

Bassett Creek Watershed Management Commission

Minutes of the Meeting of December 16, 2010

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:36 a.m., on Thursday, December 20, 2010, at Golden Valley City Hall by Chair Loomis. Ms. Herbert conducted roll call.

Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf, Secretary	<i>Administrator</i>	Geoff Nash
<i>Golden Valley</i>	Commissioner Linda Loomis, Chair	<i>Counsel</i>	Charlie LeFevere
<i>Medicine Lake</i>	Commissioner Ted Hoshal	<i>Engineer</i>	Karen Chandler
<i>Minneapolis</i>	Commissioner Michael Welch, Treasurer	<i>Recorder</i>	Amy Herbert
<i>Minnetonka</i>	<i>Not represented</i>		
<i>New Hope</i>	Commissioner John Elder		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	Commissioner Wayne Sicora		
<i>St. Louis Park</i>	Commissioner deLambert		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth
Brooke Asleson, Minnesota Pollution Control Agency (MPCA)
Jack Frost, Metropolitan Council Environmental Services
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
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

2. Approval of Agenda and Consent Agenda

Commissioner Welch requested that the minutes be removed from the Consent Agenda. Commissioner Welch moved to approve the Agenda and the amended Consent Agenda. Commissioner Black seconded the motion. The motion carried unanimously with eight votes in favor [City of Minnetonka absent from vote].

3. Citizen Input on Non-Agenda Items

No citizen input on non-agenda items.

4. Administration

A. Presentation of the November 17, 2010, BCWMC meeting minutes. Commissioner Welch had a few questions stemming from discussions recorded in the November meeting minutes. His questions were answered by staff and the Commission. One action was directed to Karen Chandler and included that the memo being written by Barr Engineering regarding modeling and that will be part of the BCWMC's Technical Advisory Committee discussion at its January 6th meeting will be e-mailed to the Commission when it is e-mailed to the TAC. Commissioner Black moved to approve the November 17, 2010, meeting minutes. Commissioner Elder seconded the motion. The motion carried unanimously with eight votes in favor [City of Minnetonka absent from vote.]

B. Presentation of the Financial Statement.

Ms. Herbert handed out copies of the December 2010 financial report. Commissioner Welch walked the Commission through a brief review of the fiscal year 2010 budget to-date. Commissioner Elder moved to receive and file the financial report. Commissioner Black seconded the motion. The motion carried unanimously with eight votes in favor [City of Minnetonka absent from vote]. The general and construction account balances reported in the December 2010 Financial Report are as follows:

<u>Checking Account Balance</u>	<u>458,429.92</u>
<u>TOTAL GENERAL FUND BALANCE</u>	<u>458,429.92</u>
Construction Account Cash Balance	3,116,040.76
Investment due 5/13/2015	508,918.39
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	<u>3,116,040.76</u>
<u>-Less: Reserved for CIP projects</u>	<u>3,817,884.61</u>
<i>Construction cash/ investments available for projects</i>	<i>(192,925.46)</i>

C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through October 31, 2010 - invoice for the amount of \$1,857.70.
- ii. Barr Engineering Company – Engineering Services through November 26, 2010 - invoice for the amount of \$25,654.21.
- iii. Watershed Consulting, LLC – Geoff Nash Administrator Services through November 30, 2010 – invoice for the amount of \$3,406.08.
- iv. Amy Herbert – November Recording Administrator Services - invoice for the amount of \$3,699.29.
- v. D’amico Catering – December Meeting Catering - invoice for the amount of \$443.26.
- vi. City of Golden Valley – Reimbursement for Creek Walk Expenses - invoice for the amount of \$149.29.

Commissioner Welch commented that the Commission should communicate to the Deputy Treasurer regarding the allocation of the Creek Walk expenses. He suggested that the transportation portion of the expenses come out of the secretarial services budget line and the food portion of the expenses come out of the meeting catering budget line. The Commission agreed. Commissioner Black moved to approve payment of all invoices. Commissioner deLambert seconded the motion. By call of roll the motion carried unanimously with eight votes in favor [City of Minnetonka absent from the vote].

