



## **Bassett Creek Water Management Commission**

# **A g e n d a**

**Thursday, March 18, 2004**

**12:00 Noon**

**Golden Valley City Hall**

**7800 Golden Valley Road**

### **Call to Order**

**Presentation of February Minutes**

**Presentation of Financial Statements**

**Presentation of Invoices for Payment Approval**

### **Communications**

#### **Chairman**

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

#### **Counsel**

#### **Commissioners**

#### **Engineer**

### **New Business**

- **Resolution Designating Depositories**
- **Crystal - 2004 Phase 6 Central Street Reconstruction**
- **MN DNR Permit Application 2004-3153: Plymouth**
- **Medicine Lake Water Quality Data**
- **Minnehaha Creek Watershed District – Comprehensive Water Resources Management Plan**
- **BCWMC Education Subcommittee**
- **Establish Subcommittee to Evaluate Options for Administrative Services**
- **Contract for Engineering Services**

### **Old Business**

- **Breck School Baseball Field Reconstruction: Golden Valley**
- **Revisit Website Improvements**
- **BCWMC 60-Day Review Draft Second Generation Plan – Responses Plan Reviewers**

### **April Meeting**

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

### **Adjournment**

# **Bassett Creek Water Management Commission**

## **Minutes of the Meeting of February 19, 2004**

### ***Call to Order***

The Bassett Creek Water Management Commission was called to order at 12:00 Noon, Thursday, February 19, 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>	Alternate Commissioner Jan LeSuer	<i>Engineer</i>	Len Kremer
<i>Medicine Lake</i>	Commissioner John O'Toole, Chair	<i>Recorder</i>	Pat Schutrop
<i>Minneapolis</i>	Alternate Commissioner Lisa Goddard		
<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>	Commissioner Paul (PJ) Andersen		

**Also present:** Karla Anderson, Alternate Commissioner, city of Plymouth  
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  
Jeannine Clancy, BCWMC Technical Advisory Committee, city of Golden Valley  
Lee Gustafson, BCWMC Technical Advisory Committee, city of Minnetonka  
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  
Karen Chesebrough  
Mike and Donna Wolsted  
Karen Chandler, Barr Engineering Company

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

The minutes of the January 15, 2004 meeting were presented. Ms. Thornton moved and Mr. Andersen seconded the motion to approve the minutes. Carried unanimously.

## **Financial Statements**

Mr. LeSuer presented the Treasurers Report as of February 19, 2004. The current balances are as follows:

Checking Account Balance	\$227,455.47
Commercial Paper (due 4/19/04)	249,583.33
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$477,038.80</b>
Construction Account Balance	\$407,326.78
Commercial Paper (due 3/01/04)	599,200.00
Commercial Paper (due 03/17/04)	99,000.00
Commercial Paper (due 03/17/04)	99,000.00
Commercial Paper (due 03/17/04)	99,000.00
Commercial Paper (due 03/17/04)	99,000.00
Commercial Paper (due 04/19/04)	499,166.67
<b>TOTAL CONSTRUCTION ACCOUNT BALANCE</b>	<b>\$1,901,693.45</b>

The Treasurers 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 Barr Engineering Company for professional services during the period December 27, 2003 through January 30, 2004, in the amount of \$16,657.81. This is the final engineering invoice for fiscal year 2003. Mr. Kremer noted that Barr's invoice includes a subcontractor invoice for administrative services provided by Pat Schutrop. The total invoice amount includes subcontractor administrative services.

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

2. Mr. LeSuer presented a check for payment of legal services by Kennedy & Graven in the amount of \$2,633.40; however, an invoice was not included for the Commission to review prior to the meeting. The invoice will be considered for payment at the March meeting.
3. Chair O'Toole asked for authorization for payment of the Treasurers Bond routinely presented at the organizational meeting. Mr. Andersen moved and Mr. Yaeger seconded approval for payment contingent on receipt of the invoice and the amount not to exceed \$100. Upon call of the roll, the vote was unanimously carried.

## **Organizational Meeting**

1. The following nomination for Chair was accepted:

Mr. Yaeger moved Ms. Langsdorf seconded the motion to nominate Mr. O'Toole as Commission Chair. No additional nominations were presented and nominations were closed. Carried unanimously.

2. The following nomination for Vice Chair was accepted:

Mr. Andersen moved and Ms. Gwin-Lenth seconded the motion to nominate Mr. Welch as Vice Chair. No additional nominations were presented and nominations were closed. Carried unanimously.

