



Bassett Creek Water Management Commission

A g e n d a

Thursday, April 15, 2004

12:00 Noon

Golden Valley City Hall

7800 Golden Valley Road

Call to Order

Presentation of March Minutes

Presentation of Financial Statements

Presentation of Invoices for Payment Approval

Communications

Chairman

- **Citizen Input on Non-Agenda Items**

Counsel

Commissioners

Engineer

New Business

- **Draft Annual Report**
- **Budget Committee**
- **Robbinsdale Learning Campus**

Old Business

- **Medicine Lake Citizens Committee**
- **Cities of New Hope and Golden Valley CIP Projects**
- **Contract for Engineering Services**
- **Administrative Options Subcommittee Report**
- **BCWMC Education Subcommittee Report**
- **Revisit Website Improvements**
- **BCWMC Second Generation Plan Update**

May Meeting

- **Met Council Environmental Services 2002 Stream Monitoring Report Summary**
- **Budget Committee Report**
- **Final Annual Report**

Adjournment

Bassett Creek Water Management Commission

Minutes of the Meeting of March 18, 2004

Call to Order

The Bassett Creek Water Management Commission was called to order at 12:00 Noon, Thursday, March 18, 2004, at the City of Golden Valley City Hall by Chair O'Toole.

Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Karen Chandler
<i>Medicine Lake</i>	Commissioner John O'Toole, Chair	<i>Recorder</i>	Pat Schutrop
<i>Minneapolis</i>	Commissioner Michael Welch, Vice Chair		
<i>Minnetonka</i>	Commissioner Bill Yaeger, Secretary		
<i>New Hope</i>	Commissioner Mary Gwin-Lenth		
<i>Plymouth</i>	Commissioner Elizabeth Thornton		
<i>Robbinsdale</i>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	Alternate Commissioner Sally Velick		

Also present: Karla Anderson, Alternate Commissioner, city of Plymouth
David Hanson, Alternate Commissioner, city of Golden Valley
Laura Adler, BCWMC Technical Advisory Committee, city of St. Louis Park
Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth
Tom Mathisen, BCWMC Technical Advisory Committee, city of Crystal
Bill Deblon, Technical Advisory Committee, city of Robbinsdale
Jeff Oliver, BCWMC Technical Advisory Committee, city of Golden Valley
Kelly MacIntyre, BCWMC Technical Advisory Committee, city of Golden Valley
Nancy Azzam, Golden Valley League of Women Voters
Ginny Black, City Council Member, city of Plymouth
Jack Frost, Metropolitan Council

Approval and/or Correction of Minutes

The minutes of the February 19, 2004 meeting were presented. Ms. Thornton pointed out the following correction: Page 7, top paragraph, line 2: "...Control Agency and the MPCA indicated that the 38 30 ? g/L for this eco-region is very low..." Ms. Thornton moved and Mr. Yaeger seconded the motion to approve the minutes. Carried unanimously.

Financial Statements

Mayor Loomis presented the Treasurers Report as of March 18, 2004. The current balances are as follows :

Checking Account Balance	\$197,334.03
Commercial Paper (due 4/19/04)	249,583.33
TOTAL GENERAL FUND BALANCE	\$446,917.36
Construction Account Balance	\$657,183.10
Commercial Paper (due 4/19/04)	499,166.67
Commercial Paper (due 5/17/04)	499,150.00
Commercial Paper (due 6/15/04)	249,369.58
TOTAL CONSTRUCTION ACCOUNT BALANCE	\$1,904,869.35

The Treasurers report was accepted as presented and ordered to be filed subject to audit. The Commission requested, if possible, that the Treasurers Report be submitted prior to the meetings so the commissioners can review the report before the meetings.

Presentation of Invoices to be Paid

The following invoices were presented for approval:

1. An invoice was received from Barr Engineering Company for professional services during the period January 31, 2004 through February 27, 2004, in the amount of \$30,037.82.

Mr. Yaeger moved and Ms. Langsdorf seconded approval for payment of claims as set forth on the invoice. Upon call of the roll, the vote was unanimously carried.

Discussion followed concerning Barr's involvement on the Medicine Lake Citizens Committee and if the Commission authorized expenditures to attend the meetings. Mr. Quanbeck said the Commission's engineer was asked to attend on behalf of the Commission because of engineering issues that would be addressed by the committee. Ms. Thornton said expenditures for attending the committee meetings has appeared on four invoices to date. Mr. Welch asked that the subject be added to the April meeting agenda. Chair O'Toole asked that Barr be prepared to give a summary of its involvement and the history behind it.