- D. Resolution 10-09 to Authorize Deputy Treasurer to Transfer Funds from the BCWMC Administrative Account to the TMDL, Long-term Maintenance, and Channel Erosion Accounts.** Commissioner Black moved to approve Resolution 10-09. Commissioner Langsdorf seconded the motion. Mr. LeFevre remarked that the resolution contains the word “fund” when the resolution title contains the word “account” and recommended that the words be consistent in the title and the body of the resolution. Commissioner Welch recommended a friendly amendment to the motion on the table that in Resolution 10-09 the word “fund” that ends the sentences of numbers 1, 2, and 3 be removed and replaced with

the word “account.” Commissioners Black and Langsdorf approved of the friendly amendment. The motion carried unanimously with eight votes in favor [City of Minnetonka absent from vote].

5. New Business

- A. **Discussion with Brooke Asleson, MPCA, on the Twin Cities Metropolitan Area Chloride Project.** Ms. Asleson explained that she provided a summary of the draft project work plan for the meeting packet for the Commission’s review. She said the plan has not yet been finalized. She stated that the Minnesota Pollution Control Agency (MPCA) started the project as a feasibility study. Ms. Asleson reported that the MPCA contracted with Wenck to do the study and that the study took a look at the Twin Cities metro area and how chloride is affecting the area and how chloride effects could be addressed on a regional scale.

Ms. Asleson reviewed highlights of the study, including the recognition that more data needs to be collected on chloride in the winter months and not just during the typical May through September monitoring season. She said that another important issue discovered through the study was that lake data show that higher chloride concentrations are in the deepest part of the lakes but most lake sampling targets surface sampling.

Ms. Asleson said that a team at the MPCA discussed the feasibility study and its findings and developed three possible approaches to move forward. She said that the next phase, or Phase 2, actually combines the three approaches. Ms. Asleson stated that Phase 2 will include developing a chloride management plan for the seven-county metro area. She said that the MPCA and partners will conduct additional monitoring over the next three years. Ms. Asleson commented that the MPCA is doing a surface and a deep water sample of Medicine Lake as well as a conductivity profile of the entire lake. She noted that the Minneapolis Park and Recreation Board is doing the same sampling of Wirth Lake and she mentioned that Sweeney Lake is also on the list for sampling. Ms. Asleson explained that the MPCA created a list of all of the lakes in the Twin Cities and developed a list of criteria or factors that may be causing those lakes to be more sensitive or have a higher priority in regard to chloride. She said that using the criteria, 75 lakes were identified by the MPCA as the focus for collecting monitoring data in collaboration with eight partners.

Ms. Asleson said that the data collected will be used to help create the chloride management plan, which will be a protection plan that will include all waters. She said the second part of the management plan will be to create a TMDL for all of the waters that exceed the standard for chloride. Ms. Asleson commented that there will be an implementation plan for the entire metro area.

Ms. Asleson explained that the MPCA has created a stakeholder group that comprises several different teams. She encouraged the Commission to appoint a representative to the project’s technical stakeholder group. Ms. Asleson stated that the TAC would be a small group of 11 or 12 people who would provide technical guidance on the modeling and the data analysis. She said that the group would meet quarterly over the next three or four years and that the next meeting will be in spring 2011.

Commissioner Hoshal asked if the Commission could get a list of the project’s monitoring points. Ms. Asleson said that the MPCA is putting together a monitoring plan for the project and the plan will be posted on the MPCA’s project Web site. Commissioner Black had questions about salt’s impact on aquatic plants. Ms. Asleson said that the MPCA’s research found that there is not a lot of data on the impact of chloride on lake biota or wetlands. Commissioner Black asked about what impact the salt is having on the fisheries since the chloride is collecting in the deep parts of

the lakes. Ms. Asleson said that the MPCA can't answer that question and won't be able to do so through this project, but she said that the MPCA will assemble a white paper as part of the project.

Commissioner Welch commented that the summary of the project that was given to the Commission was very well put together. He asked if the United States Environmental Protection Agency (U.S. EPA) has given feedback about the MPCA's approach. Ms. Asleson said that the U.S. EPA is positive and is looking for this approach to be a model for all cold weather states. She said that the MPCA will be keeping the U.S. EPA updated on the project.

Commissioner Welch voiced a concern that a lot of work will be going into the project and perhaps five years later there would be an inability to change road salt practices due to public safety issues. Ms. Asleson said that one of the project's components is education. She said that the MPCA will be developing an educational tool box for groups to use. Ms. Asleson gave a high recommendation of the road salt application training sessions put on by Fortin Consulting.

Mr. Oliver recommended that the MPCA involve the Minnesota Public Works Association in the stakeholder process.

