

Bassett Creek Watershed Management Commission

Minutes of the Meeting of September 20, 2007

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, September 20, 2007 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>	Commissioner Kris Sundberg		
<i>New Hope</i>	Commissioner Daniel Stauner		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	Alternate Commissioner Erik Hansen		
<i>St. Louis Park</i>	Commissioner Richard Johnson		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Terrie Christian, Association of Medicine Lake Area Citizens
Lane Christianson, City of Minneapolis
Jack Frost, Metropolitan Council
Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka
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
Elizabeth Thornton, Alternate Commissioner, City of Plymouth

2. Approval of Agenda and Consent Agenda

Chair Welch advanced agenda item 7A. Resolutions 07-10 and 07-11 to immediately follow the Public Hearing, agenda item 4. Ms. Black moved to approve the agenda as amended. Ms. Templeman seconded the motion. The motion carried unanimously. Ms. Black moved to approve the Consent Agenda. Ms. Loomis seconded the Consent Agenda. The motion carried unanimously.

3. Administration

A. Presentation of the August 16th meeting minutes. The minutes were approved as part of the Consent Agenda.

B. Financial Statement. The September 2007 financial report was approved as part of the Consent Agenda.

The general and construction account balances reported in the September 2007 Financial Report are as follows:

<u>Checking Account Balance</u>	<u>378,318.91</u>
<i>TOTAL GENERAL FUND BALANCE</i>	<i>378,318.91</i>
<u>Investment Balance</u>	<u>0</u>
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>2,760,267.27</i>
<u>-Less: Reserved for CIP projects</u>	<u>2,585,828.79</u>
<i>Construction cash/ investments available for projects</i>	<i>176,438.48</i>

C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services - invoice for the amount of \$1,345.20.
- ii. Barr Engineering Company – August Engineering Services - invoice for the amount of \$16,726.09.
- iii. Barr Engineering Company – August Services for Twin’s Stadium – invoice for the amount of \$962.54.
- iv. Amy Herbert – July Recording Administrator Services - invoice for the amount of \$2,625.00.
- v. Sun Newspapers- Public Hearing Notice Publication – invoice for the amount of \$364.65.
- vi. Finance & Commerce- Public Hearing Notice Publication – invoice for the amount of \$146.80.
- vii. Lakeshore Weekly Communications- Public Hearing Notice Publication – invoice for the amount of \$128.70.

Ms. Loomis moved to approve payment of all invoices. Ms. Black seconded the motion. By call of the roll, the motion carried unanimously.

- D. BCWMC Invoice through August 31, 2007 for Submission to the MN Ballpark Authority. Ms. Loomis moved to approve sending the invoice to the MN Ballpark Authority. Ms. Black seconded the motion. The motion carried unanimously.
- E. BCWMC Contract with River Watch. Ms. Loomis moved to approve entering into the contract with Hennepin County for data collection and educational services provided by the River Watch program. Ms. Black seconded the motion. The motion carried unanimously.

4. Public Hearing

The purpose of the public hearing was to receive public testimony and comments of member cities regarding proposed improvements identified in two Minor Plan Amendments to the BCWMC’s *Watershed Management Plan*:

- Project cost revision for the approved construction of Northwood Lake East Pond (NL-7) in the

City of New Hope;

- Channel restoration along Sweeney Lake Branch of Bassett Creek from Courtlawn Pond to Turners Crossroad in the City of Golden Valley and Updating Table 5-3, Bassett Creek Flood Profiles.

Ms. Chandler explained that the minor plan amendment for Northwood Lake East Pond was a correction to a previous minor plan amendment and allows for an increase in the project cost from \$45,000 to \$107, 250. Ms. Chandler reported that the other minor plan amendment is for the channel restoration project along the portion of the Sweeney Lake Branch of Bassett Creek extending approximately 860 feet from the outlet of the Laurel Avenue storm sewer at 215 King Creek Road to the Glen 1 pond, which is right off Glen Avenue around Turner's Crossroad. Ms. Chandler said that Jeff Lee, an ecologist with Barr Engineering, walked that portion of the Sweeney Lake Branch and he developed a preliminary list of measures for stream restoration. She said she has copies of the list for anyone interested in reviewing it.

Ms. Chandler said the last piece of the minor plan amendment is updating Table 5-3, which contains the Bassett Creek Flood Profiles. She said the reason for the update is to make sure the most recent information is included in the BCWMC's *Watershed Management Plan*.

Chair Welch called for comments. Mr. Frost mentioned that the Met Council sent in written comments endorsing the minor plan amendments. Chair Welch said the Board of Water and Soil Resources also approved the minor plan amendments. Chair Welch called for comments two more times. Ms. Black moved to close the public hearing. Ms. Loomis seconded the motion. The motion carried unanimously.

