



## Bassett Creek Watershed Management Commission

# Agenda

11:30 a.m., Thursday, April 21, 2005  
Golden Valley City Hall  
7800 Golden Valley Road

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA AND CONSENT AGENDA**  
Items marked with an asterisk ( \* ) will be enacted 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 general order of business and considered in its normal sequence on the agenda.
3. **ADMINISTRATIVE**
  - A. Presentation of March 17, 2005 Minutes \*
  - B. Presentation of Financial Statements \*
  - C. Presentation of Invoices for Payment Approval
    - i. Malloy Montague Karnowski Radosevich & Co., P.A. \*
    - ii. Kennedy & Graven \*
    - iii. Barr Engineering Company \*
    - iv. Pat Schutrop, Administrative Services \*
4. **COMMUNICATIONS**
  - A. Chairman \*
  - B. Citizen Input on Non-Agenda Items
  - C. Counsel
  - D. Commissioners
  - E. Engineer
5. **NEW BUSINESS**
  - A. River Watch Presentation
  - B. Budget Committee
  - C. Robbinsdale Street Improvement Project 305-05 \*
  - D. Crystal 2005 Phase 7 Fair Street Reconstruction \*
  - E. Allianz Life USA Corporate Campus – Phase 2
  - F. Sweeney Lake Traffic Management Area
  - G. Draft Annual Report
6. **OLD BUSINESS**
  - A. Administrative Options Subcommittee
  - B. Draft Criteria for Use of Demonstration and Public Communication Budget Items
  - C. CIP Reserve Account
  - D. Twin Lake Minor Plan Amendment
  - E. Lakeview Park Pond
  - F. Steering Committee – Second Generation Plan – Lessons
7. **MAY MEETING**
  - A. Budget Committee Report
  - B. Final Annual Report
  - C. Administrative Options Subcommittee
  - D. CIP Reserve Fund
  - E. TAC Review Policy Recommendations
8. **ADJOURNMENT**

# **Bassett Creek Watershed Management Commission**

## **Minutes of the Meeting of March 17, 2005**

### **Call to Order**

The Bassett Creek Watershed Management Commission was called to order at 12:01 p.m., Thursday, March 17, 2005, at the City of Golden Valley City Hall by Chair O'Toole.

### **Roll Call**

<i>Crystal</i>	Alternate Commissioner David Anderson	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Len Kremer
<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>	Not represented		
<i>New Hope</i>	Commissioner Mary Gwin-Lenth		
<i>Plymouth</i>	Alternate Commissioner Elizabeth Thornton		
<i>Robbinsdale</i>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	Commissioner Richard Johnson		

Also present:

- Bill Deblon, BCWMC Technical Advisory Committee, city of Robbinsdale
- Tom Mathisen, BCWMC Technical Advisory Committee, city of Crystal
- Lee Gustafson, BCWMC Technical Advisory Committee, city of Minnetonka
- Laura Adler, BCWMC Technical Advisory Committee, city of St. Louis Park
- Jim Vaughan, BCWMC Technical Advisory Committee, city of St. Louis Park
- Jeff Oliver, BCWMC Technical Advisory Committee, city of Golden Valley
- Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth
- Kelly MacIntyre, BCWMC Technical Advisory Committee, city of Minneapolis
- Vincent Vander Top, Alternate Commissioner, city of New Hope
- Terrie Christian, Association of Medicine Lake Area Citizens
- Nancy Azzam, Golden Valley League of Women Voters
- Bryan Ripp, Applied Ecological Services, Inc.

### **Approval and/or Correction of Minutes**

The minutes for the February 17, 2005 meeting were presented. The following corrections are noted:

- Add Nancy Azzam, Golden Valley League of Women Voters, to attendance list.
- Mayor Loomis requested the following statement be added as it was part of the discussion concerning the Envirothon agenda item: that the Benilde St. Margaret School is not located in the Bassett Creek watershed.

Mr. Welch moved and Ms. Gwin-Lenth seconded the motion to approve the minutes. Carried unanimously.

