



## **Bassett Creek Water Management Commission**

# **A g e n d a**

**Thursday, August 21, 2003  
12:00 Noon**

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

### **Call to Order**

**Presentation of July Minutes**

**Presentation of Financial Statements**

**Presentation of Invoices for Payment Approval**

### **Communications**

**Chairman**

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

**Counsel**

**Corps of Engineers**

**Commissioners**

**Engineer**

### **New Business**

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### **Old Business**

- **Medicine Lake Water Quality Ponds: Plymouth**
- **Common Bond/Wesley Commons Creek Bank Stabilization: Golden Valley**
- **Adopt Resolution for the Minor Plan Amendment**
- **Second Generation Plan Update – Commission Informal Review of Draft Second Generation Plan**
- **Meeting Time Discussion**

### **September Meeting**

- **Public Hearing – Minor Plan Amendment for city of Plymouth**

### **Adjournment**

# Bassett Creek Water Management Commission

## Minutes of the Meeting of July 17, 2003

### Call to Order

The Bassett Creek Water Management Commission was called to order at 12:00 Noon, Thursday, July 17, 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>	Commissioner Michael Welch, Vice Chair	
<i>Minnetonka</i>	Commissioner Bill Yaeger, Secretary	
<i>New Hope</i>	Commissioner Vincent Vander Top	
<i>Plymouth</i>	Commissioner Elizabeth Thornton	
<i>Robbinsdale</i>	Commissioner Karla Peterson	
<i>St. Louis Park</i>	Commissioner Paul (PJ) Andersen	

**Also present:** Sally Velick, Alternate Commissioner, city of St. Louis Park  
Mary Gwin-Lenth, Alternate Commissioner, city of New Hope  
Tom Mathisen, BCWMC Technical Advisory Committee, city of Crystal  
Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth  
Jim Vaughan, BCWMC Technical Advisory Committee, city of St. Louis Park  
William Deblon, BCWMC Technical Advisory Committee, city of Robbinsdale  
Guy Johnson, BCWMC Technical Advisory Committee, city of New Hope  
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  
Lee Gustafson, Steering Committee Chair, city of Minnetonka  
Ginny Black, City Council Member, city of Plymouth  
Mayor Linda Loomis, city of Golden Valley  
Nancy Azzam, Golden Valley League of Women Voters  
Terrie Christian, Association of Medicine Lake Area Citizens

### Approval and/or Correction of Minutes

The minutes of the June 19, 2003 meeting were presented with the following correction noted:

- ? Ms. Christian pointed out the following correction: page 3, item #3, last line: "...47,000 pounds of suspended solids goes into Medicine Lake every year from BC-107."
- ? Ms. Thornton pointed out the following correction: page 7, item #3, second line: "...resolution encouraging the member cities of the Commission to study the issue ~~issuance~~ of governance for..."

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

## **Public Meeting – Minor Plan Amendment**

### **Purpose**

The purpose of the Public Meeting is to take testimony on the minor plan amendment to the 1990 *Bassett Creek Water Management Plan* for two water quality projects on Medicine Lake in the city of Plymouth. A sign-up sheet was circulated for record keeping. No action will be taken on the minor plan amendment during the public meeting. After the public meeting is closed, the minor plan amendment will be discussed during the Commission's regular meeting.

### **Background**

Mr. Kremer gave the following background information. The 1990 water management plan has a capital improvements program that generically describes the improvements to the water quality of Medicine Lake. Recently, the city of Plymouth asked the Commission to order a project that would improve the water quality of Medicine Lake. The proposed projects were identified in the Medicine Lake water quality improvements plan completed by the Commission in 2000. The projects were further studied by the city of Plymouth and Plymouth issued a feasibility report in April 2003 on the construction of two ponding areas on the east side of Medicine Lake that would treat the runoff from two subwatersheds to Medicine Lake.

This area has experienced chronic problems at the outlets to some of the storm sewers because of limited water quality storage constructed in the watershed areas leaving little opportunity for road sands and silt to settle out prior to entering the lake. Historically, the Commission has worked with the city of Plymouth and the Minnesota Department of Transportation to clean out some of the sediment accumulated at the locations where storm sewers discharge to the lake. The purpose of the two ponding areas (BC-107 and BC-98) is to provide a location for the sediment to settle out. BC-107 is located in the cities of Plymouth and Golden Valley and BC-98 is located in Plymouth, New Hope, and Golden Valley.