Commissioner Welch asked how many chloride impairments are currently listed in the metro area. Ms. Asleson responded that there 11 waterbodies listed with chloride impairments in the metro area. Commissioner Welch asked if the MPCA has an official position regarding individual TMDLs being conducted. Ms. Asleson replied that the MPCA has changed its approach and the approach is now to use WRAPP, or Watershed Restoration and Protective Plans, which are watershed-wide.

Commissioner Sicora asked if Shingle Creek Watershed is represented on the project's Technical Stakeholder Committee. Ms. Asleson said that no, it's not and the reason is because the MPCA thought that Shingle Creek could be part of the implementation stakeholder group.

Commissioner Welch suggested that the Commission direct its TAC to discuss at its January meeting whether the BCWMC should participate by appointing a representative to the project's technical stakeholder group and then who would the TAC recommend appointing. The Commission agreed.

- B. 2010 Flood Control Project Inspection.** Ms. Chandler explained that Barr Engineering staff conducted the inspections and invited member-city staff to participate and that this year Golden Valley staff member Eric Eckman participated in the inspections in Golden Valley. Ms. Chandler reported that with the early onset of winter weather not all culverts and crossings were inspected due to unsafe conditions. She said that the inspection report details the inspection findings and that the majority of the issues comprise the need for tree removal or sediment removal. Commissioner Black voiced a concern about erosion issues that might arise due to tree removal. Ms. Chandler explained that tree removal typically means the removing of trees to prevent them from falling into the creek or blocking the flow of the creek. Ms. Chandler requested Commission direction to Barr Engineering to send the inspection report to the cities, the Department of Natural Resources (DNR), and the U.S. Army Corps of Engineers (Corps). Commissioner Black moved for the Commission Engineer to forward the inspection report to the member cities, the DNR, and the Corps. Commissioner Welch seconded the motion. The motion carried unanimously with eight votes in favor [City of Minnetonka absent from vote].

6. Old Business

A. City of Plymouth Final Reimbursement Request for West Medicine Lake Park Pond

Project. Ms. Chandler reported that the construction of the project is complete and that this request is the final reimbursement request from the City of Plymouth for the project. She explained that the Commission Engineer reviewed the documents submitted with the reimbursement request and found everything to be in order. Ms. Chandler said that there are funds remaining in the project budget and that the Commission Engineer recommends approval of the reimbursement to the City of Plymouth for the requested amount of \$20,643.37. Commissioner Black moved to approve the reimbursement to the City of Plymouth for the requested amount of \$20,643.37. Commissioner Langsdorf seconded the motion. By call of roll the motion carried with eight votes in favor [City of Minnetonka absent from vote]. Commissioner Welch asked if photos of the project could be sent to the Commission. Mr. Asche said yes. Mr. Asche also expressed his deep appreciation for the Commission's support on the project.

- B. TMDL Updates.** Mr. Nash reported that the U.S. EPA approved the Wirth Lake TMDL. He said that the Medicine Lake TMDL was sent to the U.S. EPA. Mr. Nash reported that there are no updates regarding the Sweeney Lake TMDL. Mr. Nash opened up discussion on the issue of the Commission's role in categorical TMDLs. Ms. Chandler added that there are two directions in which the Commission could head regarding a monitoring roles for the Commission as the lead entity in the categorical TMDL. She said that the Commission could pursue monitoring in terms of the chemical monitoring and monitoring in terms of oversight. Chair Loomis said that she thinks the TAC should discuss the issue. She said that she had asked Ms. Chandler to work up some costs that would be involved with the water quality monitoring involved with TMDLs and how the monitoring program and costs would coordinate with the Commission's monitoring program that's in place. Ms. Loomis said that she would like that information to be provided to the TAC for the TAC's discussion at the next TAC meeting. She said that the Commission has put a lot of items on the TAC's agenda and the TAC would either need to have a longer meeting or would need to hold monthly meetings until they get through all of the items.

Commissioner Welch suggested that the Commission come up with two different names in order to eliminate confusion. He said that monitoring should be the term used for sampling lakes and streams and analyzing the samples, and oversight or administrative oversight could be the term used for the administrative side of the role of the categorical TMDL implementer. He commented that this effort is closely related to how the Commission will integrate the TMDL implementation projects into its capital projects and budget. Commissioner Welch recommended that the Administrative Committee meet with some members of the TAC to talk about how to move forward.

Commissioner Black moved for the Commission to authorize the Commission Engineer to pull together an evaluation of the monitoring that is being done and for the evaluation to be submitted to the TAC for its review at its next meeting. Commissioner Welch seconded the motion. The motion carried unanimously with eight votes in favor [City of Minnetonka was absent from vote].