3. The following nomination for Secretary was accepted:

Mr. O'Toole moved and Ms. Peterson seconded the motion to nominate Mr. Yaeger as Secretary. No additional nominations were presented and nominations were closed. Carried unanimously.

4. The following nomination for Treasurer was accepted:

Ms. Langsdorf moved and Ms. Gwin-Lenth seconded the motion to nominate Mayor Loomis as Treasurer. No additional nominations were presented and nominations were closed. Carried unanimously.

5. The following appointment for Deputy Treasurer was accepted:

Mr. Andersen moved and Ms. Thornton seconded the appointment Sue Virnig, city of Golden Valley Assistant Finance Director, as Deputy Treasurer. Carried unanimously.

6. The following appointment for Official Depository was accepted:

Ms. Gwin-Lenth moved and Mr. Yaeger seconded the appointment of Wells Fargo Bank of Minnesota, Golden Valley, as the Official Depository. Carried unanimously.

7. Executive Committee. In the past, the Executive Committee consisted of the chair, vice chair, treasurer, and commissioners from the cities of Golden Valley, Minneapolis, and Plymouth. Mr. Gustafson added that, with the exception of last year, the Executive Committee typically included all of the Commission officers.

Ms. Gwin-Lenth moved and Ms. Peterson seconded the motion to appoint Commissioners O'Toole, Loomis, Yaeger, Welch, and Thornton as the Executive Committee.

## **Communications**

### *Chairman:*

1. Chair O'Toole had an opportunity to appear before a special session of the city of Plymouth city council on January 20<sup>th</sup> to discuss Plymouth's comments on the 60-day review draft of the Bassett Creek watershed management plan.
2. Chair O'Toole recently attended the Association of Medicine Lake Area Citizens annual meeting. The principal topic of discussion was a plan for the treatment of curly leaf pondweed in Medicine Lake as proposed by the Aquatic Vegetation Management Committee.
3. Correspondence was received from the Hennepin County Department of Environmental Services submitting comments on the Commission's 60-day review draft of the second generation plan. Ellen Sones, a representative from Hennepin County, was planning to attend the public hearing portion of the meeting.

*Administrative Calendar:*

1. **Conflict of Interest Statements.** Chair O'Toole asked the commissioners to complete the forms and give to the Commission recorder.

*Citizen Input on Non-Agenda Items:*

No communications.

*Counsel:*

1. Mr. LeFevere prepared a reference sheet outlining the watershed management plan review procedures and distributed a copy at the January 15<sup>th</sup> meeting. Chair O'Toole noted that it has been posted on the Commission's website.

*Commissioners:*

1. Mr. LeSuer said that Mayor Linda Loomis was recently appointed as the Commissioner representing the city of Golden Valley and Mr. Hanson will become the Alternate Commissioner. The Commission has not received a resolution stating the new appointments. Mr. LeFevere said that previous commissioners and alternate commissioners are eligible to serve until official notification is presented to the Commission. Mr. LeSuer will therefore continue to serve as Alternate Commissioner until the Commission receives a resolution from the city of Golden Valley.
2. Confirmation was received from the city of Minneapolis appointing Michael Welch as Commissioner and Lisa Goddard and Alternate Commissioner for terms ending January 31, 2007.
3. Confirmation was received from the city of New Hope appointing Mary Gwin-Lenth as Commissioner and Vince Vander Top as Alternate Commissioner for terms ending January 31, 2007.
4. Ms. Thornton attended the Aquatic Vegetation Management Committee meeting and reported points of interest to the Commission. The cities of Plymouth and Medicine Lake will be changing and adopting a "no wake" ordinance on Medicine Lake. The ordinance will affect proximity to emergent vegetation in the lake where certain areas will be considered a "no wake" zone. The other part of the ordinance is when lake levels exceed 889.4 feet the "no wake" ordinance is in effect.

The city of Medicine Lake received responses from about 80% of Medicine Lake lakeshore homeowners giving permission to use herbicides to control the curly leaf pondweed. The city of Plymouth is continuing to receive responses from homeowners living on the lakeshore. Application is projected to take place in the spring 2004. The cities are discussing ways to avoid herbicide application to lakeshore of the property owners that are not in favor of the herbicide application program.

