

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of May 19, 2011

### 1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:41 a.m., on Thursday, May 19, 2011, at Golden Valley City Hall by Chair Loomis. Ms. Herbert conducted roll call.

#### Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf	<i>Administrator</i>	Geoff Nash
<i>Golden Valley</i>	Commissioner Linda Loomis, Chair	<i>Counsel</i>	Charlie LeFevere
<i>Medicine Lake</i>	Commissioner Ted Hoshal	<i>Engineer</i>	Karen Chandler
<i>Minneapolis</i>	Commissioner Michael Welch, Treasurer	<i>Recorder</i>	Amy Herbert
<i>Minnetonka</i>	<i>Absent</i>		
<i>New Hope</i>	Commissioner John Elder		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	<i>Absent</i>		
<i>St. Louis Park</i>	<i>Absent</i>		

Also present: Caroline Amplatz, Caroline's Kids Foundation  
Derek Ashe, BCWMC Technical Advisory Committee, City of Plymouth  
Jeannine Clancy, BCWMC Technical Advisory Committee, City of Golden Valley  
Jack Frost, Metropolitan Council Environmental Services  
Rebecca Forman, Braun Intertec  
Ted Gattino, Blue Wing Environmental for Mid-West Floating Islands  
Christopher Gise, Watershed Resident  
Dave Hanson, Alternate Commissioner, City of Golden Valley  
Len Kremer, Barr Engineering Company  
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal  
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale  
Joseph O'Brien  
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka

### 2. Approval of Agenda and Consent Agenda

Commissioner Black moved to approve the Consent Agenda and the Agenda. Commissioner Elder seconded the motion. The motion carried unanimously with six votes in favor [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

### 3. Citizen Input on Non-Agenda Items

Rebecca Forman of Braun Intertec Corporation (Braun) stated that she wanted to raise awareness about the proposed brush removal at the beach area at Twin Lake. She said that she had been to the site during the Twin Lake Tour and Vegetation Management meeting that was put on by the Minneapolis Park and Recreation Board (MPRB) on April 21, 2011. She said that at the meeting the Minneapolis Park and Recreation Board discussed what it was planning to do. She said that the plan was to remove all brush that had a diameter of less than two inches in order to be able to provide law enforcement with a clear line of sight down to the beach area. Ms. Forman said that she understands the desire for a clean line of sight but she is concerned about the potential impacts of the brush clearing plan such as erosion and further sedimentation of Twin Lake, which could contribute to a problem with Twin Lake water clarity issues.

Ms. Forman stated that she provided a handout today to the Commission that was a copy of the letter that Braun wrote and provided to the MPRB and that stated Braun's concerns. She said that additionally she was at the lake yesterday and saw that the temporary erosion and sediment control was not installed correctly. She said that she was really concerned that the incorrect installation would exacerbate the sediment going into the lake. Ms. Forman added that the temporary sediment control would not be functional in any sense of the word in the manner in which the control has been installed. She provided the Commission with pictures of the control and with the Minnesota Department of Transportation (Mn/DOT) specification on how to install biorolls properly. Ms. Forman went through the details of the proper installation of biorolls.

Chair Loomis added that she also attended the tour of the beach area at Twin Lake and that she has been in contact with the MPRB. She said that she had heard that the MPRB had originally planned to remove brush with a brush hog but since several residents expressed their concerns with that approach, the MPRB has decided that it would bring in a conservation corps group to hand-remove the brush instead of using the brush hog. She said that the City of Golden Valley would also be addressing with the MPRB the erosion control issues and that she had talked to MPRB staff Andrea Weber about the MPRB working with the BCWMC regarding a possible BCWMC CIP project for erosion control or stabilization of the bluff above the beach at Twin Lake. Chair Loomis reported that Andrea Weber has been in touch with Administrator Nash about the potential project. Chair Loomis commented that she had heard from Andrea Weber that the MPRB had hired Braun Intertec as one of the consultants.

Caroline Amplatz stated that through her Caroline's Kids Foundation she has hired Braun Intertec as her personal expert and that she pays all of Braun's fees for the work it does on her behalf. She added that the residents of Hidden Lake are not in favor of the brush removal project. She said that the residents of Twin Lake haven't been consulted on the project. Ms. Amplatz said one of the ideas the residents have heard about is the idea of making the beach public and building a trail down to the beach so that the police can get to the beach. She communicated that the residents do not want the beach to be made public or to have a trail built to the lake as she doesn't think the lake is big enough to handle it. She said that E. coli testing of the lake has been undertaken on her behalf and that there are no public restrooms at the site.

Ms. Amplatz said that the residents want the crime in the Twin Lake beach area to be monitored. She commented that Hidden Lakes is twenty percent of the tax base in Golden Valley and she knows that several residents plan to petition the City of Golden Valley to have their taxes reduced because there is no quiet enjoyment of the property. Ms. Amplatz clarified that the residents do not support a public beach and do not support clearing of the brush and instead do support getting rid of the crime such as by more patrolling of the beach area by the Golden Valley police. She said the residents do support a buckthorn removal project in the area of the beach that would remove only buckthorn. She said that she as well as many residents on the island at Hidden Lakes have privately funded the removal of buckthorn on their property and have gone through the proper permitting procedures.