7. Old Business

- A. Resolution 07-10 Approving Minor Plan Amendment and Resolution 07-11 Ordering Improvements, Designating Responsibility and Certifying Costs to Hennepin County; Cooperative Agreement. Chair Welch remarked that the feasibility study for the Sweeney Lake Branch channel restoration project is not done so there will need to be another public hearing to order the project. Chair Welch staff directed staff to give notice of the public hearing in accordance with the timeline stated in the Joint Powers Agreement. Chair Welch said the first item in front of the Commission is Resolution 07-10 to adopt the minor plan amendment. Ms. Black moved to approve Resolution 07-10. Ms. Loomis seconded the motion. The motion carried unanimously.

Chair Welch stated that the next item in front of the Commission is Resolution 07-11 to add the Northwood Lake East Pond project's cost revision and the Sweeney Lake Branch channel restoration project to the BCWMC's Capital Improvement Project program (CIP) and to certify the costs for those two projects plus the West Medicine Lake Park Pond project approved on April 19th, 2007, to Hennepin County. Ms. Black moved to approve Resolution 07-11. Ms. Loomis seconded the motion. The motion carried unanimously.

Chair Welch explained that the next item in front of the Commission is the Cooperative Agreement between the City of New Hope and the BCWMC for the Northwood Lake East Pond project. Mr. Stauner moved to approve entering into the Cooperative Agreement. Ms. Loomis seconded the motion. The motion carried unanimously.

Mr. LeFevere asked if action should be taken regarding what party should conduct the feasibility study for the Sweeney Lake Branch channel restoration project. Mr. Oliver said the City of Golden Valley has not contracted with anyone to do the work yet and that the City can conduct the feasibility study for the project. Chair Welch directed Commission staff to work with the City

of Golden Valley as necessary on the timing of the feasibility study.

5. Communications

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

B. Chair

- i. Chair Welch reminded the commissioners to fill out the disclosure form from the Office of Campaign Finance and directed Ms. Herbert to contact the Office regarding getting the forms sent to the alternate commissioners.**
- ii. Chair Welch stated that he would send out an e-mail to schedule a two- hour commissioner training session starting some afternoon around 4:30 p.m. Ms. Loomis requested that the session not be scheduled on Mondays or Tuesdays and Ms. Black said she has a standing meeting at 6:30 p.m. on the fourth Thursday of each month.**
- iii. Chair Welch announced that Minnehaha Creek sent the Commission a notice of its gala being held October 26th.**
- iv. Chair Welch mentioned that the Minnesota Environmental Coalition sent the Commission an upcoming event announcement and he passed the announcement around.**

C. Commissioners: No Communications.

D. Committees:

- i. Administrator Services Committee – Chair Welch said the Committee has met once and is working on honing down the list of services of the administrator. He said the Committee is gathering information from other watershed districts that have hired an administrator and that the Committee plans to learn from the districts’ experiences. Chair Welch said the Committee is also inquiring with the cities whether a city would have capacity to house the administrator.**
- ii. Education and Outreach Committee - Ms. Langsdorf announced that the Education Committee will meet on October 4th at 9:00 a.m. at Golden Valley City Hall. She said that Mary Karius of River Watch will be updating the Committee on the River Watch program. Ms. Thornton announced the joint survey is prepared and is ready to go.**

E. Counsel: No communications.

F. Engineer: Ms. Chandler announced that the 2008 draft impaired waters list is published and that Bassett Creek is now on the list for fecal coliform. Chair Welch directed staff to contact Tim Larson of the MPCA for information on the sampling and about timing of the comment period. Chair Welch asked Ms. Herbert to e-mail to the Commission the link to the list on the MPCA’s Web site.

6. New Business

A. Productivity Inc. Building Addition. Ms. Chandler said the project is a commercial redevelopment site in Plymouth. She said the project is a 1.7-acre redevelopment on a 5.7-acre site.

Ms. Chandler explained that the project is in front of the Commission because of the alternative storm water treatment that is being proposed. Ms. Chandler said the project entails a building addition and a reconfiguration of the parking lot, which together amount to 10,500 feet or a quarter-acre of additional impervious surface. She explained that because the project is a redevelopment project and because it involves an increase in impervious surface, the project must adhere to the Commission's policy that states that the project can't increase the total phosphorus loading coming off of the site.

Ms. Chandler said the project meets the Commission's requirements by installing an underground storm water treatment vault. Ms. Chandler said the underground treatment vault alone will provide the amount of storm water treatment that is required to get the total phosphorous loading down below the existing amount of phosphorus coming off the site. She said the existing amount of phosphorous coming of the site is 23.21 pounds per year and with the vault in place and with the additional impervious area, the load coming of the site will be 21.71 pounds of phosphorus per year.