Also discussed was the possibility of doing a study of the rough fish population in Medicine Lake to examine the balance of rough fish and rooted vegetation. Ms. Thornton asked Mr. Kremer about fish barriers and Mr. Kremer said there is a fish barrier in the new tunnel that prevents fish from migrating to the creek from the Mississippi River and one in Plymouth Creek.

Chair O'Toole added that after the AMLAC meeting, the city of Medicine Lake mayor asked him to write an article for the Medicine Lake community publication on the proposed plan for treatment of the curly leaf pondweed.

Ms. Thornton said there are grants available for shoreline owners to do plantings for native vegetation and shoreline restoration. Mr. Quanbeck added that the funds for shoreline restoration are the city of Plymouth funds.

5. Ms. Langsdorf and Ms. Thornton attended the Stormwater Education Strategies Workshop at the Plymouth Creek Center. Ms. Langsdorf said that representatives from most Commission member cities' staff attended the meeting. Ms. Langsdorf asked if the Commission could discuss establishing an education committee within the Commission at the March meeting. Chair O'Toole asked that it be added to the March meeting agenda.

## ***Public Hearing***

The public hearing commenced at 12:30 p.m. Chair O'Toole noted that the public hearing has been properly noticed. Mr. Kremer gave a brief presentation of the 60-day review draft watershed management plan and comments received concerning the plan.

Mr. Kremer introduced Ms. Karen Chandler of Barr's staff who is the principal author of the draft watershed management plan and who also worked with the Steering Committee in the development of the plan. Mr. Kremer began by stating that the second generation plan is prepared in compliance with Minnesota rules. Two plans preceded the current plan – one in 1972 and 1999. The rules have a process for review and items that are required to be covered in the planning process. The first thing the Commission did was to ask state review agencies for their input of issues that needed to be addressed in the plan. The Commission then asked other stakeholders (member cities, county, and interested citizens) for input concerning issues of concern to be addressed in the plan.

The Commission set up three advisory groups (Policy, Technical, and Citizens) to study the issues. The issues relative to the advisory group were assigned to the group and asked to provide recommendations. The recommendations went to the Steering Committee and the Steering Committee drafted policies and positions presented to the Commission for review.

The Commission first reviewed a draft plan in July 2003. After review of the first draft plan, the Commission recommended that the formal review process start. The formal review is dictated by the Minnesota rules. This public hearing is the second step of the review process. The next step will be to begin a 45-day review after the hearing, comments received are responded to, and the draft plan has been revised. The draft plan will again go to the Metropolitan Council and the state agencies for comment. The draft plan is again revised and submitted to the Minnesota Board of Water and Soil Resources (BWSR) for a final 90-day review. After approval from BWSR, the Commission will make final edits to the plan, adopt, and publish the plan.

The capital improvements program (CIP) is one of the primary features of the plan. The CIP is a 10-year CIP and has been described as an aggressive plan to improve the water quality of the lakes and streams within the watershed. The initial CIP was issued sometime in 2001. The CIP process has been interactive where the Commission requested input from the member cities regarding projects and priorities. The final draft CIP includes projects costing about \$4 million over 10 years. The plan also includes a table of possible future capital improvements that follow the 10-year CIP. The plan includes an annual review process and items from the possible future CIP may potentially be added if there are member cities that feel future CIP projects should be moved to the 10-year CIP.

The plan also discusses annual programs the Commission will continue to be involved in (water quality monitoring and education, inspection maintenance, review of development proposals, etc.). Other principal features include several new policies suggested by the Technical or Policy advisory groups.

Mr. Kremer pointed out the memorandum prepared for today's meeting includes comments received and draft responses to the comments for discussion by the Commission. Sixteen comment letters were received. Comments received from the Hennepin County Department of Environmental Services are not included in the memorandum because the letter was not received in time of the final preparation of the memo. Once

the Hennepin County comments are added and public hearing comments are received, the draft responses will be finalized. Some of the issues raised include:

- ? BWSR and the Minnesota Pollution Agency asked that the plan address the impaired waters program. The draft plan did not discuss the program because the plan was issued prior to the notification of the impaired waters program and it was not known what lakes and streams would be included on the impaired waters list at the time the plan was issued.
- ? A request was made to explain the differences between the water quality classification systems.
- ? Concern expressed for the water quality goals for the water bodies in terms of phosphorus concentrations and water clarity.
- ? Comments included several requests for CIP modifications.
- ? Request to consider policies for funding projects completed prior to approval of the plan or prior to the schedule in the CIP.
- ? Request of some of the new policies previously reviewed by the Commission and modification of some of the existing policies.

