

Bassett Creek Watershed Management Commission

Minutes of the Meeting of February 21, 2008

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, February 21, 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>	Charlie LeFevere
<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>	<i>Not Represented</i>		
<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>	<i>Not Represented</i>		

Note: Commissioner Manuel Jordan (St. Louis Park) arrived after roll call

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Brooke Asleson, Minnesota Pollution Control Agency (MPCA)
John Barten, Three Rivers Park District
Julie Cole, Minnetonka Resident
Leith Dumas, Opus
Lois Eberhart, BCWMC Technical Advisory Committee, City of Minneapolis
Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
Bob Moberg, BCWMC Technical Advisory Committee, City of Plymouth
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley
Adam Parker, MFRA
George Parrino, Opus
Paul Pearson, MFRA
Bob Steinhoff, Opus
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka
Elizabeth Thornton, Alternate Commissioner, City of Plymouth
Edward Wons, Minnetonka Resident

2. Approval of Agenda and Consent Agenda

Chair Welch announced the deferral to next month of item 3Ivi - BCWMC meeting logistics - and the potential deferral of part of item 3J – the discussion of 2007 Budget. Ms. Black requested the deferral to the March meeting of item 5D – Amendment to the Contract with City of Plymouth for Curlyleaf Pondweed Treatment. Ms. Black moved the agenda as amended including rearranging the agenda so item 5G – Golden Valley Floodproofing reimbursement requests – is moved ahead of item 5F – TAC Recommendations. Ms. Peterson seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park were absent from the vote].

Ms. Peterson moved to approve the Consent Agenda. Ms. Black seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park were absent from the vote].

3. Administration

- A. Presentation of the January 17, 2008 meeting minutes. The January 17, 2008 meeting minutes were approved under the Consent Agenda.
- B. Presentation of the Financial Statement. The February 2008 and the 2007 Fiscal Year-End financial reports were approved under the Consent Agenda.

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

Checking Account Balance	632,319.25
<i>TOTAL GENERAL FUND BALANCE</i>	<i>632,319.25</i>
Construction Account – cash balance	2,373,297.46
Investment Balance - CP due 3/24/08 (500,000)	494,568.89
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>2,867,866.35</i>
<i>-Less: Reserved for CIP projects</i>	<i>4,015,521.54</i>
<i>Construction cash/ investments available for projects</i>	<i>(1,147,655.19)</i>

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through 1-31-08 - invoice for the amount of \$2,107.68.
- ii. Barr Engineering Company – December Engineering Services - invoice for the amount of \$36,199.07.
- iii. Amy Herbert – December Recording Administrator Services - invoice for the amount of \$2,115.00.
- iv. SEH, Inc. – December 2007 Sweeney TMDL Services and Retainage Payment – invoice for the amount of \$1,231.87.
- v. Hennepin County Environmental Services River Watch Program – invoice for the amount of \$2,000.00.
- vi. Nancy Logan – New BCWMC Logo Design – invoice for the amount of \$250.00.
- vii. City of Golden Valley – Financial Management Fee – invoice for the amount of \$1,200.00.

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

- D. Resolution 08-02 to Designate BCWMC's Official Depositories. Ms. Black moved to approve Resolution 08-02 to designate RBC Dain Rauscher and Wells Fargo as the BCWMC's official depositories. Ms. Loomis seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park were absent from the vote].
- E. Review CIP Reserve Account Policy and its \$250,000 minimum account balance. Item deferred to future meeting.
- F. Resolution 08-03 to Reimburse the BCWMC 2.5% of its annual tax levy for administrative expense charges for CIP projects. Ms. Peterson moved to approve Resolution 08-03 to reimburse the BCWMC \$4,750, which is 2.5% of the requested 2007 tax levy amount of \$190,000, for administrative expenses for Capital Improvement projects. Ms. Loomis seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park were absent from the vote].
- G. Approval of Contract with MMKR Certified Public Accountants for Audit Services. Ms. Black moved to approve entering into the contract with MMKR for the annual audit. Ms. Peterson seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park were absent from the vote].

