



Bassett Creek Watershed Management Commission

A g e n d a

11:30 a.m., Thursday, September 17, 2009

Golden Valley City Hall – 7800 Golden Valley Road, Golden Valley 55427

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA AND CONSENT AGENDA** - Items marked with an asterisk (*) will be acted on by one motion. There will be no discussion of these items unless a BCWMC commissioner so requests in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.
3. **CITIZEN INPUT ON NON-AGENDA ITEMS**
4. **ADMINISTRATION**
 - A. Presentation of August 20th meeting minutes *
 - B. Presentation of Financial Statements *
 - C. Presentation of Invoices for Payment Approval
 - i. Kennedy & Graven – Legal Services through July 31, 2009
 - ii. Barr Engineering – Engineering Services through August 28, 2009
 - iii. Amy Herbert – August Administrative Services
 - iv. Finance & Commerce – Public Hearing notice publication
 - v. Shingle Creek – BCWMC's portion of "10 Things" Brochure printing
5. **Public Hearing-** The purpose of the public hearing is to hear public testimony and comments of member cities regarding two of the proposed improvements contained in the BCWMC's Resolution 09-04, adopted July 16, 2009, approving a minor plan amendment to the BCWMC *Watershed Management Plan*, which includes the consideration of construction of the following two projects in the Bassett Creek Watershed Management Commission's *Watershed Management Plan* Table 12-2, Water Quality Management and Flood Control 10-Year Capital Improvements Program (CIP):
 - A. Plymouth Creek One (PC-1) is proposed to restore the channel of Plymouth Creek from West Medicine Lake Road to 26th Avenue North in the City of Plymouth; construction is to begin in 2010
 - B. Bassett Creek Main Stem, Reach 2 is proposed to restore the channel from the City of Crystal-City of Golden Valley boundary to Regent Avenue in the City of Golden Valley; construction is to begin in 2010
6. **NEW BUSINESS**
 - A. Hennepin County Stream Bank Stabilization Grants (*See grant factsheet from Hennepin County*)
 - B. Resolution 09-05 Ordering Projects and Executing Cooperative Agreements for Main Stem and Plymouth Creek Projects (*see Resolution 09-05 and cooperative agreements*)
7. **OLD BUSINESS**
 - A. Tax Levy Request to Hennepin County and Certification of Levy Request
 - B. Resolution 09-06 Approving the Local Water Management Plan prepared by St. Louis Park
 - C. Individual vs. Categorical Approach to TMDL Waste Load Allocations and TAC Recommendation (*see 9/2/09 response letter from MPCA and 9/4/09 memo from the TAC*)
 - D. Sweeney Lake TMDL Report
 - E. Medicine Lake TMDL Update and TAC Recommendation (*see 9/4/09 memo from the TAC*)
 - F. Administrative Services Committee Update
 - G. Discuss Revisions to the BCWMC's Joint Powers Agreement (*see Agreement posted on BCWMC Web site and on the Commissioner Training CD-ROM*)
8. **COMMUNICATIONS**
 - A. Chair
 - B. Commissioners

(Continued)

- C. Committees**
- D. Counsel ***
- E. Engineer**

9. INFORMATION ONLY

- A. Administrative Reviews** (*See memo from Barr*)
- B. Inspection Memo** (*See memo from Barr*)

10. ADJOURNMENT

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>
<i>-Less: Reserved for CIP projects</i>	<i>3,680,069.05</i>
<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

CHECKING ACCOUNT 0100339				
BEGINNING BALANCE	12-Aug-09			\$578,501.55
ADD:				
Other Revenue:				
Permit Fees			1,000.00	
State of MN		Sweeney TMDL	1,489.20	
		Total Other Revenue		2,489.20
Assessments: 2009				
Transfers In:				
From Construction Fund		Projects	11,589.45	11,589.45
		Total Revenue and Transfers In		14,078.65
DEDUCT:				
Transfers Out:				
To Construction Fund		Sweeney TMDL	1,489.20	
		Total Transfer to Construction Fund		1,489.20
Checks:				
2181 Barr Engineering		Aug Services	25,911.55	
2182 Amy Herbert		Aug Services	1,957.15	
2183 Finance and Commerce		PH Notice	166.63	
2184 Kennedy & Graven		July Legal Services	1,624.80	
2185 Shingle Creek Watershed		Ten Things Brochure Printing	666.09	
		Total Checks		30,326.22
ENDING BALANCE	9-Sep-09			\$560,764.78

	2009/10 BUDGET	CURRENT MONTH	YTD 2009/10	BALANCE
OTHER GENERAL FUND REVENUE				
ASSESSEMENTS	449,875	0.00	449,874.00	1.00
PERMIT REVENUE	55,000	1,000.00	11,500.00	43,500.00
REVENUE TOTAL	504,875	1,000.00	461,374.00	43,501.00
EXPENDITURES				
ENGINEERING				
ADMINISTRATION	110,000	7,794.46	72,735.77	37,264.23
PLAT REVIEW	55,000	2,932.88	25,275.32	29,724.68
COMMISSION MEETINGS	13,000	953.00	7,394.15	5,605.85
SURVEYS & STUDIES	20,000	0.00	9,267.80	10,732.20
WATER QUALITY/MONITORING	49,000	630.00	13,781.94	35,218.06
WATER QUANTITY	11,000	643.10	4,220.75	6,779.25
WATERSHED INSPECTIONS	8,000	582.00	4,042.50	3,957.50
ANNUAL FLOOD CONTROL INSPECTIONS	10,000	0.00	0.00	10,000.00
REVIEW MUNICIPAL PLANS	6,000	0.00	0.00	6,000.00
ENGINEERING TOTAL	282,000	13,535.44	136,718.23	145,281.77
ADMINISTRATOR	35,000	0.00	0.00	35,000.00
LEGAL COSTS	18,500	1,624.80	8,767.68	9,732.32
AUDIT, INSURANCE & BONDING	13,000	0.00	13,745.00	(745.00)
FINANCIAL MANAGEMENT	3,000	0.00	0.00	3,000.00
MEETING EXPENSES	5,100	237.35	2,682.35	2,417.65
SECRETARIAL SERVICES	45,000	2,477.96	22,782.68	22,217.32
PUBLICATIONS/ANNUAL REPORT	4,000	0.00	1,696.50	2,303.50
WEBSITE	1,575	28.50	946.00	629.00
PUBLIC COMMUNICATIONS	3,000	166.63	1,525.85	1,474.15
WOMP	10,000	0.00	3,890.00	6,110.00
DEMONSTRATION/GRANTS/EDUC PARTNERSHIPS	18,200	0.00	6,888.58	11,311.42
EDUCATION / PUBLIC OUTREACH	8,200	666.09	4,120.90	4,079.10
EROSION/SEDIMENT (CHANNEL MAINT)	25,000	0.00	0.00	25,000.00
LONG TERM MAINTENANCE (moved to CF)	25,000	0.00	0.00	25,000.00
TMDL STUDIES (moved to CF)	10,000	0.00	0.00	10,000.00
GRAND TOTAL	506,575	18,736.77	203,763.77	302,811.23

Beginning Balance	12-Aug-09			2,632,457.84
ADD:	Interest			1,128.93
	Transfers In:			
		From General Fund	Sweeney TMDL	1,489.20
			Total Transfers from General Fund	1,489.20
				2,635,075.97
DEDUCT:				
	Transfers Out:			
		To General Fund (Const Costs)	Construction Costs	11,589.45
				11,589.45
Ending Balance:	9-Sep-09			2,623,486.52

Investments	
Federal Home Loan Mtg Corp - Purchased 7/22/09 - Due 10/18/2010 - 0.55%	533,957.50
Total Investments	533,957.50
Construction Account - Cash Balance (detailed above)	2,623,486.52
Total: Construction Fund Cash/Investments	3,157,444.02
Less: Reserved for CIP Projects	3,668,479.60
Construction Cash/Investments Available for projects	(511,035.58)

BCWMC Second Generation Projects	Budget	Current	YTD	Project Total	Balance
Approved CIP Projects:					
2003 Floodproofing-Engineering/Legal	700,000	0.00	0.00	698,225.40	1,774.60
-expected completion 2006					
2005 Medicine Lake In-Lake Treatment	105,000	0.00	0.00	77,127.39	27,872.61
2006 Medicine Lake In-Lake Treatment	110,000	0.00	0.00	54,676.12	55,323.88
2005 Northwood Lake Proj-expect complete 2005	182,700	0.00	0.00	152,853.29	29,846.71
2006 Parkers Lake Water Quality Project	42,000	0.00	0.00	1,133.75	40,866.25
Twin Lake-expected completion 2006	140,000	0.00	947.45	5,059.35	134,940.65
Westwood Lake	312,000	0.00	51,495.42	225,864.90	86,135.10
2005 Wirth Lake Project-expect completion 2006	254,000	0.00	0.00	84,090.72	169,909.28
Medicine Lake: Geese Reduction		0.00	0.00	500.00	(500.00)
Proposed CIP Projects:					
Lakeview Park Pond-expected completion 2007		0.00	0.00	637.50	(637.50)
West Medicine Lake Park Pond	1,100,000	124.00	687.00	7,314.66	1,092,685.34
Budget Increase Resolution 08-07 (200,000)					
Northwood Lake East Pond	107,250	0.00	0.00	61,077.13	46,172.87
Twins Stadium	0	0.00	0.00	13,469.22	(13,469.22)
Sweeney Lake Branch Channel	500,000	0.00	0.00	385,756.57	114,243.43
2008 Medicine Lake Herbicide	0	0.00	0.00	15,389.40	(15,389.40)
Ramada Pond	90,000	0.00	0.00	39.00	89,961.00
Plymouth Creek Restoration	550,000	376.50	5,761.00	65,538.60	484,461.40
Bassett Creek Feasibility Study	0	3,409.50	8,347.50	8,347.50	(8,347.50)
Circle Park Pond-Plymouth	0	280.00	280.00	280.00	(280.00)
Resource Management Plan	0	108.50	45,730.72	52,540.22	(52,540.22)

TMDL Projects					
TMDL Studies	115,000	5,566.45	22,033.68	77,747.95	37,252.05
Sweeney Lake TMDL	119,000	1,724.50	40,917.30	177,613.65	(58,613.65)

Annual Flood Control Projects:					
Flood Control Emergency Maintenance	500,000	0.00	0.00	0.00	500,000.00
Flood Control Long-Term Maintenance	748,373	0.00	0.00	13,566.33	734,806.67

Annual Water Quality					
Channel Maintenance Fund	175,000	0.00	0.00	2,994.75	172,005.25
	5,850,323	11,589.45	176,200.07	2,181,843.40	3,668,479.60

Project Reimbursements					
Twins Stadium		0.00	0.00	20,261.74	
Sweeney Lake TMDL		1,489.20	31,024.05	151,454.99	

Tax Levy Revenues								
	Original Levy	Abatements / Adjustments	Adjusted Levy	Current Received	Year to Date Received	Inception to Date Received	Balance	

2009 Tax Levy	800,000.00		800,000.00	376,879.99	376,879.99	423,120.01
2008 Tax Levy	908,128.08	(850.59)	907,277.49	5,195.95	898,949.25	8,328.24
2007 Tax Levy	190,601.74	(200.27)	190,401.47	15.27	189,718.99	682.48
2006 Tax Levy	531,095.47	(1,134.64)	529,960.83	(241.28)	528,550.69	1,410.14
2005 Tax Levy	450,401.40	(1,429.91)	448,971.49	23.06	448,659.57	311.92
2004 Tax Levy	1,000,790.48	(6,332.23)	994,458.25	20.19	995,178.67	(720.42)
						<u>433,132.37</u>

	2006 Medicine Lake - In Lake Treatment	2006 Parkers Lake Water Quality Proj	Twin Lake	Westwood Lake	Medicine Lake - Goose Reduction	Flood Control Emergency Maintenance	Flood Control Long-Term Maintenance	Channel Maintenance	West Medicine Lake Park Pond	Lakeview Park Pond	Northwood Lake East Pond	Crane Lake - Ramada Inn Pond	Plymouth Creek Channel Restoration	Bassett Creek Feasibility	Twins Stadium	Sweeney Lake Branch Channel	2008 Medicine Lake Herbicide	Circle Park Pond-Ply	Resource Mgmt Plan	TMDL Studies	Sweeney Lake TMDL
Original Budget	110,000.00	42,000.00	140,000.00	312,000.00		500,000.00	748,373.00	175,000.00	1,100,000.00		107,250.00	90,000.00	550,000.00	0.00		500,000.00	0.00	0.00	0.00	115,000.00	119,000.00
Expenditures:																					
Feb 2004 - Jan 2005	0.00	0.00	1,983.50	0.00	0.00	0.00	0.00	0.00	0.00	637.50	0.00	0.00	0.00	0.00	0.00	0.00				0.00	0.00
Feb 2005 - Jan 2006	0.00	983.75	1,716.70	11,724.12	0.00	0.00	3,954.44	2,994.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				0.00	0.00
Feb 2006 - Jan 2007	54,676.12	150.00	375.70	162,645.36	500.00	0.00	9,611.89	0.00	1,789.25	0.00	0.00	0.00	0.00	0.00	156.75	0.00				637.20	0.00
Feb 2007 - Jan 2008	0.00	0.00	36.00	0.00	0.00	0.00	0.00	0.00	1,835.70	0.00	858.45	0.00	0.00	0.00	13,312.47	13,228.26				23,486.95	89,654.49
Feb 2008 - Jan 2009	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,002.71	0.00	60,218.68	39.00	59,777.60	0.00	0.00	372,528.31	15,389.40	0.00	6,809.50	31,590.12	47,041.86
Feb 2009 - Jan 2010	0.00	0.00	947.45	51,495.42	0.00	0.00	0.00	0.00	687.00	0.00	0.00	0.00	5,761.00	8,347.50	0.00	0.00	0.00	280.00	45,730.72	22,033.68	40,917.30
Total Expenditures:	54,676.12	1,133.75	5,059.35	225,864.90	500.00	0.00	13,566.33	2,994.75	7,314.66	637.50	61,077.13	39.00	65,538.60	8,347.50	13,469.22	385,756.57	15,389.40	280.00	52,540.22	77,747.95	177,613.65
Project Balance	55,323.88	40,866.25	134,940.65	86,135.10	(500.00)	500,000.00	734,806.67	172,005.25	1,092,685.34	(637.50)	46,172.87	89,961.00	484,461.40	(8,347.50)	(13,469.22)	114,243.43	(15,389.40)	(280.00)	(52,540.22)	37,252.05	(58,613.65)

