

Bassett Creek Watershed Management Commission

Minutes of the Meeting of July 17, 2008

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:30 a.m., Thursday, July 17, 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>	Commissioner Cheri Templeman	<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>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	Commissioner Manuel Jordan		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth
John Barten, Three Rivers Park District
Dave Fritzke, BCWMC Technical Advisory Committee representative, City of Crystal
Jack Frost, Metropolitan Council Environmental Services
Mark Hansen, SRF Consulting Group
Randy Lehr, Three Rivers Park District
Al Lundstrom, BCWMC Technical Advisory Committee, City of Golden Valley
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
Mark Nagel, Springsted, Inc.
Ron Nims, Citizen, City of Golden Valley
John O'Toole, Alternate Commissioner, City of Medicine Lake
Jason Quisberg, Alternate Commissioner, City of New Hope
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka

2. Approval of Agenda and Consent Agenda

Ms. Loomis noted that the MMKR invoice in the amount of \$2,345.00 for audit services was left off of the agenda and requested it be added and noted that the agenda announces the presentation of the May minutes but it should list the June minutes instead. Chair Welch announced that invoice number CVii would be deferred until the August meeting and announced the addition of agenda item 4E – Reimbursement request to the MPCA (Minnesota Pollution Control Agency) for Sweeney Lake TMDL Study work. Ms. Loomis moved to approve the agenda and the consent agenda as amended. Ms. Black seconded the motion. The motion carried unanimously.

3. Citizen Input on Non-Agenda Items

No citizen input on non-agenda items.

4. Administration

- A. Presentation of the June 19, 2008, BCWMC meeting minutes. The June 19, 2008, meeting minutes were approved as part of the Consent Agenda.
- B. Presentation of the Financial Statement.

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

Checking Account Balance	519,033.80
<i>TOTAL GENERAL FUND BALANCE</i>	519,033.80
Construction Account Balance (cash)	2,578,081.95
Investment Balance	0.00
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	2,158,318.76
<i>-Less: Reserved for CIP projects</i>	3,847,879.97
<i>Construction cash/investments available for projects</i>	(1,269,798.02)

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through May 31, 2008 - invoice for the amount of \$1,423.58.
- ii. Barr Engineering Company – June Engineering Services and TMDL Study work - invoice for the amount of \$24,631.31.
- iii. Amy Herbert – June Recording Administrator Services - invoice for the amount of \$2,853.40.
- iv. Wenck – Review of Golden Valley and Minnetonka Local Water Management Plans – invoice for the amount of \$3,375.00.
- v. City of Plymouth – Reimbursement for 2008 Curlyleaf Pondweed Spot Treatment – invoice for the amount of \$15,000.
- vi. SEH, Inc. – Sweeney Lake TMDL Study Phase 2 Services through May 31, 2008 – invoice for the amount of \$1,495.00.
- vii. SEH, Inc. – Sweeney Lake TMDL Study Phase 2 Services through June 30, 2008 – invoice deferred until August BCWMC meeting.
- viii. SEH, Inc. – Sweeney Lake TMDL Study Phase 1 Services through June 30, 2008 – invoice in the amount of \$2,407.92.
- ix. League of Minnesota Cities Insurance Trust – Insurance – invoice for the amount of \$3,832.00.
- x. League of Minnesota Cities Insurance Trust - Open Meeting Law Coverage– invoice for the amount of \$372.00.

- xi. **MMKR – Final payment for audit for services – invoice for the amount of \$2,345.00.**

Chair Welch requested that the Commission consider invoice Cviii separately from the group of invoices. Ms. Black moved to approve the payment of invoices Ci – Cvi, Cix and Cx. Ms. Loomis seconded the motion. By call of roll, the motion carried unanimously. Ms. Loomis moved to approve using funds from the 2006 Medicine Lake in-lake treatment for the payment of the reimbursement to the City of Plymouth for the 2008 curlyleaf pondweed spot treatment. Ms. Black seconded the motion. The motion carried unanimously.

