

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of May 15, 2008

### 1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:30 a.m., Thursday, May 15, 2008, at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

#### Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf, Secretary	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	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>	<i>Not represented</i>		

Also present:

- Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
- Brooke Asleson, Minnesota Pollution Control Agency (MPCA)
- Terrie Christian, Association of Medicine Lake Area Citizens (AMLAC)
- Eric Eckman, BCWMC Technical Advisory Committee, City of Golden Valley
- Jack Frost, Metropolitan Council Environmental Services
- Mary Gwin-Lenth, New Hope Citizen
- Dave Hanson, Alternate Commissioner, City of Golden Valley
- Peter Leatherman, Decision Resources. Ltd. (DRL)
- Dr. Bill Morris, Decision Resources, Ltd. (DRL)
- Barb Peichel, Minnesota Pollution Control Agency (MPCA)
- 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

Chair Welch announced that items 7Di – the TAC’s recommendation on CIP project change orders – and 7Diii – the TAC’s recommendation on aesthetic elements of projects would be deferred to the June BCWMC meeting. Ms. Loomis requested a communication be added to update the Commission on the status of the TMDL studies. Chair Welch requested the Commission Engineer add that update as an Engineer Communication. Ms. Black moved to approve the amended agenda. Ms. Peterson seconded the motion. The motion carried unanimously [the City of St. Louis Park was absent from the vote]. Ms. Loomis moved to approve the Consent Agenda. Ms. Langsdorf seconded the motion. The motion carried unanimously [the City of St. Louis Park was absent from the vote].

### 3. Citizen Input on Non-Agenda Items

Ms. Terrie Christian, Association of Medicine Lake Area Citizens (AMLAC), reported she attended the

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conference of the National Coalition on Invasive Species conference. She said there is ballast water protection attached to the introduced federal Coast Guard Reauthorization Act. Ms. Christian said she is advocating that Congressman Ramstad, and Senators Klobuchar and Coleman are involved in the conference committee so the bill doesn't get weakened in the committee process. She stated that she is reaching out to people in this community to contact their legislators to request that Ramstad, Kobluchar and Coleman participate on the conference committee and protect the bill from being weakened. Ms. Christian said with the Commission's approval, she will send information to Ms. Herbert to distribute to the Commission. She said this is important to the Bassett Creek Watershed because aquatic invasive species are entering the watershed through the Great Lakes. Ms. Christian said the invasive species protection would provide protection against aquatic invasive species reaching the Bassett Creek Watershed. Chair Welch asked Ms. Christian to e-mail the information to Ms. Herbert to distribute to the Commission.

#### 4. Administration

- A. Presentation of the April 17th BCWMC meeting minutes. The April 17<sup>th</sup>, 2008, meeting minutes were approved as part of the Consent Agenda.
- B. Presentation of the Financial Statement.

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

<b>Checking Account Balance</b>	<b>584,465.50</b>
<b>TOTAL GENERAL FUND BALANCE</b>	<b>584,465.50</b>
<b>Construction Account Balance (cash)</b>	<b>2,162,768.12</b>
<b>Investment Balance</b>	<b>0.00</b>
<b>TOTAL CONSTRUCTION ACCOUNT BALANCE</b>	<b>2,162,768.12</b>
<b>-Less: Reserved for CIP projects</b>	<b>3,232,100.94</b>
<b>Construction cash/ investments available for projects</b>	<b>(1,069,332.82)</b>

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through March 31, 2008 - invoice for the amount of \$1,830.68.
- ii. Barr Engineering Company – April Engineering Services - invoice for the amount of \$19,588.58.
- iii. Barr Engineering Company – April Sweeney Lake TMDL Study Services – invoice for the amount of \$712.50.
- iv. Amy Herbert – April Recording Administrator Services - invoice for the amount of \$3,586.43.
- v. MMKR – Progress payment for audit for services through March 31, 2008 – invoice for the amount of \$3,300.00.

- vi. City of Golden Valley – Reimbursement for Sweeney Lake Branch Channel Restoration – invoice for the amount of \$168,542.52.
- vii. Three Rivers Park District – Partial payment of Pilgrim Lane Elementary Education Grant – invoice for the amount of \$553.84.
- viii. Prairie Moon Nursery, Inc. – 400 seed packets – invoice for the amount of \$411.52.
- ix. D’Amico Catering – May BCWMC meeting catering – invoice for the amount of \$382.34.

Ms. Black requested that invoice vi by the Three Rivers Park District be deferred to next month so she and Ms. Herbert can discuss the invoice with Pilgrim Lane Elementary. Mr. Stauner requested that catering charges listed in invoices identify the date and meeting of the catering. Ms. Black moved to approve the payment of invoices Ci – Cv. and Cvi- Cviii. Ms. Loomis seconded the motion. By call of roll, the motion carried unanimously [the City of St. Louis Park was absent from the vote].