Plymouth's feasibility study looked at a variety of options for BC-107 and its 160-acre watershed. The city identified water quality ponding options on existing city property. The construction of this pond (BC-107) in this subwatershed would annually remove about 34% (16,000 pounds) of the total sediment tributary to the lake at this point. The total cost of the proposed construction is \$366,000. The plan would provide for future ponding on the Ryerson property if possible.

BC-98 is a larger subwatershed (530 acres), and ponding options were evaluated that would annually remove 55% (66,000 pounds) at a cost of about \$513,800. The facilities will be constructed to accommodate additional ponding in the future.

The minor plan amendment is to recognize the two facilities as part of the 1990 capital improvements plan. The minor plan amendment was sent to the Minnesota Board of Water & Soil Resources and a letter was received on July 10, 2003, indicating BWSR agreed that the projects are consistent with the Commission's goals and policies and constitutes a minor plan amendment. Comments have also been received from the Minnesota Department of Natural Resources pointing out that a permit was required at the outfall of the lake and dredging of the accumulation at these locations may require a permit if it is lake sediment and not accumulated sediment. A maintenance permit was previously granted from the DNR to the city of Plymouth for these outlets, but it will be necessary to verify that the permits are still in effect.

The total cost for the project is approximately \$880,000.

### **Procedure**

Mr. LeFevre said one portion of the change to the 1990 plan is to specifically describe the project as Mr. Kremer stated. The other portion of the amendment is project funding. The current 1990 plan does not identify an ad valorem tax levy by the county of property within the watershed as a source of funding. The Commission made the decision to proceed with the projects and have the option of funding when the

process is completed. In order to acquire legal authority for county funding, a number of procedures need to be followed that include:

- (a) The water management plan needs to be amended because the ad valorem tax option to finance a project is only available if the project is part of an approved capital improvements program.
- (b) The county board has to approve this funding mechanism. The county is currently in that process. The county board will hold a hearing on July 24, 2003, and take action on August 5. If the county board does not approve, the Commission cannot proceed with that funding option at this time.
- (c) The Joint Powers Agreement procedures involve a public hearing on the project; the funding mechanism; and if the Commission decides to move ahead with county funding, adopting a resolution certifying those costs to the county.

BWSR has confirmed that the amendment does qualify as a minor plan amendment and the next steps are the current public meeting and approval by the county.

#### Public Notice

In compliance with state statutes for minor plan amendments, public notice was published in local newspapers of the member cities 14 and 7 days prior to the public meeting. Public notice was also posted on the Commission's website and posted for public view in the city of Golden Valley.

#### Public Comment

? Terrie Christian stated that the Association of Medicine Lake Area Citizens sent a letter to Plymouth after a public meeting was held concerning the water quality improvements. AMLAC expressed a concern with the low amount of sediments removed from BC-107. Ryerson Steel was approached for consideration of Plymouth building on their parking lot and Ryerson said they are planning to consolidate some of their operations and will most likely need the parking for additional staff. It has been observed that the parking lot north of the south pond is rarely full. At the Plymouth public meeting, a city council member recommended that the pond be extended into that parking lot and AMLAC supports that recommendation. AMLAC sees the lake being destroyed by sedimentation and wants the water quality ponds to be as efficient as possible. In the BC-98 area, AMLAC supports constructing both ponds so that the maximum amount of sediment is removed from the lake. AMLAC submitted a letter to the city of Plymouth in May and is scheduled to meet with the city on July 22, 2003 to discuss these issues. AMLAC also supports the Commission's help in funding these water quality improvements.

Mr. Welch asked when does the Commission cease to be involved in the process of the projects.

Mr. Kremer said the city will hire a consultant to do the plans and specifications, etc. If there is a major change, Plymouth will come back to the Commission and present the change to the Commission for approval. Mr. LeFevere added that if this project moves forward, the Commission will enter into a contract with Plymouth for the city to construct and the costs will be reimbursed later. Mr. Quanbeck said, assuming the project is approved at the Commission's August meeting, construction of the project would begin November or December 2003 and most likely be completed in 2004. If there are significant changes to the project scope, especially if negotiation is involved, construction of the project could be delayed until early 2004.

Mr. Hanson asked what Plymouth's thoughts are concerning AMLAC's recommendation to make the holding pond larger by using some of the parking lot for the swimming beach. The Plymouth park department is concerned about reducing the parking and adding extra costs to the project. The parking lot is shared parking with Ryerson, which would require negotiation that may delay the project; however, the city is open to the possibility.

