

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of September 18, 2008

### 1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:40 a.m., Thursday, September 18, 2008, at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

#### Roll Call

<i>Crystal</i>	Alternate Commissioner Stu Stockhaus	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Len Kremer
<i>Medicine Lake</i>	<i>Not represented</i>	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Chair		
<i>Minnetonka</i>	Commissioner Kris Sundberg		
<i>New Hope</i>	Commissioner Daniel Stauner		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	Alternate Commissioner Wayne Sicora		
<i>St. Louis Park</i>	<i>Not represented</i>		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park  
Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth  
Terrie Christian, Association of Medicine Lake Area Citizens  
Jack Frost, Metropolitan Council Environmental Services  
Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka  
Dave Hanson, Alternate Commissioner, City of Golden Valley  
Guy Johnson, BCWMC Technical Advisory Committee, City of New Hope  
Sharon Klump, Springsted, Inc.  
Randy Lehr, Three Rivers Park District  
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal  
Mark Nagel, Springsted, Inc.  
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley  
Jason Quisberg, Alternate Commissioner, City of New Hope  
Brad Schleeter, City of New Hope  
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka  
Elizabeth Thornton, Alternate Commissioner, City of Plymouth

### 2. Approval of Agenda and Consent Agenda

Chair Welch announced that item 6E – TAC Recommendations – would be moved up in the agenda to become the first Old Business item. Ms. Black moved to approve the agenda as amended. Ms. Loomis seconded the motion. The motion carried unanimously. Chair Welch removed the August meeting minutes from the Consent Agenda. Ms. Black moved the Consent Agenda as amended. Ms. Loomis seconded the motion. The motion carried unanimously. [Cities of Medicine Lake and St. Louis Park absent from the vote].

### 3. Citizen Input on Non-Agenda Items

Ms. Terrie Christian, Association of Medicine Lake Area Citizens (AMLAC), announced that AMLAC's annual newsletter would be available in the next month and asked if the BCWMC would like her to send an electronic copy to Ms. Herbert to forward to the BCWMC. Chair Welch directed Ms. Herbert to forward the newsletter to the BCWMC.

### 4. Administration

- A. Presentation of the August 21, 2008, BCWMC meeting minutes. Chair Welch requested the substitution of the word "in" for the word "below" in the first paragraph of page 3. The corrected sentence reads:

"... final phase of the project consists of work in the floodplain."

Chair Welch requested the removal of the word "due" in front of the word "process" in the fifth paragraph on page 3. The corrected sentence reads:

"...the City wants to make sure the project goes through the Army Corps of Engineer's process."

Chair Welch requested the insertion of the phrase "how the projects are conducted" in the eighth paragraph of page 4. The corrected sentence reads:

"...He said the Commission is largely a funding source and doesn't have much say in how the projects are conducted."

Chair Welch requested the substitution of the word "waste" for the word "work" in front of "load" in the second paragraph of page 9. The corrected sentence reads:

"...creating possibilities for things to take place such as individual waste load allocations."

Ms. Loomis requested the context be added to her comments in the third paragraph of page 9. The revised comments read:

"Ms. Asleson commented that the MS4s will be participating in the stakeholder involvement committee as MS4s so the BCWMC will want to select for the committee a representative of the Commission that is not an MS4 member. Ms. Black asked if the Commission's representative needs to be a technical person. Ms. Asleson responded that the technical and stakeholder groups will be combined and will receive two half-day trainings about TMDLs, hydrology, and modeling and so the representative does not need to be a technical expert to participate. She said she would like the committee to have a good mix of technical and non technical participants. Ms. Asleson encouraged as many of the BCWMC members as possible to attend the kickoff stakeholder meeting. Ms. Loomis stated that if the Commission asks a Commission technical representative from one of the non-MS4 cities to attend the stakeholder meetings on the Commission's behalf then the Commission should offer to pay for that person's time. She said if the Commission were to send the Commission Engineer then the Commission would pay the Engineer, if the Commission asks a city to send one of their technical staff to attend the meetings, from a city perspective she would expect some kind of...[Ms. Loomis was interrupted.] Chair Welch interjected that it is appropriate that if the Commission sends someone to the meetings as the Commission representative then the Commission can't expect the city to pay for it because that

person is not there to represent the city. He said that is a good point for the Commission to consider.”

Ms. Black moved to approve the August 21, 2008, BCWMC meeting minutes as amended. Ms. Sundberg seconded the motion. The motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from the vote].

