

Bassett Creek Watershed Management Commission

Minutes of the Meeting of August 20, 2009

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:45 a.m., Thursday, August 20, 2009, 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>	Alternate Commissioner Ted Hoshal	<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 Wayne Sicora		
<i>St. Louis Park</i>	<i>Not represented</i>		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Terrie Christian, Association of Medicine Lake Area Citizens
Dave Hanson, Alternate Commissioner, City of Golden Valley
Jeff Lee, Barr Engineering Company
Randy Lehr, Three Rivers Park District
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
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
Stu Stockhaus, Alternate Commissioner, City of Crystal
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka
Liz Thornton, Alternate Commissioner, City of Plymouth
Sue Virnig, BCWMC Deputy Treasurer

2. Approval of Agenda and Consent Agenda

Ms. Langsdorf requested item 6E i- Grant Proposal for Teacher Focus Group – be removed from the agenda and added to the October meeting agenda. Chair Welch requested the addition of item 4E – Mid-year BCWMC Budget Review. Ms. Loomis moved to approve the agenda as amended. Ms. Black seconded the agenda. The motion carried unanimously [Cities of Minnetonka and St. Louis Park absent from the vote]. Ms. Black moved to approve the Consent Agenda. Ms. Loomis seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park absent from the vote].

3. Citizen Input on Non-Agenda Items

No citizen input on non-agenda items.

4. Administration

- A. Presentation of the July 16, 2009, BCWMC meeting minutes. The minutes were approved as part of the Consent Agenda.

- B. Presentation of the Financial Statement.** The August financial report was received and approved as part of the Consent Agenda.

The general and construction account balances reported in the August 2009 Financial Report are as follows:

Checking Account Balance	578,501.55
<i>TOTAL GENERAL FUND BALANCE</i>	<i>578,501.55</i>
Construction Account Cash Balance	2,632,457.84
Investment due 10/18/2010	533,957.50
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>3,166,415.34</i>
-Less: Reserved for CIP projects	3,680,069.05
<i>Construction cash/ investments available for projects</i>	<i>(513,653.71)</i>

- C. Presentation of Invoices for Payment Approval.**

Invoices:

- i. Kennedy & Graven – Legal Services through June 30, 2009 - invoice for the amount of \$1,801.76.
- ii. Barr Engineering Company – June Engineering Services - invoice for the amount of \$40,738.28.
- iii. Barr Engineering Company – Sweeney Lake TMDL Phase 2 Services – invoice for the amount of \$2,468.50.
- iv. Amy Herbert – July Recording Administrator Services - invoice for the amount of \$2,409.15.
- v. SEH, Inc. – Sweeney Lake TMDL Phase 2 Work through June 30, 2009 - invoice for the amount of \$1,654.90.
- vi. SEH, Inc. – Sweeney Lake TMDL Phase 2 Work through July 31, 2009 - invoice for the amount of \$497.45.

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

- D. Schedule BCWMC Liaisons for September, November, and January TAC Meetings.** Mr. Stauner volunteered to attend the September 3rd TAC meeting as the Commission’s liaison, Ms. Langsdorf volunteered to attend the November 5th TAC meeting, and Mr. Hoshal volunteered to attend the January 5th TAC meeting.
- E. BCWMC Mid-Year Budget Review.** The Commission reviewed its August 2009 financial report and discussed the year-to-date budget amounts. Deputy Treasurer Sue Virnig recommended the BCWMC combine its two checking accounts into one account. Chair Welch moved to authorize Ms. Virnig to commingle the two funds into one account. Ms. Black seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park absent from the vote].

The Commission authorized Chair Welch to investigate what action the Commission needs to take to assure collateralization of all of the Commission’s funds. Ms. Loomis volunteered to assist Chair

Welch.

5. New Business

No New Business.

6. Old Business

- A. Feasibility Report for Plymouth Creek Restoration Project.** Mr. Jeff Lee of Barr Engineering presented the information from the feasibility reports of two BCWMC CIP Projects: Channel restoration of Plymouth Creek from 26th Avenue to Medicine Lake and Channel restoration of Bassett Creek Reach 2.

Mr. Lee discussed the stream soil bioengineering structural-based and plant-based treatments that would be used in the projects including: Riprap with live cuttings, rock vanes – cross vanes, VRSS with riprap toe, live cuttings, VRSS, root wads, bio-logs, live stakes, and temporary erosion control fabric.

Mr. Lee stated that the Plymouth Creek restoration will need an EAW completed for the project and those costs are not currently included in the feasibility study. He said he is working on finding out whether the Bassett Creek restoration project will need an EAW or not. Chair Welch commented that the BCWMC's Resource Management Plan should have laid the groundwork for completing EAWs.

Chair Welch stated that the Commission should continue this practice of having a presentation of feasibility studies prior to the projects' public hearings.

Chair Welch requested that Mr. Lee's presentation be on-hand at the September public hearing about the two projects in case citizens would like to see examples of the restoration techniques.