Ms. Christian commented that with the amount of sedimentation going into the lake (47,000 lbs. from BC-107 and 120,000 lbs. from BC-98), the Plymouth plan included the recommendation for selected dredging to be done at certain sites.

- ? Mayor Loomis asked what publications contained the Public Meeting notice and if the member cities were notified of the Public Meeting. The Public Meeting (as required by state statute) is noticed differently than a Public Hearing according to the Joint Powers Agreement. The *Sun Newspapers* carried the Public Meeting notice for the member cities and the Finance and Commerce carried the legal notice for Minneapolis. Member cities were not noticed directly other than through the local newspapers and the Commission’s website. According to the Joint Powers Agreement, member cities are noticed directly for Public Hearings.
  
- ? Ms. Black asked what takes place at the County hearing and is the Commission requesting a specific dollar amount. Will the county specifically approve the \$880,000 or approve the ability to levy a tax? Ms. Black asked the question because if modifications are necessary after determining that the removal efficiency is not sufficient, the costs may increase to achieve efficiency. When does Plymouth need to have that final dollar amount? Mr. LeFevere said the county would be approving the minor plan amendment, which includes county funding. The Commission will need to adopt a resolution requesting and directing the County to levy the specific amount prior to October 1, 2003. Ms. Christian asked if the costs of dredging the sediments should be included in this approval process or is the dredging separate from building the ponds. Mr. LeFevere said if dredging was not defined as part of the minor plan amendment, it cannot be included as part of this approval process. It could be a minor plan amendment to the Second Generation Plan Capital Improvements Program later. Mr. O’Toole asked if dredging is a routine maintenance procedure. Mr. Kremer said that historically, dredging was performed by three parties (the city, Hennepin County, and the Minnesota Department of Transportation).

After public comment was received, Chair O’Toole closed the Public Meeting at 12:35 p.m.

**Financial Statements**

Mr. Hanson presented the Treasurers Report as of July 17, 2003. The current balances are as follows:

Checking Account Balance	
Investment Account	\$328,810.67
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$328,810.67</b>
Construction Account Balance	\$652,030.05
Commercial Paper (due 9/16/03)	298,832.33
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
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
<b>TOTAL CONSTRUCTION ACCOUNT BALANCE</b>	<b>\$1,836,818.28</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 Kennedy & Graven for legal services during the second quarter 2003 (through May 31, 2003) in the amount of \$1,391.50.

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

2. An invoice was received from Barr Engineering Company for professional services during the period June 7, 2003 through July 4, 2003, in the amount of \$27,522.20.

Mr. Hanson 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.

## ***Communications***

*Chairman:*

1. An e-mail communication was received from the Minnesota Department of Natural Resources commenting on the Minor Plan Amendment.
2. Correspondence was received from the Minnesota Board of Water and Soil Resources approving the changes proposed to the 1990 BCWMC Watershed Management Plan concerning the water quality projects of Medicine Lake and that the changes constitute a minor plan amendment to the plan.
3. The Commission engineer prepared a memorandum concerning the effects of the recent rainfall in the watershed. Mr. Kremer will discuss the memo later during the meeting.
4. A communication was prepared by Karen Chandler, Barr Engineering Co., concerning the current planning process procedure for the Second Generation Plan.
5. Chair O'Toole had a discussion with Sue Sanger, city of St. Louis Park city council member, concerning background information on the Second Generation Plan that she could bring to an upcoming city council work session.

*Citizen Input on Non-Agenda Items:*

1. Ms. Christian said a citizen reported clear cutting on a steeply graded slope area on Medicine Lake that was affected by the recent rainfall where erosion was occurring and sediments were entering the lake from this area. The citizen contacted Shane Missaghi, city of Plymouth, and was then referred to Ms. Christian. Because this is private property, the city cannot do anything about the situation. Ms. Christian offered the University of Minnesota Extension Best Management Practices that includes valuing shoreline trees as a resource to share with the citizen's neighbor. Ms. Christian asked if there is anything the Commission can do to communicate prevention of this type of clear cutting that can cause erosion on new and existing development in the future.