[Commissioner Jordan arrives].

- H. Amendment of Contracts for Engineering and Recorder Administrator Services. Chair Welch asked about Barr's fee increases. Ms. Chandler said that changes in the 2008 fee rates from 2007 rates include an increase for Barr staff members Greg Wilson, Jim Herbert, and Karen Chandler from \$130 an hour to \$135 an hour and for staff member Jeff Lee from \$120 to \$125 an hour. She stated that the fees for staff members Len Kremer and Meg Rattei have remained the same at \$150 an hour and \$110 an hour, respectively. Ms. Loomis moved to approve the contract amendment. Ms. Black seconded the motion. The motion carried unanimously [City of Minnetonka was absent from the vote].

Chair Welch called attention to the changes in Ms. Herbert's contract including the increase in Ms. Herbert's hourly rate from \$50 an hour to \$57 an hour and adding a reimbursement for travel costs to BCWMC meetings. Ms. Black moved to approve an increase in Ms. Herbert's hourly rate of 9% (calculated by an increase of 3% a year for the years 2006, 2007, 2008, which would be an increase of \$4.50) and if upon receiving additional information from Ms. Herbert in support of a further increase, we could change the contract amendment again. Mr. Stauner seconded the motion. Ms. Loomis commented she was not in favor of Ms. Black's motion. Mr. Jordan asked about the possibility of capping the rate increase. Ms. Peterson said she would like to see additional information. Ms. Langsdorf commented that she doesn't have a problem with the rate increase requested by Ms. Herbert. The motion did not carry with two votes in favor (Cities of New Hope and Plymouth) and six votes against (Cities of Crystal, Golden Valley, Medicine Lake, Minneapolis, Robbinsdale, and St. Louis Park – City of Minnetonka was absent from the vote). Chair Welch requested Ms. Herbert bring back to the Commission next month information on what other contractors receive as payment for their recording administrator services.

I. Organizational Meeting:

- i. Appointment of Chair. Ms. Black nominated Michael Welch for Chair. Michael Welch was unanimously appointed Chair [City of Minnetonka was absent from the vote].
- ii. Appointment of Vice Chair. Ms. Langsdorf nominated Ginny Black for Vice Chair. Ginny Black was unanimously appointed Vice Chair [City of Minnetonka was absent from the vote].
- iii. Appointment of Secretary. Ms. Black nominated Pauline Langsdorf for Secretary. Pauline Langsdorf was unanimously appointed Secretary [City of Minnetonka was absent from the vote].

- iv. **Appointment of Treasurer.** Chair Welch nominated Linda Loomis for Treasurer. Linda Loomis was unanimously appointed Treasurer [City of Minnetonka was absent from the vote].
- v. **Budget Committee.** Chair Welch made the motion that the Budget Committee is the four BCWMC officers but that any commissioner may participate in the budget discussion. Ms. Loomis seconded the motion. The motion carried unanimously [City of Minnetonka was absent from the vote].
- vi. **BCWMC Meeting Logistics.** Deferred to future meeting.

J. Review 2007 Budget and Resolution 08-04 to transfer remaining annual inspection budget funds from the 2007 budget to the 2008 budget. The Commission deferred its review of the 2007 budget until the March meeting. Ms. Loomis moved to approve resolution 08-04 to transfer the remaining annual inspection funds, \$6033.59, to the 2008 Project Inspections budget. Ms. Black seconded the motion. The motion carried unanimously.

4. New Business

A. Golden Valley 2008/ 2009 Pavement Management Program: Golden Valley. Ms. Chandler explained this project is the 2008 portion of the City of Golden Valley's 2008-2009 pavement management program. She said the project is coming in front of the Commission because it is a reconstruction project greater than one acre, which is one of the types of projects the Commission wanted to review instead of being reviewed only by Commission staff. Ms. Chandler said the two-year project encompasses eight miles of residential streets. She stated that Golden Valley is decreasing the amount of impervious surface from 28.59 acres to 27.92 acres and is adding two water quality ponds. Ms. Chandler said in addition to the ponds permanent BMPs include eight sump manholes throughout the project area. Ms. Chandler reported that the Commission Engineer has four recommendations as listed in the February 14, 2008 Engineer's Memo. Ms. Black moved to approve the project with the recommendations listed in the February 14, 2008 Engineer's Memo. Ms. Loomis seconded the motion. The motion carried unanimously [City of Minnetonka was absent from the vote].