## 5. Presentation

Ms. Langsdorf introduced Dr. Bill Morris, president of Decision Resources, Ltd., and Mr. Peter Leatherman, also of Decision Resources. Dr. Morris was the principal investigator on the joint watershed survey project and Mr. Leatherman provided research and analysis. Ms. Langsdorf reminded the Commission that the survey was funded jointly by the BCWMC, Shingle Creek, West Mississippi, and Elm Creek and was recommended by the Joint Education and Public Outreach Committee. Ms. Langsdorf said the Joint EPOC Committee will be meeting to discuss how to use the information learned from the results of the joint survey.

Dr. Morris presented the findings of the survey. Please see the attached Joint Watershed Survey PowerPoint handout for details on the results. Among his comments, Dr. Morris stated that the residents in this watershed area were the best informed of any citizens in the 7-district metro area. He said the only fact-based question residents didn’t overwhelmingly know was the number of gallons of typical residential property run off per year. He said that even for that question 39% chose the correct answer of 100 gallons, which is still a high level of specific knowledge. Dr. Morris stated that respondents indicated interest in installing a rain barrel, planting a rain garden, attending an environmental workshop, and planting harder to find native plants. Dr. Morris noted that although 52% of the residents surveyed indicated a willingness to attend an environmental workshop, the actual number would drop because people consider their time premium. Dr. Morris said a tip for packaging an environmental workshop is to market it as a general environmental workshop where they can learn specifics such as A, B, and C.

Dr. Morris noted that residents have diffuse principal sources of information but that city newsletters, mailings, daily newspaper, and the Internet were the principal sources of information for 75% of the respondents.

Dr. Morris said for the survey respondents as a whole, the median monthly tax increase per residence that residents would accept for water quality improvements was \$4.78. However, he pointed out, in this watershed district, the median was \$8.38, or a little shy of \$100 per year.

Ms. Black asked if the survey information could be broken down by city. Dr. Morris responded no because 100 people were surveyed from each of the four participating watershed districts – not per city - and 100 respondents is the bottom threshold for valid results.

## 6. New Business

No New Business.

## 7. Old Business

- A. **Select Contractor For Golden Valley and Minnetonka Surface Water Management Plan Reviews.** Chair Welch pointed out that the cost estimates from SEH, WSB, and Wenck were in the meeting packet. Chair Welch asked commissioners to indicate if they had a preference for SEH, Wenck, or WSB. Two commissioners indicated a preference for Wenck. Ms. Black moved to approve selecting Wenck to conduct the reviews of the Minnetonka and Golden Valley local surface water management plans. Chair Welch seconded the motion. The motion carried with 6 votes in favor, one vote opposing (City of Golden Valley), and two cities absent from the vote (City of Crystal and City of St. Louis Park).
- B. **Approval of BCWMC 2007 Annual Report.** Ms. Sundberg suggested adding a letter from the Chair at the beginning of the report. The Commission agreed taking the idea into consideration for the 2008 Annual Report. Ms. Black moved to approve the 2007 Annual Report with any changes submitted to Ms. Herbert by May 22<sup>nd</sup>. Ms. Loomis seconded the motion. The motion carried unanimously [City of St. Louis Park absent from the vote].
- C. **Review BCWMC's Draft 2009 Operating Budget.** Chair Welch explained that the Budget Committee had met to discuss the 2009 Operating Budget. He said the Committee recommended reducing line 10 Water quality/ monitoring by the \$10,000 allocated to a second year of fish/ macroinvertebrate sampling of Bassett Creek. The Committee decided the funds could be drawn from the TMDL studies budget in 2009 if the second year of sampling is necessary. Chair Welch asked the Commission Engineer if the permit fees could be reworked to better fit the BCWMC's costs of the permit reviews. Mr. Kremer responded yes. Mr. Kremer also commented that line 10 water quality/ monitoring could be further reduced by \$15,000 by reducing the number of monitoring stations. He said this could be done because the MPCA will be monitoring at 5 of 7 the stations currently budgeted for by the BCWMC. Chair Welch asked the Commission Engineer to bring a revised water quality/ monitoring proposal for 2009 to the June BCWMC meeting.

Chair Welch said the Budget Committee recommends leaving in the \$35,000 budget line for the Administrator position. Mr. Stauner supported taking that budget line out. Ms. Black and Ms. Sundberg supported leaving it in. Chair Welch said the Commission could reduce the funding to the TMDL studies from \$10,000 to \$5,000. Mr. Stauner said he would prefer to find savings in administrative items rather than in water quality monitoring and TMDL studies, which are fundamental tasks of the Commission. However, he said, if the Commission believes it has enough in the TMDL budget then he would support reducing the 2009 TMDL studies funding from \$10,000 to \$5,000.

