



Bassett Creek Water Management Commission

A g e n d a

**Thursday, January 15, 2004
12:00 Noon**

**Golden Valley City Hall
7800 Golden Valley Road**

Call to Order

Presentation of December Minutes

Presentation of Financial Statements

Presentation of Invoices for Payment Approval

Communications

Chairman

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

Counsel

Commissioners

Engineer

New Business

- **Non-Point Education for Municipal Officials (NEMO) Presentation – Julie Westerlund, DNR**
- **Bassett Creek Pond Improvement: Golden Valley**

Old Business

- **Motion to Establish Separate Maintenance and Construction Funds (long-term maintenance fund, short-term maintenance fund, channel maintenance fund, flood control construction account, and water quality improvement fund)**
- **Channel Maintenance Fund Guidelines**
- **Website Improvements**
- **Commission Review Draft Second Generation Plan – Outstanding Comments**

February Meeting

- **Organizational Meeting**
- **Public Hearing – Draft *Watershed Management Plan***
- **Mike & Donna Wolsted property – 215 King Creek Road, Minneapolis**

Adjournment

Bassett Creek Water Management Commission

Minutes of the Meeting of December 18, 2003

Call to Order

The Bassett Creek Water Management Commission was called to order at 12:00 Noon, Thursday, December 18, 2003, 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 David Hanson, Treasurer	<i>Engineer</i>	Len Kremer
<i>Medicine Lake</i>	Commissioner John O'Toole, Chair	<i>Recorder</i>	Pat Schutrop
<i>Minneapolis</i>	Alternate Commissioner Ed McRoberts		
<i>Minnetonka</i>	Not represented, Secretary		
<i>New Hope</i>	Alternate 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
- Jan LeSuer, Alternate Commissioner, city of Golden Valley
- Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth
- William Deblon, BCWMC Technical Advisory Committee, city of Robbinsdale
- Kelly MacIntyre, BCMWC Technical Advisory Committee, city of Minneapolis
- Alison Fong, BCWMC Technical Advisory Committee, city of Minneapolis
- Jeannine Clancy, BCWMC Technical Advisory Committee, city of Golden Valley
- Jeff Oliver, BCWMC Technical Advisory Committee, city of Golden Valley
- Laura Adler, BCWMC Technical Advisory Committee, city of St. Louis Park
- Lee Gustafson, BCWMC Steering Committee, city of Minnetonka
- Mayor Linda Loomis, city of Golden Valley
- Ginny Black, City Council Member, city of Plymouth
- Nancy Azzam, Golden Valley League of Women Voters
- Terrie Christian, Association of Medicine Lake Area Citizens
- Mike & Donna Wolsted

Approval and/or Correction of Minutes

1. The minutes of the October 7, 2003 special meeting were presented. Mr. Andersen moved and Ms. Langsdorf seconded the motion to approve the minutes. Carried unanimously.
2. The minutes of the October 16, 2003 meeting were presented. Ms. Thornton pointed out the following correction to the paragraph before Old Business on the top of page 4: "...The Commission agreed to extend the invitation to NEMO to give a presentation at the Commission's January 2004 2005 meeting."

Mr. Hanson moved and Ms. Thornton seconded the motion to approve the minutes with the above correction noted. Carried unanimously.

Financial Statements

Mr. Hanson presented the Treasurers Report as of December 18, 2003. The current balances are as follows:

<u>Checking Account Balance</u>	<u>\$185,219.76</u>
<i>TOTAL GENERAL FUND BALANCE</i>	<i>\$185,219.76</i>
Construction Account Balance	\$1,056,814.97
Commercial Paper (due 12/26/03)	99,000.00
Commercial Paper (due 12/26/03)	99,000.00
Commercial Paper (due 12/26/03)	99,000.00
Commercial Paper (due 01/26/04)	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 03/17/04)	99,000.00
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	<u>\$1,848,814.97</u>

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 October 4, 2003 through November 28, 2003, in the amount of \$37,234.40.

Plymouth city council member, Ginny Black, expressed concern about the \$400,000 (prior to submission of the current engineering invoice) spent in preparing the second generation plan and encouraged the Commission to look at future expenses in more detail. Ms. Black is concerned about the quality of the report received and does not believe the Commission received the best value for the amount spent.