B. CrossRoads Corporate Center: Minnetonka. Ms. Chandler explained that the project is in front of the Commission because it is a change in land use. She stated that the project entails changing 14 acres from single-family residential to office buildings and parking ramps. She said that 13 acres of the site will be graded. Ms. Chandler said the net increase in impervious surface is 3.15 acres. She explained that runoff from the site will be directed to a proposed water quality pond and that treated water eventually discharges into Crane Lake. She said the Commission Engineer is now satisfied that the developer will meet the nondegradation requirement through the large amount of ponding they are providing. Ms. Chandler said the Commission Engineer is recommending approval of the project with three minor conditions not listed in the January 14, 2008 Engineer's Memo:

- i. Rip rap and filter material should be provided at each storm sewer outlet;
- ii. Skimming detail for each outlet structure must be provided on the drawings;
- iii. Sequencing note should be included on the drawing and should state, "Silt and sand will be removed from the pond as necessary during construction and after completion of the project."

Ms. Loomis commented she thought the Commission usually recommends that a maintenance agreement is entered into between the City and the developer. Mr. Gustafson said the City of Minnetonka incorporates that as part of the approval of the project. Mr. Gustafson stated that the large pond will discharge into the wetland.

Ms. Kohl commented about residents' concern that there will not be a buffer pond between the wetland and Crane Lake. Mr. Wons commented that his neighborhood drains directly into the wetland and will not drain into a water quality pond. He asked if the wetland will provide sufficient treatment for the runoff. Mr. Gustafson said that property is residential drainage and he believes the wetland will provide enough treatment for that runoff.

Chair Welch asked if the loading into Crane Lake would change. Ms. Chandler said it would be about the same. Ms. Chandler said the Commission's requirements are being met including the nondegradation policy. Ms. Black said she is concerned about the volume increase of runoff and the increase of water entering Crane Lake. Ms. Black asked if there are any provisions to decrease the amount of additional runoff.

Mr. Parker of MFRA said the restricted outlet on the pond will handle some volume control. Mr. Dumas stated that the project has 39% impervious coverage, which is substantially below the city's zoning allowance of 75% impervious coverage.

Ms. Black expressed her concern about the bounce of the water levels and its impact on the wetlands and Crane Lake.

Mr. Gustafson commented that the entire project will be LEED certified. Ms. Black requested that in the future the Commission Engineer include in the Engineer's Memo the fact that a project is going to be LEED certified.

Chair Welch added a fourth recommendation to the three Engineer recommendations stated by Ms. Chandler. Chair Welch said the fourth recommendation is that the developer considers the incorporation of all possible water quality Best Management Practices especially in regard to reduction of water volume.

Ms. Black moved the project with the conditions discussed today. Ms. Loomis seconded the motion. The motion carried unanimously [City of Minnetonka was absent from the vote].

5. Old Business

- A. **Wirth Lake TMDL Meeting.** Chair Welch said there are a memo and an e-mail in the meeting packet that discuss issues that arose from the Wirth Lake TMDL meeting. He said the e-mail addresses a number of issues but the major point is that the Minneapolis Park and Recreation Board is not seeking to play an active role in the development part of the TMDL project. Chair Welch summarized the Wirth Lake TMDL meeting and said an outcome of the meeting was the decision to bring to the Commission the idea of drafting a work plan for the Wirth Lake TMDL and circulating it to the MPCA and the stakeholders for a review on a quick timeline for getting comments back, then incorporating the comments into the work plan, and then forwarding it to the MPCA by the third week of March.

