

Bassett Creek Watershed Management Commission

Minutes of the Meeting of March 15, 2007

1. Call to Order

The Bassett Creek Watershed Management Commission was called to order at 11:35 a.m., Thursday, March 15, 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>	Len Kremer
<i>Medicine Lake</i>	Commissioner Cheri Templeman	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Chair		
<i>Minnetonka</i>	Commissioner Kris Sundberg		
<i>New Hope</i>	Commissioner Daniel Stauner		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	Commissioner Richard Johnson		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Derek Asche, BCWMC Technical Advisory Committee representative, City of Plymouth
John Barten, Three Rivers Park District
Jeannine Clancy, BCWMC Technical Advisory Committee, City of Golden Valley
Terrie Christian, Association of Medicine Lake Area Citizens; Minnesota Waters
Lois Eberhart, BCWMC Technical Advisory Committee, City of Minneapolis
Jack Frost, MCES
Lisa Goddard, Alternate Commissioner, City of Minneapolis
Billy Jarmon, Plymouth resident
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
Jeff Oliver, BCWMC Technical Advisory Committee Alternate, City of Golden Valley
Joel Settles, Hennepin County Department of Environmental Services
Liz Stout, BCWMC Technical Advisory Committee Alternate, City of Minnetonka
Elizabeth Thornton, Alternate Commissioner, City of Plymouth

2. Approval of Agenda and Consent Agenda

Ms. Black requested the removal of the February 15th and March 1st, 2007 meeting minutes from the Consent Agenda. Chair Welch removed the financial statements from the Consent Agenda. Ms. Black moved to approve the modified Agenda and Consent Agenda. Ms. Herbert announced that the invoice from Featherlite Exhibits should be added to this month's agenda. Chair Welch said the Featherlite invoice would be added as item 3Ciii and announced the addition of Watershed Tour Stops to the Old Business as item 7G. Ms. Black said she considers the additions a friendly amendment to her motion. Ms. Langsdorf seconded the motion.

3. Administration

A. Presentation of the February 15th and March 1st, 2007 meeting minutes. Ms. Black commented that in the February 15th minutes on page 2 in the third paragraph under “Financial Statements” the word “few” should be corrected to state “fee.” Ms. Black stated that in the March 1st minutes on page 3, in the eighth paragraph the phrase “less that” should be replaced with “less than”. She also commented that the word “would” is duplicated that same paragraph on page 3. Ms. Loomis requested that on page 7 of the February 15th minutes the reference to “Mr. Loomis” be changed to Ms. Loomis. Ms. Black moved to approve the minutes as amended. Ms. Langsdorf seconded the motion. The motion carried unanimously.

B. Financial Statements.

Chair Welch said that the financial report indicates there were expenditures in the Erosion/Sediment, Long-term maintenance and TMDL studies budgets this month for 2007-2008 and he commented that those expenditures typically take place at the end of the fiscal year. Chair Welch also stated that the TMDL budget should show expenditure this month for Barr Engineering’s expenses assigned to the TMDL project. Ms. Loomis, BCWMC Treasurer, responded that she would check with Ms. Sue Virnig, BCWMC Deputy Treasurer, about those issues.

Ms. Black moved to receive and file the financial statement. Ms. Loomis seconded the motion. The motion carried unanimously.

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

<u>Checking Account Balance</u>	<u>158,504.87</u>
<i>TOTAL GENERAL FUND BALANCE</i>	<i>158,504.87</i>
<u>Investment Balance</u>	<u>1,920,495.75</u>
<u>Commercial Paper (due 5/15/07)</u>	<u>990,129.17</u>
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>2,910,624.92</i>

C. Presentation of Invoices for Payment Approval.

i. Barr Engineering Company – Engineering Services

Ms. Langsdorf pointed out a miscalculation in the Barr invoice, under the Twin’s Stadium item on page 2. She stated that the Twin’s Stadium subtotal amount should be \$300 instead of the \$350 listed. Mr. Kremer said Barr will correct the miscalculation and bring the corrected invoice back to the April BCWMC meeting. Chair Welch asked if the BCWMC has options in terms of which BCWMC budget item to assign Barr Engineering’s expenses for its work on the Sweeney Lake TMDL. Mr. Kremer said another possibility besides the TMDL budget would be the water quality budget. Chair Welch said he is not recommending a change at this point. Ms. Langsdorf moved to table the invoice until the April meeting. Ms. Peterson seconded the motion. Ms. Black asked if the BCWMC could approve the invoice less the \$50 over-charge. Chair Welch said it is up to the Commission but said that since there is a motion and a second, he will call the vote. The motion carried with five votes in favor

(Golden Valley, Medicine Lake, Minneapolis, Minnetonka, and Robbinsdale) and four votes against (Crystal, New Hope, Plymouth, and St. Louis Park).

ii. **Amy Herbert – Recording Administrator Services**

Ms. Black moved to approve the Amy Herbert invoice of \$3,725.00. Ms. Thornton seconded the motion. By call of roll, the motion carried unanimously.

iii. **Featherlite Exhibits – BCWMC Table Top Display**

Ms. Langsdorf moved to approve payment of the Featherlite Exhibits invoice of \$1,057.00. Ms. Black seconded the motion. By call of roll, the motion carried unanimously.