	2006 Medicine Lake - In Lake Treatment	2006 Parkers Lake Water Quality Proj	Twin Lake	Westwood Lake	Medicine Lake - Goose Reduction	Flood Control Emergency Maintenance	Flood Control Long-Term Maintenance	Channel Maintenance	West Medicine Lake Park Pond	Lakeview Park Pond	Northwood Lake East Pond	Crane Lake - Ramada Inn Pond	Plymouth Creek Channel Restoration	Bassett Creek Feasibility	Twins Stadium	Sweeney Lake Branch Channel	2008 Medicine Lake Herbicide	Circle Park Pond-Ply	Resource Mgmt Plan	TMDL Studies	Sweeney Lake TMDL
Project Totals By Vendor																					
Barr Engineering	355.00	911.00	3,093.10	11,320.87	500.00	0.00	9,549.32	0.00	6,276.91	592.50	0.00	39.00	26,715.25	8,347.50	12,064.49	6,791.28	0.00	280.00	52,540.22	75,005.20	61,599.66
Kennedy & Graven	0.00	222.75	1,966.25	503.25	0.00	0.00	24.75	354.75	1,037.75	45.00	858.45	0.00	0.00	0.00	1,404.73	938.10	389.40	0.00	0.00	1,030.60	2,864.39
City of Golden Valley	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,640.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	378,027.19	0.00	0.00	0.00	0.00	0.00
City of New Hope	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60,218.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
City of Plymouth	54,321.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	38,823.35	0.00	0.00	0.00	15,000.00	0.00	0.00	0.00	0.00
City of St. Louis Park	0.00	0.00	0.00	214,040.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Corn of Trans	0.00	0.00	0.00	0.00	0.00	0.00	3,992.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
City of Minneapolis	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
S E H	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100,375.60
Misc	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,712.15	12,774.00
Total Expenditures	54,676.12	1,133.75	5,059.35	225,864.90	500.00	0.00	13,566.33	2,994.75	7,314.66	637.50	61,077.13	39.00	65,538.60	8,347.50	13,469.22	385,756.57	15,389.40	280.00	52,540.22	77,747.95	177,613.65



Barr Engineering Company
4700 West 77th Street • Minneapolis, MN 55435-4803
Phone: 952-832-2600 • Fax: 952-832-2601 • www.barr.com

Item 4C.
Invoices

Minneapolis, MN • Hibbing, MN • Duluth, MN • Ann Arbor, MI • Jefferson City, MO • Bismarck, ND

Bassett Creek WMO
7800 Golden Valley Road
Golden Valley, MN 55427

Page # 1
Invoice # 2327051-2009-7
Project # 23/27-051
Client # 59
September 4, 2009

Invoice of Account with
BARR ENGINEERING COMPANY

For professional services during the period of
August 1, 2009 through August 28, 2009

ENGINEERING

TECHNICAL SERVICES

Calls/emails to or from the Commissioners, watershed communities, developers in the watershed, Minneapolis Park and Recreation Board (MPRB), Three Rivers Park District (TRPD), Mississippi Watershed Management Organization, Minnesota Department of Transportation (Mn/DOT), Hennepin County, Minnesota Board of Water and Soil Resources (BWSR), Metropolitan Council Environmental Services (MCES), Minnesota Pollution Control Agency (MPCA), Corps of Engineers and interested citizens; communication with Charlie LeFevere regarding subpoena related to litigation between city of Golden Valley and resident adjacent to Bassett Creek Drive project; reviewed Bassett Creek budgets and 2009 projects fees; coordination with MCES regarding CAMP; correspondence with Joel Settles at Hennepin County regarding new ditch transfer laws; coordinate Bassett Creek document and CD production; telephone conversations with Minnetonka and Golden Valley staff regarding project status, telephone conversation with BWSR staff regarding plan amendment.

James P. Herbert, Principal Engineer/Scientist	
5.0 hours @ \$140.00 per hour	\$ 700.00
Leonard J. Kremer, Principal Engineer/Scientist	
5.5 hours @ \$155.00 per hour	\$ 852.50
Karen L. Chandler, Senior Consultant	
3.1 hours @ \$140.00 per hour	\$ 434.00
Jeffrey T. Lee, Senior Consultant	
1.1 hours @ \$130.00 per hour	\$ 143.00
Technicians/Administrative	\$ 517.50
Expenses (copies/postage)	\$ 18.02
Subtotal, Technical Services	\$ 2,665.02

PRELIMINARY SITE REVIEW/CORRESPONDENCE

Telephone conversations regarding proposed developments; provided watershed hydraulic information, flood profiles and BCWMC development requirements to applicants; telephone conversation regarding proposed Metropoint redevelopment in St. Louis Park; coordination with RLK regarding BCWMC development requirements; provided flood elevation for reach of creek in Golden Valley; coordination with Alliant Engineering regarding Plymouth site.

James P. Herbert, Principal Engineer/Scientist	
4.4 hours @ \$140.00 per hour	\$ 616.00
Subtotal, Preliminary Site/Corr	\$ 616.00

MONTHLY MEETING PREPARATION

Preparation of monthly memorandums for BCWMC meeting; reviewed draft BCWMC meeting minutes, agenda and packet materials and discussed comments with Bassett Creek Recording Administrator; conference call with BCWMC Chair regarding meeting agenda; communications with Bassett Creek Recording Administrator; internal meetings regarding agenda, to-do list and meeting packet and August 20 meeting; prepared permit figures; reviewed CIP account balance and 2008, 2009, and 2010 levy requests; reviewed resolutions for levy requests to Hennepin County; call to Sue Virnig regarding budget report and her attendance at Commission Meeting;

James P. Herbert, Principal Engineer/Scientist	
12.4 hours @ \$140.00 per hour	\$ 1,736.00
Leonard J. Kremer, Principal Engineer/Scientist	
4.5 hours @ \$155.00 per hour	\$ 697.50
Karen L. Chandler, Senior Consultant	
14.3 hours @ \$140.00 per hour	\$ 2,002.00
Expenses (postage)	\$ 0.44
Subtotal, Monthly Memorandums	\$ 4,435.94

CHANNEL MAINTENANCE FUND

Coordination regarding fund.

Leonard J. Kremer, Principal Engineer/Scientist	
0.5 hours @ \$155.00 per hour	\$ 77.50
Subtotal, Channel Maintenance Fund	\$ 77.50

Subtotal Technical Services \$ **7,794.46**

PLAT REVIEW Note: Projects in **Bold** have provided review fees to offset review costs. Projects not in Bold are either in a preliminary stage or were submitted prior to implementation of the fee schedule.

Crest Ridge Corporate Center

Erosion control inspection.

Technicians/Administrative	\$ 64.00
Subtotal, Crest Ridge Corporate Center	\$ 64.00

Lowry Avenue Reconstruction

Erosion control inspection.

Technicians/Administrative \$ 96.00

Subtotal, Lowry Avenue Reconstruction \$ 96.00

Co. Rd. 9 & 61 Erosion Repair

Erosion control inspection.

Technicians/Administrative \$ 88.00

Subtotal, Co. Rd. 9 & 61 Erosion Repair \$ 88.00

Crown Packaging

Erosion control inspection.

Technicians/Administrative \$ 56.00

Subtotal, Crown Packaging \$ 56.00

Hen Co Plymouth Library

Erosion control inspection.

Technicians/Administrative \$ 88.00

Subtotal, Hen Co Plymouth Library \$ 88.00

TH 55 Culvert Crossing

Erosion control inspection.

Technicians/Administrative \$ 64.00

Subtotal, TH 55 Culvert Crossing \$ 64.00

Grainger Parking

Erosion control inspection.

Technicians/Administrative \$ 64.00

Subtotal, Grainger Parking \$ 64.00

Hidden Acres Addition

Erosion control inspection.

Technicians/Administrative \$ 56.00

Subtotal, Hidden Acres Addition \$ 56.00

Hennepin Co. Regional Trail – Phase 2

Coordination with Golden Valley staff; reviewed letter of response from TRPD; reviewed inspection photos from Golden Valley staff; prepared comments to Golden Valley and TRPD.

James P. Herbert, Principal Engineer/Scientist
1.5 hours @ \$140.00 per hour \$ 210.00

Technicians/Administrative \$ 112.00

Subtotal, Hen Co Regional Trail – Ph 2 \$ 322.00

Jake's Grill

Erosion control inspection.

Technicians/Administrative \$ 48.00

Subtotal, Jake's Grill \$ 48.00

Shops of Plymouth Town Center

Erosion control inspection.

Technicians/Administrative \$ 72.00

Subtotal, Shops of Ply Town Center \$ 72.00

Mortenson Co. Headquarters

Erosion control inspection.

Technicians/Administrative \$ 56.00

Subtotal, Mortenson Co. Headquarters \$ 56.00

Beacon Academy

Erosion control inspection.

Technicians/Administrative \$ 40.00

Subtotal, Beacon Academy \$ 40.00

CSAH 73/Frontage Rd. Reconstruction

Erosion control inspection.

Technicians/Administrative \$ 88.00

Subtotal, CSAH 73/Frontage Road Reconstruction \$ 88.00

Toll Gas & Welding Imp.

Erosion control inspection.

Technicians/Administrative \$ 56.00

Subtotal, Toll Gas & Welding Imp \$ 56.00

West Lutheran School

Erosion control inspection.

Technicians/Administrative \$ 72.00

Subtotal, West Lutheran School \$ 72.00

Timber Creek

Erosion control inspection.

Technicians/Administrative \$ 72.00

Subtotal, Timber Creek \$ 72.00

4700 Nathan Lane

Erosion control inspection.

Technicians/Administrative \$ 96.00

Subtotal, 4700 Nathan Lane \$ 96.00

Crystal Cub Foods Fueling Ctr

Erosion control inspection.

Technicians/Administrative \$ 64.00

Subtotal, Crystal Cub Foods Fueling Ctr \$ 64.00

2009 Mtka St Rehab-Sherwood Forest Neighborhood

Erosion control inspection.

Technicians/Administrative \$ 96.00

Subtotal, 2009 Mtka St Rehab-Sherwood Forest Neighborhood \$ 96.00

26th Ave/Plymouth Creek Culvert Replacement

Erosion control inspection.

Technicians/Administrative \$ 80.00

Subtotal, 26th Ave/Plymouth Creek Culvert Replacement \$ 80.00

Plymouth Middle School

Erosion control inspection.

Technicians/Administrative \$ 64.00

Subtotal, Plymouth Middle School \$ 64.00

Laurel Hills Condo

Correspondence with applicant and Golden Valley staff; reviewed revised grading, drainage and erosion control plan; prepared letter of approval to City of Golden Valley.

James P. Herbert, Principal Engineer/Scientist
2.0 hours @ \$140.00 per hour \$ 280.00

Expenses (postage) \$ 0.44

Subtotal, Laurel Hills Condo \$ 280.44

36th Avenue Reconstruction

Correspondence with city of Plymouth staff; reviewed street improvement plans; prepared letter of recommendation; reviewed revised street improvement plans; prepared letter of approval to City of Plymouth.

James P. Herbert, Principal Engineer/Scientist
5.5 hours @ \$140.00 per hour \$ 770.00

Technicians/Administrative \$ 80.00

Expenses (postage) \$ 0.44

Subtotal, 36th Avenue Reconstruction \$ 850.44

Subtotal Plat Review \$ 2,932.88

COMMISSION MEETINGS

Attended August 20, 2009 Commission meeting.

Karen L. Chandler, Senior Consultant	
4.3 hours @ \$140.00 per hour	\$ 602.00
Jeffrey T. Lee, Senior Consultant	
2.7 hours @ \$130.00 per hour	\$ 351.00
Subtotal, TAC Meeting	\$ 953.00

WATER QUALITY MONITORING

Communication with MPCA regarding water quality issues; prepared list of historical water quality studies prepared by the BCWMC and provided to MPCA; provided electronic copies of reports to MPCA.

James P. Herbert, Principal Engineer/Scientist	
4.5 hours @ \$140.00 per hour	\$ 630.00
Subtotal, Water Quality Monitoring	\$ 630.00

WATER QUANTITY

Measured and reviewed lake level elevations as part of the lake-gauging program.

Technicians/Administrative	\$ 592.00
Expenses (Mileage, 2WD field vehicle/mileage)	\$ 51.10
Subtotal, Water Quantity	\$ 643.10

WATERSHED INSPECTION

Performed erosion control inspections of construction sites; prepare letter regarding erosion control inspection and improvements required for effective erosion control.

James P. Herbert, Principal Engineer/Scientist	
1.5 hours @ \$140.00 per hour	\$ 210.00
Technicians/Administrative	\$ 216.00
Expenses (Equipment/Mileage)	\$ 156.00
Subtotal, Watershed Inspection	\$ 582.00

TOTAL ENGINEERING \$ 13,535.44

SECRETARIAL SERVICES

SECRETARIAL SERVICES EXPENSES

Administrative expenses requested by Amy Herbert including: copies, color copies for meeting packet; postage, video digital capture/conversion and BCWMC meeting catering; packet assembly; report assembly and prepared CD labels for Bassett Creek Feasibility Study.

Technicians/Administrative	\$ 356.00
Expenses (B&W/color copies/binding/postage/Raindance conference call)	\$ 430.66
Catering (BCWMC meeting date)	\$ -0-
TOTAL SECRETARIAL SERVICES EXPENSES	\$ 786.66

PUBLIC RELATIONS

TOTAL PUBLIC RELATIONS	\$ 0.00
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CAPITAL IMPROVEMENT PROJECTS

WEST MEDICINE LAKE PARK POND

Coordination with City of Plymouth.

Leonard J. Kremer, Principal Engineer/Scientist 0.8 hours @ \$155.00 per hour	\$ 124.00
Subtotal, W Medicine Lake Pk Pond	\$ 124.00

RESOURCE MANAGEMENT PLAN (RMP)

Discussion with Corps regarding status of revised RMP.

Leonard J. Kremer, Principal Engineer/Scientist 0.7 hours @ \$155.00 per hour	\$ 108.50
Subtotal, Resource Management Plan	\$ 108.50

PLYMOUTH CREEK FEASIBILITY

Prepared Feasibility Study presentation for BCWMC meeting; telephone conversation with Charlie LeFevere regarding project levy hearings and ordering projects.

Karen L. Chandler, Senior Consultant		
0.6 hours @ \$140.00 per hour	\$	84.00
Jeffrey T. Lee, Senior Consultant		
2.1 hours @ \$130.00 per hour	\$	273.00
Technicians/Administrative	\$	<u>19.50</u>
Subtotal, Plymouth Creek Feasibility	\$	376.50

BASSETT CREEK FEASIBILITY STUDY

Coordination with City of Golden Valley staff regarding study; follow-up tasks for Bassett Creek feasibility study including revising study based on comments; prepared Feasibility Study presentation for BCWMC meeting; telephone conversation with Charlie LeFevere regarding project levy hearings and ordering projects.

Leonard J. Kremer, Principal Engineer/Scientist		
1.7 hours @ \$155.00 per hour	\$	263.50
Karen L. Chandler, Senior Consultant		
3.4 hours @ \$140.00 per hour	\$	476.00
Jeffrey T. Lee, Senior Consultant		
3.9 hours @ \$130.00 per hour	\$	507.00
Jeffrey Weiss, Senior Engineer/Scientist		
20.4 hours @ \$95.00 per hour	\$	1,938.00
Technicians/Administrative	\$	<u>225.00</u>
Subtotal, Bassett Creek Feasibility Study	\$	3,409.50

CIRCLE PARK POND (PL-6)

Correspondence with Plymouth staff; reviewed submittal for Circle Park Pond and provided comments to Plymouth staff.

James P. Herbert, Principal Engineer/Scientist		
2.0 hours @ \$140.00 per hour	\$	<u>280.00</u>
Subtotal, Circle Park Pond (PL-6)	\$	280.00

TOTAL CAPITAL IMPROVEMENT PROJECTS \$ 4,298.50

TMDL STUDIES

MEDICINE LAKE TMDL

Coordination regarding Medicine Lake TMDL ; attended meeting with MPCA to discuss/review P8 Modeling and monitoring data prepared for Plymouth Creek watershed; follow-up discussion/review of P8 Modeling and monitoring data prepared for Plymouth Creek watershed; prepared memorandum and attachments to the BCWMC and provided in the meeting packet.