Chair Welch said that from there the Commission would have a couple of options. He said the Commission could take the work plan, once approved, and send out a request for proposals (RFP), or the Commission could ask the MPCA to bid out the project through its list of approved contractors. Chair Welch said this is not a decision the Commission needs to make right now.

Ms. Chandler remarked that as the memo in the packet states, Barr could draft the TMDL scope within a week. She said if Barr then could get comments back from the MS4s in 10 days the whole revision process could be completed in three weeks and the Wirth Lake TMDL work plan could be submitted to the MPCA to meet its March 15th deadline.

Ms. Asleson said the work plan just needs to be a scope of work instead of a typical work plan. She

said the work plan could leave out details of project budget and timelines. She said the MPCA needs a scope of work that describes what has been done and what needs to be done and then the RFP process would take place and then more detailed work plans would be submitted by the consultants who chose to bid on the project.

Ms. Chandler said that Tim Brown, who used to work at the Park Board, was involved one or two years ago when this project came up. She said an agreement was reached between the parties about where to place the BMP but that the Park Board didn't want to be responsible for maintaining it and instead wanted the BCWMC or the City of Golden Valley to maintain it.

Chair Welch asked if the Minneapolis Park and Recreation Board committed the land for the BMP.

Mr. Oliver said a location had been approved but the City of Golden Valley did have some concerns about the location. He said the Park Board was looking for a 30-year revocable lease with 30 days notice. He said the major issue is that there was no participation in the project from Mn/DOT, which contributes the majority of the drainage into the BMP. Mr. Oliver said Mn/DOT was not planning to participate in the capital plans of the project or in the maintenance. Mr. Oliver said leasing arrangements were being worked on at the time but because of Mn/DOT's refusal to participate in the project the project did not move beyond that point.

Ms. Black made the motion to approve the recommendation in the memo to develop a scope of work for the Wirth Lake TMDL study and to send the scope to the MS4s for review and comment. Chair Welch seconded the motion and said the MS4s include Mn/DOT, Hennepin County, the City of Golden Valley, and Minneapolis and he said that the Minneapolis Park and Recreation Board, as a landowner, would also like to review the work scope.

Mr. LeFevere asked if the Park Board is part of the Minneapolis' MS4 or if it is its own MS4. Ms. Eberhart said the Park Board is not an MS4 and is not part of the City of Minneapolis' MS4 designation but the Park Board is a co-holder of the NPDES permit for its land in Minneapolis.

The motion carried unanimously [the City of Minnetonka was absent from the vote].

Chair Welch said Barr Engineering will expend funds from the Commission's TMDL budget to complete the scope of work. Ms. Chandler said Mr. Kremer estimated it would cost around \$2,500 to complete the scope of work and get it out for comment and that there is approximately \$80,000 left in the TMDL budget. Chair Welch said there should be more than that amount and it seems that the budget still isn't accounting for the reimbursements received from the MPCA.

- B. Medicine Lake TMDL Meeting.** Chair Welch said that on February 5th there was a meeting to discuss the Medicine Lake TMDL project. He said an outcome of the meeting is that the next step to take is to have the Three Rivers Park District and Barr Engineering get together and identify overlaps in information that is available and the status of modeling to try to develop an RFP to submit to the Minnesota Pollution Control Agency (MPCA) soon because the money that the MPCA has set aside for the Medicine Lake TMDL project will be moved on to a different project by the end of March. Chair Welch said the MPCA has made it very clear that the maximum funding it has available for this project is \$50,000. He said Ms. Asleson has provided a letter reiterating that point and the letter was distributed to the Commission via e-mail earlier this morning.

Ms. Chandler said that Barr thinks the work scope needs to be revised and if the Commission approves that action, a meeting will take place between John Barten of the Three Rivers Park

District and the City of Plymouth to revise the scope to spell things out more clearly. Ms. Chandler said Barr is concerned about getting the revised scope completed and getting comments back from all the stakeholders in time to meet the MPCA's April 1st deadline.