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

2. An invoice was received from Kennedy & Graven for professional services during the period through September 30, 2003 (third quarter), in the amount of \$5,929.10.

Mr. Hanson 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.

Prior to presentation of invoices from Hennepin County and the Minneapolis Park and Recreation Board, Chair O'Toole asked Mr. Kremer to summarize remaining budget and expenses forecasted through the end of the fiscal year. Mr. Kremer pointed out that the \$62,615.70 remaining for engineering includes a deficit of \$34,100.33 for planning, leaving a budget balance of \$28,515.37 for engineering and planning. The annual flood control inspections budgeted for \$10,000 will not be done until it is known how much budget remains. Mr. Kremer does not expect the \$28,515.37 to be exceeded over the next two months. In addition, the Commission will receive reimbursement sometime in the future for the expenditures under Plan Implementation for the Medicine Lake water quality projects. Theoretically, approximately \$34,000 under the Planning and Engineering portion of the budget can be spent during December and January without exceeding the budget.

Mr. Kremer said the expenses for the Hennepin County River Watch Program and the WOMP reimbursement to the Minneapolis Park and Recreation Board (MPRB) will be applied against the amount budgeted under Public Relations. The reimbursement to MPRB and Hennepin County were discussed at the April 17, 2003 Commission meeting. At that meeting, the Commission decided that the funds for both of these expenses would be paid out of the Public Relations and the Surveys and Studies line items of the budget.

3. An invoice was received from the Minneapolis Park and Recreation Board for reimbursement of expenses in the operation of the Watershed Outlet Monitoring Program (WOMP) station in the amount of \$5,269.

Mr. Hanson 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 unanimously carried.

4. An invoice was received from the Hennepin County Department of Environmental Services for financial support for the Hennepin County River Watch Program during the 2003 season in the amount of \$1,000.

Mr. Hanson 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.

Communications

Chairman:

1. Correspondence was received from the city of Golden Valley requesting an extension to submit comments for the 60-day review of the draft watershed management plan.
2. Correspondence was received from the city of Plymouth concerning its Wellhead Protection Plan, Part 1.
3. An e-mail communication was received from Mr. LeFevere explaining offsite attendance by a commissioner via an electronic process versus attending a meeting physically.

Citizen Input on Non-Agenda Items:

1. Ms. Black requested the Plymouth city manager to issue a request to extend the comment period for submitting comments to the Commission for the 60-day review period of the draft watershed management plan. The city of Plymouth city council set a study session for January 20th, which is the deadline to submit plan comments. If the Commission does not approve extending the comment period, Plymouth's comments will come from the city staff and not from city council. Chair O'Toole will add this oral request to be considered along with the request made by the city of Golden Valley under Old Business.
2. Ms. Terrie Christian, Association of Medicine Lake Area Citizens, announced that AMLAC's Fall 2003 Newsletter is available. The newsletter can also be viewed on their website at www.mnlakes.org/AMLAC.
3. Golden Valley residents, Mike and Donna Wolsted, 215 King Creek Road, requested input from the Commission concerning flooding that occurs on their property. Their property is located close to I-394. They have lived at this location since 1982, surviving the 100-year flood of 1989, when at that time, water encroached only to the first step of their walkway going down to the creek. However, since the I-394 project, flooding on the property has increased dramatically. Mr. Wolsted stated that currently with a 1-inch rainfall, water encroaches the first step. About half a dozen trees have been lost as a result of

the flooding and the banks are tearing away and in need of stabilization. The Wolsteds are concerned about losing their house due to the instability of the bank.

The Wolsteds want to know who is accountable for the change in flooding on their property and feel that the improvements to I-394 and the increased flooding on their property coincide. Pictures have been taken that document the increase in flooding. Mr. Wolsted added that tree stumps and garbage also collect in the grates in this area, which exacerbates the problem. This type of maintenance and cleaning of the channel is currently done by the cities; however, a change in this procedure is recommended in the draft second generation plan that states some of the maintenance in the channel will be done by the Commission.

