fossum and Mr. Kelley who immediately contacted the contractor and informed them that they needed a District permit. Mr. Kelley said the project is half complete. He will visit the site and make sure there is no erosion issues. Mr. Kelley said the staff recommendation is to approve with two conditions.

**Motion 08-09-03:** *Approve permit # 08-026 NRG Pipeline subject to the following two conditions:*

1. Receipt of \$3,200 surety and maintenance agreement.
2. Receipt of NPDES Permit.

Thienes/Jones

Unanimously approved

**D) Permit Program/Rules Update (Kelley)**

Mr. Kelley said the next meeting will have one permit on the agenda. The Roseville Armory is building an expansion to the existing building. Mr. Kelley said staff have received a preliminary submittal from Carlton Lofts that will be on the agenda in October.

**IV. Special Reports – No Special Report**

**V. Action Items**

**Consent Agenda**

Manager Piram asked for a motion to approve the August 6, 2008, Consent Agenda.

**Motion 08-09-04:**

- A) *Approve Minutes of the August 20<sup>th</sup> Regular Meeting*
- B) *Appoint Ted McCaslin to the Citizen's Advisory Committee*
- C) *Approve Agreement with Minnesota Conservation Corps for Raingarden Maintenance*
- D) *Approve the Tomb Stewardship Grant with reimbursement funding not to exceed \$150.00 subject to the following conditions:*
  - 1. *CRWD and Tracy Tomb must approve and enter into a Cooperative Agreement; and*
  - 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.*
- E) *Approve Hanson Stewardship Grant with reimbursement funding not to exceed \$270.00 subject to the following conditions:*
  - 1. *CRWD and Ranae Hanson must approve and enter into a Cooperative Agreement; and*
  - 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.*
- F) *Approve Smith Stewardship Grant with reimbursement funding not to exceed \$764.00 subject to the following conditions:*
  - 1. *CRWD and Bill and Debby Smith must approve and enter into a Cooperative Agreement; and*
  - 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.*
- G) *Approve Burgett and Hamilton Stewardship Grant with reimbursement funding not to exceed \$598.00 subject to the following conditions:*
  - 1. *CRWD and Anna Burgett and James Hamilton must approve and enter into a Cooperative Agreement; and*
  - 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.*
- H) *Approve Siluk Stewardship Grant with reimbursement funding not to exceed \$213.00 subject to the following conditions:*
  - 1. *CRWD and Sharla Siluk must approve and enter into a Cooperative Agreement; and*
  - 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.*

Jones/Thienes

Unanimously approved

**I) Adopt Preliminary 2009 Budget & Levy (Doneux)**

Administrator Doneux said the Board of Managers must adopt a Preliminary 2009 Budget and Levy Certification before the initial September 15, 2005 deadline.

**Motion 08-09-05:** *To adopt Resolution # 08-09-05 establishing Preliminary 2009 Budget and Levy.*

**WHEREAS,** *At the May 21, 2008 Board meeting, the draft 2009 Work Plan was reviewed, and*

*WHEREAS, At the June 18, 2008 Board of Managers meeting a preliminary budget and levy along with a draft capital improvement program was reviewed and discussed, and*

*WHEREAS, A Board workshop was held July 24, 2008 to review the 2009 Budget and Levy, and*

*WHEREAS, at the CRWD Board of Managers meeting on August 6, 2008 the Preliminary 2009 Budget and Levy was reviewed, amended and approved for distribution for Public Review and Comment, and*

*WHEREAS, on August 13, 2008 the Citizens' Advisory Committee reviewed and recommended adoption of the budget and levy as presented; and*

*WHEREAS, a duly noticed Public Hearing was held on August 20, 2008 at 6:00 PM at the office of the Capitol Region Watershed District with no members of the public present commenting on the budget, and*

***THEREFORE BE IT RESOLVED, that the CRWD Board of Managers approve and adopt the preliminary Operations Budget of \$1,631,735 and a Capital Improvement Budget of \$3,557,812 for a total budget of \$5,189,547 and Certified Levy of \$1,691,735 for 2009.***

Thienes/Collins

Unanimously approved

**J) Approve 2007 Annual Report and Audit (Doneux)**

Administrator Doneux noted that the Board of Managers and staff received and reviewed a preliminary draft Annual Report at the June 18<sup>th</sup> Board meeting and the comments received from that draft have been incorporated into the final draft. In addition, the 2007 Audit and Financial Report was recently completed and included as Appendix A of the Annual Report. Manager Jones asked who designed the Annual Report. Administrator Doneux said Connie Lanphear of Greeni Communications is the graphic artist who worked on both the Annual Report and the 2010 WMP kickoff invitation. The managers agreed adding a credit to Ms. Lanphear on the Annual Report was important. Manager Jones clarified that the final Annual Report will be available by the WMP kickoff event. Administrator Doneux said yes.

