

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of June 19, 2008

### 1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:30 a.m., Thursday, June 19, 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>	Karen Chandler
<i>Medicine Lake</i>	Commissioner Cheri Templeman	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Chair		
<i>Minnetonka</i>	Commissioner Kris Sundberg		
<i>New Hope</i>	Commissioner Daniel Stauner		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	<i>Not represented</i>		
<i>St. Louis Park</i>	Commissioner Manuel Jordan		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park  
Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth  
Terrie Christian, Association of Medicine Lake Area Citizens (AMLAC)  
Lisa Goddard, BCWMC Alternate Commissioner, City of Minneapolis  
Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka  
Mary Karius, Hennepin County Environmental Services/ River Watch  
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale  
Mark Nagel, Springsted, Inc.  
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley  
Jan Ong, Robbinsdale's Cooper High School  
Diane Spector, Wenck Associates  
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka  
Liz Thornton, Alternate Commissioner, City of Plymouth

### 2. Approval of Agenda and Consent Agenda

Ms. Loomis moved to approve the agenda and the consent agenda. Ms. Black seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote].

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

Ms. Terrie Christian, Association of Medicine Lake Area Citizens (AMLAC), extended an invitation to the BCWMC on behalf of the Environmental Quality Committee of the City of Plymouth to attend a study session on aquatic invasive species on Wednesday, August 13 at 7:00 p.m. in the Medicine Lake Room at Plymouth City Hall.

## 4. Administration

- A. Presentation of the May 22, 2008, BCWMC meeting minutes. The May 22, 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 June 2008 Financial Report are as follows:

<u>Checking Account Balance</u>	<u>551,938.78</u>
<b>TOTAL GENERAL FUND BALANCE</b>	<b>551,938.78</b>
<u>Construction Account Balance (cash)</u>	<u>2,158,318.76</u>
<u>Investment Balance</u>	<u>0.00</u>
<b>TOTAL CONSTRUCTION ACCOUNT BALANCE</b>	<b>2,158,318.76</b>
<u>-Less: Reserved for CIP projects</u>	<u>3,869,418.44</u>
<b>Construction cash/ investments available for projects</b>	<b>(1,711,099.68)</b>

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through April 30, 2008 - invoice for the amount of \$1,679.22.
- ii. Barr Engineering Company – May Engineering Services - invoice for the amount of \$24,669.75.
- iii. Barr Engineering Company – Sweeney Lake TMDL Study Services through May 30, 2008– invoice for the amount of \$2,937.50.
- iv. Amy Herbert – May Recording Administrator Services - invoice for the amount of \$3,580.25.
- v. MMKR – Progress payment for audit for services through April 30, 2008 – invoice for the amount of \$2,200.00.
- vi. Metropolitan Council Environmental Services – 2008 CAMP (Citizen-Assisted Monitoring Program) – invoice for the amount of \$2,750.00.
- vii. SEH, Inc. – Sweeney Lake TMDL Study Phase 2 Services through April 30, 2008 – invoice for the amount of \$2,525.25

Ms. Loomis moved to approve the payment of the invoices. Ms. Black seconded the motion. By call of roll, the motion carried unanimously [City of Robbinsdale absent from vote].

- D. Approval of Reimbursement Request to MPCA for Sweeney Lake TMDL Work. Ms. Black moved to approve send the reimbursement request to the MPCA. Mr. Stauner seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote].

## 5. New Business

- A. **Trader Joe's: Minnetonka.** Ms. Chandler said the project triggers the Commission's review because it proposes an underground storm water treatment vault installation. Ms. Chandler said the June 12, 2008 Engineer's Memo recommended four conditions for the project and that three of the four conditions B, C, and D have since been met by new plans from the developer. Ms. Chandler said the only remaining recommendation is the emphasis of the importance of a maintenance agreement between the City of Minnetonka and the property owner to ensure proper maintenance of the vault.

Mr. Stauner asked if the Commission Engineer is recommending the Commission make the approval conditional upon the development of a maintenance agreement or if the Engineer is recommending the Commission recommend the maintenance agreement. Ms. Chandler said the Engineer is saying the Commission should recommend the maintenance agreement because the Commission's requirements do not include requiring maintenance agreements but the Commission does recognize that the maintenance agreements are very important. Ms. Stout of the City of Minnetonka said the City does require maintenance agreements so there will be one. Chair Welch said in the past the member-cities generally have been diligent in requiring maintenance agreements and so the Commission hasn't needed to enforce the issue beyond issuing reminders. Ms. Black moved approval of the permit with condition A listed in the Engineer's Memo. Ms. Loomis seconded the motion. The motion carried unanimously [City of Robbinsdale was absent from the vote].

