

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of August 18, 2005

### 1. Call to Order

The Bassett Creek Watershed Management Commission was called to order at 11:30 a.m., Thursday, August 18, 2005, at the City of Golden Valley City Hall by Chair O'Toole.

#### Roll Call

<i>Crystal</i>	(Commissioner Pauline Langsdorf arrived after roll call)	<i>Counsel</i>	Bob Vose
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Len Kremer
<i>Medicine Lake</i>	Commissioner John O'Toole, Chair	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch		
<i>Minnetonka</i>	Commissioner Bill Yaeger, Secretary		
<i>New Hope</i>	Commissioner Mary Gwin-Lenth		
<i>Plymouth</i>	Alternate Commissioner Elizabeth Thornton (Commissioner Ginny Black arrived after roll call)		
<i>Robbinsdale</i>	Not represented		
<i>St. Louis Park</i>	Richard Johnson		

Also present:

- Laura Adler, BCWMC Technical Advisory Committee, city of St. Louis Park
- Jeannine Clancy, BCWMC Technical Advisory Committee, city of Golden Valley
- Bill Deblon, BCWMC Technical Advisory Committee, city of Robbinsdale
- Jack Frost, MCES
- Kelly MacIntyre, BCWMC Technical Advisory Committee, city of Minneapolis
- Robert D. MacIntyre, homeowner in Minneapolis
- Tom Mathisen, BCWMC Technical Advisory Committee, city of Crystal
- Jane Onorati, Public Works, city of Minneapolis
- Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth
- Bryan Ripp, Firestool Technologies

### 2. Presentation

Mr. Jeff Lee, ecologist with Barr Engineering Company, delivered a PowerPoint presentation on Best Management Practices and stormwater treatment methods used in the redevelopment of the Heritage Park area in Minneapolis, Minnesota. Mr. Lee introduced the Treatment Train Approach to stormwater treatment and explained that this approach comprises the following technologies:

- Flow splitters – as necessary for larger off-site areas;
- Grit chambers – to remove oil, floatables, debris, and sand;
- Sediment pond or Trench forebays – to remove additional silt and suspended solids in the largest drainage areas;
- Level spreaders – to minimize concentrated discharges and loadings;
- Filtration basins – to remove nutrients through soil and plant uptake;
- Drain tiles – to move cleansed water to ponds; and,
- Combinations of the above to achieve high levels of treatment and minimize maintenance.

Mr. Lee's PowerPoint presentation is available upon request to Amy Herbert, Bassett Creek Recording Administrator, at [bcra@barr.com](mailto:bcra@barr.com)

### 3. Approval of Agenda and Consent Agenda

Ms. Black moved to approve the consent agenda. Mr. Welch seconded the motion. Upon call of the roll, the motion carried with eight votes to approve and no votes against approval. The city of Robbinsdale was not present to vote.

### 4. Administration

- A. Presentation of the July 21, 2005, BCWMC Minutes.
- B. Financial Statements.

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

Checking Account Balance	85,945.09
Commercial Paper (due 9/07/05)	249,329.17
<b>TOTAL GENERAL FUND BALANCE</b>	<b>335,274.26</b>
Investment Balance	347,319.91
Commercial Paper (due 09/07/05)	997,316.67
Commercial Paper (due 11/07/05)	991,174.17
<b>TOTAL CONSTRUCTION ACCOUNT BALANCE</b>	<b>2,335,810.75</b>

- C. Presentation of Invoices for Payment Approval. The following invoices were approved for payment under the consent agenda:
  - i. Kennedy & Graven – Legal Services
  - ii. Barr Engineering Company – Engineering Services
  - iii. Lakeshore Communications, LLC – Hearing Notice
  - iv. Amy Herbert – Administrative Services

### 5. Communications

- A. Chairman:
  - 1. The Summer 2005 *AMLAC News* newsletter is included in this month's meeting packet and contains useful information from the Association of Medicine Lake Area Citizens.
  - 2. A hearing notice was received from the Minneapolis City Planning Commission announcing a public hearing on August 15 regarding adoption of the Bryn Mawr Land Use Plan.
  - 3. A draft plan of Part II Wellhead Protection Plan was received from the city of Minnetonka with a request that any comments on the plan be submitted by October 1, 2005, to Brian Wagstrom, Director of Public Works, city of Minnetonka.
- B. Citizen Input on Non-Agenda Items: No citizen input.
- C. Counsel: No communications.