The second generation plan addresses erosion generally and enforcement is primarily a municipal function. Mr. LeFevere said the Commission does not have anything specifically in place. Mr. Kremer recalled one of the second generation plan advisory groups (either Policy or Technical) talk about the

need for the ability of the Commission to act if there were an emergency and recalled something stated to that effect in the plan. Ms. Black said the Commission review draft of the Second Generation Plan (July 2003) states on page 6-2, E., "The member cities must adopt, administer, implement and enforce ordinances addressing erosion and sediment control, including the permitting and inspection of such controls. These ordinances must also address erosion and sediment control at individual building sites."

Mr. Welch also suggested looking into what role the County plays in setback requirements of lake land. Ms. Thornton asked if the Minnesota Department of Natural Resources has any regulations concerning this type of erosion. Mr. Quanbeck said that Plymouth does not limit homeowners to remove trees or brush unless it is new development. Plymouth does have ordinances addressing erosion on private property, but Mr. Quanbeck could not comment without looking at the site.

2. The Association of Medicine Lake Area Citizens has a website through the Minnesota Lakes Association where AMLAC is publishing its monthly meeting minutes and newsletters as well as other educational information. Ms. Christian asked if BCWMC would like to be linked to the website.

Mr. Welch suggests setting guidelines for these types of requests that includes how it relates to water quality in the watershed area as determined by the Commission and then examine on a case-by-case basis. Since this site is specific to Medicine Lake watershed area, it would meet the guideline.

Mr. Yaeger moved and Ms. Thornton seconded the motion to approve the AMLAC link to and from the BCWMC website with the disclaimer that the user is exiting the official BCWMC website and linking to offsite websites. Carried unanimously.

*Counsel:*

No communications.

*Corps of Engineers:*

No communications.

*Commissioners:*

1. Mr. Andersen stated that the city of St. Louis Park has no objections to the 2004 budget.
2. Mr. Andersen said the city of St. Louis Park staff and city council members had a work session to discuss recent events in the Commission, specifically the Second Generation Plan and the capital improvements program funding. The city council supports where the Commission is heading with the plan. Chair O'Toole extended the invitation to all the member cities to request his and/or Commission staff attendance at city council work sessions.
3. Mr. Andersen introduced Sally Velick, Alternate Commissioner for the city of St. Louis Park. Ms. Velick has attended a previous Commission meeting and will be sitting in for Mr. Andersen for the remainder of this meeting.
4. Mr. Welch reported on his presentation to the Bassett Creek Valley Redevelopment Oversight Committee. This organization consists of citizens and business groups. The purpose of the group is to discuss the redevelopment of the Bassett Creek Valley, which is the area north and somewhat west of the new tunnel. Mr. Welch gave the group some background information and overview of the BCWMC. They were interested in what kind of oversight the Commission may have on new development in the

Bassett Creek Valley area. Chair O'Toole asked Mr. Welch to invite the group's members to attend a Commission meeting if they are interested.

5. Mr. Welch reported on the TMDL Challenge that took place on June 24. A number of commissioners and staff attended the conference. Governor Pawlenty was a featured speaker and he announced the organization of a new Water Cabinet. At this point, the Minnesota Environmental Initiative has taken on the design management operation of a stakeholder involvement process that will bring together differing positions, opinions, and perspectives on the implementation of the TMDL requirements of the Clean Water Act. The outcome of these meetings will result in a policy framework (around January or February 2004) that will be submitted to the Minnesota Pollution Control Agency for review and proceed to the Governor. The policy framework will form the legislative proposal to be presented to the state legislature in spring 2004.

The policy work group will meet a number of times over the next six months. Ray Bohn, Minnesota Association of Watershed Districts, is a member of the group, as well as environmental, business, and state government representatives. Underlying the policy work group will be a partners group consisting of policy work group members, watershed organizations, soil and water conservation districts, nonprofit organizations, etc. The partners group will review the work of the policy work group and further refine the policy framework. Finally, in January 2004, a larger group will come together (similar to the June 24<sup>th</sup> meeting) that will be open to wider participation to review the work of this committee. Mr. Welch will continue to update the Commission of the progress of the TMDL policy framework.

Ms. Christian said that MPCA Commissioner Sheryl Corrigan asked to be invited to lake associations meetings and AMLAC has invited her to attend their August meeting (3<sup>rd</sup> Wednesday). The meeting will start at 7:00 p.m. Contact Ms. Christian for the location of the meeting if interested in attending.