**B. Presentation of the Financial Statement.**

The general and construction account balances reported in the September 2008 Financial Report are as follows:

<u>Checking Account Balance</u>	484,548.67
<u>TOTAL GENERAL FUND BALANCE</u>	484,548.67
<u>Construction Account Balance (cash)</u>	2,483,855.64
<u>Investment Balance</u>	0.00
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	2,483,855.64
<u>-Less: Reserved for CIP projects</u>	3,722,769.86
<u>Construction cash/ investments available for projects</u>	(1,238,914.22)

**C. Presentation of Invoices for Payment Approval.**

**Invoices:**

- i. Kennedy & Graven – Legal Services through July 31, 2008 - invoice for the amount of \$1,354.94.
- ii. Barr Engineering Company – Engineering Services through August 29, 2008 - invoice for the amount of \$30,174.96.
- iii. Barr Engineering Company – Sweeney Lake TMDL Services August 2 – August 29, 2008 - invoice for the amount of \$723.20.
- iv. Amy Herbert – August Recording Administrator Services - invoice for the amount of \$3,082.53.
- v. SEH, Inc. – Sweeney Lake TMDL Study Phase 2 Services through July 31, 2008 – invoice for the amount of \$4,963.50.
- vi. SEH, Inc. – Sweeney Lake TMDL Study Phase 2 Services through August 31, 2008 – invoice for the amount of \$3,870.00.

Ms. Loomis moved to approve payment of all invoices. Ms. Black seconded the motion. By call of roll, the motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from the vote].

- D. Resolution No. 08-05 Approving the Local Plan Prepared by the City of Minnetonka. Chair Welch announced two edits to the resolution. Ms. Loomis moved to approve the edited resolution 08-05. Ms. Black seconded the motion. The motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from the vote].**

- E. **Resolution No. 08-06 Approving the Local Plan Prepared by the City of Golden Valley.** Chair Welch announced two edits to the resolution. Ms. Black moved to approve the edited resolution 08-06. Ms. Loomis seconded the motion. The motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from the vote].
- F. **Reimbursement Request to MPCA for Sweeney Lake TMDL Study Project Costs through August 31, 2008.** Ms. Loomis moved to approve send to the MPCA the project reimbursement cost request in the amount of \$4,134.20. Ms. Black seconded the motion. The motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from the vote].

## 5. New Business

- A. **Shoreline Restoration Presentation: Derek Asche, City of Plymouth.** Mr. Asche gave a PowerPoint presentation about the City of Plymouth's shoreline restoration program. He informed the Commission that more than 40 restorations have been completed on the shores of Medicine, Schmidt, and Parkers Lakes combined for a restoration of more than 7% of developed shoreline. Mr. Asche reported that due to the shoreline restoration program, the City has benefited from decreased erosion and nutrient loading and increased riparian habitat, infiltration, and water treatment. Mr. Asche educated the BCWMC on natural groundcovers, existing shoreline issues, the restoration process including funding, selection of locations, finding and working with a contractor, finding and working with the property owner, building a shoreline restoration, maintenance, and program signage.
- B. **City of Plymouth Local Water Management Plan Review.** Mr. Kremer referred to the September 9, 2008, memo from Barr Engineering regarding the Review of the Plymouth surface water management plan. Mr. Kremer said all but one of the comments made in the memo were asking for more information. He said the one comment that was significant was that the plan's water quality goals for Parkers Lake do not meet the BCWMC's Level I management goals [the plan's total phosphorus goal for Parkers Lake is 38 ug/l and the BCWMC's goal is 30 ug/l]. Mr. Kremer said the Commission Engineer's recommendation is that the BCWMC review the MPCA's goals for Parkers Lake. He commented that in general it doesn't make sense to set the water quality goal higher than the MPCA's standards for that lake.

Chair Welch directed Ms. Herbert to add to the TAC's agenda a review of the difference in the City of Plymouth's and the BCWMC's water quality standards for Parkers Lake. Ms. Loomis moved to send the BCWMC's comments to the City of Plymouth for its response. Chair Welch seconded the motion. The motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from the vote].

## 6. Old Business

### A. TAC Recommendations.

- i. **Reimbursement for Wetland Mitigation on BCWMC CIP Projects.** Chair Welch summarized for the Commission that the West Medicine Lake Park Pond project cost estimate includes \$200,000 for wetland mitigation. He reminded the Commission that it has not paid for this type of cost in past projects. He said that the TAC's previous recommendation to the Commission was that it consider wetland mitigation project costs on a case-by-case basis and that last month the BCWMC asked the TAC to evaluate the West Medicine Lake Park Pond project in terms of the project's wetland mitigation and to recommend to the BCWMC whether the project's wetland mitigation costs should be included in the ad valorem tax request to Hennepin County.