Mr. Kremer explained that invoice Cviii was for SEH, Inc.'s Sweeney Lake TMDL Study work utilizing the remaining funds from phase 1 and with the agreement of the MPCA for the use of those remaining funds. Ms. Black asked if the \$2,392 of the remaining phase 1 funds would be deducted from phase 2 expenses. Mr. Kremer said the funds likely would not be deducted from the phase 2 costs because the expenses are for early evaluation of data and likely won't lead to future cost savings. Ms. Peterson moved to approve payment of the invoice. Ms. Loomis seconded the motion. By call of roll, the motion carried unanimously.

Ms. Black moved to approve payment of invoice Cxi to MMKR for audit services in the amount of \$2,345.00. Ms. Loomis seconded the motion. The motion carried unanimously.

- D. **Renewal of BCWMC Insurance through the League of Minnesota Cities Insurance Trust and Adoption of the "Do Not Waive" resolution. Ms. Black moved to renew the insurance and to adopt the "Do Not Waive" resolution. Mr. Stauner seconded the motion. The motion carried unanimously.**
- E. **Approving BCWMC's Sweeney Lake TMDL Study Reimbursement Request to MPCA. Ms. Black moved to approve sending the reimbursement request to the MPCA. Mr. Stauner seconded the motion. The motion carried unanimously.**

5. New Business

- A. **North Hennepin Regional Trail: Golden Valley Trail Phase 2. Mr. Kremer explained that linear projects such as this trail projects are difficult in terms of incorporating water quality treatment measures. He explained that linear projects such as this one are not required to meet Level 1 standards due to right-of-way constraints. Mr. Kremer pointed out that some of this portion of the trail will run along a wooded area, which will receive some of the trail runoff, as will a water quality treatment basin in Schrapper Park. Mr. Kremer said the Commission Engineer recommends approval of the project.**

Mr. Stauner asked if the project investigated the possibility of using a porous surface for the trail. Mr. Barten of the Three Rivers Park District said that due to the fact that the trail will be overlying an old railway bed a porous trail surface was not feasible.

Ms. Black moved approval of this project. Ms. Loomis seconded the motion. Chair Welch commented that the information in the June 12, 2008, Engineer's Memo on this project states that "some infiltration and treatment" will be provided by existing buffers and soil permeability. Chair Welch requested that in the future the memo provide more quantification with such statements. The motion carried unanimously.

- B. **City of New Hope Local Water Management Plan Review. Mr. Kremer stated that the comments**

from Barr's review of New Hope's local water management plan were included in the meeting packet [memo from Karen Chandler and Tim Brown on July 10, 2008]. Mr. Kremer explained that issues 1 and 2 as discussed in the memo are the most significant issues and need to be addressed by the City. Ms. Black remarked that the second comment from the Metropolitan Council in its June 3, 2008, letter to the BCWMC on the New Hope plan is that while the BCWMC does not have a numerical standard for runoff volume control, many metro-area watershed management organizations have adopted a one-inch standard for control of volume on site. Ms. Black suggested the Commission consider in the future setting a volume control standard. Chair Welch directed Ms. Herbert to add to the September BCWMC agenda a discussion of issues that the Commission has identified as standards that need to be reviewed and/or addressed. Ms. Peterson commented that the Commission should review its standards annually. Mr. Kremer pointed out that the Commission's guidelines allow for new technologies if they demonstrate results that meet the Commission's requirements. Ms. Black asked if the Commission wants TAC's input for the September BCWMC meeting regarding what it thinks should be revised in the Commission's *Watershed Management Plan*. Mr. Kremer said the TAC has discussed this at various times including when the original plan was developed.

Ms. Black moved to approve forwarding the Commission's comments from the memo from Karen Chandler and Tim Brown to the City of New Hope. Ms. Loomis seconded the motion. The motion carried unanimously.

- C. **Education Committee: Blake School Education Grant Application.** Ms. Black reported that the Blake School submitted a grant request, as included in the meeting packet, for \$1,000 for plantings around a pond. Ms. Sundberg stated she liked the fact that the school is contributing \$5,000 to the project. Mr. Jordan commented that this project has the potential to be an outdoor learning environment. Ms. Black moved to approve funding this grant. Mr. Jordan seconded the motion. The motion carried unanimously.
- D. **City of Medicine Lake Comprehensive Plan Review Request.** Ms. Templeman commented that the plan will have to be tweaked in terms of its shoreline and storm water runoff ordinances. Mr. LeFevere remarked that the Commission has constructed a letter to send in response to requests from cities for reviews and comments on comprehensive plans. Chair Welch said the Commission could convey its standard message along with the additional message that the BCWMC is willing to work with the City on its shoreline and storm water ordinances. Ms. Templeman moved to send the standard letter to the City of Medicine Lake with the additional comments that the BCWMC is willing to work with the City on its shoreline and storm water ordinances in the Comprehensive Plan. Ms. Black seconded the motion. The motion carried unanimously.