D. **Request by City of New Hope for partial reimbursement in amount of \$138,040.89 for Saint Joseph’s Regional Storm Water Pond improvements (Northwood Lake 2005).** Mr. Kremer stated that the city of New Hope is requesting partial reimbursement for the project. He said there is still remaining maintenance work. He said the project and estimated cost of \$182,700 was authorized by the BCWMC in 2004. He said the reimbursement request is for \$138,040.89 and the city estimates spending approximately \$15,000 for maintenance for an estimated total project cost of \$158,000. Ms. Loomis moved to approve the reimbursement. Ms. Peterson seconded the motion. By call of roll the motion carried unanimously.

E. **Resolution to Appoint BCWMC Official Depositories.** Ms. Black moved to approve Resolution 2007-07 to appoint RBC Dain Rauscher and Wells Fargo as the BCWMC’s official depositories. Ms. Loomis seconded the motion. The motion carried unanimously.

4. Public Hearing

Mr. LeFevere announced that the BCWMC set for today a hearing on a proposed minor plan amendment to the BCWMC’s Watershed Management Plan to add two projects to the BCWMC’s Capital Improvement Program. He said the hearing serves the requirements for three different legal requirements. He explained that under the Joint Powers Agreement a hearing has to be held before the projects can proceed. He said a hearing also is required when the project funding is proposed to be a county tax levy. Mr. LeFevere added that a hearing also is required to qualify a minor plan amendment as a minor plan amendment.

Mr. LeFevere said notice of the hearing was mailed to the cities and the county and mentioned that Ms. Herbert submitted the hearing notices to several local papers and also to the Star Tribune. He reported that the Star Tribune did not publish the notice and therefore the legal requirement of publishing the notice twice, a week apart, no more than 30 days and no fewer than 10 days prior to the hearing was not met.

Mr. LeFevere recommended the BCWMC open the public hearing today so anyone present today has the opportunity to be heard. He said the BCWMC should continue the hearing to the April 19th BCWMC meeting. Mr. LeFevere informed the citizens here today that they do not need to come back to the April continuation of the hearing unless they would like to and that any testimony given today will be part of the record.

Chair Welch announced that the BCWMC will accept written comments as well and those comments will be accepted until the close of the hearing on April 19th. He said the comments can be sent to the BCWMC via its mailing address listed on its Web site at www.bassettcreekwmo.org [mailing address: BCWMC, c/o Barr Engineering, 4700 West 77th Street, Minneapolis 55435-4803].

Mr. Kremer explained that the proposed minor plan amendment includes the addition of two projects to the BCWMC's CIP. He said the Northwood Lake East Pond project is located in the city of New Hope and comprises the construction of a storm water quality treatment pond downstream of Northwood Lake. Mr. Kremer said the pond would remove approximately five pounds of phosphorus per year and the estimated cost of the project is \$107,000. He stated that the average cost on an annual basis per pound of phosphorus removed would be approximately \$1,380.

Mr. Kremer said the proposed West Medicine Lake Park Pond project was requested by the City of Plymouth and is located on the downstream end of Plymouth Creek, immediately upstream of Medicine Lake. He said this project would be a much larger ponding area than the proposed New Hope project. Mr. Kremer said the West Medicine Lake Park Pond would remove about 350 pounds of phosphorus per year at a total estimated project cost of \$900,000. Mr. Kremer explained that the average cost on an annual basis per pound of phosphorus removed would be approximately \$180. Mr. Kremer said this average annual removal cost estimate is slightly different than the estimate presented previously by the city of Plymouth [note: \$257 without maintenance costs; \$260 including maintenance costs] because of a difference in the project life length used in the two separate estimates. Mr. Kremer said Barr Engineering considered the project life to be longer than the 25-year project life used in the city of Plymouth's calculation.

Mr. Kremer stated that for comparison the two ponding areas constructed in East Medicine Lake in 2004 had an average annual cost of about \$700 per pound of phosphorus removal on an average annual basis and the Westwood Lake pond had a cost of approximately \$1,500 per pound of phosphorus removal on an average annual basis.

Chair Welch moved to open the public hearing. Ms. Black seconded the motion.