### **Financial Statements**

1. Mayor Loomis presented the Treasurer's Report as of March 9, 2005. The assessed amounts from the cities of Crystal and Plymouth have been received and noted on the report. The current general and construction account balances are as follows:

Checking Account Balance	\$453,856.83
<i>TOTAL GENERAL FUND BALANCE</i>	<i>\$453,856.83</i>
Investment Balance	\$113,240.36
Commercial Paper (due 3/17/05)	1,494,568.75
Commercial Paper (due 5/18/05)	497,386.81
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>\$2,105,195.92</i>

As requested, the date of the fiscal year is shown on the Treasurer's report. Mr. Welch asked Mayor Loomis to find out the significance of the asterisks placed by some of the approved and proposed CIP projects.

Concerning the BCWMC 2<sup>nd</sup> generation tracking table, the 2004 tax levy balance shows as a negative amount because it is not an expense, but an income item. It will show as a deficit amount because that amount is not yet received from Hennepin County. The total amount levied in 2004 was \$1 million and \$989,419.06 has been received to date, leaving a deficit amount of \$10,580.94.

Mr. Kremer further explained that at the time the original levy request sent to Hennepin County was in the amount of \$880,100. Because Hennepin County did not have experience with levying projects like this in the Bassett Creek watershed, the county was not sure how much would be received. In an effort to ensure that the project amount of \$880,100 was received, the county chose to levy \$1 million. As a result, there is an overage in the amount received, and Chair O'Toole added that is a discussion yet to be conducted by the Commission as to what the Commission will do with excesses or insufficiencies in tax dollars received.

Ms. Peterson moved and Chair O'Toole seconded the motion approving the Treasurer's Report. Carried unanimously.

The Treasurer's report was accepted as presented and ordered to be filed subject to audit.

### ***Presentation of Invoices to be Paid***

The following invoices were presented for approval:

1. An invoice was received from the MACDE Area IV Envirothon in the amount of \$120. The Envirothon was discussed at the February 17<sup>th</sup> meeting and the Commission agreed to sponsor two schools (Hmong Academy and Benilde St. Margaret). Mayor Loomis added that the Commission also discussed funding of these types of requests at the February 17<sup>th</sup> meeting and is not in favor of funding a team that is not located in the watershed and is not sure it is appropriate to use educational dollars if it is not benefiting the watershed. Also at the February 17<sup>th</sup> meeting, Mr. Welch agreed to draft up criteria for the Commission to consider in making decisions as to the appropriateness of various requests coming to the Commission. Mr. Welch will have a draft ready for the Commission to review at the April 21 meeting. Ms. Thornton asked if it would make a difference knowing that the student body includes residents of the watershed. Chair O'Toole said that would be a consideration in developing the policy, but a valid observation where significant portions of the student body are residents of the watershed.

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

2. An invoice was received from Kennedy & Graven for professional services for the month of January 2005, in the amount of \$1,224.75.

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

3. An invoice was received from Barr Engineering Company for professional services during the period of January 29, 2005 through February 25, 2005, in the amount of \$20,742.21.

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

4. An invoice was received from Pat Schutrop for administrative services during the period of January 29, 2005 through February 25, 2005, in the amount of \$2,705.

Ms. Thornton moved and Mayor Loomis seconded approval for payment of claims as set forth on the invoice. Upon call of the roll, the vote was carried.

5. The Treasurer's Bond is an annual expense to the Commission of \$100. Although the invoice is not presented, the Commission decided to act on approving payment of bond pending receipt of the invoice.

Chair O'Toole moved and Mayor Loomis seconded approval for payment of the Treasurer's Bond in the amount of \$100. Upon call of the roll, the vote was carried.

## ***Public Hearing***

The public hearing convened at 12:20 p.m. by Chair O'Toole. The purpose of the public hearing is to consider the following three capital improvement program (CIP) projects:

- Medicine Lake In-Lake Herbicide Treatment (CIP ML-7)
- Parkers Lake – Circle Park Pond Improvement (CIP PL-6)
- Westwood Lake – Flag Avenue Detention/Skimming Facility (CIP WST-1)

### **Medicine Lake In-Lake Herbicide Treatment (CIP ML-7)**

The city of Plymouth prepared a feasibility report called "Medicine Lake Curlyleaf Pondweed Control Project, Plymouth, Minnesota, City Project No. 4109, February 2005." This project involves a second annual treatment of curlyleaf pondweed in Medicine Lake in 2005, as well as a third year application in 2006. The BCWMC previously discussed amending the CIP that would move payment of the curlyleaf pondweed treatment of Medicine Lake from what was originally proposed in 2007 and 2008 to 2006 and 2007. Plymouth is proposing the second application to occur sometime during the spring 2005 when water temperatures are fairly cool for the application to work properly.