Administrator Nash said that he had handed out today a map provided by Andrea Weber of the MPRB that illustrates a wish list of what the MPRB would like in the Hidden Beach area. He described some of the items illustrated and he said he has asked Andrea Weber to provide details about a possible erosion and bank restoration project in the beach area, which the Commission and its technical advisory committee (TAC) could consider as a possible future project to add to the BCWMC's Capital Improvement Program (CIP).

Kari Geurts asked the BCWMC for the contact information for Andrea Weber and Administrator Nash asked her to e-mail him with her request.

Commissioner Welch said that the immediate issue in front of the Commission is the installation of the erosion control measures and asked if someone from the City of Golden Valley is following up on the issue or if the Commission should contact the MPRB to inform them that the control is substandard. Ms. Clancy commented that Andrea Weber went directly to the Administrator of the BCWMC as opposed to going to the City of Golden Valley and said that the City could follow up but needs direction from the BCWMC regarding what it considers the City's role to be in this process. Commissioner Welch directed Administrator Nash to follow up with the Commission Engineers and to work it out with the City of

Golden Valley. Commissioner Black asked that Administrator Nash communicate with the MPRB about its project timeline and to bring a representative of the MPRB in front of the Commission at its next meeting to update the Commission on the project and to provide details.

Ms. Amplatz asked if the Commission agrees that the removal should begin with only removing buckthorn. Commissioner Black said that no, there isn't agreement on that issue but that the Commission would like the MPRB to come in front of the Commission to discuss the plans for the vegetation removal, after which the Commission could discuss the direction it would like the MPRB to take. Ms. Amplatz commented that she asked the MPRB if it had consulted the Commission regarding the brush removal and that the MPRB said that no, it hadn't and that based on its understanding it did not need to consult the Commission.

Commissioner Welch thanked Ms. Forman and Ms. Amplatz for bringing the issues to the Commission's attention.

## 4. Administration

- A. Presentation of April 21, 2011, Meeting Minutes. The meeting minutes were approved at part of the Consent Agenda.
- B. Presentation of Financial Statements. The May Financial Report was received and filed as part of the Consent Agenda.

The general and construction account balances reported in the May 2011 Financial Report are as follows:

Checking Account Balance	\$642,547.63
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<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$642,547.63</b>
Construction Account Cash Balance	2,415,451.10
Investment due 5/13/2015	508,918.39
Investment due 9/16/2015	512,059.83
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<b>TOTAL CONSTRUCTION ACCOUNT BALANCE</b>	<b>3,436,429.32</b>
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<b>-Less: Reserved for CIP projects</b>	<b>4,865,112.45</b>
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<i>Construction cash/ investments available for projects</i>	<i>(1,428,683.13)</i>

- C. Presentation of Invoices for Payment Approval.
  - i. Kennedy & Graven – Legal Services through 3/31/11 – invoice for the amount of \$4,057.58.
  - ii. Barr Engineering Company – Engineering Services through 4/29/11 – invoice for the amount of \$54,724.42.
  - iii. Watershed Consulting, LLC – Geoff Nash Administrator Services through 4/30/11 – invoice for the amount of \$3,736.50.
  - iv. Amy Herbert – April Administrative Services – invoice for the amount of \$3,328.96.
  - v. D'amico- ACE Catering – May BCWMC meeting catering – invoice for the amount of \$362.00.
  - vi. Judy Arginteanu – Education Articles – Education and Public Outreach – invoice for the amount of \$300.00.

- vii. City of Plymouth – Three-part Education Display – Education and Public Outreach - invoice for the amount of \$106.82.
- viii. Hamline University – 2011 WaterShed Partners Participation – BCWMC’s 2011 budget allocated \$3,500.00 for this watershed partnership.
- ix. MMKR – Progress billing for fiscal year 2010 audit – invoice for the amount of \$3,350.

Ms. Chandler requested the removal of invoice 4Cii - the Barr Engineering Company invoice - since Barr Engineering had discovered that certain items within the invoice had been mislabeled. She said that Barr Engineering would correct the invoice and would resubmit it next month. Commissioner Langsdorf requested the removal of invoice 4Cviii - the Hamline University invoice - from the roll call vote so that the Commission could discuss it. Commissioner Black moved to approve payment of remaining invoices. Commissioner Welch seconded the motion. By call of roll the motion carried unanimously with six votes in favor [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

Ms. Langsdorf clarified that the BCWMC had budgeted \$3,500 for its watershed education partnership for WaterShed Partners for 2011 and stated that \$2,000 should be directed to the WaterShed Partners media campaign and \$1,500 should be directed to the general support for WaterShed Partners. Commissioner Langsdorf moved to approve payment of the Hamline University invoice. Commissioner Black seconded the motion. By call of roll the motion carried unanimously with six votes in favor [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