Ms. Christian of the Association of Medicine Lake Area Citizens (AMLAC) spoke in favor of the Plymouth Creek project [West Medicine Lake Park Pond]. She said it is really cheap for removing that much phosphorus and since Medicine Lake is the headwaters of Bassett Creek, all communities downstream will benefit.

Chair Welch asked for additional comments on the proposed projects contained in the proposed minor plan amendment. Upon hearing no additional comments, Chair Welch asked for a motion to continue the hearing to the April 19th BCWMC meeting. Ms. Black moved to continue the hearing. Ms. Loomis seconded the motion.

5. Communications

Citizen Input on Non-Agenda Items: Ms. Terri Christian of Association of Medicine Lake Area Citizens (AMLAC) announced she has been working for Minnesota Waters, which is a state organization for taking care of lakes and rivers throughout the state of Minnesota. She explained that legislation has been proposed that would raise funding for the issue of aquatic invasive species. She said Minnesota Waters is supporting the Department of Natural Resources Bill, which is asking for more money than has been allocated to this issue in the past. However, she said, the DNR bill only covers aquatic invasive species control and not prevention.

Ms. Christian said Minnesota Waters is proposing a \$6.60 per year surcharge on boat licenses, which is approximately \$20 over the three-year period of boat licenses, to go toward funding prevention and control of and rapid response to aquatic invasive species. Ms. Christian says Minnesota Waters believes that boats are the vectors of the spread of the species and this

surcharge would put the responsibility on the folks that are spreading the species. Ms. Christian says she has a four-page position paper and she has a summary of the amendment to the DNR bill. She explained that Minnesota Waters was asked to turn the amendment into a bill and although the bill is not yet available for review, it will essentially be the language of the amendment.

Ms. Christian mentioned she also had a copy of the testimony she gave last week to the Minnesota Senate Finance Committee. She asked for BCWMC approval to forward the information to Ms. Herbert, who would then forward the information to the BCWMC. Ms. Christian said the information will also include a document listing all the Senate Finance Committee members and their contact information. She said if the BCWMC members felt they could support the surcharge, she would like them to contact all the Committee members on the list to announce support of the legislation. Ms. Christian said the Committee has asked Minnesota Waters for grassroots support.

Chair Welch commented that Minnesota Waters has a nice e-mail newsletter and said that information about Minnesota Waters and the newsletter can be found at its Web site www.minnesotawaters.org.

Ms. Black asked if the legislation has a bill number assigned to it. Ms. Christian said it does not have bill number yet. Ms. Black asked Ms. Christian to forward the bill number once it is assigned to Ms. Herbert so she can forward it to the BCWMC. Ms. Black said she will request that the Plymouth City Council write a letter to the delegation and she encourages other BCWMC members to request the same from their city councils. Ms. Christian said time is of the essence in the matter of indicating support for the legislation because it will be moving through the committee in the next two weeks. Chair Welch directed Ms. Herbert to pass on the information when she receives it.

A. Chairman:

- i. Chair Welch announced that House File (HF) 1483 / Senate File 1251 is legislation representing the Three River Park District's \$5 million for regional park water quality and the requested \$5 million match from the legislature.**
- ii. Chair Welch passed around information from the meeting about the Bassett Creek Valley redevelopment plans and said the next meeting would be in May. He said the plan is still conceptual and there are three concepts being discussed, but that all concepts involve taking the portion of the creek just short of the double box culvert and diverting a base flow to the north. He said the concepts show the overflow going through the new tunnel. Mr. Kremer said the amount of base flow being discussed is very small. Chair Welch commented it would be an aesthetic feature. Chair Welch also took this opportunity to introduce Ms. Lois Eberhart, the new BCWMC Technical Advisory Committee member from the city of Minneapolis.**
- iii. Chair Welch reported that the BCWMC did not receive the requested funding on the Wirth pond from Mn/DOT. Mr. Kremer recommended directing the issue back to the TAC. He reminded the Commission that it needs approximately \$200,000 to finish construction of the pond. Mr. Kremer explained that the pond is located in Theodore Wirth Park, which is owned by the Minneapolis Park Board. He said the Park Board is willing to give an easement for construction of the pond but is not willing to maintain the pond.**

Mr. Kremer said the idea behind going after the Mn/DOT funds was to build a fund that would be used to cover the maintenance costs of the pond. He stated that the city

of Golden Valley offered to maintain the pond if the funds were provided. Mr. Kremer said in total it was estimated the completion of the project and future maintenance of the pond would cost approximately \$300,000 and this cost and the fact that Mn/DOT contributes most of the water to this area were the basis of the city of Golden Valley's application for Mn/DOT funds.