*Engineer:*

1. Mr. Kremer reported that a TMDL conference would take place in August at Concordia College discussing how organizations can work together to incorporate TMDLs effectively.
2. The Federal Emergency Management Agency recently sent out a notice of a flood summit to take place on August 27, 2003, at the Radisson South Hotel in Bloomington. The purpose of the summit is to discuss reducing flood damages in Minnesota. Minnesota has received \$600 million in disaster assistance and \$95 million in payouts from flood insurance over the last 10 years.
3. A request was received from the Association of State Floodplain Managers asking if the Commission would consider nomination for a no adverse impact (NAI) case study. The ASFPM will be selecting 10 organizations nationally as examples of those who effectively implemented no-adverse impacts policies. The Commission was selected as one organization that historically has had policies in place that prevented additional floodplain damages from occurring by setting up a comprehensive floodplain management plan and the water quality policy on new development. No costs were associated with the submittal and Mr. Kremer said it would be a source of recognition for the Commission.

## ***New Business***

1. June 24-25, 2003 Rainfall Event. A memorandum was drafted for the Commission review summarizing the effects of the recent rainfall that occurred on June 24 and 25. A number of phone calls have been received from local citizens. The amount of rainfall that fell was a significant rainfall event, second to the 1987 rainfall event. The rain gauge at the WOMP station (conduit entrance) recorded 4.7 inches in 3 hours, which is almost 1 inch greater than a 100-year event. Plymouth recorded 6.7 inches. It was not

uncommon for 6 inches to be recorded. One location reported 4.7 inches in the city of Golden Valley. It was greater than a 100-year rainfall event across the watershed. In 1987, the rainfall recorded was greater than a 500-year event. The draft memo included a comparison of watershed elevations for this flood versus the 100-year flood level at the various locations and the 1987 storm. The only structures receiving damage along the channels (e.g., Plymouth Creek, North Branch, Main Stem) were those located downstream of Highway 100 that are included in the floodproofing program, but have not been floodproofed yet. The homeowners that recently floodproofed their homes contacted the city of Golden Valley letting them know that their homes were dry.

Mr. Quanbeck reported some small areas in Plymouth where approximately 20 homes, 2 apartment buildings, and 1 business were flooded, but none of the structures were located along the main creeks such as Bassett or Plymouth creeks. Mr. Deblon reported one major washout occurrence in Robbinsdale at the Burlington North Railroad. Mr. Hanson said there was a 3-foot rise on Sweeney Lake that occurred because of the original 50-year-old, 36-inch culvert from the Courage Center that restricts the flow coming out of the lake. Mr. Hanson asked the Commission engineer to review the models to determine if anything can be done upstream and downstream if the culverts on the Courage Center property are opened.

2. **Pump House 14 & 15: Plymouth.** Two pump houses are proposed by the city of Plymouth located adjacent to floodplain areas along the North Branch. There are minor encroachments in the floodplain (0.3 acres for Pump House 14 and 0.1 acre-feet for Pump House 15). Mr. Kremer recommends approval contingent on conditions stated in the engineer's memorandum to the Commission.

Ms. Thornton moved and Mr. Vander Top seconded the motion to approve the project contingent on the recommendations stated in the engineer's memo to the Commission. Carried unanimously.

3. **6515 Plymouth Avenue: Golden Valley.** This is a proposed channel protection for a residence in the city of Golden Valley. In the future, Mr. Kremer said more of these types of proposals would be forthcoming because there are areas along the creek where sustained flows as a result of the recent rainfall have caused erosion. In this case, the applicant is asking that a wall previously constructed be replaced by riprap along 100 feet of shoreline in accordance with the Minnesota Department of Natural Resources recommendations. Mr. Kremer recommends approval contingent on a number of conditions stated in the engineer's memorandum to the Commission.

Mr. Hanson moved and Ms. Velick seconded the motion to approve the project contingent on the recommendations stated in the engineer's memo to the Commission. Carried unanimously.

4. **Annapolis Office Park: Plymouth.** This project is the construction of six office buildings located adjacent to Plymouth Creek. Grading will occur on 4.1 acres of the 6.5-acre site with minor encroachment into the floodplain. Mr. Kremer recommends approval contingent on a number of conditions stated in the engineer's memorandum to the Commission.

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

5. **Meeting Time Change Request.** Ms. Black recommended the Commission consider discussing the subject of moving the Commission meeting time to 4:00 p.m. to accommodate schedules. Chair O'Toole said times and locations have been discussed in the past and it may be timely to discuss the topic again. It will be added to the August agenda.
6. **Scotts Fertilizer Update.** Ms. Black was recently contacted by Manchester County, New York, for information about Minnesota's zero-phosphorus ordinance and how it is handled at the local level.