The city will treat about 325 acres of Medicine Lake. The city of Plymouth, along with the Minnesota Department of Natural Resources and the U.S. Corps of Engineers, are confident according to the research data gathered that the treatment has proven to be fairly effective.

The estimated cost for the 2005 treatment of the 325 acres is about \$105,000 and for 2006, it is estimated to be \$110,000. The city of Plymouth is proposing to pay for the treatment in 2005 and agrees to be reimbursed by the Commission in 2006. The city of Plymouth will be proposing to pay for the third treatment in 2006 with reimbursement from the Commission in 2007.

### ***Testimony***

Ms. Terrie Christian, Association of Medicine Lake Area Citizens, participated on the Plymouth Aquatic Vegetation and Management Subcommittee and the curlyleaf pondweed treatment plan came out of that

committee. The DNR and the U.S. Army Corps of Engineers recommends the 3-year sequence of treatments because of how the plant grows. The plant germinates from a seed structure in early fall when most native plants have died back. It then grows slowly during the winter months, rapidly in early spring, reaching maturity in early June, and begins to die off after the completion of seed production by the end of June or early July.

Mr. Quanbeck said the city obtained a variance from the DNR to allow for the herbicide application. The objective of this long-term management approach is to improve water quality conditions by reducing the amount of curlyleaf pondweed.

Chair O'Toole added this project is done in cooperation with the city of Medicine Lake and with the city of Plymouth taking the lead on the project. Mr. Quanbeck said getting permission from the property owners of Medicine Lake and Plymouth has been a cooperative effort.

Mayor Loomis asked who will be responsible to pay for additional treatment if needed. Ms. Christian said the treatment is experimental and it is expected that the treatment will wipe out most of the curlyleaf. Through ongoing monitoring, spot treatments may be necessary. Mr. Quanbeck added it is hoped that this treatment will eradicate the problem. Although it could come back, the idea is to attack it through monitoring with the Three Rivers Park District and be proactive in future treatments. Mr. Quanbeck said the city has not talked about spot applications and who will be responsible to pay for them. If the curlyleaf comes back after three years, the city of Plymouth will need to go through the DNR permit process. Mr. Kremer added there are no projects listed on the CIP for retreatment, although a plan amendment can be proposed at a later time.

Mr. Welch said the fact this project resulted from a large group effort makes it a model for water quality improvement projects. He asked the following questions:

- (a) Is there an education component to what the treatments accomplish and can curlyleaf be reintroduced into the lake (like milfoil)?
- (b) Is the phosphorus removal benefit immediate or a long-term strategy?
- (c) Because property owners could choose to participate, was it somewhat defeating of the plan when not all property owners participated in the project?

Ms. Christian stated the hope is to have state legislation so that treatment can be applied to other lakes to eliminate re-infection. Plymouth has an extensive citizen education component and plans for plant protection areas.

Ms. Christian said even though all property owners did not participate, the treatment drifted and killed the curlyleaf in those areas. This was confirmed by Steve McComas of Blue Water Science. Chair O'Toole added property owners not giving permission were strongly opposed to the treatment and upset when the herbicide drift was experienced. Reasons for opposition were because some felt the weeds were good for fishing and fish to spawn and others are philosophically opposed to any chemical treatment. The chemical used was a common herbicide.

Mr. Quanbeck said about 90% to 95% of the property owners participated. The DNR required property owners be given the option to opt out of the program. Once the curlyleaf is gone, the phosphorus is still there, but the treatment is essentially effective at resuspending it making way for growth of healthy aquatic vegetation.

Ms. Gwin-Lenth asked how it is known the treatment of curlyleaf pondweed will potentially have a positive impact on the growth of curlyleaf. Is there a base of information where that determination is made or is it part of the experimental nature of how long the treatment will last?