**D. Commissioners:**

1. **Mr. Mathisen reported that the city of Crystal received a copy of the draft report "Daylighting Creeks in Hennepin County." Mr. Mathisen explained that daylighting means opening up stretches of streams enclosed in culverts or tunnels. The draft report is the first phase of a \$300,000 study approved by the Hennepin County Board as part of a 2005 Capital Budget Amendment**

**Mr. Mathisen said that the study has gone on without the knowledge or input of the Bassett Creek Watershed Management Commission, or the cities of Crystal and New Hope, even though the study included a north branch of Bassett Creek between the cities of Crystal and New Hope.**

**Mr. Kremer remarked that he had been asked if Barr Engineering had maps of sections of Bassett Creek that were underground and that Barr did find and provide these maps.**

**Chair O'Toole asked what Commission action, if any, would be appropriate at this time. Ms. Clancy recommended the Commission authorize the Commission engineer to meet with the BCWMC Technical Advisory Committee and the consultant who conducted the study to discuss the report and findings.**

**Ms. Gwin-Lenth moved to authorize the engineer to meet with the consultant and TAC. Ms. Black seconded the motion. The motion carried unanimously. Several Commissioners expressed an interest in attending the meeting. Ms. Herbert will handle communicating the meeting details to the Commission and posting the meeting notice in Golden Valley City Hall.**

2. **Ms. Black announced that for the first time since Medicine Lake water testing has been conducted, the phosphorus tests show phosphorus levels near 40 micrograms.**

**E. Engineer:**

**Mr. Kremer announced that the Hennepin County Department of Environmental Management has money available for erosion control and rain gardens for cities and nonprofits. Applications are due August 30<sup>th</sup> and information is available on the Hennepin County Web site.**

**Mr. Kremer reported that the Commission received a letter from David Hansen regarding Sweeny Lake water quality.**

## **6. Old Business**

**Mr. Welch requested the Commission address Old Business item 6.H. 908 Washburn Avenue prior to the other agenda items since a citizen was present to provide input on the issue.**

- A. **908 Washburn North/ The Homes Bassett Creek Woods. Mr. Kremer reported that Barr Engineering received the development plan from the city of Minneapolis on Thursday, August 11, which was too late to review and prepare a memo to include in the August meeting packet. Mr. Kremer said that an August 17 memo from Barr Engineering on the proposed development was handed out earlier in the meeting.**

**Mr. Kremer explained the project is located just east of Wirth Park and southeast of the intersection of Washburn Avenue North and Oak Park Avenue North. Mr. Kremer explained that citizens at the July 21 BCWMC meeting were concerned about a proposal to rezone the site. Mr. Kremer reported that the city of Minneapolis did approve rezoning of the site. The project**

includes construction of seven townhouse units. The site area is 0.74 acres, which does not require the project to meet the Commission's criteria for water quality enhancement, but there are two issues the developer needs to address:

- the increase in rate of stormwater runoff due to the increase in density from single family to multiple residential; and,
- the loss of storage volume for the 100-year flood due to the fact that the developer is proposing to fill the portion of the site below the flood plain level.

Mr. Kremer said that the developer is proposing two rain gardens located in the center of the site for stormwater treatment. Mr. Kremer said that it would be fairly easy for the developer to successfully address both issues through the construction of the rain gardens; however, the proposal from the city of Minneapolis does not document how the rain gardens will modify the increased runoff rate. Barr Engineering has asked for documentation of modified rain gardens to show the gardens will address the loss of storage issue and that they will decrease the rate of stormwater runoff to a rate equivalent to runoff from single family residences. Barr Engineering has also asked for documentation of soil testing to show that the soils are appropriate for the rain gardens to function. Mr. Kremer recommended approval of the project contingent on the developer providing the requested documentation.

