

Bassett Creek Watershed Management Commission

Minutes of the Special Meeting of March 1, 2007

1. Call to Order

The special joint meeting of the Bassett Creek Watershed Management Commission and its Technical Advisory Committee was called to order at 1:35 p.m., Thursday, March 1, 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>	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>	<i>Not Represented</i>		
<i>Robbinsdale</i>	<i>Not Represented</i>		
<i>St. Louis Park</i>	Commissioner Richard Johnson		

Also present: Jeannine Clancy, Technical Advisory Committee, City of Golden Valley
Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka
Dave Hanson, Alternate Commissioner, City of Golden Valley
Guy Johnson, BCWMC Technical Advisory Committee, City of New Hope
Ron Leaf, SEH
Al Lundstrom, City of Golden Valley
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
Bob Moberg, City of Plymouth
Liz Stout, BCWMC Technical Advisory Committee Alternate, City of Minnetonka

2. New Business

- A. **Sweeney Lake TMDL Study Work Plan.** Chair Welch asked Ms. Chandler of Barr Engineering to give an overview of the TMDL process and asked Mr. Leaf of SEH to highlight the differences between the February 20th version of the Sweeney Lake TMDL study work plan and the February 8th version, which was discussed at the February BCWMC meeting.

Ms. Chandler directed everyone's attention to the "TMDL Process for Sweeney Lake" flow chart handed out. She said the chart illustrates how the MPCA's TMDL process steps line up with SEH's proposed Sweeney Lake TMDL study work plan (the work plan).

Chair Welch remarked that TMDL studies are a significant shift in the focus of the Clean Water Act from point-source pollution to non-point source pollution and suggest a much broader approach to water quality improvement.

Mr. Leaf stated that Mr. LeFevere and SEH have gone through the agreement and SEH has made the changes requested by the BCWMC. Mr. Leaf announced that he would be walking the Commission through the four tables included in the work plan. He first referred to the table for

Phase 1A and gave a brief orientation of the layout of the table. He summarized the three main objectives of phase 1A: collecting/assembling existing data; nutrient loading analysis; and, public involvement process. He explained that Phase 1A brings the project to June 2007. He reminded the Commission that the project is broken into Phase 1A, Phase 1B, and Phase 2 because of the way the money was authorized by the MPCA. Mr. Leaf stated that the funding for Phase 1A needs to be used prior to the end of June 2007 and the funding for Phase 1B, which amounts to \$22,000, needs to be used within approximately three years starting in July 2007.

Chair Welch stated that some of the MPCA's money has a sunset of June 2007 and the rest of the MPCA's money does not. He added that should Phase 2 of the study be necessary, Mr. Tim Larson of the MPCA is fairly confident that the MPCA will find money to fund Phase 2 of the project as well.

Mr. Leaf said that the MPCA has allocated \$62,000 for Phase 1A, which is available pending the execution of the contract between the BCWMC and the MPCA. He reported that the MPCA has also allocated \$22,000 for Phase 1B and that those funds are also available.

Mr. Leaf said Phase 1B includes providing public information and collecting field data for monitoring runoff events and collecting lake data for lab analysis that is used to build the models for the subsequent steps in the study, continuing with communication activities, such as gathering data from Mn/DOT, and other ongoing project processes. Chair Welch asked if Mn/DOT continues to collect data. Mr. Lundstrom responded that Mn/DOT is done.

Mr. Leaf reported that the funds for Phase 2 have not been allocated but that Mr. Tim Larson has indicated he is confident the funds will be allocated. He said Phase 2 is the completion of the project such as developing the implementation plan, preparing recommended monitoring activities, preparing and finalizing the report. He said Phase 2 includes nutrient loading analysis but this second year of monitoring may not be a necessary component of Phase 2 if the first year of collecting monitoring data goes well.

He stated that the request to the MPCA for Phase 2 funding would be for the full amount, which includes the costs associated with a second year of monitoring.

Mr. Mathisen asked about Objective 2, items 4 and 5: Phosphorus loading analysis and BATHTUB Modeling and Assessment of results for various BMP scenarios.