Mr. Kremer said the BCWMC needs an alternate plan and could either bring the issue up at the next Commission meeting or direct the TAC to discuss it at the next TAC meeting. Chair Welch directed the TAC to discuss the issue at its next meeting.

- iv. Chair Welch announced that Gary Oberts of EOR sent a communication to all Metro Area Watershed Management Organizations (WMOs) asking for volunteer WMOs to participate in the process of selecting pilot watersheds for a Board of Water and Soil Resources' (BWSR) Watershed Based Management and Permitting Study.

Ms. Black asked if the BCWMC could express interest but then withdraw due to the cost once the cost is known.

Mr. LeFevere said he thinks it behooves joint powers watershed management organizations to be involved in the process. He said as he understands it, the state agencies have been struggling to figure out how to incorporate all the water mandates and this study is a part of the agencies' attempt to open doors and to discover the impediments to the effective administration of the water laws. Mr. LeFevere reminded the BCWMC that under statute a WMO can take different forms and that under statute a watershed district is a WMO and that this study may be including various types of WMOs.

Ms. Black reiterated that cost is an issue and the BCWMC should wait for further information regarding cost before committing itself.

Chair Welch stated that his firm, Smith Partners, PLLP, is working on this project and so he has a conflict of interest on this issue.

Mr. LeFevere said his understanding is that Smith Partners and EOR have contracts with BWSR to put this study together and to organize it. He said Smith Partners would not make any more or less money because of anything Chair Welch would say regarding the topic since Smith Partner's contract is already in place. Mr. LeFevere said he doesn't think the chair would be in a position to be the BCWMC representative in that study since his firm is organizing the study, he sees no reason why Chair Welch can't explain what he knows about the process.

Chair Welch asked the commissioners to comment on the conflict issue.

Ms. Black recommended Chair Welch do what is legally proper and what he is comfortable with, which may mean he should think about abstaining from any vote on the issue.

Mr. Johnson mirrored Ms. Black's comments and suggested Chair Welch speak to his comfort level and abstain from voting if there is a money decision on the topic if he is comfortable with that. He also recommended that a BCWMC volunteer be part of the selection process.

Ms. Langsdorf agreed with the idea of his not participating in the vote on the issue if it involved money and commented it would be helpful if Chair Welch would share his information on the topic. Ms. Peterson said Chair Welch would be a good resource of information.

Mr. Kremer asked if there has been any indication as to the cost to the WMO to participate. Chair Welch said there has not.

Mr. Frost added that this study is the one the Metropolitan Council, the Board of Water and Soil Resources, and the Minnesota Pollution Control Agency started a number of years ago. He said the study is trying to figure out where are the problems and the benefits for everyone involved. He said the Bassett Creek WMO's participation would include indicating interest in being one of the models being used to see if the model makes sense and works for this organization. Mr. Frost said there should be no cost at this point, until it is determined if it makes sense for everyone involved, and then at that point the WMO will be able to choose its involvement.

Mr. LeFevere explained that the work being done by Smith Partners is being funded by the state. He said if there is a cost to the BCWMC, it would be a cost paid to the BCWMC staff for the work involved in participating.

Ms. Black said a potential cost could be staff time at the city level for participation.

Ms. Langsdorf moved that the BCWMC indicate interest in participating in the process of selecting pilot watersheds for a Board of Water and Soil Resources' (BWSR) Watershed Based Management and Permitting Study. Ms. Sundberg seconded the motion. The motion carried unanimously.

- v. Chair Welch announced that the Sweeney Lake TMDL contract is ready and will be reviewed and assigned. Ms. Clancy reminded the BCWMC that work cannot start until March 29th per the contract. Chair Welch announced the public meeting about the Sweeney Lake TMDL will be held on March 29th. Chair Welch also announced that yesterday Mr. Larson found a likely funding source for phase II of the Sweeney Lake TMDL study.

B. Commissioners: Ms. Sundberg said that when the BCWMC is asked to support legislation, she would also like to hear a summary of who is opposing the legislation and the basis of that opposition.

C. Committees:

- i. Ms. Langsdorf reported that the Joint Education and Public Outreach Committee (EPOC), comprised of education committee members from Bassett Creek, Shingle Creek, Elm Creek and West Mississippi, met on March 13th. She said MetroBlooms presented at the meeting. Ms. Langsdorf said the Joint EPOC decided it wants to pursue a grant opportunity through BWSR and that the application deadline is before the next BCWMC meeting. Ms. Langsdorf explained the grant would be for the MetroBlooms program to be conducted within the joint watershed management organizations in 2008.