Mr. Gustafson stated that historically the BCWMC has not had a policy of land acquisition and that the BCWMC's flood work in the 1980s did not set the stage for any land acquisition policy. He said that all project costs must be reviewed at the beginning of any project and the TAC feels that land acquisition and wetland mitigation costs should be included in project feasibility reports for analysis and should be weighed through a cost-benefit analysis. He said the TAC believes that projects and all options for the projects need to be evaluated on a case-by-case basis. Mr. Gustafson said that in the case of the West Medicine Lake Park Pond project, it needs to be considered that the project removes a lot of phosphorus out of the Medicine Lake watershed. He said the TAC thinks that the cost of wetland mitigation is a valid project cost for the West Medicine Lake Park Pond and that if the BCWMC proceeds with the project then the BCWMC should pay all project costs out of BCWMC funds.

Mr. Stauner commented that he would have liked the September 11, 2008, TAC memo to have rationalized why the TAC recommends the BCWMC pay for the wetland mitigation project costs for the West Medicine Lake Park Pond project. Mr. Stauner said he doesn't support the Commission making a policy decision today. Chair Welch stated that today the Commission needs to make a decision on how much it will request from the County for the levy.

Ms. Black asked if the TAC could put into words the criteria that the BCWMC should evaluate on the case-to-case basis. Chair Welch said he agrees that criteria need to be set but he doesn't think the TAC should just come back to the Commission with a list. He said he thinks there needs to be a joint Commission and TAC meeting to discuss it and that the cities need to provide feedback.

Mr. LeFevere remarked that it might be helpful for the Commission to look at its CIP and see how many projects are affected.

Ms. Loomis said she didn't think the discussion should just include wetland mitigation. She stated that there are other costs the BCWMC has not traditionally paid for, such as utility relocation, and that the BCWMC needs to see this discussion as larger than property acquisition. Ms. Loomis pointed out that the Twin Lake Pond and the Wirth Lake Pond projects have been ordered by the BCWMC and taxes for them have been collected but the projects are languishing because of issues of property and maintenance costs. She commented that if the BCWMC wants projects to get done, it needs to step up to the plate regarding the costs. Ms. Loomis said she agrees that the BCWMC is not ready to make a policy decision today.

Mr. Gustafson said it was the TAC's intent to communicate to the Commission that it needs to develop a policy but not to adopt a policy at this point. He said the TAC made its recommendation specifically on the West Medicine Lake Park Pond project.

Chair Welch requested that the Commission make a funding decision about West Medicine Lake Park Pond and then craft a rough plan to move forward regarding a method for developing a policy. He said the Commission reviews its CIP annually and the Commission Engineer can come back to the Commission with a structure for reviewing the CIP projects.

Ms. Loomis moved that the Commission go forward with the West Medicine Lake Park Pond project and pay for the wetland mitigation costs with the caveat that this is not an adoption of a wetland mitigation or land acquisition cost policy by the Commission. Ms.

Black seconded the motion. The motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from vote.]

- ii. **BCWMC Policy for Land Acquisition as Part of Commission Projects.** See discussion above for 6. A. i. - Reimbursement for Wetland Mitigation on BCWMC CIP Projects.
- iii. **Flood Elevations for Crane Lake and Oak Knoll Pond.** Ms. Black moved to table the discussion of adopting different flood elevations for Crane Lake and Oak Knoll Pond until the BCWMC's next minor plan amendment. Ms. Loomis seconded the motion. The motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from vote].
- iv. **Comments on Medicine Lake TMDL Work Plan.** Chair Welch announced that an update on the Medicine Lake TMDL study will be on the October BCWMC agenda. Ms. Black announced that the Minnesota Pollution Control Agency (MPCA) is trying to get businesses involved in the Medicine Lake TMDL study steering committee so anyone who has contacts in the business community in the watershed should forward the contact information to the MPCA.

**B. 2009 Ad Valorem Tax Request to Hennepin County.**

- i. **Addendum to Cooperative Agreement for West Medicine Lake Park Pond.** Ms. Loomis moved to approve the addendum to the Cooperative Agreement to the West Medicine Lake Park Pond. Chair Welch seconded the motion and requested typographical edits. The motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from vote].
- ii. **Resolution 08-07 to Certify to Hennepin County for Costs of West Medicine Lake Park Pond Project.** Ms. Loomis moved to approve resolution 08-07 certifying to Hennepin County \$800,000 for CIP project costs and directing the Commission to send the certified levy request to the County. Ms. Black seconded the motion. The motion carried unanimously [Cities of Medicine Lake and St. Louis Park absent from vote].
- iii. **Direction to Send Tax Levy Request and Certification to Hennepin County.** See discussion above in B. ii.

