

Bassett Creek Watershed Management Commission

Minutes of the Meeting of April 17, 2008

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, April 17, 2008, at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf, Secretary	<i>Counsel</i>	Mary Tietjen
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Karen Chandler
<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>	<i>Not represented</i>		
<i>St. Louis Park</i>	Commissioner Manuel Jordan		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Brooke Asleson, Minnesota Pollution Control Agency (MPCA)
Jack Frost, Metropolitan Council
Dave Hanson, Alternate Commissioner, City of Golden Valley
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
Bob Moberg, BCWMC Technical Advisory Committee, City of Plymouth
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley
Stu Stockhaus, Alternate Commissioner, City of Crystal
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka
Bill Wilson, Golden Valley Citizen

2. Approval of Agenda and Consent Agenda

Chair Welch announced that item 6F - Ramada Pond would be deferred to the May BCWMC meeting. He added item 6H - Minnesota Pollution Control Agency (MPCA) memo on Medicine Lake TMDL. Ms. Black moved to approve the amended agenda. Ms. Loomis seconded the motion. The motion carried unanimously [the City of Robbinsdale was absent from the vote]. Chair Welch removed the March minutes from and added Counsel Communications to the Consent Agenda. Ms. Loomis moved to approve the amended Consent Agenda. Ms. Black seconded the motion. The motion carried unanimously [the City of Robbinsdale was absent from the vote].

3. Administration

- A. Presentation of the March 20th BCWMC meeting minutes. Chair Welch asked that language be added to the second paragraph on page 5 to indicate that Chair Welch spoke in favor of the BCWMC taking the lead on the Wirth Lake TMDL study. Chair Welch asked that language be added to the second paragraph of page 7 to indicate that Ms. Black handed out at the meeting a draft letter to member cities regarding the BCWMC's organizational analysis and the contractor that has been

selected by the BCWMC to conduct the analysis. Ms. Black moved to approve the amended minutes. Ms. Loomis seconded the motion. The motion carried unanimously [the City of Robbinsdale was absent from the vote].

B. Presentation of the Financial Statement.

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

<u>Checking Account Balance</u>	587,268.37
<u>TOTAL GENERAL FUND BALANCE</u>	587,268.37
Construction Account Balance (cash)	2,332,740.72
Investment Balance	0.00
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	2,332,740.72
<u>-Less: Reserved for CIP projects</u>	3,405,911.48
<i>Construction cash/ investments available for projects</i>	(1,073,170.76)

C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through January 31, 2008 - invoice for the amount of \$2,302.72.
- ii. Barr Engineering Company – February Engineering Services - invoice for the amount of \$19,748.78.
- iii. Amy Herbert – March Recording Administrator Services - invoice for the amount of \$3,378.40.
- iv. MMKR – Progress payment for audit for services through February 29, 2008 – invoice for the amount of \$2,000.00.

Ms. Black moved to approve the payment of all the invoices. Ms. Langsdorf seconded the motion. By call of roll, the motion carried unanimously [the City of Robbinsdale was absent from the vote].

- D. Discussion of BCWMC Meeting Logistics.** Chair Welch requested that starting next month the agenda be rearranged so citizen input on non-agenda items is immediately after the approval of the Agenda and Consent Agenda. Chair Welch also requested that all comments made during BCWMC meetings be delivered in a professional and respectful manner.

4. Presentation

Sweeney Lake TMDL Study Update by Ron Leaf, SEH, Inc. Mr. Leaf handed out an outline of his presentation and announced that this information is posted on the project Web site (<http://www.sehinc.com/online/sweeney/index.htm>). Mr. Leaf explained he would briefly report on Phase 1 of the project, which has been completed, and then he will discuss Phase 2, which is underway. Mr. Leaf said last year in Phase 1 Barr Engineering conducted P8 modeling, which will get inserted into the lake response model. He reported that in Phase 1 intensive monitoring and sampling were conducted and sediment cores were taken. Mr. Leaf said the lake sediments from the sediment samples were analyzed in a lab and are being used to determine how much phosphorus is in the bottom sediments and that may be

released into the lake under different conditions. He stated that an inflow monitoring station was set up on the north end of Trapper Pond to collect water surface elevation data that can indicate inflow volume and rate. He said storm event sampling is also taking place at that location. He said this data will help determine the pollutant load entering the system.