She said the BCWMC's estimated share of the additional program cost, if the EPOC is awarded the grant, is \$3,000 - \$4,000, which the Education and Outreach Committee

(Committee) would request be included in the BCWMC's 2008 budget. Ms. Langsdorf asked if the BCWMC is comfortable with the Committee participating in the Joint EPOC's grant application.

Ms. Black mentioned that MetroBlooms is a non-profit organization that conducts workshops to help residents learn how to construct rain gardens on their properties.

Ms. Langsdorf stated that the grant would be used for conducting workshops in 2008. Chair Welch asked who would write the grant application. Ms. Langsdorf responded that the Shingle Creek Engineer would.

Ms. Black commented that the MS4 cities will need education and outreach in their Storm Water Pollution Prevention Plans (SWPPPs) and the MetroBlooms workshops supported by the BCWMC would help the MS4 cities to meet those requirements.

Ms. Black moved to approve participation in the grant application process. Mr. Johnson seconded the motion. The motion carried unanimously.

Ms. Langsdorf said the Joint EPOC also reviewed the request for proposal for the joint watershed survey.

Chair Welch reminded the BCWMC that the Environmental Quality Fair will be held on March 27th at Pilgrim Lane Elementary School in Plymouth at 6:00 p.m.

D. Counsel: No communications.

E. Engineer: Mr. Kremer said he has the Sweeney Lake TMDL contracts with him and that Mr. Larson also reminded him that the MPCA has \$100,000 set up for expenditure for next year for the Medicine Lake TMDL. Mr. Kremer suggested that the scope of work be developed and requested that the BCWMC authorize Barr Engineering and Three Rivers Park District to develop the scope for the TMDL. Ms. Black moved that the BCWMC authorize Barr and Three Rivers Park District to develop the scope for the Medicine Lake TMDL. Ms. Peterson seconded the motion. Chair Welch directed Ms. Herbert to add the Medicine Lake TMDL to the BCWMC agenda when the scope of work is prepared and ready for Commission discussion.

Old Business

A. Presentation by John Barten of Three Rivers Park District on the Medicine Lake Curlyleaf Pondweed Herbicide Treatment Project. Mr. Barten explained there has been an ongoing project to control curlyleaf pondweed in Medicine Lake for the past three years. He said the objective of the project was to improve the water quality of Medicine Lake by the removal of the curly leaf pondweed. He said the Three Rivers Park District was involved in the project for data collection but it was a City of Plymouth and BCWMC project.

Mr. Barten reported that the park district and the City of Plymouth conducted an inventory of where the curlyleaf pondweed plants were growing. He said the inventory rated the areas as high, moderate, or low areas of growth.

Mr. Barten said the objectives of the study were to control curlyleaf pondweed and to establish a diverse native plant community for the primary objective of reducing internal loading of phosphorus. He said a side benefit was to increase the acreage for recreational activities especially in June.

Mr. Barten said three applications of the herbicide were done. He said the applications were done early in the season so the broad spectrum herbicide would be applied before the native macrophytes start growing, which is when the water temperature reaches 70 degrees. He said nothing was growing when the herbicide was applied except the curlyleaf pondweed and the Eurasian Water milfoil.

Mr. Barten showed slides with information about the number of curlyleaf pondweed stems per square meter before and after the 2004, 2005 and 2006 herbicide treatments and reported that the number of stems after the treatment was significantly reduced. He mentioned that the stem density data was collected by Steve Nokomis of Blue Water Science.

Mr. Barten discussed a re-growth or survival in stems after the chemical treatment in the south end of Medicine Lake in 2006 and mentioned it may have been due to the direction of the wind during the chemical application, which may have blown the chemical to the north end of the lake. He said they will concentrate their inventory efforts on those re-growth areas this spring.

Mr. Barten said the aquatic macrophytes did not respond as hoped over the three-year time frame. He said the Army Corps of Engineers working in cooperation with the cities and the park district collected the aquatic macrophyte information. Mr. Barten announced that there were increases in two plants – Elodea canadensis and Eurasian water milfoil. He said that by 2006 the Eurasian water milfoil increased substantially from 2004 and 2005. He said they will be monitoring this throughout the year. He said it does take about three years for the native plants to take off so they still are hoping to see an increase in the native aquatic macrophytes.

Mr. Barten explained that before the herbicide project the curlyleaf pondweed would drop out of the system in late June or in the beginning of July, which was a tremendous loss of biomass. The plant materials would then be lying on the bottom of the lake decomposing. The decomposition would cause a release of phosphorus and would also create anoxic conditions on the bottom sediment, which releases phosphorus. He commented that data indicated the phosphorus being released around July 1st each year was 500 pounds.