Leonard J. Kremer, Principal Engineer	
16.1 hours @ \$155.00 per hour	\$ 2,495.50
Karen L. Chandler, Senior Consultant	
1.3 hours @ \$140.00 per hour	\$ 182.00
Gregory J. Wilson, Senior Consultant	
11.5 hours @ \$135.00 per hour	\$ 1,552.50
Expenses (Mileage)	\$ 22.55
Subtotal, Medicine Lake TMDL	\$ 4,252.55

SWEENEY LAKE TMDL

Coordination regarding Sweeney Lake TMDL with SEH, MPCA and BCWMC; reviewed comments provided by Golden Valley staff and Alternate Commissioner Hanson; reviewed draft Sweeney TMDL report and provided summary for BCWMC meeting handouts; telephone conversation with SEH staff regarding comments from August 20, 2009 BCWMC meeting;

Leonard J. Kremer, Principal Engineer	
6.7 hours @ \$155.00 per hour	\$ 1,038.50
Karen L. Chandler, Senior Consultant	
4.9 hours @ \$140.00 per hour	\$ 686.00
Subtotal, Sweeney Lake TMDL	\$ 1,724.50

E-COLI SAMPLING

Communications with MPCA staff; coordination regarding E-Coli sampling; prepared labels and organized sampling bottles, collected e-coli samples and delivered samples to lab.

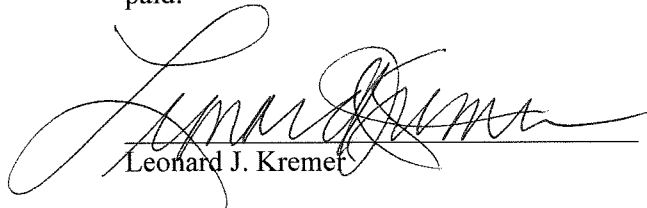
Technicians/Administrative	\$ 1,192.00
Expenses (Mileage/2WD vehicle/ice/surgical gloves)	\$ 121.90
Subtotal, E-coli Sampling	\$ 1,313.90

TOTAL TMDL STUDIES	\$ 7,290.95
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SUMMARY TOTALS

Total Engineering	\$ 13,535.44
Total Secretarial Services Expenses	\$ 786.66
Total Public Relations	\$ 0.00
Total Capital Improvement Projects	\$ 4,298.50
Total TMDL Studies	<u>\$ 7,290.95</u>
TOTAL PAYABLE	\$ 25,911.55

Barr declares under the penalties of law
that this account, claim or demand
is just and that no part of it has been
paid.


Leonard J. Kremer

FINANCE and COMMERCE

SDS-12-2619

P.O. Box 86

Minneapolis, MN 55486-2619

Phone: (612) 333-4244

Fax: (612) 333-3243

RECEIVED
AUG 26 2009
BARR
ENGINEERING CO.

Order Date:

8/25/09

Order Number:

22215269

Customer Number:

31001237

Bassett Creek Water Management Commission
Attn: Amy Herbert
Barr Engineering Co.
4700 West 77th Street
Minneapolis, MN 554354803

DATE	REF NUMBER	DESCRIPTION	# OF INSERTS	LENGTH/ QUANTITY	AMOUNT
08/25/09	Ord:22215269	PH on Thursday, September 17, 2009 RE: Amendment to BCWMC Watershed Management Plan Finance and Commerce Public Hearing Publication Dates: 08/25/2009 09/01/2009 Affidavit - Letter Size 7pt	2	9.08 2.00	162.63 4.00
TOTAL:					166.63

To ensure proper credit to your account, please write your order number on your check. If you have any questions about your account, please contact Accounts Receivable at (612) 584-1521.	Order Date 8/25/09	Order Number 22215269
	Customer Number 31001237	
TERMS - Payments on this order are due on the 10th day of the month following the last publication date.	Total:	166.63

FINANCE and COMMERCE
SDS-12-2619
P.O. Box 86
Minneapolis, MN 55486-2619

Bassett Creek Water Management Commission
Attn: Amy Herbert
Barr Engineering Co.
4700 West 77th Street
Minneapolis, MN 554354803



CARD NUMBER _____

EXPIRATION DATE ____/____/____

BILL MY ACCOUNT \$ _____

CUSTOMER SIGNATURE _____

Kennedy & Graven, Chartered

200 South Sixth Street
Suite 470
Minneapolis, MN 55402

(612) 337-9300
Tax ID No. 41-1225694

August 12, 2009

Statement No. 91204

Bassett Creek Water Management Commission
Sue Virnig

7800 Golden Valley Road
Golden Valley, MN 55427

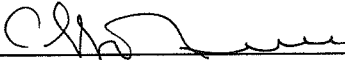
Through July 31, 2009

BA295-00001 General

1,624.80

Total Current Billing: 1,624.80

I declare, under penalty of law, that this
account, claim or demand is just and correct
and that no part of it has been paid.



Signature of Claimant

Kennedy & Graven, Chartered

200 South Sixth Street
Suite 470
Minneapolis, MN 55402

Bassett Creek Water
Sue Virnig

July 31, 2009

BA295-00001 General

Through July 31, 2009

For All Legal Services As Follows:			Hours	Amount
7/7/2009	CLL	Letter to A. Herbert regarding insurance policy; intraoffice conference and email to A. herbert on agenda and on records retention policy	0.55	105.05
7/14/2009	CLL	Phone call to J. Arginteanu regarding contract for professional writing services; work on contract	0.90	171.90
7/15/2009	CLL	Review agenda materials; intraoffice conference regarding data practices policy	0.55	105.05
7/16/2009	CLL	Attend commission meeting	3.75	716.25
7/20/2009	CLL	Complete first draft of Arginteanu contract and email to contractor	0.55	105.05
7/21/2009	CLL	Emails from J. Arginteanu and to M. Welch	0.25	47.75
7/24/2009	CLL	Review email and phone call to J. Herbert regarding response to subpoena	0.35	66.85
7/25/2009	CLL	Work on data practices policy	0.10	19.10
7/27/2009	CLL	Update filing	0.20	38.20
7/29/2009	CLL	Review draft minutes	0.45	85.95
7/31/2009	CLL	Review materials on GV street project; phone call to attorney Petricka regarding response to subpoena; message to J. Herbert	0.80	152.80
Total Services:			\$	1,613.95

For All Disbursements As Follows:

	Photocopies	0.40
	Postage	4.95
7/16/2009	Charles L. LeFevere; Mileage Expense	5.50
Total Disbursements:		\$ 10.85

Total Services and Disbursements: \$ 1,624.80

3235 Fernbrook Lane - Plymouth, MN 55447
763.553.1144

TO: Amy Herbert
Bassett Creek Commission
217 S Cedar Lake Rd
Minneapolis, MN 55405

11-Aug-09

Task/ Objective	Description	Quantity	Discounted Rate	Total
	Cooperative Printing - Ten Things Brochure			
	Bassett Creek Commission	10,000.00	0.066609113920	666.09
	Elm Creek Commission	5,000.00	0.066609113920	333.05
	Shingle Creek Commission	4,350.00	0.066609113920	289.75
	West Mississippi Commission	4,350.00	0.066609113920	289.75
	9 Mile Watershed District	2,000.00	0.066609113920	133.22
	Pioneer-Sarah Creek	8,800.00	0.066609113920	586.16
	Minnehaha Creek Watershed	5,000.00	0.066609113920	333.05
	Remit to:			
	Shingle Creek Watershed Management Commission			
	3235 Fernbrook Lane			
	Plymouth, MN 55447			
	Totals	39,500.00		2,631.06
	Total Now Due			666.09

Thank you!



Hennepin County Department of Environmental Services

417 North Fifth Street, Suite 200
Minneapolis, MN 55401-3206

612-348-3777, REDUCE.REUSE.RECYCLE
612-348-8532, FAX
612-348-6500, Facility **INFO** Line
www.hennepin.us

Item 6A

August 28, 2009

Len Kremer
Bassett Creek WMC
Barr Engineering
4700 West 77th Street
Minneapolis, MN 55435

Dear Len Kremer:

The Minnesota Legislature awarded Hennepin County \$500,000 from the Minnesota Clean Water Fund to implement the Riparian Restoration and Stream Bank Stabilization Program. The Clean Water Fund receives one third of the revenues resulting from the Clean Water, Land and Legacy Amendment. The purpose of the Riparian Restoration and Stream Bank Stabilization Program is to fund projects that will reduce erosion and stabilize stream banks throughout the county. Hennepin County intends to make these funds available through grants to local governments for projects that meet program criteria. Local governments eligible for these funds include cities, watershed districts, joint-powers watershed organizations and park districts.

Streams in Hennepin County are negatively impacted by changes in runoff volumes and intensities due to urbanization. Bank erosion is significantly degrading the quality of these streams and downstream receiving waters. Priority will be given to applicants and projects that:

- Incorporate the use of Minnesota Conservation Corps or the Tree Trust;
- Are identified as a priority by the local water management organization;
- Address the erosion and bank stabilization of streams listed as impaired or tributary to impaired waters; and
- Provide significant leverage of grant funds from other sources.

For additional information regarding the Riparian Restoration and Stream Bank Stabilization Program and how to apply go to: www.Hennepin.us/streambankgrants

Sincerely,

Joel C. Settles, Supervisor
Natural Resources Unit

BWSR Clean Water Funds

Agency Fund	FY10 Amount*	Governmental Units Eligible for Funding	Required Match*
Runoff Reduction Grants	\$2,460,000	Watershed Districts, WMOs	25% with local cash or in-kind cash value
Clean Water Assistance Grant	\$2,650,000	SWCDs, Watershed Districts, WMOs, and Counties	25% with local cash or in-kind cash value
Feedlot Water Quality Management Grant	\$2,500,000	SWCDs, Watershed Districts, WMOs, Counties, Cities, and JPBs of these organizations	25% with local cash or in-kind cash value
Shoreland Improvement Grants	\$1,400,000	SWCDs, Watershed Districts, WMOs, Counties, Cities, and JPBs of these organizations	25% with local cash or in-kind cash value
Conservation Drainage Advancement Grants	\$200,000	SWCDs, Watershed Districts, WMOs, Counties, and JPBs of these organizations	25% with local cash or in-kind cash value
SSTS Program Grants	\$2,200,000	Counties	
Buffer Easements	\$3,250,000	SWCDs	
Well Head Protection Easements	\$1,000,000	SWCDs	

*Subject to change

Anticipated Timeline for BWSR FY 2010 Competitive Grants*

October 15, 2009	Application period begins
October 22, 2009	Open house at Capitol Region Watershed District
December 1, 2009	Application deadline
January 27, 2010	BWSR Board authorizes awards
February 2010	Grant agreements sent out to recipients
April 30, 2010	Grant agreements and workplans due

* Subject to change

Hennepin County Riparian Restoration and Stream Bank Stabilization Grants

Background

The Minnesota Legislature awarded Hennepin County \$500,000 from the Minnesota Clean Water Fund to implement the Riparian Restoration and Stream Bank Stabilization Program. The Clean Water Fund receives one-third of the revenues resulting from the Clean Water, Land and Legacy Amendment.



Purpose

The purpose of the Riparian Restoration and Stream Bank Stabilization Program is to fund projects that will reduce erosion and stabilize stream banks throughout the county. Hennepin County intends to make these funds available through grants to local governments for projects that meet the program criteria.

Eligibility

Local governments eligible for these funds include cities, watershed districts, joint-powers watershed organizations and park districts.

Program criteria

Priority will be given to applicants and projects that:

- Incorporate the use of Minnesota Conservation Corps or the Tree Trust.
- Are identified as a priority by the local water management organization.
- Address the erosion and bank stabilization of streams listed as impaired or are tributary to impaired waters.
- Provide significant leverage of grant funds from other sources.

Application deadline

Applications must be received by 4:30 p.m. on Oct. 16, 2009.

Application form

Apply online or download an application form at www.hennepin.us/streambankgrants.



Before



After



BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

RESOLUTION NO. 09-05

A RESOLUTION ORDERING 2010 IMPROVEMENTS,
DESIGNATING MEMBERS
RESPONSIBLE FOR CONSTRUCTION, AND MAKING FINDINGS
PURSUANT TO MINNESOTA STATUTES, SECTION 103B.251

WHEREAS, on September 16, 2004, the Commission adopted the *Bassett Creek Watershed Management Commission, Water Management Plan, July 2004* (the “Plan”); and

WHEREAS, the Plan includes a Capital Improvement Program (“CIP”) listing capital projects in Table 12-2 of the Plan; and

WHEREAS, the CIP, as amended by Resolution No. 09-04 adopted on July 16, 2009, includes the following capital projects for the year 2010:

Plymouth Creek Restoration (PC-1), a project to restore the channel of Plymouth Creek from Medicine Lake to 26th Avenue in the City of Plymouth (the “Plymouth Creek Project”); and

Bassett Creek Main Stem Restoration, a project to restore the channel of the Main Stem of Bassett Creek from the Crystal City boundary to Regent Avenue in the City of Golden Valley (the “Bassett Creek Project”).

(hereinafter collectively referred to as the “2010 Projects”); and

WHEREAS, the Plan specifies a county tax levy under Minn. Stat. § 103B.251 as the source of funding for the 2010 Projects; and

WHEREAS, on September 17, 2009, following published and mailed notice in accordance with the Commission’s Joint Power Agreement and Minn. Stat. § 103B.251, the Commission conducted a public hearing on the 2010 Projects;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Bassett Creek Watershed Management Commission as follows:

1. The 2010 Projects will be conducive to the public health and promote the general welfare and are in compliance with Minnesota Statutes 103B.205 to 103B.255 (the “Act”) and with the Plan as adopted and amended in accordance with the Act. The 2010 Projects are hereby ordered.
2. The estimated cost of the Plymouth Creek Project is Nine Hundred Sixty-Five Thousand Two Hundred Dollars (\$965,200). Of this amount, Sixty-Two Thousand

Seven Hundred Thirty-Eight Dollars (\$62,738) will be paid from the Commission's Capital Improvement Program Closed Project Account and up to Nine Hundred Two Thousand Four Hundred Sixty-Two Dollars (\$902,462) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251, levied in 2009 for collection in 2010.

3. The estimated cost of the Bassett Creek Project is Six Hundred Thirty-Six Thousand One Hundred Dollars (\$636,100). Of this amount Two Thousand Two Hundred Sixty-Two Dollars (\$2,262) will be paid from the Commission's Capital Improvement Program Closed Project Account. Up to Thirty-Four Thousand Eight Hundred Dollars (\$34,800) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251 levied in 2009 for collection in 2010, and up to Six Hundred One Thousand Three Hundred Dollars (\$601,300) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251 levied in 2010 for collection in 2011.
4. Of the costs of the 2010 Projects the Commission hereby certifies costs to Hennepin County in accordance with Minnesota Statutes, Section 103B.251 of Nine Hundred Two Thousand Four Hundred Sixty-Two Dollars (\$902,462) for the Plymouth Creek Project and Thirty-Two Thousand Five Hundred Thirty-Eight Dollars (\$32,538) for the Bassett Creek Project for a total amount certified of Nine Hundred Thirty-Five Thousand Dollars (\$935,000) for payment by the county in accordance with Minnesota Statutes, Section 103B.251, Subd. 6.
5. The Commission receives, accepts and approves the feasibility reports for the 2010 Projects.
6. The costs of each of the 2010 Projects will be paid by the Commission up to the amounts specified in paragraphs 2 and 3 above from proceeds received from Hennepin County pursuant to Minnesota Statutes, Section 103B.251. Additional costs may be paid by the cities in which the Projects are constructed, but no costs will be charged to other members of the Commission.
7. The City of Plymouth is designated as the member responsible for contracting for the construction of the Plymouth Creek Project, and the engineer designated for preparation of plans and specifications is the Plymouth City Engineer, or other substitute engineers selected and retained by the City of Plymouth. Contracts for construction shall be let in accordance with the requirements of law applicable to the City of Plymouth. The Commission approves the Cooperative Agreement for Plymouth Creek Improvements dated as of September 17, 2009, with the City of Plymouth and authorizes and directs the execution thereof on behalf of the Commission by the Chair and Secretary.
8. The City of Golden Valley is designated as the member responsible for contracting for the construction of the Bassett Creek Project, and the engineer designated for preparation of plans and specifications is the Golden Valley City Engineer, or other

substitute engineers selected and retained by the City of Golden Valley. Contracts for construction shall be let in accordance with the requirements of law applicable to the City of Golden Valley. The Commission approves the Cooperative Agreement for Bassett Creek Improvements dated as of September 17, 2009, with the City of Golden Valley and authorizes and directs the execution thereof on behalf of the Commission by the Chair and Secretary.