## 6. Old Business

- A. **Minnetonka and Golden Valley Surface Water Management Plan – Diane Spector, Wenck, to present review findings.** Ms. Spector stated that the Commission contracted with Wenck Associates to review the Minnetonka and Golden Valley surface water management plans. Ms. Spector reported that Wenck Associates have reviewed both plans and have provided to the Commission their comments in summary reviews and in a requirement-by-requirement review set forth in tables.

Ms. Spector said she would first present the Minnetonka plan review. She said that in Wenck Associate's opinion the City's plan meets the BCWMC's requirements and there are only a couple of small issues to talk about. Ms. Spector said the plan does a good job of addressing the BCWMC's requirements and in some cases goes beyond the BCWMC's requirements and is a very good plan to manage the water resources over the next ten years.

Ms. Spector reported that the water quality goals set for Crane Lake by the City are similar to but are not exactly the same as the goals set by the BCWMC. She said the City uses a desired range for its target water quality goal, with the lowest end of the range being the BCWMC's desired condition. She said the issue with this difference is that if the BCWMC's desired water quality goal is 75 micrograms per litre total phosphorus concentration in Crane Lake, the Minnetonka plan would allow for something greater than that and would still meet the City's goals. Ms. Spector said right now it is not an issue since Crane Lake's water quality is currently better than the BCWMC's water quality goal. She said the City's plan does not clarify how the City intends to manage the area to prevent degradation of the current condition of Crane Lake.

Ms. Spector said the plan does propose modification to the flood storage requirement for those waterbodies in the Crane Lake subwatershed and the plan states that the modification would not cause an increase in downstream discharge. Ms. Spector said Wenck Associates did not review the technical merits of that proposal and is not making comments on that particular proposal.

Mr. Gustafson of the City of Minnetonka stated that he would be more than happy to report on how the City intends to respond to the comments. Mr. Gustafson stated that the City has five issues stemming from items number 3 and 4 in the Wenck report on Minnetonka's plan. He first addressed the comment that the City's water quality goals are similar to but are not the same as the BCWMC's. He asked the Commission to keep in mind that the cities need to review all the requirements of all their watershed districts. Mr. Gustafson said three of the four watershed districts that Minnetonka is part of list ranges so for consistency the City listed ranges in its plan for Crane Lake, which is the only Minnetonka lake in the Bassett Creek Watershed. He said with regard with how the City plans to protect its water quality resources, the City treats every project to Level 1 standards or nondegradation requirements. He commented that the City of Minnetonka uses Nine Mile Creek Watershed's standards in its plan and Nine Mile's requirements are more stringent than Bassett Creek with the exception of the BCWMC's nondegradation requirement, which is more stringent and is used in Minnetonka's plan.

Mr. Gustafson commented that the City of Minnetonka is requiring management to a higher flood elevation and is actually a higher requirement than the BCWMC requires.

Ms. Spector pointed out that the Ramada Inn project is listed in the City of Minnetonka's CIP for 2009 but is listed in the BCWMC's CIP for 2014.

Ms. Chandler noted that the BCWMC is still waiting for comments on the City's plan from the Metropolitan Council. Chair Welch said those comments will need to be forwarded to Ms. Spector and asked that she amend her report if she needs to with regard to the Metropolitan Council's comments.

Chair Welch asked Ms. Chandler to begin a catalog of information that comes out of these local water plan reviews to assist the BCWMC when it is time to work on its third generation watershed management plan.

Ms. Black moved to approve forwarding Wenck Associates' comments on to the City of Minnetonka and to ask for a response. Ms. Sundberg seconded the motion. Chair Welch made the friendly amendment that the forwarding of the comments is pending the receipt of Met Council comments and Wenck's review of the comments and the possible amendment of Wenck's review. The motion carried unanimously [City of Robbinsdale absent from vote].

Ms. Spector presented Wenck Associates' review of the Golden Valley local water management plan. Ms. Spector said the Metropolitan Council's comments to the BCWMC on the Golden Valley plan were that the plan is consistent with the BCWMC's *Watershed Management Plan* and that there were no suggested revisions. Ms. Spector said Wenck Associate's review showed that the City's plan does meet the BCWMC's requirements except for a few issues. She said the City of Golden Valley has essentially adopted the Bassett Creek standards as its standards.

Ms. Spector said the City has completed an inventory of stream erosion issues along Bassett Creek and the Minneapolis Park and Recreation Board has completed the inventory within Theodore Wirth Park. She said one thing to bring to the Commission's attention is that the plan does require a summary of the inventory findings along with a map and a figure and also does include a capital project to accomplish some restoration along Bassett Creek; however, she pointed out, the plan provides no information about what that would entail and how much of the identified erosion issues within the city would be stabilized or improved by the capital project or how the cost estimate was prepared and how the cost division between the City and the BCWMC was prepared.