Mr. Barten said data has been collected starting in 1990 showing the bubbling of the phosphorus in the water column in Medicine Lake right around July 1st. He said part of the hypothesis with the curlyleaf pondweed herbicide treatment project was that if the curlyleaf pondweed was eliminated, the internal loading of phosphorus problem could be eliminated.

Mr. Barten explained that in 2004, the first year of treatment, there was a significant bump of phosphorus in May, after the first treatment. He said the treatment created the same loss of biomass conditions. He said in 2004 the treatment appeared to push back the time frame of the water quality problem. Mr. Barten said that in 2005 there was significantly less biomass but in late June or early July there was a mixing event due to a large storm that disrupted the thermocline and brought up some of the phosphorus. He said there was an improvement in water clarity in 2005.

Mr. Barten reported that in 2006 water quality stayed stable and there wasn't a rise in phosphorus until late August, meaning the problem was pushed back by about a month and a half.

Mr. Barten said for long-term annual concentrations of phosphorus, the concentrations have been lower but still don't meet the goal. He said the concentrations are a function of the internal loading and the external loading. He said there has been extensive data collected since 2001 on how much

phosphorus is coming into Medicine Lake. Mr. Barten said the data shows there was more external loading into the lake in 2006 than there was in 2005. He said that even with the increase in external loading, the data shows the phosphorus concentration in the lake in 2006 was less than it was in 2005. He said it appears that controlling the curlyleaf pondweed is having a significant beneficial impact on the water quality of Medicine Lake. Mr. Barten said that the hope is that by installing the West Medicine Lake Park Pond, Medicine Lake will reach its water quality target.

Mr. Barten said the three years of applying the herbicide treatment is over but there will be spot applications, such as treatment of 10 to 12 acres as compared to treatment of 320 acres, so the curlyleaf pondweed doesn't reestablish itself. He said it is not known whether curlyleaf pond weed causes poor water quality conditions in lakes or whether poor water quality conditions in lakes allows curlyleaf pondweed to grow. Mr. Barten said the hope is that by removing curlyleaf pondweed for a period of time and thereby improving water clarity and quality, the curlyleaf pondweed over the long-term will be suppressed by native macrophytes.

Ms. Goddard asked if there are plans to reseed the lake with native plants. Mr. Barten said there are no plans to reseed because the native seed bank is in place and the hope is that with improved water clarity the native plants will begin growing.

6. New Business

- A. **Industrial Supply: Plymouth.** Mr. Kremer stated that this project is a small industrial site located in the Medicine Lake Watershed. He said the project involves increasing an existing industrial facility and expanding the area of impervious surface by 0.57 acres. Mr. Kremer reported that the BCWMC's requirements on this site are that the applicant treat runoff in the expansion to Level I standards and also that the applicant have nondegradation for the existing site.

Mr. Kremer said the project proposes a rain garden as an alternative to a pond. Mr. Kremer said the applicant supplied the additional information requested by the Commission Engineer to show that the project will meet the requirements. Mr. Kremer said the Commission Engineer recommends approval of the project. Chair Welch asked if the four recommendations listed in the March 8th, 2007 Engineer's Memo have been met. Mr. Kremer said they have.

Ms. Black moved to approve the permit subject to the conditions listed in the March 8th Engineer's Memo. The motion was seconded. The motion carried unanimously.

- B. **Golden Valley 2007 Pavement Management Program: Golden Valley.** Mr. Kremer said the project comprises 2.7 miles of street improvements southwest of Rice Lake. He said it is difficult to add water quality ponding to residential street replacements because the area is all developed. Mr. Kremer said the City of Golden Valley is proposing to install BMPS that consist of sump manholes to remove sediment before discharging to Bassett Creek or South Rice Creek Pond. He reported that the project reduces the area of impervious surface by 0.8 acres. Mr. Kremer said the Commission Engineer recommends approval based on the five conditions listed in the March 8th Engineer's Memo.

Mr. Oliver remarked that the City of Golden Valley can accommodate all of the conditions listed in the Memo.

Mr. Johnson asked who makes sure the inspection is conducted twice a year as recommended in the Engineer's Memo. Mr. Kremer said historically the BCWMC has conducted some inspections on

water quality treatment ponding areas that are industrial or commercial areas. He said the BCWMC has not done inspections on city properties. Mr. Kremer said the cities are required as part of their Storm Water Pollution Prevention Plans (SWPPPs) to develop a schedule for when these facilities will be maintained. Mr. Kremer said the inspection would be part of the city's maintenance schedule. Mr. Kremer asked Golden Valley if the city has a schedule that is more intense than twice a year. Mr. Oliver responded yes.

Ms. Loomis moved approval contingent on the recommendations in the Engineer's Memo. Ms. Black seconded the motion. The motion carried unanimously.