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 17th day of September, 2009.

Chair

ATTEST:

Secretary

**COOPERATIVE AGREEMENT
FOR
BASSETT CREEK MAIN STEM RESTORATION**

This Agreement is made as of this 17th day of September, 2009, by and between the Bassett Creek Watershed Management Commission, a joint powers watershed management organization (hereinafter the "Commission"), and the City of Golden Valley, a Minnesota municipal corporation (hereinafter the "City").

WITNESSETH:

WHEREAS, the Commission adopted the Bassett Creek Watershed Management Commission Water Management Plan, July 2004 on September 16, 2004 (the "Plan"), a watershed management plan within the meaning of Minn. Stat. § 103B.231; and

WHEREAS, the Plan, as amended on July 16, 2009, includes a capital improvement program ("CIP") that lists a number of water quality project capital improvements; and

WHEREAS, the water quality projects identified in the CIP include a stream bank restoration project in the City of Golden Valley described as the Restoration of the Main Stem of Bassett Creek from the Crystal City Boundary to Regent Avenue in the City of Golden Valley, as more fully described in Attachment One to this Agreement, the feasibility report for the Project, which is made a part hereof (the "Project"); and

WHEREAS, the Plan specifies that projects in the CIP will be funded by a County tax levy under Minn. Stat. § 103B.251; and

WHEREAS, on September 17, 2009, the Commission adopted a resolution ordering the Project, directing that it be constructed by the City; and

WHEREAS, it is expected that Hennepin County will levy taxes throughout the watershed in 2009 and 2010 for the Project for collection and settlement in 2010 and 2011; and

WHEREAS, the City is willing to construct the Project on the terms and conditions hereinafter set forth.

NOW, THEREFORE, ON THE BASIS OF THE PREMISES AND MUTUAL COVENANTS HEREINAFTER SET FORTH, THE PARTIES AGREE AS FOLLOWS:

1. The Project will consist of the stream bank restoration improvements in the City of Golden Valley and the City of Crystal as more fully described in Attachment One.
2. The City will design the Project and prepare plans and specifications for construction of the Project. Plans and specifications, and any changes to such plans and specifications, are subject to approval by the Commission's consulting engineer.

3. The City will advertise for bids and award contracts in accordance with the requirements of law. The City will award the contract and supervise and administer the construction of the Project to assure that it is completed in accordance with plans and specifications. The City will require the contractor to provide all payment and performance bonds required by law. The City will require that the Commission be named as additional insured on all liability policies required by the City of the contractor. The City will require that the contractor defend, indemnify, protect and hold harmless the Commission and the City, their agents, officers, and employees, from all claims or actions arising from performance of the work of the Project conducted by the contractor. The City will supervise the work of the contractor. However, the Commission may observe and review the work of the Project until it is completed. The City will display a sign at the construction site stating "Paid for by the Taxpayers of the Bassett Creek Watershed".
4. The City will pay the contractor and all other expenses related to the construction of the Project and keep and maintain complete records of such costs incurred.
5. The Commission will reimburse Two Thousand Two Hundred Sixty-Two Dollars (\$2,262) of Project expenses from its Capital Improvement Program Closed Project Account. The Commission will use its best efforts to secure payment from the County in accordance with Minn. Stat. § 103B.251 in the amount of Thirty-Two Thousand Five Hundred Thirty-Eight Dollars (\$32,538) by tax levy in 2009 for collection in 2010 and in the amount of Six Hundred One Thousand Three Hundred Dollars (\$601,300) by tax levy in 2010 for collection in 2011.

Out-of-pocket costs related to the Project, incurred and paid by the Commission for publication of notices, securing County tax levy, preparation of contracts, review of proposed contract documents and administration of this contract shall be repaid from funds received in the tax settlement from Hennepin County. All funds in excess of such expenses are available for reimbursement to the City for costs incurred by the City in the design and construction of the Project. Reimbursement to the City will be made as soon as funds are available provided a request for payment has been received from the City providing such detailed information as may be requested by the Commission to substantiate costs and expenses.

6. Reimbursement to the City will not exceed the amount received from the County for the Project less any amounts retained by the Commission for Commission expenses. All costs of the Project incurred by the City in excess of such reimbursement shall be borne by the City or secured by the City from other sources.
7. All City books, records, documents, and accounting procedures related to the Project are subject to examination by the Commission.

8. The City will secure all necessary local, state, or federal permits required for the construction of the Project and will not proceed with the Project until any required environmental review is completed.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on behalf of the parties as of the day and date first above written.

BASSETT CREEK WATERSHED
MANAGEMENT COMMISSION

By: _____
Its Chair

And by: _____
Its Secretary

CITY OF GOLDEN VALLEY

By: _____
Its Mayor

And by: _____
Its Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, the undersigned, being the duly qualified and acting Chair of the Bassett Creek Watershed Management Commission (the “Commission”), do hereby certify that I have carefully compared the attached and foregoing Resolution No. 09-05 adopted by the Board of Commissioners of the Commission on September 17, 2009, with the original files and that the resolutions are full, true and correct copies of both resolutions so adopted.

The motion for adoption of Resolution No. 09-05 was made by _____ and seconded by _____. The following Commissioners voted in favor of Resolution 09-05:

and ____ Commissioners voted against Resolution No. 09-05, whereupon it was declared _____ by Chair Welch.

WITNESS my hand officially as such Chair of the Commission this ____ day of
September, 2009.

Michael Welch, Chair
Bassett Creek Watershed Management Commission

[THE COMMISSION
HAS NO SEAL]

Memorandum

To: Bassett Creek Watershed Management Commission
From: Laura Adler, Engineering Program Coordinator
Subject: Response to Bassett Creek Watershed Management Commission Comments on the City of St. Louis Park *Surface Water Management Plan*
Date: September 8, 2009
c: Karen Chandler, Barr Engineering

Thank you for taking the time to review the City of St. Louis Park's draft *Surface Water Management Plan* (SWMP). Comments on the city's draft SWMP were provided in a written memo dated July 7, 2009 and were discussed with Karen Chandler via telephone on July 7, 2009. Provided below are the city's responses to the Bassett Creek Watershed Management Commission's (BCWMC) comments and any associated changes to the SWMP. Any additional or revised SWMP text is shown in italics.

The city requests that the BCWMC approve the St. Louis Park SWMP, assuming that the BCWMC agrees that the responses and suggested SWMP revisions are satisfactory.

Impaired Waters

The SWMP lists impaired waters within the city and that the city discharges to, with the exception of Sweeney Lake. The BCWMC recommended that Sweeney Lake be referenced specifically in the following locations in the SWMP:

- Page 1-5 – Summary Table of Issues
- Page 3-19 – MPCA Impaired Waters (303(d)) List
- Table 3-13 – Impaired Waters in the City of St. Louis Park.
- Page 4-8 – Chapter discussing impaired waters and TMDL issues (Chapter 4.2.1.3)

The specific references to Sweeney Lake suggested by the BCWMC will be addressed in the plan in the following ways:

- Page 1-5 – This chapter of the SWMP discusses the regulatory aspects of the MPCA's TMDL program. This discussion is general in scope, and the text does not refer to any specific impaired waters. Sweeney Lake will be referenced with other impaired waters in Table 3-13 and Chapter 4.2.1.3 (page 4-8), but will not be added to the general discussion of TMDLs included in Chapter 1.
- Page 3-19 – This page includes a bulleted list of impaired waters within the city. A second list will be added to that chapter that includes impaired waters located downstream of the city:

There are also several impaired water bodies located downstream of the city of St. Louis Park that are indirectly impacted by runoff or discharge from the city. These water bodies include:

- *Bassett Creek*
 - *Sweeney Lake*
 - *Lake Hiawatha*
 - *Lake Pepin*
- Table 3-13 – The following row will be added to Table 3-13 (which lists impaired waters within or downstream of the city) for Sweeney Lake:

<i>Water Body</i>	<i>Reach</i>	<i>Affected Use</i>	<i>Pollutant/ Stressor</i>	<i>Year Listed</i>	<i>Target Start</i>	<i>Target Completion</i>	<i>Comments</i>
<i>Sweeney Lake¹ (27-0035-01)</i>	<i>Lake</i>	<i>Aquatic Recreation</i>	<i>Nutrient/ Eutrophication Biological Indicators</i>	<i>2004</i>	<i>2006</i>	<i>2009</i>	

¹-Not located within the City of St. Louis Park but the city is tributary to these water bodies

- Page 4-8 – This page discusses each impaired water/TMDL included in Table 3-13 in greater detail. The following text will be added or revised in Chapter 4.2.1.3 to reference the Sweeney Lake TMDL:

There are also impaired lakes and streams outside the city that receive stormwater from St. Louis Park and will be the subject of TMDL studies, including Sweeney Lake, Lake Hiawatha, Bassett Creek, and Lake Pepin (see Table 3-13).

Sweeney Lake is outside and downstream of the city of St. Louis Park. It is on the impaired waters list for excess nutrients and eutrophication biological indicators. The TMDL study was started in 2007 and is scheduled to be completed in 2009. The TMDL will identify phosphorus load reduction strategies for the Sweeney Lake watershed.

Land Use/Redevelopment and TMDL Implementation

Chapter 3.4 generally discusses land use and redevelopment within the city and references Figure 3.8 (future redevelopment areas) and Figure 3.9 (pavement management areas). The BCWMC recommends that this section include a brief discussion of how these areas could be higher priorities related to TMDL Implementation Plans for Sweeney Lake and other impaired waters.

The second paragraph in Chapter 3.4 will be revised as follows to reflect this:

There are several areas within the city of St. Louis Park that have been identified for redevelopment. Figure 3-8 shows the general areas that are expected to be redeveloped within the city of St. Louis Park. Figure 3-9 shows the pavement management areas within the city of St. Louis Park as well as the planned construction year. Redevelopment provides the opportunity to improve stormwater

management and implement various management techniques, including TMDL implementation. For example, the planning study area near Interstate 394 shown in Figure 3-8 may provide an opportunity to reduce phosphorus loading to Sweeney Lake, an impaired water.

It is the recommendation of the BCWMC that Table 5-1 (Implementation Program) include references to redevelopment areas that may be used to implement TMDL load reductions, specifically in reference to Sweeney Lake load reduction goals.

Line 15 in Table 5-1 addresses achieving phosphorus load reductions from TMDLs or assigned by the watershed management organizations. That line item will be revised to be more inclusive, but does not list specific water bodies:

No.	Project Name/Description	Priority	Location	Cost ¹	Proposed Year	Financing	Comments
15	Work towards achieving phosphorus load reductions specified by MCWD, BCWMC, current and future TMDLs	High	City-wide	Varies	Ongoing	Stormwater Utility, Grants	Includes implementation of BMPs associated with redevelopment

Impaired Waters – Figure 3-22

Figure 3-22 identifies impaired waters within the city of St. Louis Park. The BCWMC suggests including a note that refers to impaired waters downstream of the city.

The following note will be added to that figure:

NOTE: *Impaired waters downstream of the city of St. Louis Park include Bassett Creek, Sweeney Lake, Lake Hiawatha, and Lake Pepin; these are not shown on map.*

Watershed Boundaries – Figure 3-4 and Figure 3-5

The BCWMC asks that the watershed boundaries of subwatersheds MTKA1 and MPLS2 be reviewed to confirm the direction of flow and that the WMO boundary be reviewed.

Review of the city's storm sewer GIS data confirms that the flow direction from subwatersheds MPLS1 and MPLS2 is as shown on Figure 3-5. St. Louis Park storm sewer data and the Minnetonka *Water Resources Management Plan* confirm that the flow direction from subwatershed MTKA1 is as shown on Figure 3-5. The WMO boundary included on Figure 3-4 and Figure 3-5 represents the jurisdictional boundary based on GIS data provided by Minnehaha Creek Watershed District (thus it does not match up exactly with the hydrologic boundaries presented in Figure 3-5). The legends of Figures 3-4 and 3-5 will be revised to specify that this boundary is a jurisdictional boundary.

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

RESOLUTION NO. 09-06

A RESOLUTION APPROVING THE LOCAL PLAN PREPARED
BY THE CITY OF ST. LOUIS PARK

WHEREAS, the Bassett Creek Water Management Commission has been organized as a joint powers watershed management organization pursuant to the authority set forth in Minnesota Statutes, Section 103B.211, and

WHEREAS, the Commission has prepared a water management plan, which has been reviewed by all appropriate state and local agencies and has been approved by the Board of Water and Soil Resources, and

WHEREAS, the water management plan of the Commission and Minnesota Statutes require that local water management plans be prepared as required by Minnesota Statutes, Section 103B.235 and in accordance with Minnesota Rules, Chapter 8410, and

WHEREAS, the City of St. Louis Park has prepared and submitted to the Commission the City's surface water management plan, and

WHEREAS, Minnesota Statutes, Section 103B.235, Subd. 3 authorizes the watershed management organization to review and approve local water management plans and to take other actions necessary to assure that the local plan is in conformance with the Commission's plan and the standards set forth therein,

NOW, THEREFORE, BE IT RESOLVED By the Bassett Creek Water Management Commission, as follows:

1. The St. Louis Park Surface Water Management Plan dated May 2009, as amended, is hereby approved.
2. This Commission has reviewed the plan and hereby determines that the plan has been prepared in accordance with the requirements of Minnesota Statutes, Section 103B.235 and Minnesota Rules 8410.0160 and 8410.0170, and contains the requirements for local plans.
3. In accordance with Minnesota Statutes, Section 103B.235, Subd. 4, the St. Louis Park plan shall be adopted and implemented by the City within 120 days of this action, and the City shall amend its official controls in accordance with the plan within 180 days.

4. Pursuant to Minnesota Statutes, Section 103B.235, Subd. 5, and consistent with the Bassett Creek Water Management Plan, the City shall submit amendments to the local water management plan to this Commission for review and approval in accordance with State Statutes and Minnesota Rules.

Chair

Date

Attest:

Secretary

Date



September 2, 2009

Mr. Michael Welch
Chair, Bassett Creek Watershed Management Commission
c/o Barr Engineering Company
4700 West 77th Street
Minneapolis, MN 55435

RE: Bassett Creek Watershed Management Commission Letter of August 3, 2009

Dear Mr. Welch:

The following is the Minnesota Pollution Control Agency's (MPCA) response to your letter of August 3, 2009, to Dale Thompson. The MPCA understands and appreciates the efforts the Bassett Creek Watershed Management Commission (Commission) is making toward maintaining and improving water quality in the Bassett Creek Watershed.