Mr. Leaf said there are two critical parts in order to accurately define and understand the response to the lake to various inputs. The first is objective 2- phosphorus loading analysis, which Barr Engineering is taking the lead on and doing a P8 model to refine work previously completed. Mr. Leaf said this model would provide information on various inputs to Sweeney Lake. He said that first step is to refine the model, understand what's there, and then we'll have some data that will help calibrate, based on the runoff data there, the model to understand whether it's giving good data to enter into the BATHTUB model.

Mr. Leaf explained that the P8 model determines what is going into the lake from surface runoff. He said that the BATHTUB model determines the response of the lake not only to the surface runoff but also the other inputs such as internal loading from the lake sediments. He said the P8 model will indicate the effect of BMPs on watershed runoff and the BATHTUB model will demonstrate the lake response to the BMPs.

Mr. Mathisen asked if the lake would need to be monitored again at a future date, say five years down the road. Ms. Chandler said that would be up to the Commission. She explained that if the

Commission would want to measure the impact of a particular BMP it would need to monitor specific BMP in-flows and out-flows.

Mr. Moberg said ultimately the goal is to get the Sweeney Lake delisted [from the impaired waters list] and the Commission will have to keep going back to see if there is progress.

Mr. Leaf clarified what is meant by getting delisted. He said the assumption is that there are some BMPs that can be implemented to reduce the loading to a point that the lake meets the eco-region threshold. He said part of the response modeling portion of the project is to determine how good the lake could get. He said if the response modeling says the lake can't get beyond a certain level of improvement, then that limit will be incorporated into the project.

Chair Welch asked Mr. Leaf his level of confidence in the cost of the core sampling. Mr. Leaf said the estimated cost from the subcontractor is included in the work plan [\$9,530] and that is the amount that would be reimbursed.

Mr. Mathisen pointed out that the BCWMC needs to be a little careful because if it commits to something on this one, there is only so much money to go around and there are other TMDL studies to do in the Bassett Creek Watershed. He said today's meeting is critical so the BCWMC understands what it is getting into.

Mr. Leaf said once the load allocations are set and things need to start happening in the field, the Environmental Protection Agency will expect those things to take place. He commented that at the same time, priority will be given to completed TMDL work plans in the distribution of funds from the Clean Water Legacy Act.

Ms. Chandler said that the loadings will need to be incorporated into the NPDES (National Pollutant Discharge Elimination System) permits for all of the MS4s in the Bassett Creek Watershed. She said that will be true for all the TMDL studies.

Chair Welch brought up the point that one of the Commission's chief concerns was extending itself without funding contracts in place. He said Mr. Larson just let him know that the MPCA contract for funding is less than one week away from being done. Chair Welch outlined that the contract process would be that the MPCA contract would come, presumably already signed by the MPCA, to the BCWMC for signatures and then it would go back to the Department of Administration for the final signatures, at which point the project could commence spending money. Chair Welch said Mr. Larson indicated that the Department of Administration could get their part of the process completed in a couple of days. Chair Welch said Mr. Larson also communicated that he is quite comfortable with the work plan as it stands.

Chair Welch reported that the BCWMC's commitment to SEH, should the BCWMC approve it today, is contingent on MPCA funding coming through.

Mr. Mathisen asked Ms. Chandler to discuss the relationship between SEH and Barr Engineering. Ms. Chandler responded that Barr Engineering will handle the revision of the P8 model and SEH would take the model and add the BMPs to the model. Mr. Mathisen asked who will work with the core sample data. Mr. Leaf said SEH will as part of entering input into the BATHTUB model. Ms. Chandler said Barr will also work with some of the data collection, Three Rivers Park District requested Barr install equipment, and Barr will analyze the zooplankton and phytoplankton and report on it. She mentioned that some of the data analysis time was duplicated in Phase 2 in case the monitoring continues into a second year.

Mr. Yaeger asked if the Commission would need to take two actions today: authorize a contract with SEH and also authorize a contract with the MPCA. Chair Welch said the action would be to authorize the BCWMC and secretary to sign a contract with the MPCA when it is ready.