**C. Presentation of BCWMC Organizational Analysis Findings: Springsted, Inc.** Ms. Klump and Mr. Nagel delivered a 10-minute presentation on the methodology, analysis, findings and recommendations from the organizational analysis Springsted, Inc. conducted for the BCWMC. [The final report was included in the BCWMC September meeting packet]. After the presentation Ms. Sundberg questioned if the Commission was looking to discuss the findings and recommendations today or looking to take action today. Chair Welch stated that the Commission can ask questions of Springsted, Inc. today and that the Administrator Services Committee will come back to the Commission in December with its recommendations. Mr. Nagel stated that Springsted, Inc. could attend an Administrator Services Committee meeting to go through the report in more detail. Chair Welch asked if Springsted would charge additional to attend a Committee meeting. Mr. Nagel said Springsted, Inc. will look at the budget of the analysis to-date and will let the BCWMC know. He also said the BCMWC should e-mail him any questions so Springsted, Inc. can address them at the Committee meeting.

*[Kris Sundberg departs the meeting.]*

- D. **City of New Hope Local Water Management Plan Review.** The BCWMC discussed the September 3, 2008, response from the City of New Hope to comments on the New Hope local water management plan. Ms. Loomis moved to direct the BCWMC's legal counsel to draft a resolution of approval of the City of New Hope's local water management plan. Ms. Black seconded the motion. Mr. LeFevere recommended that Ms. Herbert can prepare the resolution. The BCWMC agreed to the recommendation. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and St. Louis Park absent from vote].
- E. **Board of Soil and Water Conservation District Forum.** Chair Welch stated that the Golden Valley League of Women Voters is holding a candidate forum for the office of Soil and Water Supervisor and that instead of the BCWMC holding its own forum, those interested from the BCMWC could attend the one already scheduled. Ms. Loomis added that the forum will be held on Wednesday, October 15, at 8:00 p.m. in the Council Chambers of Golden Valley City Hall. Ms. Loomis stated that the forum will be videotaped and if the BCWMC is interested, the BCWMC could show the tape before or after the October meeting.
- F. **Feasibility Report Requirements.** Deferred to October BCMWC meeting.
- G. **Resource Management Plan.** Deferred to October BCMWC meeting.

## 7. Communications

- A. **Chair:**
  - i. Chair Welch stated that the Commission Engineer can put the updated *Requirements for Improvements and Development Proposals* document on CD-Rom for mailing to the cities and will also have the document posted on the Web site.
  - ii. Chair Welch announced that Barr Engineering has been contracted for the Wirth Lake TMDL Study project.
  - iii. Chair Welch stated that a City of Medicine Lake council member contacted the BCWMC with a green roof project idea for the Medicine Lake City Hall and that the BCWMC provided information about contacts for the BCWMC's education small grant program, the Clean Water Legacy Web site, and potential future funding due to the Medicine Lake TMDL study implementation plan.
  - iv. Chair Welch said that the BCWMC has asked Ron Leaf of SEH to provide the Commission with an update of the Sweeney Lake TMDL study when the monitoring season is finished. Mr. Kremer added that SEH is arranging for Bernie Lentz, the former SEH limnologist working on the Sweeney Lake TMDL study, to consult with SEH on the Sweeney Lake TMDL study.
  - v. Chair Welch moved to authorize the expenditure of up to \$150 for the cost of transferring the VHS training video to DVD format. Ms. Black seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and St. Louis Park absent from vote].
- B. **Commissioners:**
  - i. Mr. Hanson announced that the aerators on Sweeney Lake will be turned on for the winter again this year.
- C. **Committees:**

i. **Education and Public Outreach Committee:** Ms. Black announced that Pioneer Sarah-Creek Watershed Management Organization will be joining the Joint Education and Public Outreach Committee. She stated that the Joint Education and Public Outreach Committee will be meeting in October.

D. **Counsel\***

E. **Engineer:** Mr. Kremer reported that Clean Water Legacy Act funds are available for monitoring costs and he recommends the BCWMC investigate whether it could get a grant for the fecal coliform monitoring costs. He added that funds are also available for protection projects such as unique property and that there is potential that the Twin Lake project would qualify. He requested authorization to find out more information on both opportunities. Ms. Loomis requested the Commission direct the Commission Engineer to follow up on both items and to report findings to the Commission at the October meeting. The BCWMC directed the Commission Engineer to gather the information and report back at the October meeting.

## 8. Adjournment

Mr. Sicora moved to adjourn the meeting. Ms. Black seconded the motion. The meeting adjourned at 2:10 p.m.

\_\_\_\_\_  
Michael Welch, Chair

Date

\_\_\_\_\_  
Amy Herbert, Recorder

Date

\_\_\_\_\_  
Pauline Langsdorf, Secretary

Date