Ms. Christian said it is hoped that native plants will re-establish and if that doesn't happen, those areas will be reseeded. If there are a lot of native plants, it makes it difficult for curlyleaf to re-establish. There

is extensive science available behind the process. Ms. Christian will forward the available information to Ms. Gwin-Lenth.

Ms. Gwin-Lenth asked what factor the Medicine Lake no-wake policy will have on the process? Ms. Christian said because it did not look like the no-wake policy would be approved, the city of Plymouth developed a plant protection zone. Buoys would be in the no-wake zone to mark off plant protection areas and further signage explaining why areas are marked off. The plant protection policy will be enforced through public education.

Mr. Quanbeck added that the city of Medicine Lake did not approve the no-wake policy and therefore the city of Plymouth did not. At this time, the city has talked about placing markers or some type of voluntary compliance, but it is not a plan at this time. Plymouth is interested in a cooperative process with the city of Medicine Lake.

Mr. Welch asked if curlyleaf exists in other lakes in the watershed. Mr. Kremer said curlyleaf is becoming more prevalent and that is why the DNR is researching techniques to control the weed.

Mayor Loomis said the status report only reports data for 2004 and it would be helpful to see the effect over several years in order to determine its effectiveness. Mr. Kremer said the data presented was taken from a report prepared by the Three Rivers Park District. The amount of total phosphorus loading removed as a result of the treatment was estimated to be about 1,050 pounds and the goal for Medicine Lake is around 10,000 pounds to get to an average concentration of 38 mg/L. Based on the data Three Rivers Park District collected in 2004, it is believed the curlyleaf treatment achieved 10% of the total goal. Data for average phosphorus concentrations for Medicine Lake is available from as early as the early 1960s. Although the lake is highly eutrophic, the water quality has not gotten worst over the years and it is dependent on weather conditions, particularly the amount of runoff. Mr. Quanbeck added that it has been constant over the past years. Ms. Christian said that Mr. John Barten of the Three Rivers Park District, found that there is a bump in the water quality after the curlyleaf dies down with a corresponding algae bloom.

#### Parkers Lake – Circle Park Pond Improvement (CIP PL-6)

The city of Plymouth prepared a feasibility report called “Preliminary Engineering Report – Circle Park Pond Improvement – Plymouth, Minnesota, City Project No. 5115, February 2005.” The Parkers Lake concept plan was originally developed by the Commission in 1993. Not many opportunities were available to make additions to the best management practices (BMPs), but minor improvements were identified.

After the plan was completed, the city of Plymouth instituted a public participation process for homeowners around Parkers Lake and reviewed additional BMPs, including in-lake herbicide treatment. About four years ago, the city of Plymouth did apply a treatment to the weeds in Parkers Lake and as a result, it was noted there was significant improvement in clarity and the phosphorus concentration decreased significantly.

At the time, the Commission was in the process of preparing the *Watershed Management Plan CIP* and the city of Plymouth decided to combine all the measures proposed to improve Parkers Lake and move those improvements from the 10-year CIP to the future capital improvements program and evaluate the water quality progress in Parkers Lake over the next several years. However, the city of Plymouth requested that the Circle Park Pond improvement be left in the 10-year CIP because it was in Plymouth’s capital improvement program for their storm sewer system.

The Circle Park Pond is a small existing stormwater storm pond located south of Parkers Lake and drains about 25% of the total watershed tributary to Parkers Lake. The pond currently is a shallow pond and it is proposed to convert the pond to meet NURP requirements by deepening the pond to improve the removal efficiency for both sediment and phosphorus. The Circle Park Pond was in the CIP scheduled for 2005 and the studies were not conducted in 2004 in order for the project to be considered by the

Commission 2004. The city of Plymouth is requesting approval for construction in 2005 for reimbursement in 2006. The pond will remove about 70% of total suspended solids and 50% of the phosphorus. The estimated cost is \$42,000.

### *Testimony*

Mr. Quanbeck added that this is one of the few opportunities to improve the water quality in the lake at a reasonable cost with good results.