Mr. LeFevere commented that Barr Engineering is not overseeing this project and will not provide oversight unless the BCWMC specifically directs Barr to do something. He said that SEH is the engineer on the project and would be working for the BCWMC. Mr. LeFevere pointed out that the work plan provides that SEH will report directly to the BCWMC. He said Barr Engineering and the Three Rivers Park District have pieces of the work on the project and those pieces are listed in the cost estimate provided by SEH. Ms. Chandler commented that Barr Engineer's involvement is clearly noted in the work plan.

Mr. LeFevere made the point that the SEH contract is contingent on entering into a grant agreement. He said there is additional protection in that the work plan attached to the SEH contract will have Phase 2 included but that SEH will only proceed with Phase 2 if the BCWMC gives SEH notice to proceed on Phase 2. He said that the BCWMC would only direct SEH to proceed if the BCWMC secures grant money from the MPCA.

Mr. LeFevere said the SEH contract is ready to go. He said the guts of the MPCA contract is SEH's February 20th work plan. He said the boiler plate contract is not yet available for review but the BCWMC has reviewed already the form the MPCA uses for its TMDL contract and he said he doesn't expect any changes from that or if there are any they would not be significant. Mr. LeFevere said the resolution is written so that the contract is authorized subject to any changes that may be authorized by the attorney and the BCWMC Chair and if either the attorney or the BCWMC Chair thinks the contract has been amended in a way that they believe is different from what the BCWMC approved, then the BCWMC would need to discuss it again.

Mr. Gustafson said he assumes that if SEH had to develop its own P8 model that part of the project would be more expensive than the cost of using Barr Engineering to update its P8 model. Mr. Leaf said yes, it would cost more than \$10,000. Mr. Gustafson said he looks at Barr Engineering's involvement as a cost savings because of the P8 model.

Ms. Clancy said both SEH and Barr Engineering have shown a lot of professionalism in putting together this scope of work. They worked together to realize cost savings and develop a scope of work that is in the best interest of the general public. Ms. Clancy also said that Mn/DOT has generously offered to share its data for this project.

Chair Welch commented on the importance of public involvement and he wants the BCWMC and the commissioners to be regularly informed in clear language on how the project is going. He said the commissioners need to realize that they will have to be part of the public involvement process.

Chair Welch asked Mr. LeFevere if he had a chance to review SEH's attachments to the contract. Mr. LeFevere responded that yes, he had and he had about six changes he requested of SEH and SEH agreed to all of his requests.

Ms. Loomis asked if the BCWMC needs a separate contract with Barr for Barr's costs in the project. Mr. LeFevere said Barr's contract is "duties as assigned" and this could be a duty as assigned. He said Barr's contract does not have a cap on the amount of money Barr would bill for this project. Ms. Chandler said she would imagine that Barr is agreeing to do the work for the cost listed in SEH's cost estimate. She said Barr would track this project separately in its invoice. Ms. Loomis said she would like to see it separately and cumulatively.

Chair Welch explained that the MPCA would give the grant money to the BCWMC, then SEH and Barr Engineering would invoice the BCWMC directly and those funds would be reimbursed by the MPCA as the BCWMC pays those invoices.

Mr. Leaf said the MPCA needs an hourly breakdown of costs and said that Mr. Kremer has either provided that to Mr. Larson or will do so shortly.

Mr. Johnson said he thinks the BCWMC should use this project as a learning tool and is on the right track and should proceed quickly.

Ms. Langsdorf said she was pleased with the public involvement plan put together by SEH. She said she would like the BCWMC to spend more time discussing Chair Welch's idea of getting the commissioners involved in the public involvement process.

Chair Welch had concerns about the public involvement process and asked if SEH would be able to hold a public meeting with residents before the aerator is shut off. Mr. Hanson said it doesn't matter and he is not worried about that at all. Mr. Leaf said he is confident that once the contract issues are resolved, SEH could pull together the necessary information for the public meeting in a couple of weeks. He said the more critical action would be to pick a date and to get the public meeting notices published. Ms. Clancy said the city of Golden Valley has mailing lists in place from the former lake study and the city would provide those to SEH.

Chair Welch said the Commission would be looking for motions to approve Resolution No. 07-06 approving agreements with the Pollution Control Agency and Short Elliott Hendrickson, Inc. for a TMDL Study of Sweeney Lake.

Mr. Johnson moved to approve the resolution. Ms. Langsdorf seconded the motion. The motion carried unanimously [*cities of Plymouth and Robbinsdale absent from the vote*].