2. Mr. LeSuer presented a check for payment of legal services by Kennedy & Graven in the amount of \$2,633.40 at the February 19th meeting; however, an invoice was not included for the Commission to review prior to the meeting. The invoice was included in the March meeting packet.

Ms. Langsdorf moved and Mr. Welch seconded approval for payment of claims as set forth on the invoice. Upon call of the roll, the vote was unanimously carried.

3. An invoice was received from A.J. Gallagher & Co. of MN, Inc. in the amount of \$100 for the Treasurers Bond. The Commission approved payment of the Treasurers Bond at the February 19th meeting subject to receipt of the invoice and the amount not to exceed \$100.

Mr. Hanson noted that it has been his practice to initial invoices signifying Commission approval for payment for the auditors' information.

Communications

Chairman:

1. A meeting notice was received from the city of Plymouth's Aquatic Vegetation Management Group announcing its March 18, 2004 meeting.

2. A meeting notice of the Minneapolis Water Quality Monitoring Task Force was received. Mr. Welch attends the task force meeting as a Commission representative and gave a brief update. Issues discussed at the meeting were to explore the possibility of the city of Minneapolis reclaiming permit reviews from the watershed districts and WMOs for projects within Minneapolis, coordinating the review efforts of the Minneapolis Surface Water Management Plan with the four WMOs, and possibly adding a link to the Commission's website notifying residents of beach closings. Some Minneapolis beaches will be closed permanently due to past problems.

The Commission does not object to adding the link to its website. Mr. Welch will see that the link is sent to the Commission recorder. The next meeting of the Minneapolis Water Quality Monitoring Task Force will be May 25, 2004.

Discussion followed. Ms. MacIntyre thought the review of the surface water management plan is scheduled for sometime in spring 2004. Chair O'Toole likes the idea of coordinating with other WMOs, but is concerned about staff time and how much is needed. Ms. Chandler said depending on what is included in the plan (e.g., modeling) and how much written comment it would require, she estimates a minimum amount of \$2,000. Ms Chandler added that the 2004 engineering budget might have included dollars for these types of reviews. Mr. Welch said the Commission could direct the engineer to call Pat Wrase, city of Minneapolis, and get more information about the plan process and report back to the Commission.

Mr. Quanbeck added the process the city of Minneapolis is considering in taking back the permit process will take significant time and could be beneficial for the Commission as a whole because of other cities involved. Chair O'Toole asked if the Commission wanted to delegate or retain the permit process. Mr. Yaeger interprets Minneapolis' request to be they are looking to four WMOs to give additional points of view. Chair O'Toole is concerned about the impact on the budget.

Mr. Jack Frost, Metropolitan Council, said other cities have included checks and balances in their local plans. Chair O'Toole asked if that would require a change to the Commission's second generation plan. Mr. LeFevere said cities need surface water management plans in place to comply with the Commission's rules and regulations. Mr. LeFevere said this change would not likely occur in 2004. Various stages need to be completed by the cities in order to put the permitting process in place – one of which is to demonstrate the controls necessary for implementation and compliance between the watershed's and cities' rules and regulations. Variance requests will still have to be presented to the WMOs for approval. Considering Mr. LeFevere's comments about the activities that may be necessary to put the permit process in action, Chair O'Toole expressed concern that legal involvement may also occur. Mr. LeFevere said it is premature for the Commission to take action at this time because Minneapolis has compliance requirements yet to go through. Chair O'Toole would like the Commission to continue to be alert of the process and keep abreast of upcoming action necessary by the Commission.

3. Bassett Creek Watershed Orientation. The Commission conducted an orientation in May 2001 for new commissioners, alternate commissioners, and other interested parties. Chair O'Toole asked if anyone on the Commission would be interested in attending a similar orientation. Ms. Thornton said as a new commissioner, she found the orientation very helpful. Ms. Langsdorf added that it would be helpful for her; however she is aware that many of the new members to the Commission have already been involved in attending the Commission meetings and may not have the same need to attend an orientation. If she is the only person interested in the orientation, she would be willing to go along on one of the engineering inspections instead.

Mr. Yaeger asked if the orientation would be held at the same time as the watershed tour. Chair O'Toole said that is a possibility. Ms. Gwin-Lenth is mixed on this and participated in last year's watershed tour, but thinks the information provided in an orientation would be beneficial for her.

Tagging along on an engineering inspection is another option. Ms. Velick added that as an alternate commissioner, she attended the orientation and also found it very meaningful.

Mr. LeFevere said as legal consultant for Shingle Creek and Middle Mississippi WMOs, he has given legal education sessions during a number of regular meetings consisting of informing the WMOs on the open meeting law, conflict of interests, etc. The Commission expressed interest in asking Mr. LeFevere to present something similar.