## **Public Testimony**

The purpose of the public testimony portion of the hearing is to receive comments. Response to the comments and questions will be addressed later in the business portion of the meeting.

*Karen Chesebrough, city of Plymouth's Environmental Quality Committee* – Ms. Chesebrough is a Plymouth resident who served on the BCWMC Citizen Advisory Group during the second generation plan process. Ms. Chesebrough also handed out a written copy (attached) of her comments presented orally at today's hearing.

Ms. Chesebrough asked that the plan include more current information concerning the Medicine Lake plan prepared by the city of Plymouth. She also requested that a number of studies, improvements and initiatives be enumerated in the final second generation plan. Ms. Chesebrough also requested that the sections concerning Turtle, Lost, and Parkers lakes be updated to include the current Plymouth lake management accomplishments and plans.

In summary, Ms. Chesebrough requests that the final second generation plan be rewritten to incorporate the changes suggested by the Plymouth city council in their comment letter dated January 20, 2004, and that future recommendations made by the Medicine Lake subcommittee and the Aquatic Vegetation Management Group, as well as initiatives and improvements undertaken by the City of Plymouth, Three Rivers Park District, the DNR, and other collaborative partners be incorporated into the planning and consideration of the BCWMC.

In conclusion, Ms. Chesebrough asked what the process would be to keep the plan current and to include new information as it becomes available. In addition, after the plan is finalized, what is the review process to consider new water quality information and changes?

*Ginny Black, city of Plymouth city council member* – Ms. Black thanked the Commission for incorporating many of the comments submitted by the city of Plymouth regarding the 60-day review draft of the Commission's watershed management plan. Ms. Black reiterated two points. The city of Plymouth's city council feels strongly that the Commission needs to evaluate its structure and come up with a structure that provides a better review of the financial issues currently going on within the Commission because of the amount of money the Commission will be handling as a result of the Plan. The city of Plymouth estimates between \$5 million and \$8 million over the 10-year CIP period. Plymouth city council does not agree with the consultant's suggested draft response to Plymouth's comment that the watershed management plan does not need a statement that states the Commission will consider hiring an executive director to oversee these activities.

In addition, the city of Plymouth recommends the Commission reconsider changing the Level I water quality goal for total phosphorus from 30 µg/l to 38 µg/l. This change gets to the heart of the alum/no alum treatment issue in Medicine Lake. Ms. Black discussed this issue with the Minnesota Pollution Control Agency and the MPCA indicated that the 38 µg/l for this eco-region is very low. This change to the Level I total phosphorus water quality goal would equate into significant dollar amounts and could offer opportunity for changes in the CIP. Plymouth city council is not confident that the 30 µg/l is the correct level.

With no additional testimony given, Chair O'Toole closed the public hearing at 12:50 p.m.

## **Communications (continued)**

*Engineer:*

1. At the February meeting, the Commission discussed resubmitting a grant application to the LCMR for Wirth Lake. Wirth Lake was previously selected to receive an LCMR grant, but was denied because of state budget cuts last year. Since the February meeting, Mr. Kremer made a preliminary call to the LCMR for their recommendation concerning the Commission resubmitting the application. Because Wirth Lake is listed as an impaired water, their response was not favorable. The LCMR staff felt that many of the applications will be under the TMDL program and will most likely be referred to the new Water Quality Improvement Fund program proposed by Governor Pawlenty or to the MPCA. With this information, Mr. Kremer did not resubmit the Wirth Lake fund application.

## **New Business**

1. Parkside Lofts: St. Louis Park. This project includes the construction of three buildings consisting of 70 condominium units on the 1.84-acre site. Total grading, including the entire site and the water quality pond located north of the site will occur on 2.9 acres. Runoff from approximately 1.5 acres of the site will be conveyed to the water quality pond. Runoff from approximately 0.3 acres at the south side of the site will be directed offsite without water quality treatment. However, to compensate for this untreated runoff, approximately 1.0 acres of an existing development located east of the site will be directed to the pond. The total removal area would be greater than required by the Commission's water quality policy. Approval is recommended contingent on modifications discussed in the Commission engineer's memorandum to the Commission.