### Westwood Lake – Flag Avenue Detention/Skimming Facility (CIP WST-1)

On behalf of the Commission, Barr Engineering Company prepared the feasibility study called “Feasibility Report for Construction of the Flag Avenue Detention/Skimming Facility – CIP Project WST-1.” Westwood Lake is located in St. Louis Park and the Commission prepared the Westwood Lake concept plan in 1995. The feasibility study includes data collected by the Metropolitan Council’s citizens-assisted monitoring program (CAMP) showing that the quality of the lake is improving over historical data. Some reasons for the improvement are because of a slight diversion to the Main Stem of some of the drainage area when I 94 was constructed versus draining into Westwood Lake, the city’s maintenance activities, and public education.

The proposed improvement identified in the plan was to construct a fairly large storm water treatment pond, designed for NURP standards. The Westwood Lake watershed area is about 305 acres, and this pond would intercept a 145-acre drainage area tributary to the lake.

When the feasibility report was prepared and after reviewing the original model developed in 1995, it was found that a fair amount of the phosphorus that was coming into the pond was dissolved therefore allowing the size of the pond to be reduced from the original plan.

The pond is located in Westdale Park. The pond would have about 2 acre-feet of water quality treatment capacity and would have a skimming device to removal floating materials. It would remove about 80% of the total suspended solids and about 25% of the phosphorus from tributary areas.

The city of St. Louis Park will pay for the relocation of the various recreational items in the park to another location.

In addition, the original plan recommended that environmental manholes be installed on two other tributaries to the lake that would remove coarse sediments and floating debris.

The cost estimate for this project is \$463,800 and was not modified from the preliminary plan. The park is built on a wetland area (most likely built prior to the time wetland permitting was required). A fairly high cost was assumed due to the fact that the park was built on a wetland that would need to be mitigated if the pond is constructed. Mr. Kremer believes that is a conservative assumption and he is not sure that mitigation will be necessary. A number of water quality treatment facilities have been constructed below the ordinary high water level of a lake or in a wetland area adjacent to a lake and mitigation has not historically been needed in the construction of those facilities. Even though the cost estimate remains at \$463,800, Mr. Kremer believes the cost to be about \$100,000 higher than what will be necessary if it is shown that mitigation is not necessary.

Mr. Kremer sees the following two possibilities for the proposed Westwood Lake project:

- (a) As originally proposed in the CIP, the project is to be funded over a two-year period. The city would build the pond in 2006 and the Commission would reimburse the city for the project in 2006 and 2007. Sometime in 2006 when the plans are developed, the mitigation question will be answered and if that cost will be part of the estimated project costs. If mitigation is not necessary, the 2007 cost could be reduced by about \$100,000. Therefore the Commission could

proceed with approving the project and identify potential cost reductions as the project is designed.

- (b) Continue to carry on with the project and collect additional information now to determine if the mitigation has to be done and better develop the construction process for the project.

### *Testimony*

Mr. Jim Vaughan, St. Louis Park Parks and Recreation Department, confirmed the park is located on a wetland and extremely difficult to maintain because of unstable soils. It is part of St. Louis Park's master plan to try and eliminate the park and move some of the resources to the Westwood Lake Nature Center area. Westwood Lake is integral to the Westwood Lake Nature Center where there is extensive use by the community. Part of St. Louis Park's plan is to also extend the floating boardwalk at Westwood Lake and attach it to the Westdale site opening up access to the nature center. Increasing the water quality will only enhance the water body and the nature center.

Mr. Quanbeck asked why there was such a high percentage of dissolved phosphorus. Mr. Kremer said because of two small ponding areas located upstream that remove particulate phosphorus and the outflow from those ponding areas is dissolved, so the treatment is probably treating the intermediate area for non-dissolved phosphorus.

Ms. Peterson asked what the difference is between a standard and an environmental manhole. Mr. Kremer said with an environmental manhole, there will be additional volume for settling out coarse sediment in the manhole itself and some type of device (e.g., weir or skimmer) to prevent floating debris from moving through the manhole.

Chair O'Toole asked Mr. Kremer to expand on the project cost estimate and confirm the cost does not include what the city of St. Louis Park will do in terms of moving equipment and the floating boardwalk. Mr. Kremer confirmed the cost is for the portions of the project that actually treat the stormwater quality. Mr. Vaughan added the city costs for moving the play equipment is about \$40,000 and about \$15,000 for the boardwalk. Mr. Vaughan did ask the Commission to consider an interpretive sign at the site saying what is potentially going on, how it is helping the Westwood Lake and the nature center, etc.