- B. Feasibility Report for Bassett Creek Main Stem Restoration Project.** See 6A – Feasibility Report for Plymouth Creek Restoration Project.
- C. Sweeney Lake TMDL Update.** Chair Welch reported that the draft Sweeney Lake TMDL report is available online and was discussed at the July BCWMC meeting. He reminded the Commission that it asked for Commission and City comments on the draft report by August 7th and asked that those comments be sent to the Commission Engineer and Mr. Leaf of SEH, Inc. Chair Welch said comments were received from Mr. Dave Hanson, BCWMC alternate commissioner from the City of Golden Valley, Mr. Jeff Oliver of the City of Golden Valley, and Mr. Robert Laing, consultant for CLEAN-FLO International.

Chair Welch reminded the Commission that the draft TMDL report discusses a categorical wasteload allocation and that at this meeting the Commission is planning to discuss the allocation approach.

Ms. Chandler handed out excerpts from the draft report for the Commission's reference during the discussion: one with the wasteload allocations and the other with the implementation table.

Ms. Black asked if the report details how much of the phosphorus is suspended and how much of it is dissolved since the treatment methods differ depending on the type of phosphorus. Ms. Chandler said the report didn't give those details.

Mr. Hanson stated that he is continuing communications with Mr. Leaf to try to understand the data and findings of the report.

Mr. Mathisen said the information is not clear about why the water quality of Sweeney Lake is better. He asked if the better water quality is attributed to the aerators being turned off. Chair Welch said that based on reading the report his understanding is that the improved water quality is due to both the very low flow of water into the lake during the sampling time and the aerators being turned off, which meant stratification of the phosphorus. He commented that when water is cleared up and phosphorus is reduced, there is more weed growth due to the ecology of lakes.

Mr. Hanson remarked that the weeds and algae in Sweeney Lake are thicker than ever before.

Chair Welch responded that another detail that he took away from the report is that there is a large supply of phosphorus in the lake that needs to be addressed and that the algae is evidence of that problem. He said that finalizing the TMDL doesn't fix the water quality in Sweeney Lake but it is a significant step toward finding a solution. Chair Welch said he isn't comfortable going forward with the TMDL offering a categorical wasteload allocation at this point. He said the TAC hasn't offered a recommendation to the Commission about the allocation approach. Chair Welch said the Commission sent a letter to the MPCA and asked for its response on what it means for the Commission to take on the categorical approach. He said the Commission has not gotten a response and he thinks it is because the MPCA doesn't have the answers at this time. Chair Welch said he wants to get the response but he doesn't think the response will provide a clear direction for the Commission.

Mr. Stauner commented that he would be reluctant to move ahead without the response from the MPCA. He added that the response would also affect the Medicine Lake TMDL and the Wirth Lake TMDL.

Chair Welch also commented that the Commission needs to keep in mind the Clean Water Legacy funds. He said that the report should say that the Commission thinks Sweeney Lake is a very important urban lake and the Commission needs Clean Water Legacy money to improve Sweeney Lake's water quality.

Mr. Mathisen asked if the TMDL report speaks about the aerators and asked whose jurisdiction the aerators fall under. Chair Welch responded that the aerators are under the jurisdiction of the Department of Natural Resources. Ms. Chandler stated that the TMDL does address the aerators. She said, however, that the data didn't point to a conclusion on whether turning the aerators off contributed to the improved water quality. She explained that there were low water flows into Sweeney Lake during the sampling seasons for the TMDL, which contributed to improved water quality, but the data couldn't discern to what extent the low flows improved the water quality versus another factor such as the aerators being turned off. She said the TMDL report requests leaving the aerators off and collecting more water quality information to see if the effects could be discerned.

Chair Welch commented that aerators do not make phosphorus go away. He said the aerators may mask the phosphorus. Ms. Loomis said the aerators seem to keep the phosphorus in the sediments. Chair Welch said the alum treatment and aerators mask the phosphorus problem and that he has a hard time using taxpayer dollars for either alum treatment or aerators because it doesn't address the phosphorus load.

Ms. Christian said she could send to the Commission her notes from a presentation on alum treatments that she obtained through a University of Minnesota alum treatment conference from three or four years ago. Chair Welch asked her to send it to Ms. Herbert for distribution.

Ms. Black commented that she has some concerns about the alum treatment being a temporary fix in which the benefits diminish over time and so that eventually it would not be meeting the TMDL requirement. She also asked about who would run the alum treatment facility and who would bear the cost of the ongoing maintenance and running of the facility.

Chair Welch asked Ms. Chandler if Barr Engineering would follow up in the next few days with the MPCA on the letter the Commission sent to the MPCA with questions about the categorical wasteload allocation and let the MPCA know that the Commission would like a response in time for the Commission's discussion at the September BCWMC meeting. He also said he would like Barr to have a conversation with the two principal funding entities, MPCA and BWSR, about whether they have communicated that they don't want to fund particular BMPs as part of TMDLs. Chair Welch asked the commissioners to review the report and especially the implementation plan and the comments the Commission received and that are in the packet. He said he would like the Commission to finalize the report at the next meeting. Chair Welch said he also has concerns about what Mn/DOT will do about being assigned a load.