Chair Welch said that at the February 5th meeting the issue of the stakeholder involvement process was not resolved. Chair Welch added that he doesn't want the Commission to have another discussion at the Commission level regarding modeling and data for the Medicine Lake TMDL project.

Ms. Black asked what deadline could be met if the April 1st deadline can't be met. Ms. Chandler remarked it depends on how long the stakeholders take to review the scope. Chair Welch asked if it would be okay with the MPCA if the scope of work is in to the MPCA by the April 1st deadline while the scope is still being reviewed by the MS4s. Ms. Asleson said she feels comfortable with that but she will need to verify with her supervisors that it will be ok.

Ms. Chandler asked for a clarification of the process being recommended. Chair Welch said the process being proposed is that there would be a meeting between Barr Engineering, City of Plymouth, and Three Rivers Park District to revise the work scope and then after the meeting and the revision, the scope would be sent to the MS4s and the MPCA at the same time.

Chair Welch asked how much these next steps would cost out of the Commission's TMDL budget. Ms. Chandler said the estimate is approximately \$5,000 to \$6,000 and if it is any different than that Barr Engineering will let the Commission know.

Mr. Barten said the Three Rivers Park District Board has made it clear to staff that it wants to see lakes get improved and if that takes a TMDL then the Board is supportive of a TMDL. He said he wouldn't be surprised if the lake is only 1 to 2 micrograms away from achieving the TMDL goal. He said he doesn't see the revision of the work plan as a major effort and he thinks it should be very simple. He said the current work plan needs to be revised in order to determine what has already been done and what doesn't need to be duplicated and then the public input process needs to be discussed.

Ms. Black asked if the revised scope of work could be submitted in the form of a draft RFP for the March 20th Commission meeting.

Mr. Gustafson asked if the MPCA could do the TMDL. Ms. Asleson said in that situation the MPCA would get a revised scope of work and would use the MPCA's master list of nine contractor firms and then would work with the BCWMC to determine who would do the final work. Ms. Loomis stated that the City of Golden Valley is fine with the approach of the MPCA handling the TMDL. Mr. Stauner said he doesn't see a problem with that approach.

Chair Welch said the Commission needs to discuss the scope of stakeholder involvement in the TMDL. He said he doesn't think four stakeholder meetings is enough. Mr. Moberg asked how the Commission wants to handle communicating the load allocations to the individual MS4s. He asked if the Commission will be sending someone to talk to the cities' boards about the load allocations and if so, who will be meeting with the boards. Mr. Barten suggested holding two joint meetings of the boards of the MS4s.

Ms. Templeman asked if there would be project information posted on a Web site for cities to learn about the project. Chair Welch asked if a TMDL project Web site is in the current scope of work.

Chair Welch brought up the idea of the Three Rivers Park District coordinating the stakeholder

process. Ms. Loomis said the Three Rivers Park District is a contributor and that she is not comfortable with the Three Rivers Park District coordinating the stakeholder process.

Ms. Black said she doesn't have any problem with the Three Rivers Park District handling the stakeholder process.

Chair Welch said it seems that the Commission is proposing the meeting between Barr, Three Rivers Park District, and the City of Plymouth take place to revise the scope of work including increasing the number of stakeholder meetings as follows:

1. An introductory meeting;
2. A mid-point data meeting;
3. Two specific meetings for MS4s and their Boards to discuss data and how load allocations are arranged (meeting can be open to everyone);
4. See #3 (above);
5. A late-point meeting to discuss BMPs (Best Management Practices);
6. One or two contingency meetings; and,
7. See #6 (above).

Chair Welch said he wants the Commission to resolve today whether or not Three Rivers Park District is going to lead the public stakeholder process. Mr. Barten said the Three Rivers Park District Board has authorized the Park District to be the lead in the stakeholder process.

Ms. Asleson said the MPCA would be comfortable with the Three Rivers Park District doing any part of the TMDL process.

Ms. Black moved that staff should work with the Three Rivers Park District to revise the work plan and to send it out to the MS4s and the MPCA for review per the revisions and the timeline discussed at today's meeting, including that the stakeholder process will have a minimum of seven meetings. Ms. Loomis seconded the motion. The motion carried unanimously [City of Minnetonka was absent from the vote].