Mr. Kremer said that the city of Golden Valley informed him of the problem and that the topic would come before the Commission for discussion. Mr. Jeff Oliver, City Engineer for the city of Golden Valley, added that the city is aware of the Wolsted's concerns and has been in regular communication with them. At this point, it is the city's policy that all private property owners are responsible for streambank stabilization on their property; however, this reach of the creek has been identified in Golden Valley's stream inventory as a high priority erosion site and included as Exhibit 8 in the draft second generation plan eligible for Commission funding pending adoption of the second generation plan. This policy has been communicated to the Wolsteds. Mr. Wolsted understands that if the current problem existed when they purchased the property, he would agree the responsibility for creek stabilization lies with them; however, he is convinced the responsibility changed when the drainage was altered as a result of the I-394 project.

Mr. LeFevere added that damages resulting from stormwater – flooding or erosion –are difficult to assign blame even with all the facts. Some damage occurs naturally and some damage occurs that landowners have to bear because there is no particular party to legally look to for assigning responsibility. Mr. Wolsted believes that due to the large culvert and swale added in the area, the state expected an increase in runoff and that there should be some government accountability. He asked what remedial measures have been taken by the state as a result of the I-394 project. Mr. Kremer said some water quality requirements were the responsibility of the state and the state recently fulfilled those water quality responsibilities. At the time I-394 was done, the state made efforts to mitigate the flows.

Although the Commission is not unsympathetic to the Wolsteds, Chair O'Toole said the Commission is not prepared to discuss the problem without more facts. Mr. Oliver explained that although this area is identified as a high priority erosion site in the draft second generation plan to be funded by the Commission, it is not a capital improvements project and funding will be part of the streambank stabilization projects fund and disbursement of those funds is yet to be determined. Chair O'Toole added that the channel maintenance fund is an agenda item for later discussion at today's meeting.

Mr. LeSuer asked if this project could be expedited through a motion or some process during the discussion today. In reply, Chair O'Toole said the Commission would need to discuss its internal process and procedures as well as come up with some guidelines for how the monies are collected and how those monies would be spent resulting in having the party fill out an application for the Commission to examine for consistency with the guidelines set up.

Ms. Black suggested directing the city of Golden Valley to prepare a report concerning the specifics of the project and report back at the Commission's January meeting. The report could include the city's recommendations and possibly some intermediary steps that can be taken to help protect the property from floating down the creek.

Golden Valley Mayor, Linda Loomis, asked why the party responsible for placing the riprap to stabilize a pond located downstream did not include stabilizing the bank on this property since the area is in

close proximity. Mr. Kremer said the city of Golden Valley and the Minnesota Department of Transportation cooperated in the drainage portion of the I-394 project.

Ms. Jeannine Clancy, Golden Valley Director of Public Works, said the city would look into responsibility of the Wolsted's concerns if the Commission asked the city to do so; however, Ms. Clancy is concerned about the timeframe and suggested it would be more realistic to provide the information at the Commission's February meeting. Chair O'Toole directed the Commission's engineer to work with the city of Golden Valley to review the city's report and become familiar with the situation to discuss with the Commission at the February meeting. The Wolsteds would like to attend the February meeting and would be interested in seeing the city's report. Ms. Clancy added the city would continue to be in communication with the Wolsteds in the meantime.

Counsel:

1. A rebate was received from the League of Minnesota Cities Insurance Trust in the amount of \$983.
2. Mr. LeFevere reported on a request made by Chair O'Toole concerning how the Open Meeting Law addresses meeting electronically when a participant is at a remote location. The Minnesota statute does not allow a member to participate in a meeting by attending via a speakerphone. The law requires an interactive TV that essentially allows everyone to see and hear everyone else, including both board members and the public.

Commissioners:

1. Ms. Thornton reported that the Medicine Lake Watershed Subcommittee met on October 30, November 19, and December 9, with future meetings scheduled for January 28 and February 25. Ms. Christian participates on the subcommittee and gave the following update.

When the city of Plymouth prepared its original Medicine Lake plan, the subcommittee decided to defer water quality improvement decisions concerning the Plymouth Creek area which is responsible for about 70% of suspended solids and about 60% of phosphorus coming into Medicine Lake. The Barr report recommended several different water quality improvement options, one of them being a wet detention barrier projected to cost \$6 million. Another wet detention basin was recommended and was implemented by the city of Plymouth. The other options recommended were two alum treatment plants at a cost of about \$4 million (1999 dollars) for both plants with annual maintenance costs of \$97,000 and \$124,000, respectively. The subcommittee did not favor any of those options and recommended deferring the decision concerning water quality improvements until additional data could be collected for the watershed. The committee thought with additional data, other best management practices could be identified that would offer a more cost-effective solution and be more fiscally responsible. The additional data has been collected by the Three Rivers Park District. The Medicine Lake subcommittee will meet and review the data and determine what is best for the watershed and the lake and what is fiscally responsible.