Chair O'Toole asked the Commission to consider:

- ? Watershed tour
- ? Bassett Creek Watershed Orientation
- ? Legal education session (post-meeting)

Mr. Welch commented that unless there are significant changes in the field, the watershed tour would be more helpful after the Capital Improvements Program has started.

Ms. Thornton suggested the Commission also consider having a regular meeting at another site within the watershed (e.g., Plymouth Creek Center) where significant projects have been taking place.

With no objection by the Commission, Chair O'Toole directed staff to:

- ? Barr - Set up a 2½-hour meeting in May or June for the orientation at a convenient location (e.g., Golden Valley). Topics of interest should be communicated to engineering staff to develop the agenda over the next month.
- ? Barr - Start working to set up and coordinate a meeting at an alternative venue such as Plymouth Creek Center sometime during the summer.
- ? Mr. LeFevere to give a legal education session after the April meeting. Mr. LeFevere will communicate agenda items to the Commission recorder to include with the April meeting agenda.

Administrative Calendar:

1. Chair O'Toole directed Commission recorder to add the orientation, offsite meeting, and legal education session to the administrative calendar.

Citizen Input on Non-Agenda Items:

1. Ms. Ginny Black, city of Plymouth councilperson, provided flyers announcing the 2004 Living Green Expo taking place on May 1 and 2 at the Minnesota State Fair Grounds. Admission is free.

Counsel:

1. Mr. LeFevere received a flyer announcing a Retirement Open House for retiring New Hope Mayor Peter Enck. The party will be on Wednesday, March 24, from 3:00 pm to 6:30 pm at the city of New Hope Golf Club.

Commissioners:

1. Ms. Thornton reminded the Commission that project updates are included along with the meeting notice of the Plymouth's Aquatic Vegetation Management Group.

Engineer:

1. **The Metropolitan Council Environmental Services 2002 Stream Monitoring Report was received. Ms. Chandler said the report includes all of the WOMP station data including the Bassett Creek site. The report compares data for 2001 and 2002. Data for 2003 is not included. The Commission engineering staff will review the report and give a more specific report at a later meeting (i.e., possibly May).**
2. **A memorandum was prepared and sent to Randy Anhorn, Metropolitan Council, in response to the action taken at the February 19th meeting approving participation in the citizen assisted monitoring program for 2004. The memorandum communicated the participating lakes, city, city contact person, and resident contact and sampler. Ms. Gwin-Lenth asked that the city contact person for the city of New Hope be changed from Tom Schuster to Guy Johnson. Mr. Schuster is no longer an employee of the city.**

New Business

1. **Resolution Designating Depositories. A draft resolution was included in the meeting packet for the Commission to consider concerning designating depositories for Bassett Creek Water Management Commission funds.**

Ms. Thornton moved and Mr. Yaeger seconded the motion to adopt the resolution. Carried unanimously.

2. **Crystal – 2004 Phase 6 Central Street Reconstruction. This project includes utility improvements and the reconstruction of approximately 1.6 miles of street located in the Bassett Creek watershed. Approximately 8 acres in the Bassett Creek watershed will be disturbed as a result of the project. Runoff discharges through existing storm sewers to the North Branch of Bassett Creek. Other segments of the project discharge north to the Shingle Creek watershed. Temporary erosion control features will be implemented during construction. Permanent BMPs include construction of two environmental sump manholes for sediment removal in the Shingle Creek watershed. Approval is recommended contingent on the Commission engineer’s recommendations stated in the engineering memorandum to the Commission.**

Ms. Langsdorf moved and Mr. Welch seconded the motion to approve the project contingent on recommendations stated in the Commission engineer’s memorandum to the Commission. Carried unanimously.

3. **MN DNR Permit Application 2004-3153: Plymouth. A request was received from the Minnesota Department of Natural Resources for review of a DNR permit application for work related to the restoration of shorelines on 14 properties along Medicine Lake. The restoration plan includes bioengineering techniques for minor slope corrections. Bioengineering features include natural plantings and shoreland seed mix, live stakes, coconut biologs, aquatic plants, etc. The proposed project will be funded and performed under the City of Plymouth/Medicine Lake’s Shoreline Grant Agreement. Under the grant agreement, homeowners are responsible for 10% of the construction costs and the city will be responsible for 90% of the costs. A private contractor will perform construction. Approval is recommended contingent on the Commission engineer’s recommendations stated in the engineering memorandum to the Commission.**

The DNR also distributed the draft application to each watershed authority in the city to prepare for a possible “General Permit” for the city. The General Permit would allow bioengineering practices that combine natural (plantings, etc.) and structural (riprap, etc.) elements on any basin or watershed in the city, if approved by the city.