Ms. Asleson remarked that the MPCA can do a separate contract for a specific task for a specific entity that is not on the contractor list.

Ms. Black moved that the Three Rivers Park District runs the stakeholder process. Ms. Langsdorf seconded the motion. The motion carried with six votes in favor of the motion by the cities of Crystal, Medicine Lake, New Hope, Plymouth, Robbinsdale, and St. Louis Park and two votes against the motion by the cities of Golden Valley and Minneapolis [City of Minnetonka was absent from the vote].

Ms. Herbert clarified that the Commission wants included in the March meeting packet the revised work plan that will be sent to the MPCA and the MS4s and the Minneapolis Park and Recreation Board.

- C. Army Corps of Engineers Remitting of Future CIP Project. Deferred to next meeting.
- D. Amendment to Contract with City of Plymouth for Curlyleaf Pondweed Spot Treatment of Medicine Lake in 2008. Deferred to next meeting.
- E. Status of 20-Year Inspection of Bassett Creek Phase I and II Tunnels. Ms. Chandler said no significant issues were found during the inspection. Ms. Chandler handed out a page of color photographs showing examples of seepage found in the tunnel. She said the water levels are being

left at their lowered levels until tomorrow because Mn/DOT is checking for void spaces behind the tunnel walls. Chair Welch asked if there will be a formal report written up on the tunnel inspection. Ms. Chandler said she will check. Chair Welch said the information will be included in the 2008 Annual Report.

- F. **Golden Valley Request for Final Payment for Flood Proofing Project.** Chair Welch said the City of Golden Valley is asking for reimbursement in the amount of \$474,205.74 for the flood proofing project. Mr. LeFevere said he looked at the contract and the way the contract was written was that each of the 22 houses involved in the project had an amount of money allocated to it. He said the contract allowed remaining money from one of the 13 home's completed flood proofing project budget to be transferred to a remaining home floodproofing project budget. Mr. LeFevere said one of the homes, 2545 Regent Avenue, had no floodproofing done. He said the budget for that home's floodproofing project was \$20,375. Mr. LeFevere explained that since the floodproofing was not completed on the 2545 Regent Avenue home, under the contract the \$20,375 is not available to be transferred to apply to the other floodproofing projects. Mr. LeFevere said either the reimbursement to the City of Golden Valley should be reduced by \$20,375 or the contract between the BCWMC and the City of Golden Valley should be amended to authorize the reimbursement of all the funds set aside for the project.

Mr. Oliver said the City of Golden Valley made repeated contact with the homeowner of 2545 Regent Avenue and the homeowner refused to participate. Ms. Black asked about the procedure for how the Commission would approve reimbursement of the full floodproofing budget amount. Mr. LeFevere remarked that a contract amendment would be sufficiently simple that a separate contract amendment document would not be required but could simply consist of a statement in the minutes that the Commission, at the request of the City of Golden Valley, approves amendment of the contract to allow the reimbursement of the full floodproofing budget amount – notwithstanding that the floodproofing of 2545 Regent Avenue was not done – and that the Commission is going to pay the full amount of 474,205.74 to the City of Golden Valley. Ms. Black made the motion just explained by Mr. LeFevere. Chair Welch seconded the motion. The motion carried unanimously [the City of Minnetonka was absent from the vote].

G. **Technical Advisory Committee (TAC) Recommendations:**

- i. *Requirements for Development Proposals* Document. Chair Welch said the requirements in this document are the guidelines and rules that implement the policies of the Commission. He said it is a 60-page document that is very important because it defines the Commission's scope of work in terms of what the Commission reviews, what the Commission doesn't review, what comes in front of the Commission versus what is reviewed administratively by staff, and what standards that staff and the Commission use in their reviews.