Mr. McIntyre raised the issue of flooding problems of homes near the proposed development. He said that the homes are in low-lying areas and experience ground water seepage. Mr. McIntyre stated that three homes in the Washburn Avenue area are in the floodplain and that 11 others potentially have a foundation level below the 828 floodplain elevation. Mr. McIntyre asked the Commission whether something can be done about the homes that are flooding.

Mr. Welch clarified that Mr. McIntyre raised an issue separate from the development proposal in front of the Commission. Mr. Welch asked the Commission what it can do regarding the issue raised by Mr. McIntyre. Mr. Welch suggested the Commission could authorize the engineer to look at elevation levels of all the homes in the watershed and determine how many homes are in the 100-year floodplain, and then the Commission could think about what to do about these homes.

Mr. Kremer explained that the Army Corps of Engineers did a survey of homes in this area to determine whether or not the homes were subject to flood damage. Mr. Kremer said there were yards (of homes) that were located in the 100-year floodplain, but the Corps looked at whether the first floor of the homes were above the 100-year floodplain. The Corps was not concerned about dollar damages occurring to these homes. Also, the Corps focused only on homes that were located along the main trunks, such as on the main trunk of Bassett Creek and on Medicine Lake. Mr. Kremer explained that the Corps did not look at what it considered local drainage issues, which means there are homes in Golden Valley and Plymouth that are in areas subject to flood damage but are considered by the Corps as responsibility of local drainage authorities. Mr. Kremer said that he can locate copies of the elevations of homes in the Bassett Creek Watershed.

Mr. Welch pointed out that the Commission still needed to go through many agenda items and asked the Commission to recommend that the engineer review the elevations and inform the Commission at a future meeting. Mr. Welch also asked that the Commission also act on The Homes of Bassett Creek Woods site proposal. Mr. O'Toole asked if the Commission was all in favor of the engineer reviewing the elevations of the homes located in the Bassett Creek Watershed to see if any are located in the 100-year floodplain. The Commission supported the recommendation.

Ms. Black moved to approve the recommendation on The Homes of Bassett Creek Woods. Mr. Welch seconded the motion to approve the proposal with the engineer's contingencies.

Mayor Loomis stated that she does not support this proposal due to experience in a similar project proposal in Golden Valley. Ms. Gwin-Lenth voiced concerns about maintenance of the rain gardens and said she would not support the proposal without her concerns being addressed. Mr. Welch wondered what input the Minneapolis technical staff would have on the proposal. Mr. O'Toole expressed concern about voting without time to consult technical advisors.

Mr. Vose summarized the Commission's specific concerns with the proposal, as explained by Mr. Kremer. Mr. Kremer reiterated that it would be easy for the developer to meet the contingencies listed by the engineer, but that the engineer is waiting to receive documentation from the developer on how it will meet those contingencies.

Ms. Black said she was concerned about the density of the site. Mr. O'Toole remarked that he was concerned about the haste with which the proposal was brought before the Commission.

Mr. Yaeger moved to table a vote on the proposal until the September meeting. Ms. Gwin-Lenth seconded the motion. Mr. Vose clarified that Mr. Welch's second of the motion to approve the proposal with contingencies needed to be withdrawn. Mr. Welch withdrew his second. Chair O'Toole announced the motion on the table to postpone voting on the site proposal to the September meeting. The motion carried unanimously. Mr. O'Toole directed Ms. Herbert to notify the engineer to inform the city of Minneapolis that the vote on the proposal was postponed until the September 15 BCWMC meeting.

**B. BCWMC Administration – Executive Director Position. Issue deferred to September meeting.**

**C. Ad Valorem Tax Request to Hennepin County for 2006 Capital Improvement Program. Mr. O'Toole stated that the proposed amount of the tax levy the Commission is requesting from Hennepin County is \$519,000. Mr. Kremer stated that the amount is the sum of the Capital Improvement Program projects approved by the Commission.**

Mr. Yaeger moved to approve the ad valorem tax request to Hennepin County in the amount of \$519,000. Ms. Gwin-Lenth seconded the motion. Ms. Clancy pointed out that the tax request does not have any allocation for administrative expense charges to Capital Improvement Program projects. The motion carried unanimously.