Mr. Bryan Ripp, Applied Ecological Services, Inc., asked if the wetland can be enhanced to take care of the same function as the pond. Mr. Kremer said if a constructed wetland for water quality treatment was considered, the size would typically be greater than the storage pond proposed to treat the same amount of water. It is very similar to an infiltration basin that is designed to filter the water, the filtration basin gets much bigger than a water quality treatment pond as proposed. Mr. Kremer added that a filtration basin and constructed wetland are similar in how they function. In terms of area needed, it would be about 5 to 7 times greater than is available at this site. The only alternative that might work with this site is if stormwater inflows could be spread out into a larger area in the wetland. Mr. Kremer said a constructed wetland might remove more of the dissolved phosphorus. However, it is unlikely that a permit would be issued to discharge untreated stormwater to the wetland as a result of possibly relocating a storm sewer, or building a new storm sewer.

Mr. Ripp asked if the pond could be decreased in size and use it as pretreatment. Mr. Kremer said that could be a consideration to discharge from the treatment pond to a larger part of the wetland to remove part of the dissolved phosphorus.

Mr. Welch is somewhat uncomfortable approving the project without the additional data to determine if mitigation is necessary and would like to explore other options. Another concern is that there be a maintenance agreement with the city maintaining the sump.

Mr. Kremer added that in general, sumps are not ideal because of the high maintenance involved in keeping the sumps functional, but sometimes it is the only option available without acquiring homes to implement other technologies.

Ms. Laura Adler, city of St. Louis Park, added there is no space available to use other means of treatment in the areas the sump will be used and the sumps will be maintained.

Mr. Welch added the Westwood Lake Nature Center would be a good place for an offsite Commission meeting in the future.

Chair O'Toole asked for additional questions or testimony concerning the three proposed projects.

Mr. Mathisen asked if it would take more area to build a constructed wetland. Mr. Kremer said it would because the area is not available, unless the regulatory agencies would agree with using the adjacent wetland area.

Mayor Loomis added that Golden Valley received several calls concerning the public hearing and asked what the impact would be on their taxes. She suggested that might be information to include on the public hearing notices. Chair O'Toole agreed that would be a good addition to the notices.

Chair O'Toole closed the public hearing at 1:20 p.m.

Mr. LeFevere said the public hearing is a prerequisite to preceding with construction of the projects because (a) the Joint Powers Agreement states a public hearing with notice to the member cities is required for the Commission to construct capital projects with a two-thirds vote to order the projects; and (b) the proposal is that the projects would be paid by certifying the cost to Hennepin County for an ad valorem tax to residents in the watershed for reimbursement. There are two resolutions to be considered by the Commission as a result of the public hearing under Old Business.

## ***Communications***

### *Chairman:*

1. Correspondence was received from the Minnesota Board of Water and Soil Resources approving the proposed Twin Lake Minor Plan Amendment.
2. A memorandum was received from the Minnehaha Creek Watershed District concerning revisions to their Comprehensive Water Resources Management Plan.
3. An Environmental Assessment Worksheet distributed for a 30-day review and comment period was received from the Minnesota Pollution Control Agency for the proposed South Corcoran Sanitary Sewer Extension in Hennepin County.
4. An Environmental Assessment Worksheet distributed for a 30-day review and comment period was received from the Minnesota Pollution Control Agency for the proposed Dayton-Champlin Interceptor in Hennepin County.

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

No additional input.

*Counsel:*

1. Mr. LeFevere received a notice from the Minnesota Department of Natural Resources' Adopt a River Program.

*Commissioners:*

1. Ms. Thornton reminded the commissioners to review the draft list of Executive Director duties compiled by the Administrative Options Subcommittee for discussion at the April 21, 2005 meeting.
2. Mr. Welch started gathering materials to develop the criteria for the Commission's consideration regarding funding requests. Mr. Welch will try and have the draft ready to be included in the April 21<sup>st</sup> meeting packet.

*Engineer:*

1. Mr. Kremer received a notice that comments regarding the draft MS4 permit are due by April 30<sup>th</sup>. At the February 17<sup>th</sup> meeting, the Commission authorized Mr. Kremer to prepare a letter suggesting that the process the Commission has completed in developing its water quality improvement plan meets the objectives of the non-degradation plans that the Minnesota Pollution Control Agency is requiring. The letter will suggest that language be included in the MPCA permit that recognizes lake improvement plans prepared by WMOs and watershed districts.