Mr. Andersen met with city of St. Louis Park staff and the project is cleaning up an existing area that the city is enlarging that is overgrown and unkempt. The project will include a more efficient water quality pond with vegetation and increase the overall water quality of the area.

Ms. Goddard asked Mr. Kremer if the pond as proposed could adequately treat the 12- and 36-inch storm sewer runoff or will that mean the pond will need to be bigger. Mr. Kremer said the pond does not have to be made larger and added that by not diverting the storm sewers runoff, the phosphorus and sediment removal would be greater than required.

Mr. Andersen moved and Mr. Yaeger seconded the motion to approve the project contingent on the modifications recommended in the engineer's memorandum to the Commission. Carried unanimously.

2. Plymouth Ice Arena Expansion: Plymouth. The project includes the construction of a new ice arena and expansion of parking at the east side of the site. Grading will occur on 3.2 acres. Runoff from the site will be directed to an existing water quality pond located at the site. Computation provided by the applicant indicates the pond is adequately sized to treat the increased impervious area. Grading will result in the placement of approximately 100 cubic yards of fill in the floodplain.

Approval is recommended contingent on a modification discussed in the engineer's memorandum to the Commission. Ms. Thornton asked if the storage area is adequate for the floodplain fill. Mr. Kremer said some additional excavation may be necessary, but it is an insignificant amount.

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

3. **MN DNR Permit Application: Hennepin County.** Hennepin County Department of Transportation has requested a general permit on all shoreline modifications, channel modifications, riprapping, etc. from the Minnesota Department of Natural Resources. The DNR does grant general permits to watershed districts so that the watershed districts do their reviews. Hennepin County is requesting the same general permits so they do not have to go through the DNR approval on those types of items. Mr. Kremer recommends the Commission write a letter to the DNR stating no objection to issuing the general permit to Hennepin County, but that all the projects still need to be submitted to the Commission and city for review.

Mr. Andersen moved and Ms. Thornton seconded the motion to submit a letter to the DNR stating no objection to issuing the general permit to Hennepin County Department of Transportation, but the projects within the BCWMC's jurisdiction must still be submitted to the Commission and the city for review and approval. Carried unanimously.

## **Old Business**

1. **Mike and Donna Wolsted Property – 215 King Creek Road.** Mr. and Mrs. Wolsted attended the December 18, 2003 BCWMC meeting with an erosion concern on the Sweeney branch of Bassett Creek adjacent to their home. The Wolsteds were concerned that the stream bank erosion is making the stream move closer to their home, placing the foundation of the home at risk. A memorandum was prepared by the city of Golden Valley addressing creek erosion concerns at 215 King Creek Road. Mr. Jeff Oliver, city engineer for the city of Golden Valley, said the memo basically outlines Golden Valley staff involvement with the Wolsteds concerning the Sweeney branch of Bassett Creek adjacent to their home. The memo gives brief background information, including a drainage area flowing through the Sweeney Branch. The total drainage area upstream of the Wolsteds' property is 628 acres. Based on this information, runoff from the majority of the watershed upstream of the Wolsted property is routed through rate control ponds prior to discharge into the open channel of the creek.

The city of Golden Valley creek inventory identified one severe erosion site in the reach of the creek near the Wolsted property. It is the practice of Golden Valley to perform stream bank stabilization on public property and all erosion control and stream bank stabilization projects undertaken on private property have been exclusively the homeowners' expense.

The Wolsteds were made aware of Golden Valley's current practice concerning stream bank stabilization and were told that the city does not have funding sources to help private property owners with this type of project. The Wolsteds were informed of the pending program for partial reimbursement through the BCWMC and that their property would be a good candidate for that funding should the Commission adopt the program.

It was also communicated to the Wolsteds that if they wished to pursue funding through the Minnesota Department of Natural Resources, the Wolsteds should contact the DNR directly.

The city did talk to a contractor the city has been working with for permitting the potential Wolsted project and the contractor provided a cost estimate to the Wolsteds of \$6,000 to make the repairs.

Chair O'Toole discussed briefly the history of stream bank erosion problems within the watershed. The Commission recognized there are problem areas along the creek and established an allocation in the administrative budget to fund a certain amount annually for these types of projects. The Commission's Technical Advisory Committee established a Channel Maintenance Fund policy that the Commission adopted at its January 15, 2004 meeting. The Commission collects the funds annually and allocates back to the cities proportionate to a formula based on the percentage of the trunk system located within the city.