Ms. Black suggested the Education Committee take a look again at the 2009 Education budget and bring recommendations back to the June meeting. Chair Welch suggested reducing the Web site budget from \$4,000 to \$1,000 plus the cost of Web site expenses in 2007. Chair Welch raised the question about the funds in the fund balance. Deputy Treasurer Sue Virnig said she would bring a reserve fund recommendation back to the Commission at the June meeting.

Mr. Stauner said a policy issue for the Commission's future discussion should be whether to add to the agenda a monthly item about grants. He said Shingle Creek has an agenda item to discuss

grant opportunities each month. Mr. Kremer reminded the Commission that the BCWMC is receiving grant funds for the Sweeney Lake, Medicine Lake, Wirth Lake TMDL studies and for the Watershed Outlet Monitoring Program participation. [Commissioner Sundberg departs the meeting.]

**D. TAC Recommendations:**

- i. **Change Orders on CIP Projects: Deferred to June**
- ii. **Reimbursement for Wetland Mitigation on CIP Projects: Mr. LeFevere said the TAC's comments in its May 8<sup>th</sup> Memo to the BCWMC says that it would be hard to have a "one size fits all" policy and the projects would need to be considered on a case by case basis. He said the CIP does not mandate property acquisition at this point. Chair Welch commented that the discussion all goes back to defining the Commission's role in projects. Ms. Loomis moved that the City of Plymouth prepare a project proposal for the West Medicine Lake ponds project as a supplement to the feasibility study. Ms. Black seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park absent from the vote].**
- iii. **Aesthetic Elements of Projects: Deferred to June meeting.**
- iv. **Approval of *Requirements for Improvements and Development Proposals* Document: Chair Welch said the TAC's recommendation is that staff sends the document to the Commission for its review. Chair Welch moved to approve Commission staff sending the document to the Commission for its review and comment and that discussion/ approval of the document be added to the June BCWMC meeting agenda. Ms. Templeman seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park absent from the vote.]**

- E. Discuss Army Corps of Engineers Permitting of Future CIP Projects and Status of West Medicine Lake Permit. Mr. Kremer said the Commission has previously talked about the possibility of a resource management plan. He reminded the Commission that the purpose of the plan is to get future projects permitted as a group as a way to reduce the time extensive permitting process through the Army Corps of Engineers. The Army Corps suggested the resource management plan as an alternative for the Commission.**

**Mr. Kremer said the Commission would prepare a plan that would be sent to the regulatory agencies for their review and approval and after the plan is approved, the Commission would only need to submit the final project plans for permitting. Mr. Kremer said the Commission Engineer is proposing taking the next five years of stream restoration projects and the next four years of pond projects and including them in the resource management plan. He explained that the process involves the development of concept plans, identification of wetland impacts, preparation of a cultural resource plan, and determination of threatened or endangered species. Mr. Kremer said some of the ponds have concept plans already and they would need to be reviewed. He said the last piece is the preparation of the resource management plan document. Mr. Kremer said there are five stream projects, three pond projects in 2010-2011 and five Bassett Creek Main Stem pond projects in 2012 for thirteen projects that would be included in the resource management plan.**

**Mr. Kremer said once the plan is submitted it will take six to nine months for approval. Mr. Kremer said the Commission Engineer is recommending the Commission go forward with the development and submission of the Resource Management Plan. He stated there would be an eventual cost savings of 40% to 60% by doing the plan over permitting the projects individually.**

Mr. Kremer stated he estimated it would cost \$40,000 to prepare the resource management plan. He said the cost of the permitting process per individual project would be approximately \$10,000 each.

Chair Welch said it seems that the Commission would want to get state resource management plan approval as well, which might affect the cost. Chair Welch said he would like staff to revise the resource management plan memo to include a break down of estimated costs for the preparation of the plan and the addition of the state plan approval process. Mr. Kremer said the Commission Engineer can review the process with the Board of Water and Soil Resources through a phone call and then can update the resource management plan memo [included in May meeting packet] for the June meeting. Chair Welch asked Mr. Kremer to also assign the plan costs to a specific line in the BCWMC's operating budget. Mr. Kremer recommended that the Commission allocate the costs to its Capital (CIP) budget since the projects in the plan are capital projects and since the Commission currently pays permitting costs out of its CIP budget. Chair Welch asked Mr. LeFevere to look at what Commission actions would be required related to the CIP ordering process and if a minor plan amendment would be necessary.

F. **Discuss Commission's Role in Environmental Assessment Worksheets (EAWs) for Projects in the Bassett Creek Watershed that have BDWMC Involvement.** Chair Welch said the issue in front of the Commission is whether it needs a policy change with regard to EAWs on Commission funded projects. Ms. Loomis said she didn't think a policy change is necessary. Chair Welch said the Commission needs to make sure it is notified when an EAW is going to take place. He said the Commission should have environmental assessment requirements, land use issues, and permitting requirements should be identified in the project selection stage. Mr. Kremer said the information could be added into the feasibility study. Ms. Black said also the Commission should get notice of an EAW once it is published and a link to access it.