Mr. Leaf said that a second year of data is important because last year was not a typical rainfall year due to the drought conditions during the early summer and the storm events during late summer. He reported that the contract for Phase 2 was executed in April and the water quality monitoring will be starting in the next few weeks. Ms. Loomis asked what would happen if this year's weather is also atypical. Mr. Leaf responded that SEH will have enough data to run the model and that this year's data would just provide a higher level of confidence in the results.

Mr. Leaf commented on the lake response observations that SEH has made to-date. He said the data from the sediment cores indicate the release rates from the bottom sediments are very high at both the south and the north sample sites. He said this means internal loading is a significant component in Sweeney Lake. Chair Welch asked if the percentage of internal loading has been determined yet. Mr. Leaf said the goal is that at the end of this year the data will show the relative internal and external contributions of phosphorus to Sweeney Lake and will also determine if the inflow volume is causing mixing that re-suspends phosphorus from the bottom – both under aerated and non-aerated conditions.

Ms. Langsdorf asked if the data from the sediment cores will show when the loading occurred. Mr. Leaf said the data is not to that level of detail. Ms. Black asked if the sediment core will show the age of the layers of sediment. Mr. Leaf said to his understanding SEH did not look for that data through the core samples.

Mr. Leaf said historical monitoring data showed that some mixing did occur in the lake and the mixing could have been due to storm events and the aeration. He reported that in 2007 a thermocline developed and developed quickly. He said the data showed there was very low dissolved oxygen at the bottom depths when the aerators were turned off. Mr. Leaf said that by the end of this year's data collection season there will hopefully be enough data to determine whether mixing is occurring during a big flush such as during storm events. He said the data will hopefully help determine if the lake is better off with the aeration or not and whether the lake needs more aeration in the case that the lake is better off with the aeration.

Chair Welch asked Mr. Leaf if he would ensure that the Sweeney Lake TMDL project information currently available online will be permanently available to the BCWMC through its Web site. Mr. Leaf agreed.

Chair Welch asked Mr. Leaf his opinion on the level of intensity of this TMDL study in terms of the amount of data gathering and analysis. Mr. Leaf said two years of data is the minimum amount for a TMDL in his opinion. He asked Ms. Asleson what she has seen as the typical amount of data collection for a TMDL. Ms. Asleson said typically two years of data is the minimum if there is historical data available. She said if historical data is not available then the study may be a four- to five-year project.

Ms. Black asked how many years of data would be entered into the model. Mr. Leaf said he would find out and let the BCWMC know.

5. New Business

- A. **Plymouth Street Reconstruction Project – West Medicine Lake Area: Plymouth.** Ms. Chandler said the project comprises four and a half miles of roads and explained that 20 acres will be disturbed. She said the project will result in a 0.91 acre decrease of impervious surface. Ms. Chandler stated that four rain gardens are proposed and permanent BMPs will include six sump

manholes. Ms. Chandler said the Commission Engineer's recommendation is approval of this project contingent on comments A through E in the April 10th Engineer's Memo. Chair Welch asked that a condition be added to the Engineer's conditions stating that there needs to be a determination on who will maintain the rain gardens. Mr. Moberg said Plymouth's policy is to enter into a contract with adjacent property owners for the maintenance.

Ms. Loomis moved approval of the project contingent on the comments in the April 10th Engineer's Memo and the additional comment regarding maintenance of the rain gardens. Ms. Black seconded the motion with the friendly amendment that the letter reflects that the BCWMC did receive a submission that the Commission thinks will take care of the contingencies. The motion carried unanimously [the City of Robbinsdale was absent from the vote].

Mr. Frost mentioned that Mn/DOT has given the University of Minnesota a grant to look at sump manholes and their effectiveness and that information should be available in the next year to year-and-a-half.