Chair O'Toole asked if the city of Plymouth intends to include the city's and the subcommittee's recommendations as part of Plymouth's comments to the draft second generation plan. Ms. Black said the subcommittee will be meeting into the spring of 2004 and those recommendations will not be determined prior to the draft plan comment period deadline. Ms. Black said to facilitate the process, it is Plymouth's intent to include a universe of concerns along with their comments so that any changes to the plan can be made through a minor plan amendment should it be necessary at a future date.

Ms. Thornton added that the city of Medicine Lake does have an active representative on the subcommittee as well.

2. Ms. Thornton asked about an update on the impaired waters stakeholders meeting and legislation associated with total maximum daily loads (TMDLs). Mr. Kremer said that a newsletter is included in the meeting packet presenting Governor Pawlenty's outline of his vision for improving the state's water quality and an announcement of a public stakeholder input meeting scheduled for January 13, 2004. Mr. Kremer recently attended a convention where Lisa Thorvig, Minnesota Pollution Control Agency, summarized the results and recommendations of the task force. The task force concluded that in order to raise the \$75 million/year implementation cost of the program, they are requesting the legislation to approve assigning a \$36 fee per household and \$150 fee per industry per year. The task force would like to implement projects as soon as possible and are proposing to use 80% of the \$75 million in implementation, 10% for testing of waters, and 10% for the actual TMDL studies. The task force is proposing that the counties collect the fee. The group discussed that implementation be done at the lowest local level possible (i.e., WMOs, watershed districts, and cities). Also discussed, was implementing TMDL projects that address all pollution issues versus single-issue pollutants. The task force will present details at the January meeting. The implementation plan is available on the Minnesota Environmental Initiative's website (www.mn-ei.org/policy/impairedwaters.html). The governor is requesting legislation consideration during the current session.

Engineer:

No communications presented.

New Business

1. **TH 55/Boone Avenue Floodplain Mitigation: Golden Valley.** A request was received from the city of Golden Valley for review of an Environmental Assessment Worksheet (EAW) and a project memorandum regarding proposed improvements and floodplain mitigation in the vicinity of TH 55 and Boone Avenue. The proposed project addresses the construction of a berm/pump station, excavation of a proposed floodplain/wetland mitigation area, potential future General Mills' expansion, and potential floodplain fill in Brookview Golf Course.

The Brookview Golf Course is an area that temporarily stores flood waters to lower downstream discharges. The city is proposing to build a dike along the west side of the creek with a ponding area to take the water tributary to the area inside the dike along with a pump station to pump the water to the creek. The amount of floodplain volume lost with the current proposed project would be 30.9 acre-feet and 58 acre-feet of floodplain volume will be provided. With the additional work proposed by General Mills, the floodplain volume lost will be 16.85 acre-feet with 14.85 acre-feet floodplain volume provided. Overall, the total floodplain volume lost will be 47.75 acre-feet and the total floodplain volume provided will be 72.85 acre-feet.

The city is also proposing to raise the 14th fairway to avoid flooding, which will enable the area to dry out more quickly. Mr. Kremer recommended approval of the concept plan and that final plans be submitted for administrative review by the Commission engineer.

Mr. Hanson asked who will be responsible for costs associated with the berm and the pumping station portion of the contract with General Mills. Ms. Clancy said as a result of the EAW, the city of Golden Valley has entered into a development contract with General Mills using tax abatement dollars being generated by the project to pay for the public improvements. General Mills also donated a significant amount of property toward the project.

Mr. Andersen moved and Mr. Hanson seconded the motion to approve the project contingent on recommendations contained in the engineer's memorandum to the Commission. Carried with one abstention from Commissioner O'Toole (employee of General Mills).