**Motion 08-09-06:** *Approve 2007 CRWD Annual Report and 2007 Annual Financial Report for distribution.*

Jones/Deneen

Unanimously approved

**K) Approve Operation and Maintenance Plan for Como Park Stormwater Pond (Fossum)**

Mr. Fossum reviewed the draft operations and maintenance plan for the Como Park Stormwater Pond. Mr. Fossum noted that the plan was reviewed by St. Paul Parks and Recreation and Public Works. Their comments were minor and have been incorporated into the draft operation and maintenance plan. Manager Collins asked if the District owns the pond. Mr. Fossum said no the District does not own the pond. Manager Piram asked the definition of bathymetric. Mr. Fossum said bathymetric is the depth of the water. Manager Piram asked who is responsible for the maintenance. Mr. Fossum said District staff will do the maintenance. Administrator Doneux added if staff were unable to perform a maintenance task, a contractor would be hired to do the maintenance.

**Motion 08-09-07:** *Approve Como Park Stormwater Pond Operation and Maintenance Plan.*

Collins/Jones

Unanimously approved

## **VI. Unfinished Business**

### **A) 2010 Watershed Management Plan Update (Fossum)**

Administrator Doneux discussed the draft schedule for the WMP Kickoff event with the Managers. Administrator Doneux noted that the schedule proposes Manager involvement in several areas of the event. Staff will prepare comments and talking points for each item on the schedule. Manager Piram suggested the citizens who petitioned for the District be added to the schedule to discuss the necessary steps that were taken to create the District. Manager Thienes said that he and Manager Deneen can recognize those citizens during discussion on taking a look back. Michael MacDonald said Susan Jane Chaney has a summary of the history and formation of the District. Administrator Doneux said staff are continuing to refine and determine details of the event and will continued to update the Board on additions and changes.

### **B) Cleveland Randolph Groundwater Study Update (Doneux)**

Administrator Doneux reminded the Board that the College of St. Catherine's decided not to participate in the Study. Administrator Doneux said he and Manager Collins met with Councilmember Pat Harris' Legislative Aide Dennis Rosemark to update Mr. Rosemark on the status of the Study. Administrator Doneux said he spoke to Tammy McGee Director of Finance and Administration of the College of St. Catherine's who reiterated the College is not interested in participating in the study. Administrator Doneux said Ms. McGee had called him again and requested more information and an example of a similar study the District has done. Administrator Doneux said he sent Ms. McGee the Como 7 Report. Manager Piram directed staff to request a letter from the College of St. Catherine's as to why they do not want to participate in the study and why they will not give the District access to their property. Administrator Doneux said he and Forrest Kelley met with Scott Seldan from St. Paul Academy. Mr. Seldan wanted to meet to reaffirm the goals of the study and the involvement expected from the Academy. In order to keep the project moving forward, staff requested that Wenck Associates create a map with potential locations for soil borings and piezometer wells. These locations are preliminary and may change once additional existing boring locations and information are accounted for and if the College of St. Catherine's does not allow access onto their property. Manager Piram suggested Wenck expand the soil borings.

### **C) Trout Brook Stormwater Interceptor – Maryland Ave. Repair Update (Eleria)**

Ms. Eleria provided the Board with an update of the Easement Agreements/Access Permits and Wetland Permits for the TBI – Maryland Ave. repair that will be required at the next Board meeting. Ms. Eleria said the three agencies that need to sign off on the project are Army Corps of Engineers, Mn/DOT and the City of Saint Paul. Ms. Eleria said she finally spoke to Henry Cohen from Shidler/West Finance Partners V about our need for a temporary construction easement to enter and use his property for implementing the TBI repairs. Mr. Cohen said he did receive all the information sent to him. Ms. Eleria explained that for Mr. Cohen to cooperate he wants to be able to develop on our easement if he chooses to do so. Administrator Doneux said he spoke to David MacMillan about agreement language.