6. Old Business

- A. **Trunk Highway 55 Environmental Assessment.** Ms. Chandler reminded the Commission that a letter from the Commission was sent to Hennepin County in November 2006 with comments on the proposed environmental assessment for the possible future expansion of Trunk Highway 55. Ms. Chandler stated that the Commission Engineer's recommendation is that the BCWMC should draft and send a letter that references the comments of the November 2006 letter and that emphasizes the following two items that either should be revised in the EA or were not adequately addressed:
- i. **Water Quality:** the BCWMC and its member cities are incurring significant ongoing expenditures to improve water quality in the Bassett Creek Watershed. The BCWMC expects the project design to include storm water treatment and erosion control measures that will reduce the amount of phosphorus and sediment carried by runoff into Medicine Lake. The BCWMC expects the County to consider measures to minimize the amount of increased impervious surfaces resulting from the TH 55 project.
 - ii. **Maintenance:** the EA did not address the maintenance of storm water management features. The BCWMC expects that maintenance measures the County proposes to take should be described. The BCWMC is concerned that if the maintenance responsibilities are not clearly planned out, the responsibility will fall on the member cities or the BCWMC to perform the maintenance.

Ms. Black commented that the maintenance would be the responsibility of Mn/DOT since TH 55 is a state highway. She said this letter would be a good opportunity for the Commission to comment that it highly recommends Mn/DOT's active participation in the Medicine Lake TMDL. Ms. Black said that the Commission hasn't addressed water volume as an issue with the proposed project and she said the Commission should comment that it doesn't want the stream restoration projects it has been working on to be undone by the TH 55 project.

Mr. Moberg stated that Elm Creek has been asked to review this EA and Elm Creek does have volume requirements so it is likely they have comments on the TH 55 EA regarding volume. Ms. Chandler stated that the BCWMC does not require volume control. Mr. Stauner said Shingle Creek is looking at a Third Generation Plan and is looking at including requirements regarding volume.

Mr. Moberg commented that he thought the TH 55 project is being funded federally so the federal government may be where the enforcement hammer lies for this project.

Chair Welch moved to approve staff sending the comment letter to the County with the two comments listed in the April 10th Engineer's Memo, a comment regarding the past expenditures and anticipated expenditures due to the Medicine Lake TMDL, and a comment, at the Commission Engineer's discretion, on runoff volume and sending a copy of the letter to Elm Creek Watershed Management Commission and the Minnehaha Creek Watershed District. Ms. Black seconded the motion with the friendly amendment of including a comment about the BCWMC's recommendation that Mn/DOT actively participate in the Medicine Lake TMDL. The motion carried unanimously [the City of Robbinsdale was absent from the vote].

Mr. Moberg reported that there is a public meeting on the TH 55 EA on April 29th. Chair Welch directed Ms. Herbert to forward that hearing announcement to the Commission and the TAC.

- B. Select Contractor to Review Golden Valley and Minnetonka Surface Water Management Plans.** Ms. Loomis moved to select WSB as the contractor since it submitted the lowest bid. Ms. Black seconded the motion. The motion did not carry with six votes against the motion [Crystal, Medicine Lake, Minneapolis, Minnetonka, New Hope, and St. Louis Park] and two votes in favor of the motion [Golden Valley and Plymouth]. After Commission discussion, Chair Welch moved that the Commission request from Wenck and WSB additional cost estimate information for preparing for and attending a Commission meeting to present the results of the reviews. Mr. Stauner seconded the motion. The motion carried unanimously. Chair Welch directed Ms. Herbert to request the information from Wenck and WSB and to add this item to the May BCWMC meeting agenda.
- C. Review 2007 and 2008 BCWMC Operating Budget.** Chair Welch explained that the Budget Committee has met to discuss the 2009 Operating Budget. He said the Committee's estimate is that the 2009 Operating Budget will be a \$50,000 increase over the 2008 Operating Budget. He said that unexpended funds in 2007 will result in a lower assessment.

Mr. Stauner commented that a 10% increase for 2009 is troubling and that the BCWMC needs to look at holding spending to a minimum. He commented that the increase would be a hard sell to the cities.