Ms. Black said that Manchester County is also having problems getting the manufacturers to put the zero-phosphorus fertilizers on the shelves. Ms. Black was told that Scotts will be discussing a zero-phosphorus fertilizer and that Minnesota is cited for their reason to consider the change. Ms. Alison Fong said that Scotts currently has a zero-phosphorus fertilizer, but does not offer a zero-phosphorus weed and feed fertilizer.

## **Old Business**

1. **St. Joseph Church Expansion & New Hope Regional Pond BC-P2.3: New Hope.** The city of New Hope is requesting a 2-year delay in implementing the Commission's water quality requirements for the renovation at St. Joseph Church so that the project can proceed after the Commission's approval of its Second Generation Plan. As part of this project, the city is proposing to construct a regional pond. The regional water quality pond would treat not only the church's proposed expansion, but also treat additional offsite property. New Hope and St. Joseph Church would participate together to build a facility that would treat both the offsite and church property runoff. This location was identified in the Commission's Northwood Lake Management Plan as one of the regional sites for treatment for runoff prior to entering Northwood Lake and listed on the draft Second Generation Plan's capital improvements program. If the Commission does not approve of the delay in construction of the regional pond until after the Second Generation Plan is approved, the pond would be built by the church at a lower volume and would treat the church's runoff only.

The Commission has delayed implementation of water quality requirements in the past - a development for Cub Floods located southeast of T.H. 100 and 36<sup>th</sup> Avenue North in Crystal where additional storage was provided at Bassett Creek Park and construction took place a year or two later. Similar cases have taken place in the city of Plymouth where developers contributed toward the construction of regional facilities that were constructed a couple of years after the project was constructed.

Discussion followed. Mr. Hanson asked where would the outflow go during the 2 years. Mr. Kremer said the runoff would be tributary to existing city systems. Mr. Vander Top added that the regional pond is identified in the Commission's Northwood Lake Management Plan and New Hope's surface water management plan. The pond serves a significant tributary area and all the stakeholders agree that the regional pond is the right solution. The regional pond was previously discussed in conjunction with the Hidden Park improvements. Some of the ponds identified in the CIP have been constructed and are near completion.

Sonneyson School redid their parking lots last year in conjunction with the Hidden Park improvements. Some of the school's water quality improvements were handled as part of the Hidden Park improvements, but the water quality improvements for the Sonneyson School parking lot adjacent to the proposed regional pond area were not constructed to the Commission's Level II requirements. At that time, Sonneyson agreed to participate financially in the construction of this regional pond. Last year, New Hope was aware that the church may be proposing an expansion and approached the Commission requesting a delay in constructing the water quality improvements at Sonneyson until the church expansion was completed. An additional phase of development is property owned by St. Joseph Church that the church is proposing to sell as residential property. This phase will also rely on the regional pond.

From a construction efficiency standpoint, it would be more efficient to build this regional pond with the grading required for the residential development. The city is proposing that the Commission allow St. Joseph Church to expand their building and the church will set aside dollars in an escrow for their portion of the regional pond. St. Joseph agreed to dedicate the property through easement for the future regional pond. If the residential development occurs prior to the Second Generation Plan

approval, New Hope may be faced with constructing the regional pond prior to CIP funding is available. Since St. Joseph is constructing the building this fall, the city of New Hope would approach the Commission prior to this fall for the construction of the pond outlet improvements.

The church wants to sell the residential property to a developer now so that the funds can be used in the expansion project. In terms of the city's request to the Commission at this time, the city is requesting approval of the St. Joseph's expansion with the condition that the regional pond be constructed in a 2-year timeframe. Erosion control measures will need to be in place during the construction of the expansion. Ms Christian asked what the church would be doing with the runoff from the parking lot and if rain gardens could be used. Mr. Vander Top said the church agreed with New Hope's suggestion to create a construction sediment basin at the end of the storm sewer creating a place for frequent maintenance during construction. Mr. Guy Johnson, Director of Public Works for New Hope, added that in the interim prior to constructing the regional pond, the water will continue to flow under 36<sup>th</sup> Avenue and into a small sediment pond.

Mr. Vander Top moved and Mr. Yaeger seconded the motion to approve the project and the 2-year delay in implementing the Commission's water quality improvements contingent on the recommendations stated in the engineer's memorandum to the Commission. Carried unanimously.