Mr. Kremer added that according to the formula established in the channel maintenance fund, the city of Golden Valley would receive 48.99% of the funds. The TAC recommended that plans be submitted to the Commission in October 1 of each year and the TAC would determine if the plans meet the requirements of the policy and make a recommendation to the Commission for allocation of the funds in January of the next year. Since the policy was not adopted until January 2004, it may be appropriate for other communities that have similar erosion repair needs and are eligible for funds to also submit plans at this time (along with the city of Golden Valley) and ask the TAC to meet and review the plans submitted. Completion of a channel evaluation is one of the criteria in requesting funds and three of the five communities have met that criteria and are currently eligible to receive funds. The policy states that the Commission's share would not exceed 50%.

Mr. LeFevere said the policy is a commitment made prior to construction of the project and not reimbursement for a past project. Mr. Oliver said the Wolsteds could work with the city to review the plan and get the process started. The city will need confirmation from the Commission that the funding is available as of this date. Mr. Kremer said \$75,000 is currently available in that fund. Mr. LeFevere said that a cooperative agreement between the city and the Commission would need to be in place that defines the project and how the reimbursement will be used.

Mr. Andersen asked if it would make sense to set the date for early May to have early applications from the eligible cities for funding in the current year and an additional deadline date in October for funding the next year to help administrate the process for the TAC in reviewing the applications. The Commission agreed with this procedure.

Mr. LeFevere suggested the Commission direct the staff to prepare a letter under the Chair's signature to the cities currently eligible for this program, including the cities that have not completed their inventories detailing the process. Chair O'Toole directed the staff to prepare the letters.

Mr. Wolsted expressed appreciation to the Commission for considering their situation. He said it is the first time he has felt their concerns have been addressed and feels that Mr. Oliver's memorandum shows that the erosion problems are a result of the 394 construction. Mr. Wolsted asked if the Commission works with MnDOT on these types of issues. Chair O'Toole said the Commission does not because it is principally a private matter and recommended the Wolsteds ask the city of Golden Valley for a contact name at MnDOT. Mrs. Wolsted said they tried to get competitive bids by contacting four contractors.

Mr. Mathisen asked if the Commission might consider a straw pole to see if a project would be approved for reimbursement so the property owner could move ahead. Mr. LeFevere said there is no authority by the Commission or the cities to make payment to a private party. Mr. LeFevere would discourage setting an expectation for reimbursement after the fact.

Mr. Andersen moved and Ms. Thornton seconded the motion to direct the staff to prepare a letter under the Chair's signature to the eligible cities (including cities needing to complete inventories) stating that funds are available for channel maintenance projects and that May 1 is the deadline for

eligible project applications to be submitted to the Commission for review by the Technical Advisory Committee for funding during the current construction season, and that October 1 is the deadline for submitting applications for funding the next year.

Discussion continued. Mr. Gustafson said in order to allow adequate time for the TAC to review the applications, the cities also need adequate time to prepare the applications that include digital pictures to evaluate projects fairly. Mr. Gustafson recommends changing the early deadline date to later May. The Commission agreed to change the May 1 deadline to June 1.

Ms. MacIntyre asked if the cities needing to complete erosion inventories could include the inventories with the project plans. Mr. Kremer said one of the criteria to receive funds is that the inventories need to be completed. He thought if the cities included the inventories at the same time as submitting an erosion project application, the criteria would be met. Chair O'Toole agreed that the projects would be considered for reimbursement as long as the criteria established is met.

Mr. Mathisen clarified that the policy is on a year-by-year basis. It is a running total of the eligible cities' share.

The amended motion is as follows:

Mr. Andersen moved and Ms. Thornton seconded the motion to direct the staff to prepare a letter under the Chair's signature to the eligible cities (including cities needing to complete inventories) stating that funds are available for channel maintenance projects and that June 1 is the deadline for eligible project applications to be submitted to the Commission for review by the Technical Advisory Committee for funding during the current construction season, and that October 1 is the deadline for submitting applications for funding the next year. Cities may include their completed erosion inventories along with project applications. Carried unanimously.