Chair Welch directed Ms. Herbert to work with Deputy Treasurer Sue Virnig and the Commission Engineer to prepare a draft 2009 Operating Budget and Assessment for the Budget Committee's review and for discussion at the May meeting. He said the Budget Committee's recommendation for the draft budget is to keep the Administrator item budgeted at \$35,000 and the TMDL item budgeted at \$10,000, which are the same amounts that were budgeted for these items in 2008. Chair Welch also directed Ms. Herbert to coordinate with Ms. Virnig to attend the Budget Committee meeting, which the Budget Committee will set up.

- D. 2007 Lake Water Quality Study: Westwood Lake and Crane Lake.** Ms. Chandler explained that Westwood Lake, located in St. Louis Park, was sampled through the Citizens-Assisted Monitoring Program (CAMP) and that Crane Lake, located in Minnetonka, was sampled by the Three Rivers Park District as arranged by the Commission. Ms. Chandler said the Commission has identified Crane Lake as a Level 3 water body, meaning the Commission has lower expectations of water quality based on how the lake is used. She said the Commission has identified Westwood Lake as a Level 2 water body. Ms. Chandler said the data shows that the water quality of both water bodies is improving. She reported that in both lakes, however,

Curlyleaf Pondweed and Purple Loosestrife were found. She explained that Crane Lake is meeting the Commission's Level 3 water body goals. Ms. Chandler said that Westwood Lake has better water quality than Crane Lake and is meeting its Level 2 water body goals. Ms. Chandler said this water quality report doesn't discuss the possibility of these waters as being impaired because the MPCA hasn't yet formally adopted its shallow lakes criteria for the region the Bassett Creek Watershed is located in. She said there is the possibility of these lakes being considered impaired under the MPCA's criteria. Ms. Chandler said all the data collected by the CAMP program does go into the MPCA's database but the data collected on Westwood Lake has not gone into the MPCA's database. Chair Welch asked what accounts for the continuing improvement of these lakes. Ms. Chandler said there were a couple of projects put in place for Westwood Lake and that the ongoing BMP implementation in the watershed could also be accounting for the improvement. Ms. Black asked if the TAC reviewed this water quality report. Mr. Moberg said the TAC did not have time to discuss it at the last TAC meeting. Chair Welch asked the TAC to communicate its comments, if there are any, to the Commission at an upcoming meeting.

E. Army Corps of Engineers Permitting of Future CIP Projects; Status of West Medicine Lake Pond Permit. The Army Corps of Engineers Permitting of Future CIP Projects was deferred to May meeting. The Commission addressed the status of the West Medicine Lake Permit. Mr. Moberg reported that it appears that the Department of Natural Resources will take the stance that 80% of the project will fall under its jurisdiction. He said the City of Plymouth will get this information firmed up with the DNR and then the City will be in a position to have meaningful discussions with the Army Corps of Engineers about the project. Chair Welch asked about the DNR's timeline. Mr. Moberg said hopefully the next three to four weeks.

F. Ramada Pond. Deferred to May meeting.

G. BCWMC Organizational Analysis. Ms. Black stated that Springsted, Inc. developed an updated work plan that reflects the comments from the meeting between the BCWMC's Administrator Committee and Springsted. Ms. Black said she handed the work plan and contract out at the beginning of today's meeting. Ms. Black said the Administrator Committee worked to prioritize the analysis topics. Chair Welch said the work plan reflects a strong focus on the internal processes of the Commission and less of a focus on comparing the Commission with other organizations. Chair Welch said he wants the Commission Attorney to review the contract. Chair Welch moved to approve the contract with Springsted contingent on counsel's approval. Ms. Sundberg seconded the motion. The motion carried unanimously [the City of Robbinsdale was absent from the vote].

Ms. Herbert asked if staff time spent with Springsted in interviews or data gathering should be billed to the Administrator budget line in the Operating Budget. Chair Welch said yes.