2. **7002 and 7010 36th Avenue Retaining Wall, North Fork, Bassett Creek: Crystal.** The city of Crystal requested review of a streambank erosion protection plan along the North Branch of Bassett Creek in Crystal. The project is located downstream of Louisiana Avenue along the south side of the creek. The project includes repairing a severely eroded streambank by installing a modular block retaining wall along 100 feet of the channel. Work has begun at the site without adequate permits. The city of Crystal issued a “Stop Work” order and required the applicant to obtain the proper BCWMC approval and city permit.

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

Old Business

1. **Glenwood Inglewood Waters: Minneapolis.** The city of Minneapolis requested review of a streambank protection plan along the Main Stem of Bassett Creek in Minneapolis. The project is located at the Glenwood Inglewood Waters facility along the east side of Bassett Creek downstream of Glenwood Avenue and Fruen Mill. The project includes replacing an existing 60-year-old retaining wall with riprap and filter along 110 feet of shoreline. The existing wall is in the process of failing.

Mr. McRoberts moved and Ms. Gwin-Lenth seconded the motion to approve the project contingent on the recommendations included in the engineer’s memorandum to the Commission. Carried unanimously.

2. **Motion to Establish Separate Maintenance and Construction Funds (long-term maintenance fund, short-term maintenance fund, channel maintenance fund, flood control construction account, and water quality improvement fund).** At the Commission’s October meeting, there was discussion about setting up separate funds on the financial statements so that the various funds approved by the Commission in 2001 during the second-generation plan process could be monitored. At that time, \$1,700,000 was included in the construction fund that remained from the construction of the flood control project. The second generation plan Technical Advisory Group recommended that the remaining funds be allocated to a variety of future needs. Those needs included floodproofing of homes in Golden Valley, emergency repair of structures constructed as part of the flood control project, and a long-term maintenance fund for the flood control project structures. In addition, there has also been, as part of the budget process, funds set up for channel maintenance (streambank maintenance, repair, and sediment removal).

The Commission requested the BCWMC Technical Advisory Committee meet and to develop guidelines for allocating funds for channel maintenance at the October meeting.

In addition, Mr. Kremer suggested the Commission also consider establishing a separate fund for water quality construction for money that will be reimbursed from Hennepin County for construction of the Medicine Lake water quality projects.

Chair O’Toole added that one of his concerns is the money collected annually for Erosion/Sediment-Maintenance Project (\$50,000) and Long-Term Maintenance –Flood Control Project (\$25,000) that is currently included in the administrative account giving a false budget balance. He would like those two funds moved to separate accounts for monitoring purposes.

Mr. Andersen moved and Mr. Hanson seconded the motion to establish separate accounts for emergency repair, long-term maintenance, channel maintenance, and water quality projects.

Discussion followed. Mr. Kremer explained Table 5-2, called “Summary of Proposed Expenditures Using Remaining Funds from the BCWMC Flood Control Project Construction Account,” which was distributed prior to the start of today’s meeting. The Commission acted on the allocation of funds to the

floodproofing of homes, flood control emergency repair, and flood control project long-term maintenance in 2001. In addition to the three funds listed on Table 5-2, there is also the channel maintenance fund (referred to as the erosion/sediment maintenance on the engineering breakdown table) and the water quality capital improvements projects funds (e.g., to track monies coming from Hennepin County for the Medicine Lake water quality projects). Mr. LeFevere suggested the Commission specify projects in the water quality capital improvements projects funds to track funds to a specific water quality improvement.

Mr. Andersen and Mr. Hanson accepted Mr. LeFevere's suggestion to specify projects in the water quality projects fund as an amendment to the motion. The motion only establishes separate funds and does not change allocations or establish policies under which the funds can be used.

Ms. Black expressed concern that adequate background information was not available for consideration prior to this discussion in order to adequately discuss setting up the separate funds. Mr. Kremer said addressing the separate accounts is a result of previous discussions by the Commission. Ms. Black's experience with the process at their city council meetings is that the council does not discuss items that come up without preparation and paper work included in the meeting packet to inform them of the issues surrounding the agenda items. Mr. Andersen clarified the action today is only setting up separate accounts for funds that have already been established. Ms. Azzam agreed with Ms. Black that as observers of the meeting, inadequate information was provided to discuss setting up the separate fund accounts.