2. Metropolitan Council Citizen-Assisted Lake Monitoring Program (CAMP). The Commission received correspondence from the Metropolitan Council asking for lakes that the Commission would like to include in their 2004 Citizen-Assisted Lake Monitoring Program. Historically, the Commission has had several lakes involved in the program. The cities were contacted to see if there was an interest to continue participation in the program. Volunteers from the following lakes indicated they would like to be involved in the 2004 CAMP program: Northwood (New Hope), Parkers (Plymouth), South Rice (Golden Valley), Sweeney (Golden Valley), and Westwood (St. Louis Park). The cost will be approximately \$600 per lake and funding is included in the Commission's 2004 budget.

Ms. Langsdorf moved and Ms. Gwin-Lenth seconded the motion to authorize funds to be used for participation in the Metropolitan Council 2004 CAMP program. Carried unanimously.

3. BCWMC 60-Day Review Draft Second Generation Plan-Comments. A number of comments have been received concerning the 60-day review draft of the plan and a memorandum was prepared that includes draft responses to the comments for consideration and discussion by the Commission. Chair O'Toole asked how the Commission would like to proceed in going through the comments. Mr. Andersen asked what requirements are on the Commission's time frame for the second round of agencies comments. Mr. LeFevere said the plan was due in 2001 and there are no requirements as to when the next step has to occur. The next step begins the 45-day review when a revised draft plan, comments, and a public hearing report are submitted to the reviewing agencies.

Mr. Kremer said some comments by plan reviewers asked for reconsideration of proposed policies in the plan, modification of existing policies, or developing new policies and all those need to be addressed by the Commission and the changes need to be made to the plan prior to resubmitting the plan to the

reviewing agencies. Chair O'Toole pointed out the Commission also needs to consider suggested changes to the CIP, organizational changes, etc. Mr. LeFevere asked if there is a way to identify the issues the Commission is most concerned about and address accordingly. Mr. Andersen said if the general outline of priorities is policies, CIP, and general comments, what percentage of responses would relate to policies? Ms. Chandler said that some of the suggested changes to the CIP lead to policy changes making it difficult to give a clear percentage. Some of the suggested policy changes differ in significance. Mr. Kremer estimated 30% of the comments involved some sort of change to policy.

With that in mind, Chair O'Toole asked if the Commission wanted to set up a special meeting. Mr. Yaeger believes the Commission needs a special meeting dedicated specifically to going through comments and draft responses and encouraged the commissioners to come to the special meeting prepared to address the comments effectively. Ms. Thornton said there are number of reasons it is important for the Commission to take the time to go through the comments and draft responses and where the Commission needs to understand why a change is suggested. Mr. LeSuer suggested going through a first-round of the comments and draft responses and approve those draft responses the Commission is in agreement with in a single motion and act on the outstanding issues needing more in depth discussion as time permits. Chair O'Toole added although it is a good suggestion, the dilemma is that he is not sure all of the commissioners are ready to do that and a special session may be beneficial.

The commissioners agree that a special meeting is necessary. Mr. LeFevere said it would be an open meeting and posted on an official bulletin board 3 days prior to the meeting. Chair O'Toole directed the recorder to set up the special meeting on a day prior to Commission's March 18<sup>th</sup> meeting beginning at 3:00 p.m.

Chair O'Toole also pointed out the positive comments received from the reviewing agencies concerning the Commission's process, the plan, and the recognition that the process followed soliciting citizen input that resulted in a prolonged process for the development and approval of the plan.

Ms. Thornton appreciated the organizational means taken in the memo presenting the comments and draft responses. Chair O'Toole added that the cost in preparing the memo for the Commission's review was about \$5,000 and considering the product and content, he did not find that an unreasonable expenditure. However, with each additional meeting spent on discussing issues of the plan and what the Commission asks of the staff will only add costs to the plan total. Mr. Yaeger said that is true, but the end is in sight.

Chair O'Toole asked Mr. Kremer to walk through some of the concerns expressed in the comments submitted. Mr. Kremer asked to go through one issue which was a comment received from BWSR and the MPCA that the plan did not address impaired waters and requested the plan consider and address it. Bassett Creek has five lakes that are listed as impaired (the main channel, the north branch, and Plymouth Creek) as of January 2004. This means that, except for Parkers Lake that is impaired for mercury, TMDL studies will be needed. A TMDL study for Parkers Lake will be conducted by the MPCA on a regional basis. The MPCA has a rigorous process used for these studies. Everything that has been done on the lakes so far will be a large step in getting those studies done; however, additional work will be required.