7. Old Business

- B. **BCWMC Involvement with CAMP (Citizen-Assisted Monitoring Program) for 2007.** Ms. Black moved to approve the 2007 participation and expenditure for the CAMP program. Ms. Loomis seconded the motion. The motion carried unanimously.
- C. **TAC Recommendations to Add Channel Restoration Projects to the CIP.** Mr. Kremer reminded the BCWMC that this topic has been discussed by the TAC on several occasions and was summarized in the January 10th write up by Karen Chandler. He said that at its March meeting the BCWMC asked for some suggestions as to how the projects would be prioritized in terms of when they would be constructed. Mr. Kremer said the January 10th memo listed the projects in accordance with the requests from the cities.

Chair Welch asked if there is a comparison between the four Plymouth projects and the three Golden Valley projects. Mr. Kremer said there is not. Chair Welch stated that not all member cities have stream bank and that not all the member cities that do have stream bank have completed the stream bank assessments.

Chair Welch asked which cities have done their stream bank inventories. Mr. Kremer responded that the cities of Golden Valley, New Hope, and Plymouth have submitted their inventories. Chair Welch said the only cities that have stream bank that haven't submitted their inventories are the cities of Crystal and Minneapolis. Mr. Kremer responded that Chair Welch was correct.

Ms. Black said on page 5 of the Engineer's Memo, there are criteria listed such as "city access for right-of-way to complete project". Ms. Black said right-of-way is also needed to maintain the project, which may not be the same right-of-way used to complete the project. Ms. Black said she wants to be sure the projects can be maintained and stated that right-of-ways for maintenance should be part of the criteria for the project.

Ms. Black commented that the cities have much more responsibility than what would be the BCWMC's portion of the projects. She also said she wonders how the City of Plymouth reached the estimated costs for the proposed channel maintenance projects listed in the Engineer's Memo and said she will check those numbers. Mr. Kremer said the project costs listed in the March 8th Engineer's Memo were taken from the cities' stream bank inventories, which were done several years ago. He said that the problems could be worse now. He said this is what happens with stream bank problems over time, they get worse and the repair project gets more expensive. Mr. Kremer said these costs have not been updated. Ms. Black said the city of Plymouth has experience with these types of projects and the costs become much greater very quickly.

Ms. Langsdorf said the TAC recommended the projects get done in the next two to three years. She asked how realistic that time frame is. Mr. Kremer said that comment came from the TAC's concern that the longer the wait before these types of problems are addressed, the worse and more expensive these problems become. Mr. Kremer said the TAC thought these projects need to get done and need to get done sooner rather than later.

Mr. Mathisen asked how a pond project could be compared to a stream bank project. He commented that the City of Crystal had been too busy to complete its stream bank inventory for the low dollar amount available in the channel maintenance fund. Mr. Mathisen said two to three years is a stretch.

Ms. Black commented that she can't see the City of Plymouth getting to the projects listed for at least two years due to staff time and financial resources at the city level.

Chair Welch said the question of whether to add channel maintenance projects to the CIP is a policy question. He said there are consequences of changing the policy such as the BCWMC would need to pursue either a major or a minor plan amendment and then it would need to make funding decisions.

Ms. Clancy reminded the Commission that it did ask all of the cities to submit their stream bank inventories several years ago. She also stated that the TAC's recommendation to the Commission was a consensus and that the discussion today may not have represented that consensus.

Ms. Loomis commented that the process needs to be started now so that money can be certified in 2008 to be collected in 2009.

Chair Welch commented that he had thought this proposed change would require a major plan amendment. He said, however, if the changes require a minor plan amendment instead, the amendment process would be shorter. He said going through the minor plan amendment process would be less costly and would also mean the work could start sooner. Chair Welch remarked that the minor plan amendment process is a less robust review process than the major plan amendment and the Commission needs to consider all these factors.

Ms. Black asked for a description of the differences between the major and minor plan amendments.

Mr. Kremer said he spoke recently with Phil Belfiori, of the Board of Water and Soil Resources, who said that a major plan amendment is for an item that is a departure from what is in the organization's plan [note: the Watershed Management Plan]. Mr. Belfiori said it would be his interpretation that the channel maintenance projects are water quality-related projects. Mr. Kremer said this was also Steve Wood's [of the Board of Water and Soil Resources] interpretation. Mr. Kremer said the focus of the Bassett Creek WMO's Capital Improvement Plan (CIP) is water quality improvement-related and therefore the addition of channel maintenance projects is not a significant departure from what the Bassett Creek WMO has proposed to do in its CIP. Mr. Kremer said the identical interpretation from BWSR regarding the Northwood Lake East Pond and the West Medicine Lake Park Pond projects is why the Bassett Creek WMO was able to propose adding those two projects to the CIP through the minor plan amendment process.