The MPCA policy for Total Maximum Daily Loads (TMDL) states "*If data are adequate, individual WLAs should be given to each permitted MS4.*" However, the MPCA recognizes that categorical approaches are acceptable if either of the following two conditions exist:

1. Data are not adequate to develop Individual Wasteload Allocations (WLA) for each Municipal Separate Storm Sewer System (MS4).
2. A strong local organization exists to "manage" the categorical wasteload allocation.

The second condition applies to the TMDLs being developed for the Bassett Creek Watershed.

The letter of August 3 states "*The members of the Commission ... wish to better understand the details of coordinating and managing a categorical WLA before agreeing to do so*". Since the Commission is not a regulated MS4, there are no requirements for the Commission to manage the WLA. The MPCA acknowledges the Commission is a strong advocate for water quality restoration within the watershed and is in a position to guide the activities necessary to restore the impaired waters. Ultimately, if the MPCA finds that adequate progress is not being made toward restoration, we would interpret the WLA and apply it to individual MS4s. If necessary, MPCA's MS4 program may request that the TMDL be re-opened and individual WLAs assigned to the MS4s.

Below are responses to your specific questions.

1. ***Will the MPCA rely exclusively or principally on the Commission's accounting and reporting?*** The MPCA could rely on the Commission's accounting and reporting of WLAs if we can develop a mechanism for identifying appropriate Best Management Practices (BMPs) along with the associated pollutant reduction credits. This can be done

in several ways. Two promising approaches are utilizing any existing watershed management plan that identifies specific activities designed to reduce pollutant loads, or periodically modifying the TMDL Implementation Plan to include specific activities. Since the MPCA can review and comment on these, an MS4 can then simply incorporate these specific activities into its Stormwater Pollution Prevention Program (SWPPP). As stated, it will be important to identify likely pollutant load reductions associated with BMPs.

2. ***How will the reductions credited to Mn/DOT be determined and will the Commission and other MS4s have input on that accounting?*** Specific details of how reductions will be credited to Mn/DOT have not been discussed. We anticipate that Mn/DOT will need to document and explain their loading reduction estimates using methods acceptable to the MPCA.
3. ***If the water body in question is not achieving its TMDL targets, how will the burden of achieving the further necessary reductions be allocated and will the MPCA defer to the Commission?*** The MPCA is responsible for enforcing the permit. The permit requires MS4s to meet the TMDL WLA. The MPCA will review the BMPs in the SWPPP to determine progress toward meeting the WLA and will not use water quality information in the receiving water (since that also includes non-MS4 contributions, e.g., internal loading). It is therefore possible for an MS4 to be in compliance with the WLA and the water body to not be in compliance with water quality standards. If it appeared that both the WLA and Load Allocation (LA) were being met, but the water body was not meeting the standard, the assumptions and technical analysis in the TMDL would need to be revisited and the TMDL would be re-opened.
4. ***Will MPCA permitting enforcement staff recognize and defer to specific agreements the Commission and MS4s enter into and how will the MPCA contribute to and support the effort of the Commission and MS4s?*** Any actions that are likely to result in water quality improvements in impaired waters will likely be acceptable to MPCA. MPCA believes these decisions are best made at the watershed level. The MPCA will therefore recognize any agreement that results in water quality improvements.

It is unclear what is meant by defer. MPCA must ensure that permits are consistent with water quality requirements. While we may therefore recognize and support specific agreements made between the Commission and MS4s, we must review SWPPPs to ensure consistency with the TMDL. To ensure that agreements between the Commission and MS4s are consistent with the WLA, the MPCA would be willing to review and, if requested by the Commission and MS4s, participate in development of these agreements.

5. ***Would the MPCA outline reporting requirements that might be in the renewed MS4 permits and could a single report from one of the MS4s meet the reporting requirement?*** At this time we can only provide conjecture about what the 2011 permit will require. We anticipate MS4s will have to annually report on progress toward

Mr. Michael Welch

Page 3 of 3


September 2, 2009

compliance with the TMDL WLA. Because we are asking MS4s to implement a BMP approach to meeting the WLA, there will be no difference between the reporting requirements for an individual or categorical WLA. It would be appropriate for a single progress report to be developed. MS4s, in their individual SWPPPs, could simply refer to the progress report.

6. ***Will the MPCA expect any annual reporting from the Commission?*** No, unless the reporting is dependent upon what was agreed to in number 5 above.

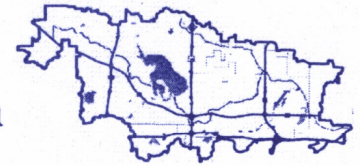
If you have any questions, please contact me at 651-757-2790 or mike.trojan@pca.state.mn.us.

Sincerely,

A handwritten signature in cursive script that reads "Michael Trojan".

Michael Trojan
Hydrologist 3
Stormwater Section
Municipal Division

MT:wgp



Bassett Creek Watershed Management Commission

www.bassettcreekwmo.org

• Crystal • Golden Valley • Medicine Lake • Minneapolis • Minnetonka • New Hope • Plymouth • Robbinsdale • St. Louis Park

Memorandum

To: Bassett Creek Watershed Management Commission
From: Technical Advisory Committee
Subject: September 3, 2009 Meeting
Date: September 4, 2009, 2009

The Technical Advisory Committee (TAC) met on September 3, 2009. The following TAC members, city representatives, and staff attended the meeting:

City	TAC Members/Alternates	Other City Representatives
Crystal	Absent	
Golden Valley	Jeff Oliver	
Medicine Lake	Vacant position	
Minneapolis	Lois Eberhart	
Minnetonka	Lee Gustafson	
New Hope	Guy Johnson	Daniel Stauner
Plymouth	Derek Asche	
Robbinsdale	Absent	
St. Louis Park	Laura Adler	
BCWMC Staff	Len Kremer	

The Technical Advisory Committee (TAC) directed staff to forward the following recommendations to the Commission for its consideration. This memorandum presents these recommendations under two topic areas.

*Michael Welch, BCWMC Chair
c/o Barr Engineering Company
4700 West 77th Street
Minneapolis, MN 55435
612-385-6885*

*Charlie LeFevre, Attorney
Kennedy & Graven
470 US Bank Plaza, 200 South Sixth Street
Minneapolis, MN 55402
612-337-9215
612-337-9310 (fax)*

*Leonard Kremer, Engineer
Barr Engineering Company
4700 West 77th Street
Minneapolis, MN 55435
952-832-2600
952-832-2601 (fax)*

To: Bassett Creek Watershed Management Committee
From: Technical Advisory Committee
Subject: September 3, 2009 Meeting
Date: September 4, 2009
Project: 23/27-051 2009

1. Individual vs. Categorical approach to TMDL waste load allocations

The TAC reviewed the undated draft MPCA letter responding to the August 3, 2009 Commission letter to the MPCA. It was noted that there does seem to be some advantage to the MS4 cities to have a categorical waste load allocation. This would allow the cities to negotiate among themselves how the pollutant load reductions will be accomplished and how the financial responsibilities will be distributed. The MPCA letter indicates that a management plan will need to be prepared for each of the TMDLs being prepared which identifies specific activities to reduce pollutant loads. The pollutant load reduction associated with each activity will need to be estimated. The activities include watershed approaches, such as nutrient reduction and runoff volume reductions required for new development and redevelopment, implementation of specific BMPs such as regional ponds and infiltration basins, regulatory approaches such as fertilizer bans and pet ordinances and housekeeping BMPs such as street sweeping and education. A time line for completing the implementation plan will also need to be part of the management plan. A copy of the management plan outline included in the Sweeney Lake Draft TMDL report is attached.

The committee agreed that coordination between the Commission and the cities is needed to track the extent to which specific items in the management plan are completed and that one report that all of the cities could rely on as part of their reporting for their MS4 permit would be desirable. The goal would be to have one report that would track BMPs completed for all of the watershed TMDLs.

The committee also discussed the request by Hennepin County to be included in the categorical waste load allocation. Since an agreement is not in place with Hennepin County as to how they would participate financially in the implementation of the management plan the committee agreed that Hennepin County should be assigned an individual waste load allocation. The committee also agreed that sometime in the future an agreement should be reached with the county that would permit them to participate with the Commission in the implementation of the management plan.

After discussion, the committee agreed that the waste load allocations should be based on percentage of impervious surface in the city, Hennepin County and MDOT portions of the watershed because it was a simple way to allocate the waste loads and because the amount of the waste loading is directly related to impervious surface.

Recommendations

To: Bassett Creek Watershed Management Committee
From: Technical Advisory Committee
Subject: September 3, 2009 Meeting
Date: September 4, 2009
Project: 23/27-051 2009

- Request that for the Wirth Lake, Sweeney Lake and Medicine Lake TMDLs that individual waste load allocations are assigned to MDOT and Hennepin County and a categorical waste load allocation is assigned to the cities.
- Request that the assignment of waste load allocations be based on the relative percentage of MDOT, Hennepin County and City impervious surface.

2. Limno Tech model results for the Medicine Lake TMDL

The TAC reviewed the August 24, 2009 Limno Tech, Draft memorandum regarding the Medicine Lake TMDL P8 Modeling Summary. It was noted that the memo discussed several generic BMPs that did not quantify the scope of the BMP except in very general terms. An example is the generic volume reduction BMP that was discussed. It was included as a 10% reduction in runoff volume. To be able to relate to the magnitude of this BMP there should be some comparisons presented such as acres of infiltration basins.

It was also noted that the memo indicated that “solids loads for 2006 (the model calibration year) would be approximately 32% less when applying the lumped approach” in the analysis of the data. This would result in a slightly lower phosphorus predicted load and possibly better model calibration. The TAC concluded that the P8 model was adequate for the Medicine Lake TMDL.

Recommendation

The TAC concluded that they had no comments on the Limno Tech memo.

4. Adjournment

Next TAC Meeting- October 1, 2009

Bassett Creek Recording Administrator

ITtm 7D.

Subject: BCWMC: Comments on Sweeney Lake TMDL

BCWMC Commissioners, Alternate Commissioners, and TAC Members,

For your information, attached are comments from Chair Michael Welch regarding the Sweeney Lake TMDL study. The comments are for your review and discussion at this Thursday's BCWMC meeting (September 17th, 11:30 a.m.)

Amy Herbert
BCWMC Recording Administrator

bcra@barr.com
Phone: 952-832-2652 Fax: 952-832-2601
Bassett Creek Watershed Management Commission C/O Barr Engineering 4700 W 77th Street Minneapolis, MN 55435-4803

----- Forwarded message -----

From: Michael Welch <mjewelch@gmail.com>

Date: Wed, 9 Sep 2009 23:34:02 -0500

Subject: Sweeney Lake TMDL

To: Ron Leaf <rleaf@sehinc.com>

Cc: Len Kremer <lkremer@barr.com>, Karen Chandler <kchandler@barr.com>, Amy Herbert <bcra@barr.com>

Ron,

I have a few notes on the Sweeney Lake TMDL draft in advance of the Bassett Creek Watershed Management Commission's meeting at which the TMDL will be discussed next week. My comments are for both your consideration and the commission's:

* The TMDL implementation plan appropriately identifies a variety of strategies to reduce phosphorus in the lake. The implementation plan should emphasize an adaptive management approach, under which the Municipal Separate Storm Sewer System operators, the BCWMC and any and all others with capacity to contribute to the improvement of Sweeney Lake water quality will continually explore, develop and implement the most cost-effective and ecologically sound means of reducing phosphorus available. The plan should emphasize a hierarchy of strategies, prioritizing first, source-reduction options (street sweeping; implementation, construction and maintenance of best management practices such as infiltration basins/areas, buffer areas, filtration basins and retention ponds; regulatory controls, such as runoff quality and volume-retention requirements; and shoreline management through, eg, buffering); second, in-lake vegetation management or, as may be warranted, carp management; third, lake-inflow treatment, such as in-flow dosing; fourth, other in-lake treatment methodologies, such as aeration and alum treatment. I realize that source reductions are difficult to achieve, but the implementation plan should emphasize such efforts in favor of other management controls to prioritize systemic solutions over temporary ones.

* The option of regulatory changes to increase runoff-management should be added to the "maximize load reduction through redevelopment" bullet point in 8.2.3. (Regulatory changes already are included in the adjacent table.)

* The implementation plan should recognize that the BCWMC intends to work with the City of Golden Valley and other partners to seek Clean Water Legacy and other grant funding for the implementation of water-quality improvement

strategies in the Sweeney Lake watershed (and elsewhere in the Bassett Creek watershed).

* The limited legal mechanisms available to achieve TMDL goals notwithstanding, the report should underscore that regulation of MS4s is not the only means of achieving the goals. Improving water quality in Sweeney Lake will require that the BCWMC, homeowners and other interested parties contribute to finding and implementing all reasonable strategies for reducing phosphorus loading.

* Whether the BCMWC ultimately decides to recommend a categorical waste load allocation and offer to manage same, record of all contributions of phosphorus to the lake, load allocations and all efforts contributing to the improvement the water quality in the lake should be tracked in a format and system that can be readily accessed by city stake, stakeholders and the public.

Thanks.

---Michael

--

Michael Welch
212 Thomas Av S
Minneapolis 55405

Item 7G.

Appendix A

Joint Powers Agreement

**AMENDED JOINT AND COOPERATIVE AGREEMENT FOR THE
ESTABLISHMENT OF A BASSETT CREEK WATERSHED MANAGEMENT
ORGANIZATION TO PLAN, CONTROL AND PROVIDE FOR THE
DEVELOPMENT OF BASSETT CREEK**

PREFACE

In 1968, the nine cities with land in the Bassett Creek watershed entered into a joint powers agreement which established the Bassett Creek Flood Control Commission. For the past 25 years the Commission, consisting primarily of citizen volunteers and city staff members who have volunteered their time, have worked long and hard to achieve the goals set forth when the commission was established. An overall watershed management plan was prepared and approved after public hearings. The Commission has received technical advice from the United States Army Corps of Engineers in their planning and has obtained the support and aid of all United States Senators and Congressional Representatives representing the member cities. In 1976 the Commission and the Corps of Engineers were successful in having Bassett Creek included in the 1976 Water Resources Development Act (Section 173 Public Law 94-587). The Board of Engineers for Rivers and Harbors submitted a favorable report to the Secretary of the Army on March 30, 1977. The Secretary of the Army has by letter under date of June 19, 1978 notified the U.S. Congress of the approval of the Chief of Engineers.

The Bassett Creek Flood Control Commission has participated with the Minnesota Department of Transportation, the Federal Highway Administration, the City of Minneapolis and the Corps of Engineers in the planning and construction of a deep tunnel in Minneapolis which is designed to carry Bassett Creek under a portion of the City of Minneapolis. The Commission has held hearings and approved and ordered upstream construction in the cities of Golden Valley, Plymouth, Minneapolis, and

Crystal. The local share of these costs is being paid by the nine member communities pursuant to an agreement consistent with the funding requirements set forth in Articles VII and VIII of the joint powers agreement which has been in effect from 1968 to 1993. The prior joint powers agreement contained the following "Statement of Intent":

STATEMENT OF INTENT REGARDING
AGREEMENT

"Bassett Creek leaves Medicine Lake and flows generally eastward through the Village of Medicine Lake, Plymouth, Golden Valley and into the City of Minneapolis. In Minneapolis, the creek is channeled into a conduit and runs underground to the Mississippi River to its eventual outfall. As the creek runs through the aforementioned communities it collects storm waters and in effect acts as the storm sewer for a large densely populated area and large unpopulated area. It also carries waters channeled to it or naturally flowing to it from the Villages of Minnetonka and New Hope and the Cities of Crystal, Robbinsdale, and St. Louis Park.