G. **Barb Peichel, Minnesota Pollution Control Agency, on Stakeholder Involvement Opportunities with the Upper Mississippi River Bacteria TMDL Study.** Ms. Peichel said she is a TMDL project manager and is on this TMDL study on the bacteria impairment on the main stem of the Mississippi River. Ms. Peichel said she is looking for someone from the BCWMC who interested in serving as a representative of the Bassett Creek Watershed on the stakeholder committee and someone who is interested in serving as a Bassett Creek Watershed representative on the technical advisory committee. She said the committees would probably have one or two meetings each year. Ms. Loomis said she would be interested in serving on the stakeholder committee. Mr. Kremer said he would be interested in serving on the TAC committee at no charge to the Commission. Chair Welch moved that Ms. Loomis serve on the stakeholder committee and Mr. Kremer serve on the technical advisory committee for the Upper Mississippi River Bacteria TMDL Study. Ms. Black seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park were absent from the vote].

## 8. Communications

### A. Chair:

- i. Chair Welch announced that the Metropolitan Council has notified the Commission that it anticipates a large volume local plans coming in for review. Chair Welch reminded the Commission that it anticipates reviewing seven local surface water management plans this year. He also reminded the Commission that Mr. LeFevere drafted a letter that will be sent to cities that submit its comprehensive plan to the BCWMC for review.

- ii. Chair Welch stated that the ditch abandonment legislation being proposed by Hennepin County was introduced and passed. Mr. Kremer said Mr. Joel Settles of Hennepin County said he would like to meet with the TAC to discuss all the conditions that would have to be met for Hennepin County to transfer ditches to the cities.
  - iii. Chair Welch said legislation was introduced that would require County approval of all watershed organization budgets. He remarked that the legislation has not gone anywhere yet. He said he would e-mail the information to Ms. Herbert to distribute to the commissioners.
  - iv. Chair Welch said some information came in today regarding a grant opportunity of water quality funding and asked Mr. Kremer to take a look to see if a BCWMC project might qualify for the grant.
  - v. Chair Welch reported that the Highway 55 letter was sent out.
  - vi. Chair Welch asked Ms. Herbert to identify three dates in July on a weekday from 4 to 6 and then the Commission will pick a date at the June meeting.
- B. Commissioners:** Ms. Black asked if the Twin's Stadium reimbursement is approaching the \$25,000 limit. Mr. Kremer said the Commission may have to ask for additional funds from the MN Ballpark Authority. Ms. Black said she would prefer the Commission does not perform work over the \$25,000 budget until it has written authorization that the cooperative agreement will be amended to cover the BCWMC's costs over \$25,000. Chair Welch directed staff to pursue the amendment to the cooperative agreement.

Ms. Black announced that the spot treatment for the Curlyleaf Pondweed on Medicine Lake was done yesterday, Wednesday, May 14.

**C. Committees:**

- i. **Education Committee:** Ms. Langsdorf announced that the education exhibits are available for use at City Halls and city functions and the prairie flower seed packets have arrived. She stated the next Joint Education and Public Outreach Committee meeting is tomorrow, Friday, May 16<sup>th</sup> and the next Education Committee meeting is on June 5<sup>th</sup>.
- ii. **Administrator Services Committee:** Chair Welch said the contract has been worked out and will be signed today so commissioners should anticipate speaking to Springsted staff.

**D. Counsel\***

- E. Engineer:** Mr. Kremer said Barr Engineering has been working with Brooke Asleson to distribute the Wirth Lake and Medicine Lake work scopes to the MS4s. Ms. Asleson asked if any of the commissioners wanted to participate on the request for proposals team for the Wirth TMDL study. Chair Welch said he would participate. Ms. Loomis said she could also.

Ms. Asleson said that Len Kremer and Greg Wilson, Barr Engineer, and she decided to go out for a cost estimate for the Medicine Lake TMDL work. She reported that she would have it ready next week and over to the MPCA contracts department. Then the MPCA will send it to four contractors on the approved contractors list including Barr Engineering.

Mr. Kremer reported that Ron Leaf, SEH, updated him that the aerators have been turned off and all the sampling equipment is in place for the Sweeney Lake TMDL monitoring and that a couple of events have already been sampled.

## 8. Adjournment

Ms. Black moved to adjourn the meeting. Ms. Loomis seconded the motion. The meeting adjourned at 2:30 p.m.

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Michael Welch, Chair

Date

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Amy Herbert, Recorder

Date

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Pauline Langsdorf, Secretary

Date