6. Old Business

- A. **Presentation on Sweeney Branch Channel Restoration Project: Golden Valley.** Mr. Lundstrom of the City of Golden Valley presented the results of the project that was a partnership between the City of Golden Valley and the BCWMC and utilized the services of WSB & Associates and Quiring Excavating. As WSB summarized in its close-out letter for the project, prior to the project, the Sweeney Lake Branch of Bassett Creek had eroding banks and sediment deltas present throughout much of its length caused by periodic high velocity flows and the Duck Pond basin was filled with sediment and had a pipe outfall into the system that was in disrepair.

The project included the following improvements:

- Clearing and grubbing a buffer area along the banks of the channel;
- Lowering the profile and grade of the creek (two to three feet in some areas);
- Shaping the banks to 2:1 slopes;

- Installing class IV fieldstone riprap over the banks to a three-foot minimum height;
- Installing sheet pile weir structures to permanently maintain the reduced grade and provide a pooling effect along the creek for increased wildlife habitat and aesthetics;
- Dredging the Duck Pond to an approximate six foot depth for improved treatment capacity;
- Establishing native grass, wildflower, and shrub buffer along the sides of the creek;
- Grading an overflow swale approximately 1.5 feet above the creek bed back to the existing 96" storm pipe routing to Glen Pond;
- Removing and replacing a flared end section and installing a headwall support structure.

Ms. Templeman inquired whether the information from Mr. Lundstrom's presentation could be added to the Commission's Web site. Chair Welch directed staff to get bids on costs for posting the project photos and the information from Mr. Lundstrom's presentation onto the Web site. Chair Welch also directed staff to notify the MN Board of Water and Soil Resources once the Sweeney Branch Channel restoration project information is up on the Commission's Web site. Chair Welch also directed the Education and Public Outreach Committee to discuss consistency of BCWMC logo presentation on project signage. Ms. Sundberg commented that the Commission should nominate this project for the Governor's award. Mr. LeFevere said WSB likely would be the entity to nominate this project for the award.

B. Discuss *Requirements for Improvements and Development* Document. Mr. LeFevere said that he and Mr. Kremer are still in discussions with Mr. Brad Wozney of the MN Board of Water and Soil Resources regarding the revisions recommended by the BCWMC to its *Requirements for Improvements and Development* Document. According to Mr. Wozney, the determination on whether or not the revisions to the document would require a plan amendment is dependent on whether the revisions are changes to the Commission's standards. Mr. LeFevere recommended that the Commission approve the revised document contingent on the fact that BWSR is in favor of approving the revisions without a plan amendment. He said if BWSR determines that the revisions would require a plan amendment then the Commission could go forward with the amendment process. Ms. Black moved that the Commission approve the revised *Requirements for Improvements and Development* document pending approval from BWSR. Ms. Peterson seconded the motion. Chair Welch remarked that if a meeting between the Commission and BWSR is necessary he would be willing to meet with BWSR. Mr. Kremer said Barr has provided Mr. Wozney with a list of locations in the Commission's *Watershed Management Plan* where the policies will be included in the revised requirements document and also provided him with a redline strikeout of the revised guidelines. Mr. Kremer reported that he spoke with Mr. Wozney earlier today and he had only two remaining issues. Mr. Kremer stated he felt those two issues could be resolved without a meeting. The motion carried unanimously.