Mr. Stauner said he thought the Mn/DOT perspective needs to be dealt with by the Commission and that perhaps watersheds should coordinate a joint approach. Ms. Black asked why the MPCA isn't working with Mn/DOT.

Chair Welch asked the Commission if it wants to hold onto the TMDL report and integrate information it receives in the next few weeks or send it to the MPCA. He said there were responses from Mr. Leaf in the packet and the Commission should review those responses to make sure that they are reflected in the report the way the Commission wants them to be. Mr. Sicora recommended the Commission hold onto the report and obtain the responses to the information it has requested and then hold the Commission to making a decision at the next meeting.

Chair Welch stated he understands the Commission saying it wants to hold onto the report, go through the comments and responses to information requests, and finalize the report next month.

- D. **Medicine Lake TMDL Update.** Chair Welch reported that progress is being made in regards to the model and data. He stated that there is a stakeholder meeting on Thursday, August 27th at 4:00 pm at French Regional Park. Mr. Lehr commented that there will end up being two models that are good matches to observed data and there will be sound rationales for data that do not match up.

Mr. Moberg added that one model is big picture and may need refinement in regards to subwatersheds if they are in the implementation plan and that the other model is specific for Plymouth Creek.

Mr. Lehr stated that there was a lot of technical discussion which was the result of a lack of transparency. He said that in the spirit of future collaboration the groups should discuss methods of standardizing models and data collection so the groups can all look at them and quickly interpret them. Chair Welch said that could be a TAC item.

- E. **Education and Public Outreach Committee.**

i. **Grant Proposal for Teacher Focus Group. Deferred to October meeting.**

- F. **CIP Closed Account Fund Balance.** Ms. Chandler handed out the table "BCWMC – Projected Balances – Capital Improvement Projects – August 2009". She explained that the Commission anticipates requesting that Hennepin County levy \$1,000,000 for 2010. She explained the table depicts a snapshot in time of the CIP closed account balance and at this time the balance is

approximately \$315,000. Ms. Chandler said the Commission could take action to reduce its levy request by \$85,000.

Ms. Loomis moved to reduce its levy request to Hennepin County to \$915,000. Mr. Stauner seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park were absent from the vote].

Chair Welch announced that the bids for the construction of the West Medicine Park Pond project were approximately \$114,000 lower than the estimated project cost.

7. Communications

A. Chair:

- i. Chair Welch reported that the Minnesota Board of Water and Soil Resources is holding its second annual BWSR Academy November 2 – 4, 2009 at Cragun's Resort and Hotel on Gull Lake in Brainerd, Minnesota and more information could be found online at www.bwsr.state.mn.us/academy.
- ii. Chair Welch recommended that the Commission create a policy on aquatic invasive species. He directed Ms. Chandler to look into finding a person to give a presentation on aquatic invasive species at a future BCWMC meeting.

B. Commissioners:

- i. Ms. Loomis announced that the MPCA is looking to form a task force to discuss what the MPCA should do to involve its citizens in developing TMDL implementation plans. The MPCA contact for the task force is Lynne Kolze at 651-757-2501 or lynne.kolze@state.mn.us.
- ii. Mr. Hoshal announced that he had submitted in June comments on the Medicine Lake TMDL report to LimnoTech, the MPCA, and the Commission but that he didn't get any response. Chair Welch recommended that Mr. Hoshal contact Chris Zadak of the MPCA about the comments and to attend the August 27th Medicine Lake stakeholder meeting and offer the comments at the meeting.
- iii. Mr. Hoshal asked if the Commission has a policy for collecting relevant articles that appear in publications. Chair Welch said Mr. Hoshal can send links to relevant articles to the Commission via the Commission's Recording Administrator.

C. Committees:

Education Committee

- i. Ms. Langsdorf announced she passed around to the Commission copies of the article "Capture the rain in barrels and you help the Earth" by Judy Argineteanu in the Crystal, Robbinsdale, New Hope and Golden Valley *Sun-Post*. Ms. Langsdorf reminded the Commission that it had hired Ms. Argineteanu to write three articles in 2009 that spotlight people taking steps to improve water quality in the Bassett Creek Watershed.
- ii. Ms. Thornton reported that two different watershed articles are in the works by the writer hired by the Commission and that a total of three articles are planned for 2009. Ms. Thornton requested that the Commission send her any contacts in the watershed of residents doing watershed-friendly practices.

- iii. **Ms. Langsdorf announced that the next Education Committee meeting is on Tuesday, July 21, 2009, at 9:00 a.m. at Plymouth City Hall.**

Administrative Services Committee: Chair Welch stated that the Administrative Services Committee would be scheduling a meeting.

D. Counsel: No Communications.

E. Engineer: Ms. Chandler announced that the Resource Management Plan has not yet been public noticed by the Army Corps of Engineers but is expected to be noticed this week.

8. Adjournment

Ms. Loomis moved to adjourn the meeting. Ms. Black seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park absent from the vote]. The meeting adjourned at 2:40 p.m.

Michael Welch, Chair **Date**

Amy Herbert, Recorder **Date**

Pauline Langsdorf, Secretary **Date**