Chair O'Toole sees the situation as a housekeeping item and not a policy issue and an improvement of keeping track of monies included in today's budget. Mayor Loomis added that the Commission is a public body and is responsible to keep the public informed of what takes place at each meeting whether items are discussed previously by the Commission or not; supporting information should be included in the meeting packet for observers to follow along. Mr. LeSuer said what results is a discussion by the Commission that is too insulated and the Commission should provide opportunity at each meeting for an individual to be educated who suddenly becomes interested or aware.

Chair O'Toole appreciated the input and the Commission will try to provide additional information for additional items. The Commission can entertain an expansion of the agenda, but that comes at a cost (i.e., preparation, staff and meeting time). Mr. McRoberts said additional information (e.g., the Treasurers Report) is provided prior to the start of many of the meetings and he encouraged people to consider coming to the meeting earlier to allow review of additional information that may be available.

Chair O'Toole clarified the motion presented. The motion is to establish separate accounts to track the funds being spent. The accounts are: the Flood Control Project emergency repair fund, the Flood Control Project long-term maintenance fund, the channel maintenance fund, and the Medicine Lake water quality improvement fund.

The Commission decided to not establish separate accounts to track the expenditures of funds at today's meeting and to defer action to the January 15, 2004 meeting to allow Commission staff to provide background information for the Commission's consideration. Mr. Andersen agreed and withdrew the motion.

3. **Request to Extend Draft Plan Review Comments.** The Commission has received a written (city of Golden Valley) and a verbal (city of Plymouth) request to extend the date for receipt of comments concerning the draft second generation watershed management plan from January 20, 2004 to February 6, 2004.

Mr. Andersen asked if the Commission is under any legal guidelines or BWSR rules that says the Commission cannot extend the comment period. Mr. LeFevere said the Commission is free to accept comments as long as it wants too. If the Commission decides it wants to grant an extension request to a certain entity, the Commission can do so, but it cannot change the statutory comment deadline date established. The Commission is required to respond to official city and agency comments within 30 days of receipt. A public hearing also needs to be held between 30 and 45 days after the comment period deadline (January 20) and the Commission needs to consider if the public hearing should be held at the February 2004 meeting since that is the meeting that falls within the 30 to 45 day timeframe. After the public hearing, the Commission then submits the second generation plan for the next round of agencies' reviews. That submission needs to include the plan, comments to the plan, responses to the comments, and a public hearing report. No deadline is defined as to when the second formal agencies review needs to take place. Mr. LeFevere said there is no legal consequence to grant an extension of time to comment; however, the formal statutory comment period deadline for the 60-day review remains at January 20 for the governmental agencies, which establishes the window of time when the public hearing is required to take place. Ms. Langsdorf asked if a general notice is necessary announcing the extension of the comment period. Mr. LeFevere said notification is not necessary.

Ms. Thornton pointed out that if the Commission decides to make the February 19th meeting as the public hearing, the Commission would not have any time to meet together to process and discuss the comments received. Chair O'Toole encouraged the Commission to consider the duration of time extended to receive comments so that the timing coincides with the meeting dates of the Commission. Ms. Clancy added that the city of Golden Valley's request to extend submitting its comments to February 6 was with the idea of keeping the Commission's process moving along. Ms. Black said that Plymouth is in agreement with the February 6th extension date. Mr. Andersen said since the public hearing is the venue used to receive additional comments and not a time when action will be taken on the plan, he recommends that the hearing take place on February 19, 2004. Chair O'Toole said the February 19th meeting is the Commission's organizational meeting and he is hesitant to conduct a public hearing before the organizational meeting. Mr. LeFevere said the public hearing could take place after the organizational portion of the meeting.

Ms. Thornton moved and Ms. Peterson seconded the motion to extend the comment period, per the cities of Golden Valley and Plymouth's request to the Commission, to include all the member cities to submit comments to the Commission's 60-day review draft of the second generation watershed management plan to February 6, 2004. Carried unanimously.

4. **Channel Maintenance Fund.** A memorandum was prepared as a result of the BCWMC Technical Advisory Committee meeting that was held on November 18, 2003, to establish guidelines for allocation of the Channel Maintenance Funds. Chair O'Toole asked that discussion of the memorandum be deferred to the January 15, 2004 meeting.
5. **Commission Review Draft Second Generation Plan-Outstanding Comments.** A memorandum was prepared and included in the meeting packet outlining the results of the continuation of the proposed new policy discussions that began at the special meeting on October 6, 2003 and concluded during the Commission's October 16, 2003 meeting.