Ms. Chandler said the project also incorporates other devices that could potentially reduce the phosphorus loading even more. She said once the water leaves the underground storage vault it will go into an infiltration or filtration drain field. She said there will also be a storm sceptor, which is an environmental manhole. Ms. Chandler said these two devices were not included in the calculations for the total phosphorus loading.

Ms. Chandler said that the maintenance agreement that is mentioned as a condition in the September 13, 2007 Engineer's Memo has been drawn up. Ms. Loomis said the Commission should state as a condition that the maintenance agreement needs to be signed. Mr. Moberg said per the maintenance agreement the property owner will be responsible for the maintenance and the city will be able to go onsite to inspect. Ms. Moberg said he believes the agreement has been executed because it would have been a condition of the City of Plymouth's approval.

Ms. Chandler said conditions B and C in the September 13, 2007 Engineer's Memo have been met.

Ms. Black moved approval of the project with Condition D listed in the September 13, 2007 Engineer's Memo. Ms. Loomis seconded the motion. Chair Welch added a friendly amendment and asked the City of Plymouth and the Commission Engineer to make sure the maintenance agreement has been executed. Ms. Black accepted the friendly amendment to her motion. The motion carried unanimously.

Chair Welch said the Commission's policy has a five-acre threshold. He said that redevelopment under five acres aren't meeting Level I requirements and he commented that the BCWMC may want to revisit that policy in the future.

7. Old Business

B. BCWMC Technical Advisory Committee: Requirements for Development Proposals Addendum; City of Plymouth Nondegradation Plan.

Requirements for Development Proposals

Mr. Gustafson said the September 12, 2007 TAC Memo lists its recommendations to the Commission. He said under item 1 on page 2 of the memo, the TAC recommends the Commission approve infiltration, filtration, and detention systems as equivalent best management practices (BMPs) for storm water treatment. He said this measure would allow Commission staff to review

and approve development proposals that incorporate these BMPs and therefore the proposals would not go to the Commission for approval.

Mr. Gustafson said the TAC recommends that the Commission continue to review for at least the next two years the development proposals that incorporate underground stormwater storage vaults due to the complexity and desire to keep the Commission informed of the new technology.

Mr. Gustafson said the TAC also recommends the Commission authorize staff to add an addendum to the *Requirements for Improvements and Development* document that outlines the BMPs discussed in the first recommendation. He said the TAC also recommends the Commission authorize staff to take the next step in updating and reorganizing the *Requirements* document and to also direct the TAC to review the entire document after it has been updated.

Mr. Gustafson stated the TAC would like to have a discussion after it reviews the updated *Requirements* document about maintenance and would like to develop recommendations for the Commission regarding its role in the maintenance of stormwater BMPs.

Ms. Chandler added that at the TAC's November 2, 2006 meeting the TAC recommended the Commission send the updated *Requirements* document to member cities for review and comment and that following Commission approval, the final *Requirements* document should be printed and also published on the Commission's Web site.

Ms. Loomis asked Ms. Chandler if there is a cost estimate for updating the *Requirements* document.

Mr. Gustafson commented that the Commission could direct the Commission Engineer to develop a work scope and proposal regarding updating the *Requirements* document.

Ms. Loomis moved to approve the TAC's recommendation number 2 as stated in the September 12, 2007 TAC memo and to direct staff to prepare a work scope for the *Requirements* document. Mr. Johnson seconded the motion. The motion carried unanimously. Mr. Gustafson requested that the Commission Engineer e-mail the work scope to the TAC for comment before the scope goes to the Commission. Ms. Black directed the Commission Engineer to e-mail the work scope to the TAC.

Ms. Loomis moved to approve TAC's recommendation number 1 in the TAC Memo, which is that the Commission would approve infiltration, filtration, and detention systems as equivalent BMPs for stormwater treatment allowing Commission staff to review and approve proposals incorporating these BMPs. Ms. Langsdorf seconded the motion. The motion carried unanimously.

Twins Stadium Ball Park Drainage

Mr. Moberg pointed out the TAC's recommendations on page 3 of the September 12, 2007 TAC Memo:

1. The Commission should approve the proposed modifications; and,
2. The Commission and the City should amend the September 2000 *Joint and Cooperative Agreement for Boundary Change*, which documented the original new tunnel design criteria with the revised watershed information that was provided.

Mr. LeFevere said the direction regarding an addendum or supplementary document to the 2000 *Joint and Cooperative Agreement for Boundary Change* was given at the September 6, 2007 BCWMC Special Meeting.