3. Old Business

A. TAC's Recommended Modifications to the CIP.

- i. Include larger, high-priority channel restoration projects in the CIP.
- ii. Include completion of identified channel maintenance projects in the next few years while maintaining the current status/ schedule of projects in the CIP.
- iii. Raise annual CIP to \$1.0 to \$2.0 million per year.
- iv. Maintain the BCWMC's existing channel maintenance fund to fund smaller channel maintenance projects.

Ms. Chandler directed the BCWMC's attention to her January 10, 2007 memo to the BCWMC as a reference to this discussion. She reported that in January the TAC met and discussed the cities' recommended CIP modifications. She said the BCWMC had asked the cities to include in their recommendations any large channel repair/ restoration projects. She said the responses indicated the BCWMC should include larger, high-priority channel restoration projects in the CIP. She said that would require a change in the funding policy. She said the TAC identified seven channel projects and these aren't all of them. Ms. Chandler said the TAC realized that if these channel projects don't get addressed soon there will be a huge backlog of them. She said the TAC recommends that these projects get completed in the next few years without pushing back other CIP projects. Ms. Chandler said the TAC recognized these projects couldn't all get done without more funding so the TAC recommended the CIP get raised from its annual \$500,000 a year cap to

\$1 to \$2 million. She said the TAC recommended leaving the existing channel maintenance fund to fund smaller channel maintenance projects.

Mr. Gustafson said the TAC had a long discussion on this issue. He said the majority felt strongly that the severe erosion problems need to be addressed. The TAC thought the BCWMC should begin a program to address the problems and if nothing is done the problems will continue to get worse and likely public reaction will get severe. Mr. Gustafson reported that none of the projects are in Minnetonka. He said the proposed change in policy goes away from traditional funding policy, which is the cities take care of their own channel maintenance projects. Mr. Gustafson commented that he doesn't think the traditional policy will work and he strongly recommends \$1.5 million for a minimum for funding these projects. He said the smaller erosion projects need to be done too and the cities could still use the smaller funds to work with residents to address tiny areas of erosion problems.

Ms. Loomis agrees with what Mr. Gustafson has said and thinks the BCWMC should look at ad valorem taxes to fund the projects. She said that she would like to see the BCWMC have a plan because the erosion is going somewhere. She said for example a lot of sediment is ending up in flood plains in Wirth Lake Park and the flood plains really need to be dredged. She said in addition to dealing with erosion, the places where the sediment is being deposited need to be addressed, too.

Chair Welch commented that the BCWMC needs to know where these projects listed in the January 10th memo of recommendations came from and how do they fit into the larger scheme of things. He asked how the commissioners can confidently vote on whether these projects listed are the right projects. Chair Welch also said that with regard to the Channel Maintenance Fund, not all of the cities have completed their stream bank inventory, which they are required to do to be eligible for channel maintenance funds. He said another element of discussion is how are all of the inventories going to get done.

Mr. Gustafson said Minnetonka won't complete a stream bank inventory because Minnetonka doesn't have stream bank erosion problems in the Bassett Creek Watershed and said that Medicine Lake likely wouldn't complete one because it has shoreline not stream bank. He said the BCWMC can't sit and analyze everything to death. He said there are some old problems out there that need to be addressed. He said the BCWMC knows there is a problem in Theodore Wirth. Mr. Gustafson remarked that the erosion problems the city of Golden Valley has identified contribute to the problem in Theodore Wirth. He stated that the BCMWC needs to address those problems and minimize the amount of sediment going down the channel into Theodore Wirth. He agreed that the BCWMC would sometime need to get into Theodore Wirth but he would hate to delay taking action on some very old problems to look at other areas.

Mr. LeFevere said this is almost a whole new category of capital projects. He said the BCWMC did a detailed cost analysis for each capital project to see how much bang for the buck each project had for the water body and that is how the projects were prioritized in the CIP. He said that system wouldn't work for stream bank stabilization projects because they represent a different kind of problem. He reported that the recommended change would require a major plan amendment and in the plan amendment proposal the BCWMC would have to identify the source of the funding. Mr. LeFevere said all the Commission could do today apart from getting an idea of whether the Commission thinks this is a good idea or not is to direct staff to come back with recommendations on how the projects will be identified and funded.