In 2006, the MPCA will ask the cities to perform TMDL studies on Northwood, Sweeney, Wirth, and Medicine lakes. The city of Plymouth currently is in a process with Plymouth Creek to give additional detail to Medicine Lake study and Mr. Kremer suggests that the city consider what additional steps can be taken now to help Medicine Lake meet the requirements of the TMDL study. Mr. Kremer is not sure when a TMDL study will be required on Bassett Creek.

Mr. Kremer estimates the following costs to convert the current BCWMC studies to TMDL studies:

Lake	Range Estimate
Medicine Lake	\$50,000
Sweeney Lake	\$100,000 to \$150,000
Northwood Lake	\$100,000 to \$125,000
Wirth Lake	\$50,000 to \$60,000
Main Stem & North Branch Bassett Creek	\$150,000 to \$250,000
Plymouth Creek	\$100,000
TOTAL	\$550,000 to \$735,000

The city of Golden Valley would like to involve an independent consultant to complete a water quality improvement study for Sweeney Lake and that study could be completed to meet the TMDL requirements.

The draft response to the comments relating to the TMDL issue suggests that the Commission participate with the cities in trying to acquire funds to do those studies so that the cities have the funds to complete the studies. A large piece of the process will be public involvement much like what the city of Plymouth included in their Medicine Lake study.

Lacking in the BCWMC lake studies was the public involvement process. The Commission recognized this and saw the study as a first cut study to identify what the order of magnitude was for the water quality improvements necessary in the future. It has been the intent of the Commission to include a public involvement step before moving toward a water quality improvement plan. In discussions with Mr. LeFevere concerning the CIP costs and whether or not they could be raised through an ad valorem tax, Mr. Kremer said that Mr. LeFevere had some ideas on how the plan can be modified to address the issue. Mr. Kremer said the TMDL studies would add about \$700,000 to be raised by the cities or the cities and the Commission. Chair O'Toole said the Commission did the lake watershed management plans paid for by the Commission from its administrative budget. The budget is an annual process and the administrative budget pays for erosion control, maintenance, and ongoing expenses of the Commission. Proposed significant increases in that budget in the past have not been favored by the cities. With the requirement of the TMDL studies, implementation of the recommendations and development of plans will be another cost for the cities to consider either through an increased administrative budget or an alternative funding mechanism.

Mr. Kremer said other funding sources (e.g., MPCA) are limited. After contact with the MPCA, Mr. Kremer said although the Commission should apply for funds, it is not hopeful the MPCA will have funds available in the future. With the governor's emphasis on the program improving impaired waters, there will be competition for the funds.

Mr. LeFevere added the TMDL requirements still need clear definition and what sources of revenue will be available, ultimate responsibility, etc. still needs to be defined. It makes sense for the Commission to be involved because it is closely related to what the Commission is doing. The most critical issue for the Commission to consider now is if the Commission wants to be able to use taxing authority by the county, it will have to be approved by the county and stated in the plan. Only capital projects listed on an approved CIP can use the ad valorem tax for payment. If the plan does not state how the capital improvement will be paid for, a minor plan amendment is required. State statute does not carry the definition beyond that, but fiscal costs, engineering, preparation of feasibility reports, contract administration are traditionally included. In some cases, a TMDL study may be considered a feasibility study. Mr. LeFevere suggests that the Commission consider including a comment in the draft plan

stating the capital project costs will include fiscal costs, engineering, preparation of feasibility reports, contract administration, and TMDL study costs as appropriate.

Ms. Chandler clarified that having to do the TMDL studies does not delay the CIP projects proposed. The TMDL studies may change or add projects, but does not affect the CIP schedule. Mr. LeFevere said each project on the CIP has to go through a hearing process and a feasibility report needs to be prepared prior to the hearing.

Mr. Andersen asked when the TMDL studies would be required. Mr. Kremer heard that in 2006, the MPCA will request each city where the lakes are located to prepare the TMDL studies allowing a couple of years to complete.

## ***March Meeting***

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

- Motion to Establish Separate Maintenance and Construction budget items
- Establish Subcommittee to Evaluate Options for Administrative Services
- Contract with Commission for Engineering Services
- Website improvements

## ***Adjournment***

It was moved by Ms. Gwin-Lenth and seconded by Mr. Yaeger to adjourn the meeting. Chair O'Toole adjourned the meeting at 2:00 p.m.

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John O'Toole, Chair

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Pat Schutrop, Recorder

\_\_\_\_\_  
Bill Yaeger, Secretary

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

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