## **7. New Business**

**A. 2006 Medicine Lake Water Quality Monitoring Program. Ms. Black handed out a memo she also e-mailed last week to the Commissioners. Ms. Black brought to the Commission's attention the topic of proposed Medicine Lake expenditures. Ms. Black brought up several questions for Commission discussion regarding the cost estimate of 2006 Medicine Lake monitoring and the cost estimate of converting lake plans into total maximum daily load (TMDL) studies. Ms. Black asked whether the Bassett Creek Watershed Management Commission has taken on the responsibility of the TMDL studies.**

Mr. Kremer said the Commission doesn't have a policy on the role it will play with TMDL studies. Ms. Black commented that she has a problem with the Commission collecting money for a project the Commission hasn't agreed to undertake. Chair O'Toole commented that the TMDL budget item has been an item for discussion during the annual budget discussion.

Mayor Loomis said that the topic of the Commission's responsibility with the TMDL studies has been discussed previously and that the Commission discussed that it should take some responsibility for the TMDL studies at some point in the future due to the Joint Powers Agreement. Mayor Loomis pointed out that this reasoning was the impetus for creating a budget for the TMDL studies.

Ms. Gwin-Lenth questioned if the Commission should make the TMDL topic a regular agenda item and ask the engineer to report on the status of the TMDL process. Ms. Gwin-Lenth said the status report would help inform the Commission on when it would need to use its TMDL funds. Ms. Black commented that she would like the Commission to establish a clear policy on its role with the TMDL studies. Mayor Loomis commented that the TMDL budget was created so that the Commission wouldn't be in the position of assessing member cities in order to fund the TMDL studies. Chair O'Toole said this topic would be timely to revisit at the beginning of the next fiscal year and asked Ms. Herbert to put the topic on the March or April 2006 agenda. Mayor Loomis suggested adding the topic to the November or December 2005 agenda instead. Chair O'Toole directed Ms. Herbert to add the topic to the November 2005 agenda.

## **6. Old Business (Continued)**

- D. Fee for Auditor Presentation.** Mayor Loomis stated that the fee for the auditor presentation is \$175.00 per hour. The information announced in the August meeting, that the fee was included in the cost of the audit, was incorrect. Ms. Gwin-Lenth stated that she did not think the presentation would warrant the cost. Chair O'Toole said he was not interested in inviting the auditor to present if the Commission would need to spend additional money. Mayor Loomis said the Commission can build the fee into the audit budget in the future if there is interest in having an auditor presentation following a future audit. The Commission decided it would not ask the auditor for a presentation.
- E. Administrative Expense Charges to Capital Improvement Program Projects.** Chair O'Toole reintroduced the topic of including project-relating administrative charges (to reimburse the Commission) for CIP projects when making tax levies.

Mayor Loomis moved to add 3% onto CIP projects to reimburse the Commission for administrative expenses. Mr. Mathisen asked if the administrative expenses could be reimbursed from project surplus, since every project adds on a percentage for legal, engineer, and administrative expenses. Ms. Clancy reminded the Commission that, for example, when Mr. Kremer goes to a meeting to represent the Commission, the Commission pays for Len's time.

Mayor Loomis moved to add 2.5% instead of 3% onto CIP projects to reimburse the Commission for administrative expenses. Mr. Welch commented that the Commission could modify that 2.5% after review. Ms. Gwin-Lenth seconded the motion. Ms. Black said she would not support the motion because of the overage the Commission has collected and the \$35,000 in the budget for the TMDL study. The motion carried.

## **8. September Meeting**

The following agenda items are currently scheduled for the Commission's September 15 meeting:

- A. The Homes of Bassett Creek Woods (908 Washburn Avenue North)**
- B. Capital Improvement Project Reserve Account**
- C. Protocol for Addressing New CIP Projects and Lakeview Pond Park**
- D. Contract for Project Maintenance**
- E. Permit Review Fees**
- F. Administrative Options Subcommittee business – executive director position**

## 8. Adjournment

Mayor Loomis moved to adjourn the meeting. Mr. Yaeger seconded the motion. Chair O'Toole adjourned the meeting at 2:05 p.m.

\_\_\_\_\_  
John O'Toole, Chair

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

\_\_\_\_\_  
William Yaeger, Secretary

Date: \_\_\_\_\_

245863