Ms. Black offered to submit before-and-after photos of the project if the Commission would like to post on its website. The Commission agreed the photos would be interesting to see and would like to post them on the BCWMC website.

Approval is recommended contingent on the Commission engineer's recommendations stated in the engineering memorandum to the Commission.

Ms. Thornton moved and Ms. Langsdorf seconded the motion to approve the project contingent on recommendations stated in the Commission engineer's memorandum to the Commission. Carried unanimously.

4. **Medicine Lake Water Quality Data.** This is a follow-up item to the Commission's review of the memorandum containing draft responses to comments received regarding addressing impaired waters in the draft watershed management plan. The draft response stated that Medicine Lake is listed for mercury. In the meantime, additional water quality data was submitted to the Minnesota Pollution Control Agency to review and the MPCA concluded that Medicine Lake would also be listed on the impaired waters list for nutrients as well.
5. **Minnehaha Creek Watershed District Comprehensive Water Resources Management Plan.** A courtesy notice was received from the Minnehaha Creek Watershed District concerning its Comprehensive Water Resources Management Plan. MCWD notified adjacent watersheds to help identify issues (e.g., boundaries) that need to be addressed in the plan. Ms. Chandler will discuss the inquiry further with the engineering staff for issues that the MCWD should be aware of concerning Bassett Creek. She did think it was a good idea to inform MCWD when the final BCWMC watershed management plan is on the BCWMC website and possibly provide them with a CD copy of the plan.
6. **BCWMC Education Subcommittee.** Ms. Langsdorf requested the Commission consider establishing an education subcommittee to help implement and oversee the Public Involvement and Public Information Plan created during the second generation plan process. Because the Commission does not have hired staff to carry out this part of the plan, a subcommittee could help keep the Commission on track and avoid duplication of efforts by member cities' public information staff.

Mr. Welch applauded Ms. Langsdorf proposal and, if the subcommittee were established, he would like to see a budgeting recommendation made to the budget committee for consideration each year.

Mr. LeFevere said that Shingle Creek WMO has formed a similar subcommittee called EPOC (educational public outreach committee) that includes citizens, staff, and commissioners.

Chair O'Toole sees there is general support for forming the subcommittee, but has some reservations concerning budget. In the past, enthusiasm for similar ideas diminished when the time came to agree on an administrative budget. Mayor Loomis stated it has always been Golden Valley's concern that there not be a duplication of effort by the member cities and the Commission.

Mr. Yaeger moved and Ms. Welch seconded the motion to form a subcommittee consisting of commissioners and the public to meet and present committee recommendations and ideas back to the Commission.

Mr. LeFevere said if the subcommittee is formed, the meeting would be subject to the Open Meeting Law and posting on the Commission's official bulletin board is required three days prior to the meeting.

After further discussion Mr. Yaeger and Mr. Welch withdrew their motion. Mr. Yaeger feels it would serve the Commission better if it were set up informally at this time. Discussion continued about the number of commissioners on the committee. Five commissioners or alternate commissioners constitute a quorum and the meeting would be viewed as an "official" Commission meeting.

Ms. Azzam asked that minutes be taken during the subcommittee meetings and posted on the BCWMC website.

Chair O'Toole asked Ms. Langsdorf to spearhead the informal effort and bring recommendations (i.e., structure of the subcommittee, housekeeping items such as how minutes will be kept and noticing of the meetings, etc.) to the Commission to consider at its April meeting. Ms. Langsdorf will be out of town until April 8 and encouraged the commissioners to inform her of their ideas.

7. Establish Subcommittee to Evaluate Options for Administrative Services. Ms. Thornton would like to recommend establishing a subcommittee to evaluate options for administrative services, especially going into the second generation plan and the monitoring considerations and water quality improvements proposed in the plan. The purpose of the subcommittee would be to look at proposals for administrative services provided by a salaried person and not a consultant.

Chair O'Toole said this subcommittee would be considered ad hoc, would exist for a specific amount of time, to perform a specific task, and would come back to the Commission with recommendations. Ms. Peterson said it would be interesting to perform a comparison of how administrative services are provided by other WMOs.

Mr. Mathisen added that it is good to look at these things, but questions what is driving it. Chair O'Toole said it is appropriate to re-examine how the Commission does business. The current system is working, but he does not know if it can be improved and is supportive of evaluating it. Ms. Black added that the city of Plymouth is in favor of at least examining the possibility of addressing the Commission's administrative tasks and if it would be beneficial to have an executive director performing those duties. The water quality improvements in the city of Plymouth could reach 5% of its annual budget and the city is concerned that costs are well justified. Ms. Black strongly supports organizing an ad hoc committee to look at what other WMOs or watershed districts are doing and compare those duties done by their consultants with what the Commission does.