For a long time the improvement and development of this creek to carry the increased quantity of storm water has been needed to allow for the orderly planning and development of the up-stream communities who must rely on the creek as the outfall for storm waters collected or naturally flowing from areas within these communities. As the communities contributing water to the creek have grown, and the lands naturally draining into the creek have been covered with buildings and hard surfaced areas, the ability of the creek and its appurtenant facilities to accommodate the water has diminished. Studies have been conducted by the municipalities both individually and collectively and a study has been made by the United States Army Corps of Engineers. The threat of flood damage increases each year with the increased use of land in the watershed area.

The nine member communities have been meeting over a number of years in an effort to solve the storm water problems in the watershed drained by Bassett Creek. Each year it becomes more apparent that solutions must be sought to allow for a more orderly and efficient planning of the area and to allow the individual communities to plan storm sewer facilities which must be constructed to serve lands within the individual communities. It is also apparent to all nine municipalities that planning and construction to control the Bassett Creek cannot be done on the basis of each community looking at its individual problems. The creek downstream must be improved to accommodate the waters which will eventually be channeled and diverted to the outfall. To determine the downstream improvements it is necessary to know how much water will be contributed by the individual communities upstream and how much storm water will be retained in ponding areas upstream and the area of lands within the watershed which will be controlled by the individual communities as "open lands" and which will not contribute as much storm water as lands which are developed residentially, commercially, or for industrial purposes.

All of the nine communities within the Bassett Creek watershed recognize the aforestated problems. In seeking solutions to the overall drainage problem it becomes apparent that the only way the problems can be solved is by joint planning, joint cooperation, joint financing and a sincere desire on the part of each community to solve the overall drainage problem within the watershed. This means that some agency, commission, district, corporation, political subdivision, or other vehicle must be found to plan and finance improvements to and to control the development of lands within the watershed. Chapter 112 of the Minnesota Statutes provides for the formation of a watershed district with the powers and duties of conserving and controlling water and watercourses within a watershed. The creation of such a district creates a new political subdivision with the power to sue or be sued, to incur debts, liabilities and obligations, to exercise the powers of eminent domain, to provide for assessments, to borrow money and issue bonds and to do all other acts necessary to carry out the powers vested in the district by said Chapter 112. The managers of the district would be appointed by the Minnesota Water Resources Board and subsequent appointments would be by the Board of County Commissioners of Hennepin County. It is the belief of the parties to this agreement that the creation of such a district would remove control one step further from the electorate and the residents of this watershed area who ultimately would pay the costs of the aforesaid improvements. It would also create another political subdivision which would have to plan and work with the individual parties to this agreement to solve the storm water and drainage problems within the watershed.

The purpose of this statement of intent regarding the agreement is to clarify and establish for any court of review or any arbitrator or for the elected successors to the representatives who have entered into this agreement, the reasons and purposes for this joint and cooperative agreement. The parties to this agreement realize that the success or failure of the Bassett Creek Flood Control Commission created by this agreement is dependent upon the sincere desire of each member community to cooperate in the exercise of a joint power to solve a joint problem. Each party to this agreement pledges this cooperation."

It is the intent of this amended agreement to carry forward the same purposes as aforestated and to revise the Joint Powers Agreement to meet the mandates of Minnesota Statutes, Sections 103B.201 through 103B.251 and Minnesota Rules Chapter 8410 relating to "Metropolitan Area Local Water Management". This amended agreement shall continue the existence of a Watershed Management Organization in accordance with the provisions of the Metropolitan Surface Water Management Act as set forth in Minnesota Statutes 1992 Sections 103B.201 to and including 103B.251. The organization hereby created shall have all of the powers and

responsibilities set forth in said statutes for the Bassett Creek Watershed. The purpose of the organization shall be to assist the 9 member communities to preserve and use natural water storage and retention systems to:

1. Protect, preserve, and use natural surface and groundwater storage and retention systems;
2. Minimize public capital expenditures needed to correct flooding and water quality problems;
3. Identify and plan for means to effectively protect and improve surface water and groundwater quality;
4. Establish more uniform local policies and official controls for surface water and groundwater quality;
5. Prevent erosion of soil into surface water systems;
6. Promote groundwater recharge;
7. Protect and enhance fish and wildlife habitat and water recreational facilities;
8. To secure other benefits associated with the proper management of surface water.
9. To promote and encourage cooperation among member cities in coordinating local surface water and groundwater plans and to be aware of their neighbor's problems and to protect the public health, safety, and general welfare.
10. To continue the work of the Bassett Creek Water Management Commission and to carry out the plans, policies and programs developed by said Commission from 1968 to 1993.

JOINT AND COOPERATIVE AGREEMENT

The parties to this Agreement are governmental units of the State of Minnesota, all of which have lands which drain surface water into Bassett Creek and all of which have power to construct, reconstruct, extend and maintain storm water management facilities. This agreement is made pursuant to the authority conferred upon the parties by Minnesota Statutes 1992, Sections 471.59 and 103B.201 to and including Section 103B.251.

NAME

I.

The parties hereto create and establish the Bassett Creek Watershed Management Commission.

GENERAL PURPOSE

II.

The general purpose of this agreement is to provide an organization which can investigate, study, plan and control the construction of facilities to drain or pond storm waters, to alleviate damage by flood waters; to improve the creek channel for drainage; to assist in planning for land use; to repair, improve, relocate, modify, consolidate or abandon, in whole or in part, drainage systems within the watershed area; and to do whatever is necessary to assist in water conservation and the abatement of surface water and groundwater contamination and water pollution. In addition to the aforestated purposes, the organization hereby created shall serve as the organization for the Bassett Creek watershed and shall carry out all of the duties and responsibilities outlined in Minnesota Statutes, Section 103B.201 through 103B.251, both inclusive.

DEFINITIONS

III.

For the purposes of this agreement, the terms used herein shall have the meanings as defined in this article.

Subdivision 1. "Commission" means the organization created by this agreement, the full name of which is "Bassett Creek Watershed Management Commission." It shall be a public agency of its members.

Subdivision 2. "Board" means the Board of commissioners of the Commission, consisting of one commissioner or one alternate commissioner from each of the governmental units which is a party to this agreement and which shall be the governing body of the Commission.

Subdivision 3. "Council" means the governing body of a governmental unit which is a member of this Commission.

Subdivision 4. "Governmental Unit" means any city, county, or town.

Subdivision 5. "Member" means a governmental unit which enters into this agreement.

Subdivision 6. "Bassett Creek Watershed" means the area contained within a line drawn around the extremities of all terrain whose surface drainage is tributary to Bassett Creek and within the mapped areas delineated on the map filed with the Board of Water and Soil Resources originally filed pursuant to Minnesota Statutes, 473.877 Subd. 2 and as now amended by Minnesota Statutes, Chapter 103B.

MEMBERSHIP

IV.

The membership of the Commission shall consist of all of the following governmental units as shall elect, through resolution or

ordinance adopted by their respective Councils, to become members:

City of Crystal
City of Golden Valley
City of Medicine Lake
City of Minneapolis
City of Minnetonka
City of New Hope
City of Plymouth
City of Robbinsdale
City of St. Louis Park

(The foregoing list is intended to include all governmental units which are presently partially or entirely within the Bassett Creek Watershed.)

No change in governmental boundaries, structure or organizational status shall affect the eligibility of any governmental unit listed above to be represented on the Commission, so long as such governmental unit continues to exist as a separate political subdivision.

BOARD OF COMMISSIONERS

V.

Subdivision 1. The governing body of the Commission shall be its Board. Each member shall be entitled to appoint one representative on the Board, and one alternate who may sit when the representative is not in attendance and said representative or alternate representative shall be called a "Commissioner".

Subdivision 2. The council of each member shall determine the eligibility or qualification of its representative on the Commission but the terms of each Commissioner shall be as established by this agreement.

Subdivision 3. The term of each Commissioner and Alternate

Commissioner appointed by each member shall be three years and until their successors are selected and qualify and shall commence on February 1, except that the terms of the Commissioners first appointed shall commence from the date of their appointment and shall terminate as follows:

- a. The Commissioners appointed by the Cities of Crystal, Golden Valley, and Medicine Lake shall terminate on February 1, 1994.
- b. The Commissioners appointed by the Cities of Minneapolis, Minnetonka, and New Hope shall terminate on February 1, 1995.
- c. The Commissioners appointed by the Cities of Plymouth, Robbinsdale, and St. Louis Park shall terminate on February 1, 1996.

Any vacancy shall be filled for the unexpired term of any Commissioner by the council of the governmental unit of the member who appointed said Commissioner. The Commission shall notify the Board of Water and Soil Resources of member appointments and vacancies within 30 days after the Commission is notified by a member. Each member agrees to publish a notice of vacancies resulting from the expiration of a Commissioner's or Alternate Commissioner's term or where a vacancy exists for any reason. Publication and notice shall be in accordance with Minnesota Statutes, Section 103B.227, Subds. 1 and 2, as they now exist or as subsequently amended.

Subdivision 4. The council of each member agrees that its representative commissioner will not be removed from the Board prior to the expiration of the Commissioner's term, unless said Commissioner consents in writing or unless said council has presented the Commissioner with charges in writing and has held a public hearing after reasonable notice to

the Commissioner. A member may remove a Commissioner or an Alternate Commissioner for just cause or for violation of a Code of Ethics established by the Commission or by the Member City or for malfeasance, nonfeasance, or misfeasance. Said hearing shall be held by the Member City Council who appointed the Commissioner. A Commissioner or Alternate Commissioner who is an elected officer of a Member City who is not reelected may be removed by the appointing Member City at the appointing Member's discretion. Any decision by a Member to remove a Commissioner or Alternate Commissioner may be appealed to the Board of Water and Soil Resources. A certified copy of the Council's Resolution removing said Commissioner shall be filed with the Secretary of the Board of Commissioners and shall show compliance with the terms of this section.

Subdivision 5. Each member shall within 30 days of appointment file with the Secretary of the Board of Commissioners a record of the appointment of its Commissioner and Alternate Commissioner. The Commission shall notify the Board of Water and Soil Resources of Member appointments and vacancies within 30 days after receiving notice from the Member. Members shall fill all vacancies within 90 days after the vacancy occurs.

Subdivision 6. Commissioners shall serve without compensation from the Commission, but this shall not prevent a governmental unit from providing compensation for its Commissioner for serving on the Board, if such compensation is authorized by such governmental unit and by law. Commission funds may be used to reimburse a Commissioner or Alternate Commissioner for expenses incurred in performing Commission business and if authorized by the Board.

Subdivision 7. At the first meeting of the Board and in February

of each year thereafter, the Board shall elect from its Commissioners a Chair, a Vice Chair, a Secretary, a Treasurer, and such other officers as it deems necessary to conduct its meetings and affairs. At the organizational meeting or as soon thereafter as it may be reasonably done, the Commission shall adopt rules and regulations governing its meetings. Such rules and regulations may be amended from time to time at either a regular or a special meeting of the Commission provided that a ten day prior notice of the proposed amendment has been furnished to each person to whom notice of the Board meetings is required to be sent; a majority vote of all eligible votes of the then existing members of the Commission shall be sufficient to adopt any proposed amendment to such rules and regulations.

The Board shall notify each Member City of the location and time of regular and special meetings called by the Board. A meeting shall be held at least annually, and all meetings shall be called and open to the public pursuant to Minnesota Statutes, Section 471.705, or as amended.

POWERS AND DUTIES OF THE BOARD

VI.

Subdivision 1. The Commission, acting by its duly appointed Board of Commissioners, shall as it relates to flood control, water quality, ground water recharge and water conservation or in its construction of facilities and other duties as set forth in Minnesota Laws have the powers and duties set out in this article.

Subdivision 2. It may employ such persons as it deems necessary to accomplish its duties and powers. Any employee may be on a full time, part time or consulting basis as the Board determines.

Subdivision 3. It may contract for space and for material and supplies to carry on its activities either with a member or elsewhere.

Subdivision 4. It may acquire necessary personal property to carry out its powers and its duties.

Subdivision 5. It shall develop an overall plan containing a capital improvement program within a reasonable time after qualifying, and said plan shall meet all of the requirements as established in Minnesota Statutes, Chapter 103B. Said overall plan shall establish a comprehensive goal for the development of Bassett Creek and shall establish a proposed procedure for accomplishing the purposes of the organization as set forth in Article II.

In preparing the overall plan, the Board may consult with the engineering and planning staff of each member governmental unit. It may consult with the Metropolitan Council and other public and private bodies to obtain and consider projections of land use, population growth, and other factors which are relevant to the improvement and development of the Bassett Creek watershed.

Said overall plan shall include the location and adequacy of the outlet or outfall of said Bassett Creek. The plan shall include the quantity of storage facilities and the sizing of an adequate outlet for all branch lateral storm sewers within the Bassett Creek watershed. The plan shall comply with state statutes and regulations promulgated and adopted by the Board of Water and Soil Resources.

Upon completion of the overall plan, or amendments thereto, the Board shall supply each member with a copy of the proposed plan and shall submit the plan for review and comment to Hennepin County, all soil and water conservation districts in Hennepin County and to all statutory and home rule charter cities having territory within the watershed. All governmental units which expect that substantial amendment of its local

comprehensive plan will be necessary in order to bring their local water management into conformance with the Commission's watershed plan shall describe as specifically as possible, the amendments to the local plan which it expects will be necessary. The Commission shall hold a public hearing after 60 days mailed notice to the clerk of each member governmental unit. The mailed notice of the hearing shall be sent at the same time the plan is submitted to the members and to other governmental agencies. After such public hearing, the Board shall prescribe the overall plan which shall be the outline for future action by the Commission.

The Commission shall then submit the plan, any comments received and any appropriate amendments to the plan to the Board of Commissioners of Hennepin County. The County shall approve or disapprove projects in the capital improvement program which may require the provision of county funds pursuant to Minnesota Statutes Sections 103B.251 or 103D.901. The County shall have 60 days to complete its review. If the County fails to complete its review within 60 days the plan and capital improvement programs shall be deemed approved.

After completion of the review by Hennepin County, the plan and capital improvement program shall be submitted to the Metropolitan Council for its review. After completion of the review by the Metropolitan Council pursuant to Minnesota Statutes, Section 103B.231, Subd. 8, the Commission shall submit the plan to the Minnesota Commissioner of Natural Resources and the Minnesota Pollution Control Agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources and to the Board of Water and Soil Resources for review as provided in Minnesota Statutes, Section 103B.231, Subd. 9.

After return of the plan, the Commission shall submit to each of its

members a copy of the plan and all comments of the reviewing authorities. The Commission shall wait for at least 30 days for comments from the members.

The Commission shall adopt the overall plan within 120 days after approval of the plan by the Board of Water and Soil Resources. The Commission shall then implement the approved plan and approved capital improvement program by resolution of the Commission as hereinafter set forth. The adoption of said overall plan shall be only upon a favorable vote of a majority of all eligible votes of the then existing members of the Commission. A copy of the adopted plan shall be filed with the clerk of each member governmental unit. Upon notice and hearing as provided for in adopting the overall plan, said plan may be amended by the Board on its own initiative or on the petition of any member governmental unit.

The review provisions set forth in this section are those required by Minnesota Statutes, Section 103B.231. If the law is amended, approvals shall be as required by law and the provisions contained in this section shall be amended accordingly.

Subdivision 6. It shall make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the Commission is organized.