C. Discuss Resource Management Plan. Chair Welch explained that the Commission is investigating the plan as a possibility that it could be an avenue of cutting the costs and the time of the Army Corps of Engineers' permitting process for the Commission's CIP projects. Mr. Kremer reminded the Commission that the resource management plan idea was started when the City of Golden Valley submitted a permit application for the Sweeney Branch Channel restoration project presented earlier in today's meeting. The Army Corps of Engineers (the Corps) responded to the permit application by stating that the earliest the permit would be approved would be 2009. The City and Barr Engineering pursued other possibilities with the Corps and the Corps granted a letter of conditional approval for the project and suggested the Commission develop a resource management plan as a way of expediting the permitting process for a group of future Commission projects. Mr. Kremer said his July 10, 2008, memo in the meeting packet identifies what information to be contained in the plan has been already gathered by the Commission and what

information remains to be gathered and also provides more detailed cost estimates about the creation of the plan.

Ms. Black asked if the Commission would find it helpful to have an Army Corps of Engineers representative come to the August meeting to discuss the plan. Chair Welch directed Mr. Kremer and Ms. Herbert to invite the Corps representative to the August or September meeting.

Mr. Stauner asked if the Commission would save money on the permitting costs down the road if some of the permitting work is done up front as would occur with the resource management plan. Mr. Kremer said yes and that he estimates that the savings to the Commission would be up to 50% of the permitting costs.

- D. **Discuss CIP Reserve Fund and Policy.** Mr. LeFevere reminded the Commission that its CIP Closed Project Account Policy were guidelines adopted by the Commission on how those monies from the closed CIP projects should be spent and if not spent, then what amount should be accumulated. Upon adoption of the policy, the BCWMC decided it would look at the policy annually to see if the \$250,000 accumulation ceiling still made sense. Mr. LeFevere said that this policy addresses the cases in which the Commission receives more money from the county than it requested or the Commission has funds left over from tax-supported projects. Ms. Loomis commented that there are stream bank projects now included in the CIP. Ms. Black recommended that the Commission leave the policy as it is with the \$250,000 ceiling and that the Commission discuss it again next year.

7. Communications

A. **Chair:**

- i. Chair Welch announced that a Boy Scout in a troop in Robbinsdale requested an interview with a member of the Commission and that Commissioner Peterson would be meeting with the Boy Scout.
- ii. Chair Welch stated that Mark Nagel of Springsted, Inc. would have a first draft of his findings and recommendations for Commission review and suggested that the Administrator Services committee conduct an initial review of the draft.
- iii. Chair Welch said the Commission training is set for Tuesday, August 12th and directed Ms. Herbert to post the meeting notice and to coordinate the video taping of the training with the City of Golden Valley.

B. **Commissioners:**

- i. Ms. Loomis announced that the City of Golden Valley is doing a corridor study of Douglas Drive from Highway 55 to the north border of the city. She said Douglas Drive crosses Bassett Creek and the working group would like to meet with a representative of the BCWMC as a stakeholder to talk about issues regarding future land uses along the corridor and improving bike and pedestrian access. Ms. Loomis said she could attend. Ms. Black said she could attend. Mr. Jordan said he could possibly attend.
- ii. Ms. Templeman announced that Brooke Asleson of the MPCA will attend the Commission's August meeting to provide an update on the Medicine Lake TMDL study.

- iii. Chair Welch announced that he and Commissioner Loomis have received a draft work plan for the Wirth Lake TMDL study.
- iv. Ms. Loomis announced that the first meeting of the Upper Mississippi TMDL Study is on Tuesday, July 24th at 8:30 a.m. at the Minneapolis Park Board office.
- v. Ms. Black announced that she has received a draft of Plymouth's surface water management plan and the Commission should be receiving it soon.

C. Committees:

- i. Education Committee: Ms. Black announced that the seed packets are currently in a BCWMC display and are available in the Plymouth Creek Center and that next the display will go to Crystal and that St. Louis Park has indicated an interest in the display as well.

Ms. Black handed out copies of the City of Plymouth's *Environmental Extra* and announced that other cities can use the information contained in the publication and that the contact is Margie Virgoren at the City of Plymouth.

D. Counsel*

E. Engineer: Mr. Kremer

8. Adjournment

Ms. Black moved to adjourn the meeting. Ms. Loomis seconded the motion. The meeting adjourned at 2:01 p.m.

Michael Welch, Chair

Date

Amy Herbert, Recorder

Date

Pauline Langsdorf, Secretary

Date