## ***New Business***

1. **Golden Valley 2005 Pavement Management.** The city of Golden Valley has two areas that are going through extensive modification and improvement of the streets on the Main Stem adjacent to Rice Lake and the Sweeney Lake watershed. There are about 29 acres that will be disturbed by the construction of these streets. Historically, the Commission requested all street improvement projects in the watershed be considered by the Commission.

These areas are fairly dense, residential areas where opportunity to make significant water quality enhancement is limited without acquiring homes. The city of Golden Valley is proposing to construct several environmental manholes that provide skimming and coarse sediment removal in addition to erosion control features. Mr. Kremer recommends approval.

Mr. Welch asked if there would be an increase in impervious surfaces. Mr. Jeff Oliver, City Engineer for the city of Golden Valley, said one street will be widened along I 394 and the other streets will stay the same or will be slightly reduced.

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

## ***Old Business***

1. **Plymouth Yard and Garden Expo.** The Commission will participate in the Plymouth Yard and Garden Expo scheduled for Saturday, April 9<sup>th</sup> at the Plymouth Creek Bubble. Liz Thornton will staff the booth. The booth cost is \$35. Barr Engineering Company created a *Bassett Creek Bulletin* that will be used as one of the handouts. Ms. Thornton suggested distributing the Bulletin to the member cities and Chair O'Toole recommended putting it on the website.

Ms. Thornton moved and Ms. Gwin-Lenth seconded the motion to approve the \$35 booth fee for the expo. Carried unanimously.

2. **Golden Valley Streambank Stabilization Agreement.** The project and amount has previously been approved by the Commission and the agreement is making the city the contracting agency and providing for reimbursement for the project.

As shown on the February 17, 2005 agenda, a draft streambank stabilization agreement was also issued to the city of Plymouth for comment; however, Plymouth has decided to defer their streambank restoration project to 2006.

Mayor Loomis moved and Mr. Welch seconded the motion to approve the streambank stabilization agreement with the city of Golden Valley. Carried unanimously.

3. **Resolution Setting Time and Place of Regular Meeting.** Mr. Yaeger suggested that the start time be moved up to accommodate more time to get through the agenda from 12:00 Noon to 11:30 a.m. Mr. LeFevere added that by passing a resolution establishing the regular meeting, it will not be required to give special notice each month of a different meeting time. This modifies the Commission's regular meeting time subject to modification in the future.

Ms. Gwin-Lenth moved and Ms. Peterson seconded the motion to approve the Resolution Setting Time and Place of Regular Meeting. Carried unanimously.

Ms. Thornton added that the Commission also talked about having a consent agenda. Chair O'Toole asked what that would look like. Mayor Loomis suggested the invoices and the minutes could be part of a consent agenda. Chair O'Toole will work with the recorder in developing what the consent agenda will look like.

4. **Lakeview Park Pond.** Deferred to the April 21, 2005 meeting.
5. **Twin Lake Minor Plan Amendment.** Deferred to the April 21, 2005 meeting.
6. **Public Hearing Conclusions.**
  - **Medicine Lake Curlyleaf Pondweed Control Project, Plymouth (ML-7).** A handout distributed prior to today's meeting was discussed prior to the start of the public hearing. Mr. Kremer described it as a short summary taken from the report prepared by Three Rivers Park District on the curlyleaf pondweed treatment of Medicine Lake. It summarizes how effective the treatment applied was in 2004. Three Rivers is approximating removal of about 1,000 pounds of phosphorus as a result of the treatment. Curlyleaf pondweed has become more and more of a nuisance to area lakes in recent years. These treatments are somewhat experimental. The city of Plymouth is working with the Minnesota Department of Natural Resources and the U.S. Corps of Engineers on the use of this type of treatment and collecting data as to its effectiveness. The estimated phosphorus reduction is about 10% of what is needed for Medicine Lake to reach its goal. If the treatment continues to work as evidenced by this year's application, the treatment of the curlyleaf is effective.