Ms. Chandler said the two TAC recommendations that need Commission action are listed on page 3 of the February 13, 2008 TAC memo to the Commission. She said the TAC's first recommendation is in regard to road projects. Ms. Chandler said the TAC recommends that public road/ trail construction and reconstruction projects resulting in disturbed area less than 5.0 acres are exempt from BCWMC review. She said the TAC also commented that portions of such projects involving floodplains, lakes, stream crossings or utility crossings would still require BCWMC review. Mr. Moberg clarified that the TAC meant those projects would be exempt from coming in front of the Commission but would be administratively reviewed.

Ms. Chandler said the second TAC recommendation is also on page 3 and is in regard to infiltration basins. She said the TAC recommends revising the design standards for infiltration basins to be based on 0.5 inches of runoff from impervious surfaces. She said

the TAC stated that design standards for filtration basins would continue to be based on 1.0 inches of runoff from impervious surfaces. Mr. Oliver said this recommendation is consistent with the Minnesota State Storm Water Manual.

Chair Welch said he understands the desire to deal with problem soils but he would prefer and asks the TAC to look at standards that include sequencing, such as the first priority would be one-inch of filtration and if a project applicant can demonstrate they can't infiltrate that full amount then they infiltrate the amount they can and filtrate the rest or some other treatment for volume. Ms. Black said she would strongly support such standards. Chair Welch said the Commission is discussing today what it wants to communicate back to the TAC for the TAC to discuss and then the Commission will get the revised *Requirements* document back at a later date.

Mr. Oliver said he thinks sequencing would be fairly complicated and he believes that developers would walk away from using the alternative methods. He said the more complicated sequencing and the more rigorous the Commission makes the requirements the more likely that very few developers will do anything but NURP (National Urban Runoff Program) ponds.

Chair Welch asked if the TAC has discussed volume control requirements. The TAC members present indicated the TAC hasn't discussed volume control requirements.

Chair Welch asked for an explanation of item 4 in the TAC memo [4. "The TAC recommends the BCWMC review and clarify non-degradation and level 1 requirements for sites that involve additions, site expansions and change in land use."]

Mr. Moberg said the TAC would like to get to a point to clarify when to apply nondegradation standards or level 1 standards.

Ms. Loomis moved to direct the TAC to review and clarify non-degradation and level 1 requirements for sites that involve additions, site expansions and change in land use, as stated in item number 4 in the TAC memo, and to direct the TAC to make the modifications to the requirements regarding the road projects and the infiltration basins as described in the TAC's January 13th memo item number 5. Ms. Peterson seconded the motion. Chair Welch clarified that the motion regarding number 4 in the TAC memo is to review and clarify the application of non-degradation and level 1 requirements and that the Commission is not changing the policies. The motion carried unanimously [the City of Minnetonka was absent from the vote].

6. Communications

A. Citizen Input on Non-agenda Items: No citizen input.

B. Chair: No communications.

C. Commissioners: No communications.

D. Committees:

- i. Education and Outreach Committee - Ms. Langsdorf reported that Decision Resources estimated a cost of \$250 for a presentation to the Commission on the results of the Joint Survey. Ms. Langsdorf moved to approve a presentation by Decision Resources at an upcoming meeting and for the \$250 to come out of the Education budget. Ms. Peterson

seconded the motion. The motion carried unanimously [the City of Minnetonka was absent from the vote]. Ms. Langsdorf and Ms. Thornton introduced the new Commission exhibit on display at today's meeting. Ms. Langsdorf also mentioned that Mary Karius of River Watch is willing to present the 2007 River Watch results to the Commission and that Ms. Karius said perhaps a teacher who was involved in the sampling could also come if the Commission schedules the presentation for a meeting after the school year ends. Ms. Herbert was directed to contact Mary Karius to set up the presentation.

E. Counsel: No communications.

F. Engineer: No communications.

7. Adjournment

Ms. Black moved to adjourn the meeting. Ms. Loomis seconded the motion. The meeting adjourned at 2:15 p.m.

Michael Welch, Chair

Date

Amy Herbert, Recorder

Date

Pauline Langsdorf, Secretary

Date