Subdivision 7. It may cooperate or contract with the State of Minnesota or any subdivision thereof or federal agency or private or public organization to accomplish the purposes for which it is organized.

Subdivision 8. It may order any member governmental unit or units to construct, clean, repair, alter, abandon, consolidate, reclaim or change the course or terminus of any ditch, drain, storm sewer, or water course, natural or artificial, within the Bassett Creek watershed.

Subdivision 9. It may order any member governmental unit or units to acquire, operate, construct or maintain dams, dikes, reservoirs and appurtenant works or other improvements necessary to implement the overall plan.

Subdivision 10. It shall regulate, conserve and control the use of storm and surface water and groundwater within the Bassett Creek watershed.

Subdivision 11. It may contract for or purchase such insurance as the Board deems necessary for the protection of the Commission.

Subdivision 12. It may establish and maintain devices for acquiring and recording hydrological and water quality data within the Bassett Creek watershed.

Subdivision 13. It may enter upon lands within or without the watershed to make surveys and investigations to accomplish the purposes of the Commission. The Commission shall be liable for actual damages resulting therefrom but every person who claims damages shall serve the Chairman or Secretary of the Board of Commissioners with a Notice of Claim as required by Chapter 466.05 of the Minnesota Statutes.

Subdivision 14. It shall provide any member governmental unit with technical data or any other information of which the Commission has knowledge which will assist the governmental unit in preparing land use classifications or local water management plans within the watershed.

Subdivision 15. It may provide legal and technical assistance in connection with litigation or other proceedings between one or more of its members and any other political subdivision, commission, Board or agency relating to the planning or construction of facilities to drain or pond storm waters or relating to water quality within the Bassett Creek

watershed. The use of commission funds for litigation shall be only upon a favorable vote of a majority of the eligible votes of the then existing members of the Commission.

Subdivision 16. It may accumulate reserve funds for the purposes herein mentioned and may invest funds of the Commission not currently needed for its operations, in the manner and subject to the laws of Minnesota applicable to statutory cities.

Subdivision 17. It may collect monies, subject to the provisions of this agreement, from its members, Hennepin County and from any other source approved by a majority of its Board.

Subdivision 18. It may make contracts, incur expenses and make expenditures necessary and incidental to the effectuation of these purposes and powers and may disburse therefor in the manner hereinafter provided.

Subdivision 19. It shall cause to be made an annual audit by a certified public accountant or the state auditor of the books and accounts of the Commission and shall make and file a report to its members at least once each year including the following information:

- a. the approved budget;
- b. a reporting of revenues;
- c. a reporting of expenditures;
- d. a financial audit report or section that includes a balance sheet, a classification of revenues and expenditures, an analysis of changes in final balances, and any additional statements considered necessary for full financial disclosure;
- e. the status of all Commission projects and work within the

watershed; and

- f. the business transacted by the commission and other matters which affect the interests of the commission.

Copies of said report shall be transmitted to the clerk of each member governmental unit.

Subdivision 20. Its books, reports and records shall be available for and open to inspection by its members at all reasonable times.

Subdivision 21. It may recommend changes in this agreement to its members.

Subdivision 22. It may exercise all other powers necessary and incidental to the implementation of the purposes and powers set forth herein and as outlined and authorized by Minnesota Statutes, Sections 103B.201 through 103B.251.

Subdivision 23. It shall cooperate with the State of Minnesota, the Commissioner of Natural Resources and the Director of the Division of Waters, Soils and Minerals of the Department of Natural Resources in obtaining permits and complying with the requirements of Chapter 103G of the Minnesota Statutes.

Subdivision 24. Each member reserves the right to conduct separate or concurrent studies on any matter under study by the Commission.

Subdivision 25. It shall establish a procedure for establishing citizen or technical advisory committees and to provide other means for public participation.

METHOD OF PROCEEDING

VII.

Subdivision 1. The procedures to be followed by the Board in carrying out the powers and duties set forth in Article VI, Subdivisions 5,

6, 7, 8, 9, and 10, shall be as set forth in this article.

Subdivision 2. The Commissioners shall be the same as those serving as Commissioners and Alternate Commissioners for the predecessor Bassett Creek Water Management Commission. The Board shall immediately proceed to revise the overall plan as set forth in Article VI, Subdivision 5 or as required by state statute. Upon adoption of said overall plan, the Board shall proceed to implement said plan, and this implementation may be ordered by stages.

Subdivision 3. The Bassett Creek Watershed Management Commission shall be the successor to the Bassett Creek Water Management Commission as constituted under the prior Joint Powers Agreement. All personal property, money, bank accounts, records or any other thing of value and on hand with the Bassett Creek Water Management Commission shall be transferred to the Bassett Creek Watershed Management Commission.

Subdivision 4. The location and adequacy of the outlet for Bassett Creek shall be determined and the Commission shall then prepare plans which will provide capacity to outlet the surface waters which will be collected within the Bassett Creek watershed. In determining the necessary capacity for said outlet, the Commission shall take into consideration the quantity of land within the watershed which each member governmental unit has to pond or act as a reservoir for surface waters. It shall consider only lands which are under public ownership or under public control and that will be perpetually dedicated to acting as a reservoir for surface waters. The commission may require from each member governmental unit a commitment in writing of the lands which shall be so dedicated, including a legal description of the gross area and the capacity in acre feet of water storage. No project which will channel or divert additional

waters to Bassett Creek shall be commenced by any member governmental unit prior to approval of the Board of the design of an adequate outlet or of adequate storage facilities. The adequacy of said outlet shall be determined by the Board after consultations with its professional engineers.

Subdivision 5. All construction, reconstruction, extension or maintenance of Bassett Creek including outlets, lift stations, dams, reservoirs, or other appurtenances of a surface water or storm sewer system which involve construction by or assessment against any member governmental unit or against privately or publicly owned land within the watershed shall follow the statutory procedures outlined in Chapter 429 of the Minnesota Statutes except as herein modified. The Board shall secure from its engineers or some other competent person a report advising it in a preliminary way as to whether the proposed improvement is feasible and as to whether it shall best be made as proposed or in connection with some other improvement and the estimated cost of the improvement as recommended and the proposed allocation of costs between members.

The Board shall then hold a public hearing on the proposed improvement after mailed notice to the clerk of each member governmental unit within the watershed. The Commission shall not be required to mail or publish notice except by said notice to the clerk. Said notice shall be mailed not less than 45 days before the hearing, shall state the time and place of the hearing, the general nature of the improvement, the estimated total cost and the estimated cost to each member governmental unit. The Board may adjourn said hearing to obtain further information, may continue said hearing pending action of the member governmental units or may take such other action as it deems necessary to carry out the purposes of this

Commission.

To order the improvement, in accordance with the powers and duties established in Article VI, Subdivisions 7, 8 and 9, a resolution setting forth the order for a capital improvement project shall require a favorable vote by two-thirds of all eligible votes of then existing Board of the Commission. In all cases other than for capital improvement projects, a majority vote of all eligible members of the Board shall be sufficient to order the work. The order shall describe the improvement, shall allocate in percentages the cost allocation between the member governmental units, shall designate the engineers to prepare plans and specifications, and shall designate the member who will contract for the improvement in accordance with Subdivision 7 of this Article.

After the Board has ordered an improvement or if the hearing is continued while the member governmental units act on said proposal, it shall forward said preliminary report to all member governmental units with an estimated time schedule for the construction of said improvement. The Board shall allow an adequate amount of time, and in no event less than 45 days, for each member governmental unit to conduct hearings, in accordance with the provisions of the aforestated Chapter 429 or the charter requirements of any city, or to ascertain the method of financing which said member governmental unit will utilize to pay its proportionate share of the costs of the improvement. Each member governmental unit shall ascertain within a period of 90 days the method it shall use to pay its proportionate share of the costs.

If the Commission proposes to utilize Hennepin County's bonding authority as set forth in Minnesota Statutes, Section 103B.251, or if the Commission proposes to certify all or any part of a capital improvement to

Hennepin County for payment, then and in that event all proceedings shall be carried out in accordance with the provisions set forth in said Section 103B.251.

The Board shall not order and no engineer shall prepare plans and specifications before the Board has adopted a resolution ordering the improvement. The Board may order the advertising for bids upon receipt of notice from each member governmental unit who will be assessed that it has completed its hearing or determined its method of payment or upon expiration of 90 days after the mailing of the preliminary report to the members.

Subdivision 6. Any member governmental unit being aggrieved by the determination of the Board as to the allocation of the costs of said improvement shall have 30 days after the commission resolution ordering the improvement to appeal said determination. Said appeal shall be in writing and shall be addressed to the Board asking for arbitration. The determination of the member's appeal shall be referred to a Board of Arbitration. The Board of Arbitration shall consist of three persons; one to be appointed by the Board of Commissioners, one to be appointed by the appealing member governmental unit, and the third to be appointed by the two so selected. In the event the two persons so selected do not appoint the third person within 15 days after their appointment, then the Chief Judge of the District Court of Hennepin County shall have jurisdiction to appoint, upon application of either or both of the two earlier selected, the third person to the Board of Arbitration. The third person selected shall not be a resident of any member governmental unit and if appointed by the Chief Judge said person shall be a registered professional engineer. The arbitrators' expenses and fees, together with the other expenses, not

including counsel fees, incurred in the conduct of the arbitration shall be divided equally between the Commission and the appealing member. Arbitration shall be conducted in accordance with the Uniform Arbitration Act, Chapter 572 of the Minnesota Statutes.

Subdivision 7. Contracts for Improvements. All contracts which are to be let as a result of the Board's order to construct, repair, alter, reclaim or change the course or terminus of any ditch, drain, storm sewer, or watercourse, or to acquire, operate, construct or maintain dams, dikes, reservoirs or their appurtenances or to carry out any of the other provisions of the plan as authorized by Minnesota Statutes, and for which two or more member governmental units shall be responsible for the costs, shall be let in accordance with the provisions of Section 429.041 of the Minnesota Statutes. The bidding and contracting of said work shall be let by any one of the member governmental units, as ordered by the Board of Commissioners, after compliance with the statutes. All contracts and bidding procedures shall comply with all the requirements of law applicable to contracts let by a statutory city in the State of Minnesota.

The Commission shall not have the authority to contract in its own name for any improvement work for which a special assessment will be levied against any private or public property under the provisions of Chapter 429 or under the provisions of any City charter. These contracts shall be awarded by action of the council of a member and shall be in the name of a member governmental unit. This section shall not preclude the Commission from proceeding under Minnesota Statutes, Section 103B.251.

Subdivision 8. Contracts with Other Governmental Bodies. The Commission may exercise the powers set forth in Article VI, Subdivision 7, but said contracts for a capital improvement shall require a favorable vote

of two-thirds majority of the eligible votes of the then existing members of the Commission.

Subdivision 9. Supervision. All improvement contracts awarded under the provisions of Subdivision 7 of this Article shall be supervised by the member governmental unit awarding said contract or said member governmental unit may contract or appoint any qualified staff member or members of the Commission to carry out said supervision, but each member agrees that the staff of this Commission shall be authorized to observe and review the work in progress and the members agree to cooperate with the Commission staff in accomplishing the purposes of this Commission. Representatives of the Commission shall have the right to enter upon the place or places where the improvement work is in progress for the purpose of making reasonable tests and inspections. The staff of this Commission shall report and advise and recommend to the Board on the progress of said work.

Subdivision 10. Land Acquisition. The Commission shall not have the power of eminent domain. The member governmental units agree that any and all easements or interest in land which are necessary will be negotiated or condemned in accordance with Chapter 117 of the Minnesota Statutes by the unit wherein said lands are located, and each member agrees to acquire the necessary easements or right of way or partial or complete interest in land upon order of the Board of Commissioners to accomplish the purposes of this agreement. All reasonable costs of said acquisition shall be considered as a cost of the improvement. If a member governmental unit determines it is in the best interests of that member to acquire additional lands, in conjunction with the taking of lands for storm and surface drainage or storage, for some other purposes, the costs of said acquisition will not be

included in the improvement costs of the ordered project. The Board in determining the amount of the improvement costs to be assessed to each member governmental unit may take into consideration the land use for which said additional lands are being acquired and may credit the acquiring municipality for said land acquisition to the extent that it benefits the other members of this agreement. Any credits may be applied to the cost allocation of the improvement project under construction or the Board if feasible and necessary may defer said credits to a future project.

If any member unit refuses to negotiate or condemn lands as ordered by the Board, any other member may negotiate or condemn outside its corporate limits in accordance with the aforesaid Chapter 117. All members agree that they will not condemn or negotiate for land acquisition to pond or drain storm and surface waters within the corporate boundaries of another member within the Bassett Creek watershed except upon order of the Board of this Commission.

The Commission shall have authority to establish land acquisition policies as a part of the overall plan. The policies shall be designed to equalize costs of land throughout the watershed. Said policy is contained in the existing watershed management plan and may be continued in any revised overall plan required by Minnesota Statutes.

Subdivision 11. Pollution Control and Water Quality. The Commission shall have the authority and responsibility to protect and improve water quality in the watershed as this is one of the main purposes set forth in the Surface Water Management Act. All member governmental units agree that they will refuse to allow the drainage of sanitary sewage or industrial wastes onto any land or into any watercourse or storm sewer draining into Bassett Creek. The Board may investigate on its own

initiative and shall investigate upon petition of any member all complaints relating to pollution of surface water or groundwater draining into or affecting Bassett Creek or its tributaries. Upon a finding that the creek or surface waters or groundwater are being polluted, the Board shall order the member governmental unit to abate this nuisance and each member agrees that it will take all reasonable action available to it under the law to alleviate the pollution and to assist in protecting and improving the water quality of surface water and groundwater in the watershed.

Subdivision 12. Local Water Management Plans. The Commission shall have power and authority to review the members' local water management plans, capital improvement programs and official controls required by Minnesota Statutes Section 103B.235 and/or by rules promulgated and adopted by the Board of Water and Soil Resources. The members also understand that the overall plan and capital improvement program required for the entire watershed must consist of the local parts in the plan and therefore every effort shall be made by the Commission to coordinate the local plans with the watershed's overall plan. The members further understand and agree that upon completion and approval of the overall plan required by Minnesota Statutes 103B.231, each member will be required to present their local management plan to the Commission as required by Minnesota Statutes, Section 103B.235. It is therefore important that each member provide the Commission with their best effort to coordinate and plan for the individual member's local plan at the same time the watershed overall plan is being assembled.

FINANCES

VIII.

Subdivision 1. The Commission funds may be expended by the Board

in accordance with this agreement and in accordance with the procedures as established by law and in the manner as may be determined by the Board. The Board shall designate one or more national or state bank or trust companies, authorized by Chapters 118 and 427 of the Minnesota Statutes to receive deposits of public moneys and to act as depositories for the Commission funds. In no event shall there be a disbursement of Commission funds without the signature of at least two Board members, one of whom shall be the Treasurer or his Authorized Deputy Treasurer. The Treasurer shall be required to file with the Secretary of the Board a bond in the sum of at least \$10,000 or such higher amount as shall be determined by the Board. The Commission shall pay the premium on said bond.

Subdivision 2. The members agree to contribute all cash, bank deposits, and other assets held by the Bassett Creek Water Management Commission to the new Bassett Creek Watershed Management Commission to carry out the purposes of the Commission. Each member governmental unit has contributed its proportionate share of said funds based on the net tax capacity and area of all taxable property within the Bassett Creek watershed.