Commissioner Black expressed her viewpoint that the Commission should work toward an oversight process that will not create a whole lot of new reporting work for the cities but instead will build off of the processes already undertaken by the cities. She said that she thinks it will take a fair amount of Commission discussion to understand the cities' processes and to develop a Commission oversight plan. Commissioner Black said that she supports the idea of a joint committee of the Commission and the TAC.

Mr. LeFevere commented that what the Commission decides to do with its categorical TMDL implementer role may have a lot of influence on what the Next Generation Management Plan looks like and how other TMDLs are incorporated into the Plan or vice versa. Commissioner Welch said he agreed but that the Commission did tell the MPCA that the Commission will be the coordinating entity and will work with the member cities to achieve efficiency of how data is

collected and reported and to harmonize and streamline the process of reporting to the MPCA. Commissioner Welch added that there is an approach currently out there regarding TMDLs that addresses TMDLs by saying that Watershed Management Plans covers TMDL requirements under the 4B category of Federal Statute. He said that at some point the Commission may look into the approach.

Mr. Oliver recommended that the TAC discuss the issue and assess and make a recommendation to the Commission on whether or not there should be another work group. Ms. Stout added that the MPCA has created a work group to address how to integrate TMDL reporting into MS4 permitting processes and that she is a part of the work group and she will update the Commission on the progress of the work group.

Mr. Oliver stated that the Commission has the opportunity to set the expectations of and to define the role of the categorical TMDL implementer. Mr. LeFevere stated that the Commission could be the first one in the door regarding assuming the role of the categorical TMDL implementer and the Commission could structure the role in the way that works for the Commission. Commissioner Welch commented that he thinks there should be a work group to discuss how the Commission wants to develop its role. Commissioner Black suggested that interested commissioners could attend the TAC meetings when the issue is on the TAC's agenda instead of setting up a separate work group and work group meetings.

Ms. Chandler stated that it would take some time for Barr Engineering to pull together the water quality monitoring information and evaluation and to investigate where modeling could be used in place of monitoring. Chair Loomis directed the Commission Engineer to work with the Administrator to determine which TAC meeting will include the issue on the agenda and to communicate that meeting date to the Commission. She also said that it would be good for interested commissioners to attend that TAC meeting to participate in the discussion or for commissioners to leave their comments and concerns with the Administrator, who can present them at the meeting.

- C. **Update on BCWMC's Clean Water Legacy Grant Applications.** Ms. Chandler said that the Minnesota Board of Water and Soil Resources (BWSR) awarded the Commission a grant for its Wirth Lake Outlet Modification Project, which was one of the three projects the Commission submitted applications for the grant funds. Ms. Chandler reported that the Commission requested a grant amount of \$75,000 for the Wirth Lake Outlet project and was awarded that amount by BWSR. Ms. Chandler reminded the Commission that the two other Commission projects that were submitted for grant funds were the Bassett Creek Main Stem restoration project and the North Branch Main Stem project and said that these two projects did not receive high enough rankings to qualify for the grant funds. Administrator Nash said that he called Brad Wozney of BWSR for details on the awards and project rankings. Administrator Nash said that Mr. Wozney commented that BWSR hadn't yet organized any summary of the process but that he personally wondered if the Commission had gone to the Minnesota Department of Natural Resources to build support for these streambank restoration projects. Ms. Chandler said that the list of the applicants and projects reviewed by BWSR is available on the BWSR Web site.
- D. **Next Generation Planning Process.** Ms. Chandler explained that she prepared a memo and a flow chart of a draft process as a starting point for the Commission's discussion and that the memo and flow chart were included in the meeting packet. She stated that in Step B as illustrated in the flow chart the word Commission should be added regarding issue identification so that the step would read, "...review of Commission-/ TAC-identified issues and identification of additional issues." Ms. Chandler walked the Commission through the steps identified in the flow chart. The Commission discussed the steps as illustrated, discussed some points of the previous *Watershed Management Plan* planning process, and discussed some differences that they anticipate between

the previous planning process and this one.

Commissioner Welch commented that he thought that there are important challenges to the job of protecting water quality through partnerships that the Commission needs to tackle in the planning process such as the challenge of invasive species. He thinks that this process should have everyone who is involved moving together instead of breaking up in to so many separate groups that move parallel to each other. Commissioner Welch also commented he doesn't think the citizen's group should be a separate group because the goal is to have the citizens involved and asking questions about policy and technical issues. Ms. Chandler added that it was her intent to identify in step G that the Planning Advisory Group would include commissioners as well as alternate commissioners as well as residents, citizens, agencies, and everyone the commission wants on board. The Commission agreed that it thinks it is heading down the right path in the process so far.