Chair O'Toole said keeping in mind the budgeting process for 2005, beginning in May with Commission approval of a budget by August 1, he is not sure how the scope of the subcommittee and the implementation of recommendations will coincide with the approaching budget process.

Mayor Loomis moved and Ms. Peterson seconded the motion to set up a subcommittee to investigate administrative options for the Commission and, if possible, come back with recommendations to the Commission at its May meeting. Carried unanimously.

The following commissioners volunteered to serve on the Administrative Options Subcommittee: Langsdorf, Thornton, Loomis, Yaeger (convener), and Peterson. Chair O'Toole requested that the subcommittee try to meet prior to the Commission's regular meetings if convenient with the subcommittee members. Meeting minutes are recommended for record-keeping purposes.

Ms. Azzam said she would be interested in attending the meeting. The meeting will be posted as a subcommittee meeting on the Commission's official bulletin board located at the city of Golden Valley. To help clarify the mission of the subcommittee, Mr. LeFevere suggested the posting to read: Meeting of the Administrative Options Subcommittee will convene on _____ at _____. It may be a quorum of the BCWMC; however, the meeting will not be convened as a meeting of the BCWMC and no action on behalf of the BCMWC will be taken.

Mr. Frost suggested contacting the Minnesota Board of Water & Soil Resources concerning gathering information as to how other WMOs and watershed districts are carrying out administrative tasks. Ms. Black received information from the ten WMOs and watershed districts that have staff.

Ms. Gwin-Lenth requested that the commissioners be noticed of the subcommittee meetings.

8. **Contract of Engineering Services. Deferred to the April meeting.**

Old Business

1. **Breck School Baseball Field Reconstruction: Golden Valley.** A request was received for review of a baseball field improvement plan at Breck School in the city of Golden Valley. A number of improvement projects have been reviewed and approved by the Commission at Breck School. The most recent approval was for the Ottawa field where 1.2 acre-feet of floodplain were created during the grading in 2003 providing adequate floodplain mitigation for the proposed grading. Approval is recommended contingent on recommendations stated in the Commission engineer's memorandum to the Commission.

Mayor Loomis moved and Ms. Thornton seconded the motion to approve the project contingent on the Commission engineer's recommendations stated in a memorandum to the Commission. Carried unanimously.

2. **Revisit Website Improvements. Deferred to the April meeting.**
3. **BCWMC 60-Day Review Draft Second Generation Plan Responses to Plan Reviewers.** The Commission had a special meeting on March 10, 2004, to review draft responses to comments received on the November 2003 draft plan. At the end of the March 10th meeting, the Commission requested that the proposed responses to comments be prepared in final format to present to the Commission at this meeting for approval. Once approved, the responses will then be sent to the plan reviewers and others who provided comments. After the responses are sent to the plan reviewers, the draft plan will be revised as noted in the responses. The plan will be edited in a underline/strikeout version and mailed to the review agencies for its 45-day review.

The Commission agreed that it is not necessary to submit the redline/strikeout version to them for additional review before mailing to the review agencies for the 45-day review.

Ms. Langsdorf moved and Ms. Velick seconded the motion to approve the proposed responses to the comments received for the 60-day Review Draft of the Bassett Creek Watershed Management Plan. Carried unanimously.

Ms. Black requested that notice be sent to the Commission email list when the draft plan is submitted to the reviewing agencies starting the 45-day review. Ms. Chandler said that a transmittal letter will accompany the draft plan that includes information about who received the draft plan and the plan review process. The letter could be posted on the website.

Mr. Yaeger moved and Ms. Peterson seconded the motion to direct the staff to revise the plan according to the responses to comments received and submit the plan to the reviewing agencies for the 45-day review. Carried unanimously.

April Meeting

The following agenda items are currently scheduled for the Commission's April meeting:

- Presentation of Audit Report
- Budget Committee
- Draft Annual Report

- **Administrative Services Subcommittee Report**
- **Cities of New Hope and Golden Valley CIP Projects**
- **Contract for Engineering Services**
- **Website improvements**
- **Legal Education**

Adjournment

It was moved by Mr. Welch and seconded by Ms. Thornton to adjourn the meeting. Chair O'Toole adjourned the meeting at 2:05 p.m.

John O'Toole, Chair

Pat Schutrop, Recorder

Bill Yaeger, Secretary

Date: _____

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