City of Plymouth Draft Nondegradation Plan

Mr. Gustafson said the review of the Nondegradation Plan was extremely straightforward. He said the TAC recommends that the Commission approve Plymouth's Nondegradation Plan. Mr. Gustafson reported that the plan conforms to the requirements of the Commission's *Watershed Management Plan*. Mr. Mathisen asked if the Commission needs to approve the plan. Ms. Black said the plan is in front of the Commission for review and comment – not approval. Mr. Gustafson said the Commission can pass on its comments to Plymouth that its Nondegradation Plan meets the Commission's requirements. Ms. Sundberg moved to approve sending a letter of comment to the City of Plymouth stating that its Nondegradation Plan meets the Commission's requirements. Ms. Loomis seconded the motion. The motion carried with eight votes in favor and one city abstaining (City of Plymouth).

- C. **Medicine Lake Curlyleaf Pondweed Proposed Future Treatments.** Ms. Loomis asked how many years of treatment the lake received. Ms. Black responded three years. Mr. Moberg commented that the city received a permit for a five-year herbicide treatment plan including three years of herbicide treatment and two years of follow up spot treatment. Mr. Moberg said 2007 had been slated as the first year of follow-up treatment but due to survey results in early spring of 2007 that indicated that the stem density was not high enough to warrant spot treatment, the spot treatment did not occur. Mr. Moberg said the City of Plymouth anticipates needing to conduct spot treatment in 2008, which is the final year of the original permit.

Ms. Loomis asked why the Commission didn't budget for the two years of follow-up treatment if the treatment was in the original plan? Ms. Black said the money for spot treatment for 2007 was going to come from a grant from the DNR, which the city received and returned when it thought the spot treatment for 2007 was unnecessary.

Ms. Templeman asked how data on the effectiveness of the treatment will be able to get collected if the treatment doesn't continue.

Ms. Loomis commented that the Commission needs more details before it can respond to the City of Plymouth's request for funding future treatments. She asked if the City of Plymouth is asking for the full \$85,000 that it mentions in its letter request to the Commission.

Mr. Moberg mentioned that the curlyleaf pondweed has an earlier bloom and an earlier die-back than other aquatic vegetation and therefore has the ability to release phosphorus into the lake, which is why the plant was targeted for herbicide treatment and why the DNR has been supportive of the project.

Mr. Stockhaus asked if the DNR made financial contributions to the herbicide treatment. Ms. Christian responded that the DNR was a partner in making the plan and that it offered a \$20,000 grant for 2007 spot treatment.

Ms. Loomis suggested the Commission direct staff to bring the Commission a timeline regarding the steps that need to be taken to go forward. Ms. Chandler said it would be city staff that would be able to bring a timeline to the Commission. Ms. Sundberg seconded the motion that city staff bring back more detail and a timeline. The motion carried unanimously.

- D. **Medicine Lake TMDL Proposed Scope of Work.** Ms. Chandler explained that the Commission is being asked to approve a scope of work to be sent to Tim Larson of the Minnesota Pollution Control Agency (MPCA) for review. She stated that the MPCA has budgeted \$100,000 for this TMDL for this year and that the MPCA has indicated that the contracting process needs

to get started. Ms. Chandler said the first step is to submit a work scope to the MPCA and the next step would be the contract coming back for Commission review.

Ms. Chandler said the Commission needs to decide today whether to send this work plan to the MPCA for review. She said the Commission needs Three Rivers Park District's approval to participate and that the District has asked for a formal letter of request from the Commission.

Ms. Loomis moved to approve sending the work plan to the MPCA and to send the letter to the Three Rivers Park District requesting its participation. Ms. Langsdorf seconded the motion.

Ms. Black said she is concerned about duplication of effort and said she is glad the Three Rivers Park District will be involved. She commented that she is uncomfortable that the Commission directed the Commission staff to create the work plan without the Commission sending out a request for proposals. Ms. Black suggested the Commission create a policy on requests for proposals. Ms. Sundberg supported the suggestion of discussing a policy about requests for proposals. Ms. Langsdorf commented that the public participation process timeline needs to be adjusted to the fourth quarter instead of the third quarter.

The motion carried unanimously.

E. Education Committee:

- i. **BCWMC Logo.** The Commission reviewed three logo designs and choose a design to be its new logo.
- ii. **BCWMC Grant Criteria.** Ms. Loomis suggested that individual property owners not be eligible for the education grants. Ms. Black said if commissioners have other comments they should send them to Ms. Herbert to compile and send to the Education Committee.
- iii. **Pilgrim Lane Grant Application.** Mr. Stauner commented that if the Pilgrim Lane Elementary grant doesn't meet the Commission's grant criteria, then the Commission needs to review its criteria and consider revising it. Ms. Black said the Education Committee will take the comments under advisement. She said the Education Committee plans to meet to discuss the grant criteria and will bring recommendations back to the Commission at the November meeting.

8. Adjournment

Ms. Black adjourned the meeting at 2:00 p.m.

Michael Welch, Chair

Amy Herbert, Recorder

Pauline Langsdorf, Secretary

Date: _____