### **D) Lafayette Campus LCCMR Grant (Doneux)**

Administrator Doneux said Staff recently met with representatives of the Minnesota Pollution Control Agency (MPCA) regarding their state office building campus to discuss opportunities to construction stormwater management facilities on the property. Staff met with the MPCA and Meritex, the property management group that owns the property that has the MPCA, BWSR, DNR, and other State of Minnesota office buildings and associated parking. Discussions related to a retrofit of the campus to include a variety of stormwater management projects to reduce stormwater runoff and provide an educational/demonstration site in a very public place. It is the desire of Meritex to incorporate green building and infrastructure to meet the goals of the City and the state agencies housed in these facilities. It is the goal of the MPCA to utilize office facilities that reduce the pollutant loading to the Mississippi River and provide an outdoor educational exhibit for stormwater BMPs. Retrofitting this site would be of benefit to the CRWD because of the pollutant loading to Trout Brook and the Mississippi River. Preliminary discussions first focused on CRWD

grant funding. This was discouraged by CRWD staff due to the 2008 commitment of those funds and the preference to fund local municipal projects with those dollars. The second approach was to incorporate the project into MPCA annual funding. This approach did not make the final MPCA budget for next year. The third approach was to consider Legislative and Citizens Commission on Minnesota Resources (LCCMR) funding for this project. In order to complete and be successful an LCCMR submittal needs a local unit of government to be the lead agency. CRWD would be the logical choice given our expertise in stormwater management and experience in urban stormwater retrofits. A LCCMR grant submittal is due October 1<sup>st</sup>. MPCA staff have committed to preparing the majority of the application. Manager Piram said a LCCMR grant is a good idea. Manager Jones said he supports the idea but is concerned that the District would not be able to apply for a grant in the future. Administrator Doneux said there will be a Board Resolution at the next Board meeting that will need to be submitted with the application.

#### **E) Education and Outreach Update (Storey)**

Ms. Storey said per the Board of Managers recommendation on August 20, 2008, staff redistributed the Education Plan RFP and sent it to several firms. The proposals are due on September 10<sup>th</sup>. The Education & Outreach RFP Committee will need to reconvene to review the new proposals and make a recommendation at the September 17<sup>th</sup> Board of Managers meeting. Discussion occurred and Ms. Storey is going to schedule interviews September 15<sup>th</sup> from 3:00 – 5:00. Ms. Storey said she spoke to Elizabeth Ryan from Kestrel who said CRWD is asking for something really specialized and not easily transferrable into writing and that may be why the District received only one proposal.

Ms. Storey said CRWD received a joint request from the Board of Soil and Water Resources; and University of Minnesota-Non-Point Source Education for Municipal Officials (NEMO) for a contribution in 2009. Ms. Storey requested modifying the 2009 Education and Outreach budget to allow for a \$2,000 contribution to NEMO. Ms. Storey explained that this would be accomplished by reallocating other organizations contributions. The Managers agreed that they have learned a lot about NEMO and their goals. The consensus of the Board was to contribute \$2,000 to NEMO in 2009.

Ms. Storey discussed the work goals for the Education and Outreach program for the remainder of 2008 as follows: Collaborating with consultant firm to develop the Education Plan 50%; assist with coordinating the Watershed Plan Kick-off Event with CRWD staff 10%; assist with website content development 10%. Ms. Storey said she is registered for an online course for professional development 5%. Now that school is back in session coordinating the school programming and other events 25%.

#### **F) Local Planning Update (Staff)**

Administrator Doneux said the City is going through other chapters of the comp plan. Administrator Doneux said staff do not plan on commenting on chapters other than the water chapter.

#### **G) Stewardship Grants (Manager Collins)**

Manager Collins said he would like to see staff reevaluate Stewardship Grant applications. Manager Collins asked if staff time is worth a \$200 grant. Ms. Eleria said it is something staff needs to consider because the program has grown a lot. Ms. Eleria said the Board has approved 33 grants so far this year, 18 residential properties are waiting on designs. Ms. Eleria has 10 site visits scheduled for September. Ms. Eleria noted that the grant requests are for less money due to the plants being plugs rather than small potted plants.

### **VII. General Information**

#### **A) Administrators Report (Doneux)**

Administrator Doneux said there will be an update on the Watershed Management Plan for the 1<sup>st</sup> quarter and what will be completed during the 2<sup>nd</sup> quarter. Staff distributed a District Council meeting schedule.

Administrator Doneux noted that staff reviewed an internal draft Loeb Lake Management Plan and returned comments to Wenck. The Children's Water Festival is at the State Fair grounds the end of September.

**VIII. Wednesday, September 17, 2008 Regular Meeting Agenda Review**

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

Respectfully submitted,

Dawn M. Nelson

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