Comments have been received from the Sweeney Lake Association concerning the 60-day review of the draft second generation watershed management plan. Ms. Terrie Christian, AMLAC, also submitted comments to the draft plan at today's meeting. Mr. Kremer will give a summary of comments received at the January 15, 2004 meeting. Mr. Andersen suggested the Commission consider having a special meeting in March to review additional comments that are submitted after the public hearing held at the February meeting. Chair O'Toole concurred.

6. **Sweeney Lake Flood Level Evaluation.** The city of Golden Valley received a request from the Sweeney Lake Association for assistance in determining what would happen if a larger outlet culvert or ditch were installed at the outlet by Courage Center. The association is making the request as a result of the surge of 3+ feet in the level of Sweeney Lake, and Twin or Hidden Lake on June 26, 2003, following a rainfall of about 6 inches. The city of Golden Valley submitted a letter to the Commission asking if the Commission engineer could perform an analysis to determine if it would be possible to modify culverts downstream of Hidden Lakes Parkway near the Courage Center without causing an increase in flood stage downstream.

To evaluate whether that can or cannot be done, modeling would need to be run of the Main Stem and the Sweeney Lake branch of Bassett Creek. The work would entail modifying the outlet in the data files, run the Sweeney Lake model, and put the data into the Main Stem model. The concern would be whether the flood levels in Wirth Park and downstream of the city of Minneapolis are impacted. The cost to rerun the models would be between \$4,000 and \$5,000. The expenses would come from the Surveys and Studies budget item. A similar study was performed at the Wirth Park control structure where the city of Minneapolis requested the Commission to reduce the normal levels to prevent damages from occurring in that area and the Commission undertook the modification of that structure.

Mr. Hanson added that the water continued to rise in Sweeney Lake for about 24 hours after the June 26th rainstorm causing considerable damage. Since the rebuilding of I-394 and Highway 100, water funnels to the lake much faster and the discharge is through a 30-inch diameter pipe in Courage Center. Mr. Hanson believes that eventually the 30-inch pipe will get overtopped and cause severe flooding. The 30-inch pipe runs underneath the city of Minneapolis' 48-inch water main servicing to south Minneapolis.

Mr. Hanson moved and Ms. Thornton seconded the motion to direct the Commission engineer to run the models to determine if modifying the outlet will reduce the rise in lake level and if it has a critical effect downstream, limiting the cost to \$4,000 to perform the work. The modeling will be done during the 2004 fiscal year. Carried unanimously.

7. **City of Minneapolis Water Quality Task Force Update.** Chair O'Toole received a phone call from Mr. Welch informing him that the Minneapolis Water Quality Task Force met on December 4, 2003. The meeting was primarily an initial organization session. The city of Minneapolis' mayor attended and is keenly interested in the activities of the task force. Mr. Welch said three additional watershed management organizations are participating and that he will continue to represent the Commission at future meetings and update the Commission as necessary.
8. **Public Hearing Date.** Mr. LeFevere recommended the Commission consider setting the public hearing date for the 60-day review of the draft watershed management plan at its February 19, 2004 meeting in order to comply with the state statute requiring a public hearing to be held 30 to 45 days after the end of the formal comment period which is January 20, 2004. Ms. Langsdorf asked if a time had to be specified if it is going to be held after the organizational portion of the meeting. Mr. LeFevere said a time does not have to be specified as long as the hearing is held later than stated in the notice.

Ms. Thornton moved and Mr. Andersen seconded the motion to set the public hearing for the 60-day review of the draft watershed management plan for the Commission's February 19, 2004 meeting occurring at 12:30 p.m. or as soon as thereafter as the matter can be heard by the Commission. Carried unanimously.

January Meeting

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

- Website improvements
- Terms ending – Minneapolis, Minnetonka, and New Hope
- Non-Point Education for Municipal Officials (NEMO) presentation
- Channel Maintenance Fund
- Establishment of Accounts to Track Fund Balances

Adjournment

It was moved by Mr. Hanson and seconded by Ms. Thornton to adjourn the meeting. Chair O'Toole adjourned the meeting at 1:50 p.m.

John O'Toole, Chair

Pat Schutrop, Recorder

Bill Yaeger, Secretary [NOT PRESENT]

Date: _____

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