Ms. Spector said the City does have a wetland inventory in place and does intend to continue as

LGU (local governmental unit) for WCA (Wetland Conservation Act); however, the City does not have a wetland protection ordinance and the plan does not indicate whether such an ordinance is being considered.

She said the City does include a capital project to modify the flood control project to refine the operations of the Wisconsin Avenue control structure. She said the CIP includes a project to evaluate some options for the operation of that control structure as part of a larger hydrologic and hydraulic (H and H) study by the City. Ms. Spector said that similar to the Crane Lake issue in Minnetonka, Wenck Associates has not reviewed any of the operational issues on the Wisconsin Avenue control structure and does not have an opinion on them.

Ms. Spector said the City of Golden Valley's plan does not specifically acknowledge that the City is responsible for maintenance of aesthetic-type improvements for the creek.

Mr. Oliver of the City of Golden Valley said the City's approach to the wetland protection ordinance is that the Bassett Creek plan does not require development of an ordinance. He stated that the City has adopted the Wetland Conservation Act, which is a very comprehensive program. He said the City has very minimal wetland permitting activity and that a busy year for the City in terms of wetland permitting is one permit request. He said the City did not see the need to have redundant ordinances that would duplicate the Wetland Conservation Act. Ms. Black said the WCA doesn't have any requirement on buffers. Mr. Oliver said the City does recognize that aspect and the City did commit in its plan to developing a storm water management ordinance.

Chair Welch moved to approve the BCWMC sending Wenck Associates' comments to the City of Golden Valley and to ask for a response. Ms. Black seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote]. Ms. Spector asked if the BCWMC's expectation is that the Commission will forward the cities responses and Wenck Associates would modify the memorandums as necessary. Chair Welch asked if review of the responses are within the contract in place with Wenck Associates for the plan reviews. Ms. Spector said yes. Chair Welch directed Ms. Herbert to forward the responses from the Cities of Minnetonka and Golden Valley to Ms. Spector upon receipt.

- B. **River Watch Presentation.** Ms. Mary Karius of Hennepin County Environmental Services introduced herself and Mr. John Ong, a teacher with Robbinsdale's Cooper High School who has been working with groups of students to monitor a Bassett Creek site for ten years. Ms. Karius handed out a fact sheet on River Watch and the Bassett Creek monitoring sites and reminded the Commission that in the spring she had sent it the comprehensive report "2007 Year in Review: Bassett Creek." Ms. Karius explained that River Watch started in Hennepin County in 1995 with six sites and is a program that monitors benthic (bottom-dwelling) macroinvertebrates. Ms. Karius reported that in 2007, 21 schools monitored 27 sites, which included sites in every Hennepin County watershed, and that more than 400 students participated in the monitoring. She stated that six partners, including the BCWMC, teamed with Hennepin County to fund equipment, busing and teacher substitute pay, if necessary, for all teams.

Ms. Karius said that River Watch began monitoring Bassett Creek in 1997. She stated that site #13 on Bassett Creek has a continuous record of data since 1998 and is the site that Mr. Ong and Cooper High School have been monitoring. Ms. Karius said that Site GM #1 was added in 2007 and is located within the General Mill headquarters nature area in Golden Valley. She said this site was monitored by Mr. Dan Trockman and his students from Blake High School.

Ms. Karius reported that in 2007 the results for the two Bassett Creek sites ranked between "good" and "very good." She explained that the samples collected in the two sites were dominated

by rather sensitive organisms with a tolerance value of 4 on the Hilsenhoff Family Biotic Index, which has a range of 0 to 10 with 0 being an organism that tolerates the least amount of pollution.

Mr. Ong explained that he originally became involved with the program after Hennepin County Environmental Services contacted him with the opportunity. Mr. Ong related some of his and his students' experiences with the program. [Commissioner Jordan departed the meeting.]

- C. **Discuss Permit Fees and Approve BCWMC's Proposed 2009 Operating Budget and Assessments.** Ms. Chandler stated that line 10 (water quality/ monitoring) of the proposed budget shows a reduction by \$6,000 to the amount of \$49,000 because of a modification to the biota sampling. Chair Welch pointed out that the proposed revisions to the fee schedule, included in the meeting packet, would increase the 2009 operating budget's line 7 (plat reviews) to \$55,000 from \$50,000, which would also affect the budget's sub and grand totals and would change line 54 (estimated 2009 permit fees).

Ms. Loomis commented that it doesn't seem fair to charge cities for permits for city projects and that the BCWMC had previously discussed the idea of not charging cities permit fees for city projects. Ms. Thornton remarked that the BCWMC had at the same time discussed not charging school districts the permit fees. Ms. Black moved to approve the revised permit fee schedule and for staff to find out how many city and school district projects fall into that category of street/ highway/ utility project/ public agency projects and for the Deputy Treasurer to update the Operating Budget as necessary to reflect the changes in the permit fees. Chair Welch directed Ms. Herbert to add the topic to the January 2009 meeting agenda. Mr. Stauner seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote].