2. **Second Generation Plan Update.** A review draft of the Second Generation Plan was sent to the commissioners, the BCWMC Technical Committee, and the Policy Advisory Group. The Commission will conduct a Commission review of the draft plan at its August 21<sup>st</sup> meeting. After the Commission has reviewed and commented on the plan, recommended changes will be made to the plan and it will be sent to the reviewing agencies for the start of the formal review process. The Commission engineer prepared a memo that was distributed at this meeting for the Commission's information that describes the review process step-by-step.

As background, the plan is prepared to meet state rules and those rules state what has to be addressed in the plan. Many issues covered in the plan were addressed prior to the start of the plan process by asking many of the review agencies for critical issues that needed to be talked about in the plan. The process began with a letter to the regulatory agencies requesting their comments. The Minnesota Department of Natural Resources, the Metropolitan Council, and BWSR submitted letters with specific concerns necessary to be included in the plan. A planning handbook was prepared that includes the planning process, the letters received from the regulatory agencies, state rules, etc. The issues needing to be addressed according to the state rules and the regulatory agencies were separated and assigned to the various advisory groups. As a result, the groups provided input to the plan.

Chair O'Toole commented that when the Second Generation Plan process started, the issue of gathering input was solved by establishing the various advisory groups (Policy, Technical, Citizens, and Steering). At the time, many commissioners participated in this process by being members on one or more of the advisory groups. The purpose of the groups was to solicit a wide input and to work through some of the technical and policy issues early in the process so that when the plan was written, most of the issues were settled.

Chair O'Toole asked the commissioners to submit the comments to the Commission engineer and address those comments at the Commission's August meeting. A good example would be Ms. Christian's concern regarding erosion control on developed properties, and although the plan addresses erosion in some detail, should the plan be more specific.

Ms. Thornton asked if there could be a brief summary of each plan section. Chair O'Toole agrees that may be beneficial and asked Mr. Kremer to prepare a 15-minute presentation for the commissioners. In addition, to help schedule the time, about 15 minutes will be allowed for specific comment or

reaction to the presentation, and 30 minutes for additional issues. If additional time is required, the Commission will decide if the discussion should extend to another meeting or if there is enough time allowed at the August meeting to complete the discussions.

The Commission review draft of the plan can also be found on the Commission's website. Interested citizens are also invited to attend the August meeting to hear the presentation on the plan. Chair O'Toole asked that the site also provide a way of response for interested parties.

**3. Minor Plan Amendment. Mr. LeFevere reviewed the process schedule for the minor plan amendment as follows:**

- ? Adopt the minor plan amendment (after the county conducts a hearing to approve the funding - either in August or September).
- ? Conduct an improvement hearing under the state statutes, which includes a published notice in local newspapers 14 and 7 days prior to the hearing – August or September.
- ? Conduct a public hearing under the Joint Powers Agreement to the member cities of a water quality improvement (45-day notice) – September. (This hearing can be combined with the improvement hearing.)
- ? Adopt a resolution on the water quality improvements in compliance with statutory requirements under the JPA for the contents of the resolution.
- ? Adopt a resolution certifying the County tax – by October 1, 2003.

Mr. LeFevere recommends the Commission direct the staff to prepare the appropriate notices and publications of notice for the hearing on the minor plan amendment to be conducted at the Commission's September 21, 2003 meeting.

Mr. Quanbeck added that the timing of the process will extend the schedule out and asked if the city of Plymouth could begin on the projects' survey and design portions prior to the public hearing and would it still be reimbursable from the Commission even though the formal hearing has not been conducted. Mr. LeFevere recommended that the Commission adopt the minor plan amendment at the Commission's August meeting qualifying the project for funding and refunding by the time the public hearing is held in September.

The Commission directed the Commission staff to prepare the appropriate notices and publications of notice for the minor plan amendment.

## ***August Meeting***

**1. The following agenda items are scheduled for the Commission's August meeting:**

- Minor Plan Amendment – adopt resolution
- Informal Review of Second Generation Plan
- Meeting Time Discussion

## ***Adjournment***

It was moved by Ms. Langsdorf and seconded by Ms. Thornton to adjourn the meeting. Chair O'Toole adjourned the meeting at 2:00 p.m.

\_\_\_\_\_  
John O'Toole, Chair

\_\_\_\_\_  
Pat Schutrop, Recorder

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

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

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