One reason for considering the resolution ordering the treatment project is to allow the application to occur early this spring for the treatment to be effective.

- **Resolutions.** There are two resolutions the Commission can act upon as a result of the public hearing – a resolution amending capital improvement program and a resolution ordering the 2005 and 2006 improvements. Mr. LeFevere said the resolution amending the CIP is a housekeeping item and can be amended again if necessary. It does qualify the capital projects to be funded with the ad valorem tax because they are shown in the BCWMC CIP. Mr. LeFevere recommends the Commission first consider taking action on the resolution amending the capital improvements program.

**Mayor Loomis moved and Mr. Welch seconded the motion to approve the Resolution Amending Capital Improvement Program (2005-03). Carried unanimously.**

**The second resolution is ordering the 2005 and 2006 improvements. The prerequisites to ordering the projects have been satisfied. The Commission has complied with the requirements in order to take action on the resolution. The resolution makes the necessary findings, identifies the projects, project costs, and how the projects will be funded. The resolution approves the feasibility reports, designates the cities where the projects are located as the responsible parties for doing the contracting and the engineering work associated with the projects.**

**Mr. Welch agrees with the projects listed in the resolution; however, some options are still to be explored in association with the Westwood Lake project. Can the Commission approve the resolution so that the projects can move forward, with the possibility of knowing the Westwood Lake feasibility report may be amended after additional information related to the wetland delineation and impact on the creek become clear? Mr. LeFevere said the Westwood Lake project will be constructed in 2006 leaving time to amend the report. He added that the resolution would set the amount to certify to the county so that the funding will be available in 2006. If the project can be constructed for less than the \$464,000, that can be remedied by the tax request in 2007. Mr. Kremer said it is possible the information for the Westwood Lake wetland delineation may be available prior to the time the costs will be certified to the county.**

**Mayor Loomis asked if another public hearing is necessary on the Westwood Lake project, what would be considered. Mr. LeFevere said changing the scope, but not the efficiency of the project, will not necessitate another public hearing; however if the nature of the improvement is changed or an increase in cost, the Commission may want to conduct another hearing.**

**Mr. Mathisen added the amount certified to the county can always be readjusted to a lesser amount after it is submitted. Mr. LeFevere said the Westwood Lake project is spanned over two years, 2006 and 2007, and the tax request for 2006 is half of what the total project cost is estimated to be and adjustments can be made in the 2007 tax request.**

**Mayor Loomis asked what procedures the Commission will follow if St. Louis Park is asked to consider other options for the project. Mr. Kremer said it could be done as part of the actual engineering work for the project for the city of St. Louis Park or alternatively, the Commission staff could look into the regulatory issues associated with the wetland. Ms. Adler recommends the Commission continue looking into any changes since the Commission staff prepared the concept plan.**

**Mr. Kremer said a wetland biologist would make an assessment of the site and the staff would meet with the Technical Evaluation Panel to discuss mitigation. He estimates the cost to be about \$2,000. Mr. Johnson asked if this would delay the entire project. Mr. Kremer said these are all steps that would need to be done anyway.**

**Ms. Thornton moved and Mr. Johnson seconded the motion to approve the Resolution Ordering 2005 and 2006 Improvements Designating Members Responsible for Construction, and Making Findings and Certifying Costs to Hennepin County Pursuant to Minnesota Statutes, Section 103B.251 (2005-04). Carried unanimously.**

**Mayor Loomis moved and Ms. Gwin-Lenth seconded the motion to direct the Commission engineering staff to investigate options associated with the wetland issue in the Westwood Lake Flag Avenue Detention/Skimming Facility project (WST-1). Carried unanimously.**

## **April Meeting**

The following agenda items are currently scheduled for the Commission's April 21 meeting:

- A. **Administrative Options Subcommittee**
- B. **River Watch Presentation**
- C. **Budget Committee (formation)**
- D. **Draft Annual Report**
- E. **CIP Reserve Fund**

## **Adjournment**

It was moved by Mr. Welch and seconded by Mr. Johnson to adjourn the meeting. Chair O'Toole adjourned the meeting at 2:10 p.m.

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John O'Toole, Chair

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Pat Schutrop, Recorder

\_\_\_\_\_  
William Yaeger, Secretary

Date: \_\_\_\_\_

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