Chair Welch said the major plan amendment process would take six to eight months and so he sees 2008 as the earliest projects could happen. He asked if the BCMWC could incrementally

increase the tax levy this year and bank the money. He realized that wouldn't be possible because the tax levy is for projects in the CIP and approved by the Hennepin County board. Mr. LeFevere said it would be tough to get everything in place to be able to levy for stream bank projects for 2008 so likely the soonest the BCWMC could levy would be October 1, 2008 for collection in 2009. He said as soon as the plan amendment is done the projects could be built, the BCWMC just wouldn't get any money until 2009.

Chair Welch asked Ms. Chandler if she thought she could, by the next BCWMC meeting, gather the following information: who has and has not completed the stream bank inventories; what criteria options would you recommend for designating what is a small project and what is a major project that is a contender for the CIP, and the beginnings of an outline of a ranking/prioritization process.

Mr. Johnson asked about the annual assessment per household and asked if every house in every member-city gets assessed. Mr. LeFevere responded only the homes located in the Bassett Creek Watershed.

Ms. Chandler said the TAC did discuss that there will be other demands on the BCWMC to be implementing other projects such as the Sweeney Lake TMDL and Medicine Lake TMDL and implementation, which also went into the recommendation for raising the cap on the levy.

Mr. Gustafson said the TAC did raise its concern that by waiting to do the channel maintenance projects they would be stacked up against the TMDL implementation projects and the BCWMC would be forced to prioritize whether to do TMDL projects or channel maintenance. He commented that the longer the Commission waits, the tougher decisions the Commission will be faced with four or five years out. He said it would be easier to prioritize some of these erosion projects if the BCWMC could just get some of them out of the way. Mr. Gustafson said with regard to prioritizing the projects maybe the BCWMC does the worst one first or the one that is upstream first, but he thinks it is pretty easy for the TAC to prioritize the projects without having to go through a drawn-out prioritization process.

Chair Welch commented that the commission needs to make policy based on data, which is why it asks the TAC for recommendation. He said there needs to be some process the Commission goes through. Chair Welch commented that this is old hat for the TAC members but pretty new for the commissioners. Mr. Gustafson said isn't that why the Commission has the Technical Advisory Committee to make recommendations to the Commission. Chair Welch said the commissioners need to get to some level of knowledge upon which to base a policy change and to quadruple the tax levy.

Mr. Gustafson said the TAC did not want the channel maintenance projects to compete against projects in the CIP. He remarked that the city of Minnetonka has pushed back its one and only project many times and other cities are in the same boat and the cities don't need to have their projects, which are very important to them, to be continued to be pushed off.

Mr. LeFevere commented that at some point it will come back to the Commission and it will have to talk to the cities. He said it would be helpful for the Commission to have promotional materials, pictures, descriptions of the projects, what is happening with the sediment – he said people would probably be more accepting of a huge tax levy if they understood where the money was going.

Ms. Loomis moved to direct staff to figure out how to proceed with the TAC's recommendations. Chair Welch asked Ms. Loomis if she would accept a friendly amendment of adding the direction to staff he previously outlined. Ms. Loomis said yes. Chair Welch added that the BCWMC doesn't

necessarily need to see the projects ranked by the next meeting but would like to see the prioritization process by then. Chair Welch asked Mr. LeFevere to summarize the major plan amendment process. Mr. LeFevere said he has previously distributed a memo to the BCWMC on that topic and he will redistribute it. Mr. LeFevere asked if Chair Welch means the March 15th meeting when he is referring to the next meeting. Chair Welch said yes.

Mr. Gustafson said the BCWMC could easily advance their projects in the CIP for this year and do double erosion projects next year. He said there are ways to advance projects so cities could do extra erosion projects after the major plan amendment is done and the BCWMC could officially levy for the projects.

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

4. Adjournment

Ms. Langsdorf moved to adjourn the meeting. Mr. Johnson seconded the motion. The meeting adjourned at 3:30 p.m.

Michael Welch, Chair

Amy Herbert, Recorder

Pauline Langsdorf, Secretary

Date: _____