Ms. Chandler mentioned that line 15 (municipal plan review) was reduced to \$6,000 in anticipation of only receiving only one to two plans in 2009. Ms. Black moved to adopt the proposed 2009 Operating Budget with the amendments discussed. Ms. Langsdorf seconded the motion. Chair Welch directed Ms. Herbert to send to member-cities a cover letter accompanying the proposed budget and assessment table. He stated that the letter should communicate that the BCWMC is in the process of reviewing internal operations but the results of the review would only potentially reduce line 17 (administrator). The motion carried unanimously [Cities of Robbinsdale and St. Louis Park were absent from the vote]. Chair Welch directed Ms. Herbert to work with BCWMC Deputy Treasurer Virnig to update the financial report for 2009 so the budget line labels match.

- D. **Discuss *Requirements for Improvements and Development Document*.** Chair Welch directed Mr. LeFevere to contact the Board of Water and Soil Resources (BWSR) to find out if the BCWMC needs to go through a public process in order to amend the document and if there is a required process then Mr. LeFevere should initiate it. Ms. Loomis moved to direct Mr. LeFevere to contact BWSR and to initiate the public process if necessary. Ms. Black seconded the motion. The motion carried unanimously [Cities of Robbinsdale and St. Louis Park were absent from the vote].
- E. **Discuss Resource Management Plan.** Ms. Black stated she would like to see a detailed cost breakdown for the Resource Management Plan and also details on what information the Commission has and what information the Commission needs. Chair Welch directed staff to provide more detail in the Resource Management Plan estimate per Ms. Black's comments and directed Ms. Herbert to add the item to the July meeting agenda. [Commissioner Templeman departed the meeting.]

#### **F. Education and Public Outreach Committee:**

- i. Pilgrim Lane Elementary Grant Reimbursement Request:** Ms. Black explained that the Commission's education grant contract with Pilgrim Lane Elementary expires on June 30, 2008, but that the Commission has not yet received from the school the final report and the details on the grant funds expended. Mr. LeFevere stated that the BCWMC could make a motion to extend the grant by two or three months if it wants. Ms. Black requested that the Commission extend the Pilgrim Lane Elementary education grant contract through August 31, 2008. Ms. Langsdorf seconded the motion. The motion carried unanimously [Cities of Robbinsdale, St. Louis Park, and Medicine Lake absent from the vote].
- ii. Seed Packet Repacking:** Ms. Langsdorf requested up to \$250 from the education- exhibits budget for the printing of seed planting instructions and the printing of envelopes. Chair Welch moved to approve the funds. Ms. Sundberg seconded the motion. The motion carried unanimously. Ms. Langsdorf then discovered that the seed planting instructions are on the inside of the seed packets and she stated that she just needs funds to purchase a stamp that prints "Planting instructions inside."

#### **G. E. Coli Sampling of Bassett Creek.** Chair Welch reported that the Minneapolis Park and Recreation Board has informed the BCWMC that the Park Board will not be doing the E. Coli sampling. Ms. Chandler said the Commission has two options:

- i. Wait until 2009 to begin sampling and then take three samples per month (June, July, August, September) at each of six stations in 2009 and two samples per month (June, July, August, September) in 2010;**
- ii. Start the sampling in July 2008 and then also sample in 2009 and in June 2010.**

Ms. Chandler reminded the Commission it already had the money set aside for this sampling in its 2008 budget and that it was going to allocate the costs to its TMDL studies budget. She said the MPCA has indicated that through an agreement with the Minnesota Department of Health, the MPCA can provide the analysis of the samples. Chair Welch asked if the BCWMC would be in-line with the MPCA's protocol if the four months of sampling were not in the same year (i.e., July – September 2008, June –September 2009, June 2010). Ms. Chandler said Barr could find out. Ms. Black moved to approve starting the sampling in July 2008 only if the split sampling years schedule meets the MPCA's protocol and if that schedule does not meet the protocol then the BCWMC would not begin the sampling. Chair Welch seconded the motion. The motion carried unanimously [Cities of Robbinsdale, St. Louis Park, and Medicine Lake absent from the vote].

## **7. Communications**

#### **A. Chair:**

- i. Chair Welch introduced Mr. Mark Nagel of Springsted, Inc. who is working on the team conducting the BCWMC operational analysis. Mr. Nagel requested that commissioners return their responses to his questions.**
- ii. Chair Welch stated that the Minnesota Conservation Corps has Clean Water Legacy money and staff available to do water quality improvement work and erosion control. He asked the Commission Engineer to consider whether there are any appropriate projects that the BCWMC in coordination with a member city could submit for the program.**