Mr. LeFevere said the rules governing the Bassett Creek WMO explain that a minor plan amendment is in order when the capital project was in the plan but was not described to the degree required. Mr. LeFevere said the BCWMC is talking about adding a type of project that was not in its Watershed Management Plan (Plan). Mr. Kremer commented he did not agree that the projects were not in the Plan. He stated that channel improvement was discussed in the Plan. Chair Welch said stream projects are listed in Table 3 of the Plan and asked if the projects in Table 3 are any of the same channel maintenance projects proposed by the cities of Plymouth and Golden Valley for channel maintenance. Mr. Kremer said some of the projects are the same.

Mr. LeFevere said the difference between a major and a minor plan amendment is time and money. He recommended that for planning purposes the BCWMC set enough time aside for a major plan amendment.

Ms. Black said she thinks the BCWMC needs to proceed with adding the channel maintenance projects to the CIP. She recommended increasing the current annual CIP cap of \$500,000 to \$1.0 million. Ms. Black suggested forwarding the policy to the cities and asking the cities to bring comments back to the BCWMC regarding the proposed addition of the channel maintenance projects to the CIP and the \$500,000 increase to the dollar amount cap of its CIP. Chair Welch commented that requesting comments would be part of the amendment process. Ms. Loomis said the Commission should start the process as soon as possible.

Chair Welch asked if the seven proposed channel maintenance projects listed in March 8th Engineer's Memo are sediment projects. Mr. Kremer the projects are primarily focused on modifying the channel in some way to prevent further erosion.

Mr. LeFevere said that the BCWMC could accelerate the payment of the \$900,000 Plymouth Creek project to be included in the levy collected in 2008 in anticipation of spending more money on channel maintenance projects as a way of keeping the potential future tax levy increases level.

Ms. Peterson recommended the BCWMC get started with the process of adding the channel maintenance projects to its CIP.

Mr. LeFevere said the BCWMC may want to set up an early involvement process regarding the potential policy change to get city decision makers involved.

Ms. Christian said that since 1996 AMLAC has been lobbying the City of Plymouth to do something about the sedimentation. She said AMLAC is more concerned with sedimentation than aquatic vegetation.

Mr. LeFevere said perhaps the TAC could discuss the process of how to involve city council members and city managers. He suggested perhaps the BCWMC would need to set up a separate committee.

Chair Welch directed staff to assemble the necessary materials for a plan amendment. He encouraged informal communication with city councils, mayors, and managers. Chair Welch said it seems that the TAC is of like mind on the issue but it sounds like the technical information needs to get out to the city councils. He said the BCWMC could make its staff available for providing information to the city councils on the proposed addition to the CIP.

Mr. LeFevere stated that the accuracy of information about the proposed channel maintenance projects should be refined by the cities before the minor plan amendment is created.

Ms. Black reported that she is going to send to the City of Plymouth council members the information contained in the TAC recommendation in Ms. Chandler's January 10th memo and will ask the council members to send comments back to her. She said if there are red flags or objections raised, the council will set up a study session on the issue.

Chair Welch made a motion that the BCWMC proceed with the addition of stream bank repair and erosion control projects to its CIP by:

- Directing the TAC to make further refinement of the estimated project costs listed for the seven listed proposed channel maintenance projects;
- Directing the TAC members to work with their city councils and department heads to gage interest in the CIP modification;
- Directing the BCWMC staff engineers at BARR to make themselves available for conversations with city staff to explain the history of the CIP and answer any questions about the proposed additions to the CIP;
- Encouraging BCWMC commissioners to contact their city councils and other important city policy makers to discuss the plan; and,
- Directing staff to add the topic to the BCWMC April meeting agenda.

Ms. Black seconded the motion. The motion carried unanimously.

- D. Review Policy of CIP Reserve Account and \$250,000 Minimum Account Balance. Item deferred to April meeting.
- E. BCWMC Permit Fee Policy. Item deferred to April meeting.
- F. BCWMC Web Site Traffic Report. Item deferred to April meeting.
- G. BCWMC Watershed Tour. Item deferred to April meeting.

8. April Meeting

The following agenda items are currently scheduled for the April 19th, 2007 BCWMC meeting:

- A. Public Hearing: Proposed Minor Plan Amendment
- B. Draft 2006 Annual Report
- C. Sweeney Lake TMDL
- D. CIP Modifications
- E. Review Policy of CIP Reserve Account and \$250,000 Minimum Account Balance
- F. Permit Fee Policy
- G. BCWMC Web Site Traffic Report

8. Adjournment

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

Michael Welch, Chair

Amy Herbert, Recorder

Pauline Langsdorf, Secretary

Date: _____