H. Memo from Minnesota Pollution Control Agency on Medicine Lake TMDL. Ms. Asleson of the MPCA announced that she had e-mailed to the Commission a memo that summarized the Medicine Lake Project partner meeting that was held on April 2, 2008 between representatives of the MPCA, Barr Engineering, the BCWMC, and the Three Rivers Park District. She said the memo informs the Commission on the status of the project and where it is heading. Ms. Asleson also asked if a representative of the Commission would like to participate in the Request for Proposals (RFP) process for the informal solicitation the MPCA will conduct to find a professional facilitator to lead the Medicine Lake stakeholder process. Chair Welch asked who else will be on the RFP selection team. Ms. Asleson said it will be three MPCA representatives including herself, a contract specialist, and another staff person that specializes in citizen participation and she said she has also asked the Three Rivers Park District to participate. Chair Welch stated that he would

like to review the RFP responses. Ms. Templeman responded that she would be interested in participating. Chair Welch moved to approve Ms. Templeman participating in the facilitator RFP process. Ms. Black seconded the motion. The motion carried unanimously [the City of Robbinsdale was absent from the vote].

7. Communications

- A. Citizen Input on Non-agenda Items: No Citizen Input.**
- B. Chair:** Chair Welch said asked if the Commission would like someone from the Minnesota Board of Water and Soil Resources to come in and speak about its oversight process and how it is changing. Commissioners indicated yes. Chair Welch said he will contact BWSR to see if someone could come in and speak to the Commission.
- C. Commissioners:** Ms. Black noted that in the informational area of the April Engineer's memo there is a brief description of the County Road 9/ 61 erosion project and she asked Mr. Moberg to give a brief update on the Wood Creek project. Mr. Moberg said project construction started in February [2008] and that roughly 2/3 of the project is a bioengineering solution to streambank stabilization and the other 1/3 is piping. He said the pipe is all in and the project is moving along although it will take a growth season or two for the plantings to fill out.

Ms. Templeman stated that citizens submitted letters regarding the West Medicine Lake Pond EAW and she said she didn't know if the Commission was supposed to have been forwarded those letters but she said she would have liked to been made aware of the comment letters. Mr. Moberg said all the comments that were received are part of the public record and the City was required to respond. Ms. Templeman suggested the Commission discuss ways to make the EAW process better. Chair Welch directed Ms. Herbert add to the BCWMC May meeting agenda a discussion of whether the Commission should establish a policy for EAW projects that have Commission involvement.

- D. Committees:** Ms. Langsdorf announced that she handed out the 2007 River Watch "Year in Review" report for commissioner review. She announced that Decision Resources will be presenting the joint survey results at the May BCWMC meeting. Ms. Langsdorf said the Education and Public Outreach Committee recommends that the Commission purchase approximately 10 copies of the Rain Gardens book to send copies to the public libraries in the Bassett Creek Watershed and for copies for the Commission's use. She said the cost of each book is \$18 and the funds for the purchase should come out of the Committee's brochure budget. Ms. Langsdorf said the Committee also recommends the purchase of rain garden and wildflower native seed packets to give away at BCWMC events. She said the seed packets are \$1 and the Committee recommends purchasing 400 and that the funds should come out of the Commission's Education Budget. Ms. Langsdorf said the Committee also recommends the purchase of a brochure rack for use with the Commission's education displays. Ms. Langsdorf said the cost of the brochure rack is \$40 and the funds should be taken from the Exhibit budget. Chair Welch moved to approve the expenditure of \$700 by the Education Committee for the purchases of the Rain Gardens books, the seed packets, and the brochure rack as described by Ms. Langsdorf. Ms. Black seconded the motion. The motion carried unanimously [City of Robbinsdale absent from the vote].

Ms. Langsdorf announced that the next Joint Education and Public Outreach meeting is on May 16th at 8:30 a.m. in the Medicine Lake Room at Plymouth City Hall and that the Decision Resources joint survey and recommendations on actions will be discussed. Ms. Langsdorf said that

the next BCWMC Education and Public Outreach meeting will be on June 5th at 9:00 a.m. in the Council Conference Room at Golden Valley City Hall.

E. Counsel*

F. Engineer: Ms. Chandler directed the commissioner's attention to the write-up in the April Engineer's memo about the County Road 9 and 61 Erosion Repair in the City of Plymouth. She reminded the Commission that it had discussed this erosion issue at length during the development of the Commission's *Watershed Management Plan*.

8. Adjournment

Ms. Black moved to adjourn the meeting. Ms. Loomis seconded the motion. The meeting adjourned at 2:00 p.m.

Michael Welch, Chair

Date

Amy Herbert, Recorder

Date

Pauline Langsdorf, Secretary

Date