[Commissioner Elder departs meeting]

7. Communications

A. Chair:

- i. Chair Loomis reported that the City of Golden Valley signed the contract for the Bassett Creek Restoration project with Minnesota DirtWorks.
- ii. Chair Loomis announced that there will be a Mississippi River Forum tomorrow, December 17th, at 8:00 a.m. at the McKnight Center and the discussion will be about the Minnesota Framework.
- iii. Chair Loomis said that the Minneapolis Park and Recreation Board has reconvened the citizen's advisory committee that was developed to discuss the Wirth Beach in the Theodore Wirth Park. She explained that the scope of the Committee has been expanded to cover the entire park. Chair Loomis said there has been a proposal put forward by the Nordic Ski Foundation recommending improvements including trails and bridges and she explained that these improvements could impact the creek. She said that the work plan is online at the Minneapolis Park and Recreation Board Web site and that the City of Golden Valley has a copy of the Nordic ski Foundation recommendation. Chair Loomis noted that the meetings of the Theodore Wirth Park Citizen's Advisory Committee are open to the public and that the process is identified on the Web site.
- iv. Chair Loomis reported that the BCWMC's request for letters of interest for its legal and engineering and technical consultant work will be published in the December 20th issue of *Finance and Commerce*.

B. Administrator:

- i. Administrator Nash announced that the first draft of the BCWMC's policy manual is being reviewed by the Administrative Services Committee and the Committee is planning to meet in mid-January to discuss it.
- ii. Administrator Nash reported that he registered the Bassett Creek Web site's domain name in the Commission's name.
- iii. Administrator Nash said he worked with Commissioner Langsdorf on the distribution of the stickers that needed to be added to the snow and ice removal brochures.

- iv. **Administrator Nash said that he attended the Minnesota Association for Watershed Districts meeting in Alexandria, Minnesota.**
- v. **Administrator Nash stated that he received in the mail a copy of a request from the Department of Natural Resources for review and comment on the Minneapolis Park Board's request to put down sand on Wirth Beach. He said he passed the request on to Barr Engineering.**
- vi. **Administrator Nash said that he provided Joel Settles of Hennepin County with the approximate start dates of the two streambank restoration projects so that he can communicate the update to the Hennepin County Board of Commissioners.**
- vii. **Administrator Nash reported that MetroBlooms received the Civilian Conservation Corps grant in the form of five crew days and 250 labor hours. He explained that he had prepared and submitted the grant application on behalf of MetroBlooms because the applicant needed the Commission as the primary sponsor.**

C. Commissioners:

- i. **Commissioner Black updated the Commission about the WalMart project in the City of Plymouth at the Four Seasons Mall site and explained how it may impact the project in the Commission's CIP for 2013.**
- ii. **The topic of the Meadowbrook Elementary Education Grant deadline was raised. Commissioner Black moved to extend the deadline of the contract to May 2011. Commissioner Langsdorf seconded the motion. The motion carried unanimously with seven votes in favor. [Cities of Minnetonka and New Hope absent from vote]. Mr. LeFevere stated that the Commission could handle the extension by Administrator Nash sending a letter to Meadowbrook Elementary to inform the grantee that the deadline for the contract has been extended to May 2011.**

D. Committees:

Education Committee

- i. **Commissioner Langsdorf announced that the Education Committee will not have a rough draft of the Education and Outreach Plan ready for the TAC's review at its January meeting. She said the Committee has more work to do on the plan and will update the Commission on the progress.**
- ii. **Commissioner Langsdorf reported that the West Metro Watershed Alliance (WMWA) met earlier this week and began developing workshops on development practices including infiltration and volume management – one for urban/ suburban areas and one for suburban/ rural areas, and nutrient management and retrofitting best management practices – one for urban/ suburban areas and one for suburban/ rural areas. She said those workshops would be held in March and in May 2011. Commissioner Langsdorf said that another workshop would be developed on the topic of TMDLs and watershed planning to occur in September 2011. She added that Derek Asche has volunteered to be a speaker and she asked that if others know of speakers who would volunteer their time to present at the workshops to please let her and WMWA know. Commissioner Langsdorf said the workshop planning will continue at WMWA's January meeting.**