Subdivision 3. Each member agrees to contribute each year to a general fund, said fund to be used for general administration purposes including, but not limited to: salaries, rent, supplies, development of an overall plan, insurance, and bonds, and to purchase and maintain devices to measure hydrological and water quality data. Said funds may also be used for normal maintenance of the facilities, but any extraordinary maintenance or repair expense shall be treated as an improvement cost and processed in accordance with Subdivision 4 of this Article. The annual contribution by each member shall be based fifty percent (50%) on the net

tax capacity of all property within the Watershed and fifty percent (50%) on the basis of the total area of each member within the boundaries of the Watershed each year to the total area in the Bassett Creek watershed. In no event shall any assessment require a contribution to exceed one-half of one percent of the net tax capacity within the watershed.

Subdivision 4.

(a) An improvement fund shall be established for each improvement project instituted under Article VII, Subdivision 3. Each member agrees to contribute to said fund its proportionate share of the engineering, legal and administrative costs as determined by the amount to be assessed against each member as a cost of the improvement. The Board shall submit in writing a statement to each member, setting forth in detail the expenses incurred by the Commission for each project.

Each member agrees to pay to or contract with the member governmental unit awarding said contract for the improvement, its proportionate share of the cost of the improvement in accordance with the determination of the Board under Article VII, Subdivision 5. The member awarding the contract shall submit in writing copies of the engineer's certificate authorizing payment during construction and the member being billed agrees to pay its proportionate share of said improvement costs within 30 days after receipt of the statement. The member awarding the contract shall advise other contributing members of the tentative time schedule of the work and the estimated times when the contributions shall be necessary.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the Commission may by a vote of 2/3rds of all eligible votes of the then existing members of the Commission decide to proceed to fund all or

any part of the cost of a capital improvement contained in the capital improvement program of the plan pursuant to the authority and subject to the provisions set forth in Minnesota Statutes, Section 103B.251. The Commission and Hennepin County may establish a maintenance fund to be used for normal and routine maintenance of an improvement constructed in whole or in part with money provided by Hennepin County pursuant to Minnesota Statutes, Section 103B.251. The levy and collection of an ad valorem tax levy for maintenance shall be by Hennepin County based upon a tax levy resolution adopted by a majority vote of all eligible members of the Commission and remitted to the County on or before the date prescribed by law each year. If it is determined to levy for maintenance, the Commission shall be required to follow the hearing process established by Minnesota Statutes, Section 103D.915 and 103D.921 and acts amendatory thereof and in addition thereto. Mailed notice shall be sent to the Clerk of each member municipality at least 30 days prior to the hearing.

Subdivision 5. On or before July 1 of each year, the Board shall adopt a detailed budget for the ensuing year and decide upon the total amount necessary for the general fund. Budget approval shall require a favorable vote by a majority of all eligible votes of the then existing members of the Board.

The Secretary of the Board shall certify the budget on or before July 1 to the clerk of each member governmental unit together with a statement of the proportion of the budget to be provided by each member.

The Council of each member agrees to review the budget, and the Board shall upon notice from any member received prior to August 1, hear objections to the budget, and may, upon notice to all members and after a hearing, modify or amend the budget, and then give notice to the members of

any and all modifications or amendments.

Each member agrees to provide the funds required by the budget and said determination shall be conclusive if no member enters objections in writing on or before August 1. If no objections are submitted to the Board, each member agrees to provide the funds approved by the Board, after the Board has conducted the aforementioned hearing. Modifications or amendments to the original budget require a favorable vote by a majority of all eligible voters of then existing members of the Board.

The budget shall not in any event require any member to contribute in excess of one-half of one percent of the net tax capacity of all taxable property within the watershed and within said members corporate boundaries.

The schedule of payments by the members shall be determined by the Board in such a manner as to provide for an orderly collection of the funds needed.

Upon notice and hearing, the Board by a favorable vote of a majority of all eligible votes of then existing members may adopt a supplemental budget requiring additional payments by the members within 60 days of its adoption but in no event shall the budget require any member to contribute in excess of one-half of one percent of the net tax capacity of all taxable property within the watershed or within any member's corporate boundaries in any one calendar year.

Members' attention is drawn to Minnesota Statutes, Section 103B.245, which authorizes a Watershed Management Tax District to be created within each member City to pay the costs of planning and for the purpose of paying capital costs and/or normal and routine maintenance of facilities.

Subdivision 5. Cost Allocation. All capital costs incurred by the Commission shall be apportioned to the respective members on either (1), (2), or (3) of the following bases:

(1) A negotiated amount to be arrived at by the members who have lands in the subdistrict responsible for the capital improvement.

(2) (a) Fifty percent of all capital costs or the financing thereof shall be apportioned to each member on the basis of the real property valuation net tax capacity of each member within the boundaries of the watershed each year to the total real property valuation net tax capacity in the Bassett Creek watershed area governed by this Agreement.

(b) Fifty percent of all capital costs or the financing thereof shall be apportioned to each member on the basis of the total area of each member within the boundaries of the watershed each year to the total area in the Bassett Creek watershed area governed by this Agreement.

(c) Capital costs allocated under the 50% area/50% net tax capacity formula herein set forth may be varied by the Commission by a 2/3rds vote if:

(1) any member community receives a direct benefit from the capital improvement which benefit can be defined as a lateral

as well as a trunk benefit, or

- (2) the capital improvement provides a direct benefit to one or more members which benefit is so disproportionate as to require in a sense of fairness a modification in the 50/50 formula.

- (d) Credits to any member for lands acquired by said member to pond or store storm and surface water shall be allowed against costs set forth in Subsections (a), (b), and (c) of this Section.

- (3) If the project is constructed and financed pursuant to Minnesota Statutes, Section 103B.251, the members understand and agree that said costs will be levied on all taxable property in the watershed as set forth in the statute.

MISCELLANEOUS PROVISIONS

IX.

Subdivision 1. The Commission shall not have the power to issue certificates, warrants or bonds.

Subdivision 2. The Commission shall not have the power of eminent domain and shall not own any interest in real property. All interests in lands shall be held in the name of the corporate member wherein said lands are located.

Subdivision 3. The Commission shall not have the power to levy a special assessment upon any privately or publicly owned land. All such assessments shall be levied by the member wherein said lands are located. It shall have the power to require any member to contribute the costs

allocated or assessed according to the other provisions of this agreement.

Subdivision 4. Each member agrees that it will not directly or indirectly collect or divert any additional surface water to the Mississippi River or its tributaries from any subdistrict or subtrunk without a permit from the Board of Commissioners. Permits may be granted by the Board for a member to proceed with the construction or reconstruction of improvements within the individual corporate members' boundaries and at its sole cost upon a finding:

- (a) that there is an adequate outlet; and
- (b) that said construction is in conformance with the overall plan; and
- (c) that the construction will not adversely affect other members of this agreement.

Subdivision 5. Any member who is more than 60 days in default in contributing its share to the general fund shall have the vote of its Board member suspended pending the payment of its proportionate share.

Any member who is more than 60 days in default in contributing its proportionate share of the cost of any improvement to the contracting member shall upon application of the contracting member have the vote of its Board member suspended, pending the payment of its proportionate share.

Any Board member whose vote is under suspension shall not be considered as an eligible member as such membership affects the number of votes required to proceed on any matter under consideration by the Board.

DURATION

X.

Subdivision 1. Each member agrees to be bound by the terms of this agreement until January 1, 2015, and it may be continued thereafter at the

option of the parties.

Subdivision 2. This agreement may be terminated prior to January 1, 2015, by the unanimous consent of the parties. If the agreement is to be terminated, a notice of the intent to dissolve the Commission shall be sent to the Board of Water and Soil Resources and to Hennepin County at least 90 days prior to the date of dissolution.

Subdivision 3. In addition to the manner provided in Subdivision 2 for termination, any member may petition the Board to dissolve the agreement. Upon 90 days notice in writing to the clerk of each member governmental unit and to the Board of Water and Soil Resources and to Hennepin County, the Board shall hold a hearing and upon a favorable vote by a majority of all eligible votes of then existing Board members, the Board may by Resolution recommend that the Commission be dissolved. Said Resolution shall be submitted to each member governmental unit and if ratified by three-fourths of the councils of all eligible members within 60 days, said Board shall dissolve the Commission allowing a reasonable time to complete work in progress and to dispose of personal property owned by the Commission.

DISSOLUTION

XI.

Upon dissolution of the Commission, all property of the Commission shall be sold and the proceeds thereof, together with monies on hand, shall be distributed to the eligible members of the Commission. Such distribution of Commission assets shall be made in proportion to the total contribution to the Commission as required by the last annual budget.

EFFECTIVE DATE

XII.

This agreement shall be in full force and effect upon the filing of a certified copy of the resolution approving said agreement by all nine members. Said resolution shall be filed with the Chair of the existing Bassett Creek Watershed Management Commission (presently W. Peter Enck of the City of New Hope), who shall notify all members in writing of its effective date and shall set the date for the next meeting to be conducted under this amended Joint Powers Agreement.

IN WITNESS WHEREOF, the undersigned governmental units, by action of their governing bodies, have caused this agreement to be executed in accordance with the authority of Minnesota Statutes Sections 103B.211 and 471.59.

Approved by the City Council
November 16, 1993.

Approved by the City Council
September 7, 1993.

Approved by the City Council
July 6, 1993.

Approved by the City Council
August 2, 1993.

Approved by the City Council
September 13, 1993.

Approved by the City Council
June 14, 1993.

Approved by the City Council
JUL 16 1993, 1993.

Approved by the City Council
July 6, 1993.

Approved by the City Council
July 6, 1993.

CITY OF CRYSTAL

By Feder E. Mantanna
Attest Darlene George

CITY OF GOLDEN VALLEY

By James A. Bepko
Attest Shirley G. Nelson

CITY OF MEDICINE LAKE

By Thomas G. Schroder
Attest Julie Deitte

CITY OF PLYMOUTH

By Kramer B.
Mayor
Attest Laurie Ravenhorst
City Clerk

Countersigned John Moir
City Comptroller-Treasurer Finance Officer

CITY OF MINNETONKA

By Timothy R. Fogarty
Attest Elizabeth A. Fortson

CITY OF NEW HOPE

By John J. Gervais
Attest Maurice Leone

CITY OF MINNEAPOLIS

By John J. Gervais
Attest Maurice Leone

ASST. CITY CLERK
CITY OF ROBBINSDALE

By David D. Nagels
Attest Lori J. Johnson

CITY OF ST. LOUIS PARK

By Lyle W. Hanks
Attest Beverly Flanagan

BCWMC Education & Public Outreach Committee Meeting Notes

September 10, 2009 – 9:00-10:45 a.m.

Golden Valley Council Conference Room

Members Present: Ginny Black, Liz Thornton, Margie Vigoren and Pauline Langsdorf

Teacher Focus Group

As discussed in our August Education & Public Outreach Committee meeting we suggest that the BCWMC sponsor a focus group of science and social studies teachers representing multiple grade levels. We continued and refined this discussion at our 9/10/09 meeting. This focus group would be structured to learn from teachers: 1) their water education resource needs; 2) their awareness and reactions to water education resources that are currently available (previously developed); 3) what water education resources they would actually use; 4) what barriers they encounter to using available water education resources. We also want to make them aware of anticipated funding becoming available through grants through the Clean Water Legacy Fund. As part of the discussion we will have them explore potential ways Legacy Funds could benefit them and their students. We will also seek input on how we can better direct our BCWMC grants.

This focus group would be moderated by Education & Public Outreach Committee members Liz Thornton, a retired science teacher, and Stu Stockhauss, a retired social studies teacher, along with Mary Karius, director of River Watch.

Recommendation: Use remaining 2009 funds in the Education/Public Outreach budget for survey follow-up to gather information from science and social studies teachers in multiple grade levels to learn: 1) how to facilitate teachers being able to access existing as well as developing materials that fit into their standards; 2) ways to optimize our grant program; 3) how to make teachers aware of availability of funding through Clean Water Legacy grants; 4) their ideas for the potential use of education dollars through the Clean Water Legacy funds. We recommend that each teacher taking part in the focus group be reimbursed for their time and expertise with \$100 stipends with the total of stipends not to exceed \$1,000. We estimate that with our committee members volunteering their time and expertise to facilitate the focus group we will more than double the value of the \$1,000 spent on this project.

Newspaper Articles Update

Judy Arginteanu has completed the article on Shoreland Restoration. We are very pleased with the article. We find it both very interesting and informative. However, Judy suggested, and we concurred, that the shoreland restoration article may be a more marketable article in the spring. Therefore we have decided that although not too late to plant yet this year we will hold this article until spring. The timing is right for development of an article on keeping leaves etc. out of our stormdrains and that will be the subject of our next article. We have found residents in Plymouth, Crystal and potentially Minneapolis to be our interview subjects for the personal interest side of this story. We anticipate the

article being ready to pitch by mid-to-late September. We continue to encourage others to suggest story ideas and potential people to interview for our articles.

Website Review

As of our 8/20/09 BCWMC meeting \$657 remained in this line item of the General Account. We will continue our website review at our October meeting when we will meet at a site where we can project websites for easier review. We will continue to look at other options for a website host site. Margie Vigoren will check room availability at Plymouth City Hall.

Education Consultant

Pauline Langsdorf shared a brochure that both she and Mike Welch received from Sarah M. Stai PhD, CE, LEED AP, a consultant interested in working for watershed organizations in education and public outreach. We will keep her information of file for future reference.

Budget Review

We have asked Amy to review the invoices that have been paid from the Education/Public Outreach and the Education Partnerships/Grants/Demonstration portion of the General Account. We feel that some of the invoices have not been charged to our budget. We also want to verify which partnerships have not been paid. We find the payments harder to track since we no longer receive hard copies of invoices and meeting minutes.

Grants

Committee members reported receiving inquiries from residents interested in pursuing grant proposals where projects would take place on their property. Due to expressed opposition by a few commission members to grants for projects on private property we have not encouraged them to apply. We continue to feel that this limits our grant program applications.

Next Meetings

Joint EPOC will meet on October 6th at 8:30 a.m. – tentative location is Plymouth City Hall

BCWMC Education & Public Outreach Committee will meet October 8th at 9:00 a.m. – tentative location is Plymouth City Hall

Notes by Pauline Langsdorf



Barr Engineering Company
4700 West 77th Street • Minneapolis, MN 55435-4803
Phone: 952-832-2600 • Fax: 952-832-2601 • www.barr.com *An EEO Employer*

Minneapolis, MN • Hibbing, MN • Duluth, MN • Ann Arbor, MI • Jefferson City, MO

Item 8A & 8B

Memorandum

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Company
Subject: Item 8 – Information Only
BCWMC September 17, 2009 Meeting Agenda
Date: September 10, 2009
Project: 23/27 051 2009 003

A. Administrative Reviews

a. Circle Park Pond Improvements (BCWMC CIP PL-6: Parkers Lake): Plymouth

Revised drawings for the Circle Park Pond improvement project were reviewed. The project (PL-6) is part of the BCWMC's Capital Improvement Program (CIP) for Parkers Lake and was authorized by the Bassett Creek Watershed Management Commission (BCWMC) on March 17, 2005 (Resolution 2005-04). The (BCWMC) reviewed preliminary drawings and provided comments to Plymouth in its October 3, 2005 letter. The City delayed the project in an effort to combine it with other Plymouth projects. The plan includes excavation of a pond to provide stormwater treatment prior to discharging to Parkers Lake. The pond is anticipated to be constructed during 2009 with final restoration in 2010.

B. Erosion Control Inspection Report

Attached is a copy of the September 2009 erosion control inspection report.