- D. Approve and Authorize Distribution of Final BWMC 2010 Annual Report. Commissioner Black moved to approve the final report and its distribution. Commissioner Elder seconded the motion. The motion carried unanimously with six votes in favor [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].
- E. Receive and File and Authorize Distribution of BCWMC’s 2010 Financial Audit. Commissioner Black moved to receive and file the final audit and to distribute it as required. Commissioner Welch seconded the motion. The motion carried unanimously with six votes in favor [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].
- F. Execute Contract with the Metropolitan Council Environmental Services for 2011 CAMP Participation. Ms. Herbert stated that Commissioner Hoshal had noted prior to the meeting that last month the Commission had agreed to add the funding of the CAMP monitoring for 2011 of Hidden Lake but that the lake was not included in the contract. Ms. Herbert said that the contract in front of the Commission would need the Commission to strike out the reference to Parkers Lake and to add the reference to the second site on Medicine Lake to the contract’s list of lakes in the monitoring program that will be sponsored by the BCWMC in 2011 and she explained that Brian Johnson of the Metropolitan Council Environment Services had communicated that the Commission should handle the change in that manner. She said that the Metropolitan Council will need to prepare a contract amendment to add Hidden Lake as the eighth monitoring site being sponsored by the BCWMC in 2011 and asked that the Commission authorize the Chair to execute the amendment administratively when the Commission receives the contract.

Ms. Langsdorf added that as the Commission discussed at its last meeting the Education and Public Outreach Committee had not budgeted enough funds to monitor eight lakes and to purchase additional monitoring kits. Ms. Herbert summarized that the BCWMC had budgeted \$3,500 for the 2011 CAMP program and that the Commission has approved spending an anticipated \$4,700 for the 2011 CAMP program and that last month the Commission approved using funds from the BCWMC’s Demonstration/ Education Grant budget to cover the difference.

Commissioner Black moved to approve executing the contract with the Metropolitan Council Environmental Services with the change to the contract regarding Parkers Lake and the Medicine Lake second site and to authorize the Chair and staff to handle the execution of the contract amendment regarding Hidden Lake. Commissioner Elder seconded the motion. The motion carried unanimously. Commissioner Welch remarked that he had not received a copy of the

contract. Ms. Herbert commented that the contract was not part of the hard copy of the packet because it was received after the packet was mailed out but that it was distributed to the Commission electronically prior to the meeting. Commissioner Black asked if Counsel had reviewed the contract. Mr. LeFevere responded that he had reviewed it. Commissioner Welch commented that it is a matter of organization in terms of the Commission receiving the hard copies of the meeting materials before the meeting. The motion carried unanimously with six votes in favor [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

- G. Discuss Contract for 2011 and 2012 Engineering and Technical Services. Mr. Kremer described the contract and changes presented in the fee schedule. Commissioner Black said that she will not be supporting any cost increases. Mr. Kremer commented that Barr Engineering Company continuously tries to involve its younger staff that typically bill at lower fee levels as makes sense and that the changes indicated in the fee schedule information provided to the Commission should not affect the BCWMC's Engineering budget.

Commissioner Welch remarked that he is well aware of the budget financial constraints of the member cities but added that he didn't see that connection between the Barr Engineering proposed fee schedule and the BCWMC budget. He said that he reviewed the contract and supporting documentation from Barr Engineering in detail and that he did not find a basis to deny the contract.

Commissioner Black moved to approve the BCWMC continuing the current contact between the BCWMC and Barr Engineering Company for another two years. The motion was not seconded. Commissioner Welch moved to approve the contract with Barr Engineering Company for engineering and technical services as proposed. Commissioner Hoshal seconded the motion. The motion carried with five votes in favor (Cities of Crystal, Golden Valley, Medicine Lake, Minneapolis, and New Hope) and one vote against (City of Plymouth). [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

- H. Execute Contract with Hennepin County Environmental Services for 2011 River Watch Participation. Commissioner Black moved to approve the contract with Hennepin County Environmental Services for participation in River Watch in 2011. Commissioner Langsdorf seconded the motion. The motion carried unanimously with six votes in favor [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

## 5. New Business

- A. Minneapolis Park and Recreation Board Request for Financial Involvement with an Emergency Trail Repair at the Wirth Lake Treatment Basin. Mr. Kremer described the location of the site and described the ponding area on the west side of Wirth Lake. He explained that the outlet structure at the site was constructed in 2006 for the purpose of expanding the storage capacity of the pond. He stated that the project was constructed by the MPRB and the City of Minneapolis and that the BCWMC and the City of Golden Valley also participated in the cost of the project. Mr. Kremer described the basin's control structure and box culvert design as well as the difference in the water levels between the upstream and downstream sides of the box culvert. He explained that the organic backfill material adjacent to the box culvert appeared to have settled over time, allowing a void to develop adjacent to the box, which permitted water to flow through that subsequently caused erosion of the material around the box. Mr. Kremer said the result is that the erosion caused the trail bed to lose its foundation and the trail settled into the void. He said the solution for avoiding this type of erosion is using compacted impervious fill around the box culvert or installing a granular filter drain to convey seepage.

Mr. Kremer recommended that a drain be installed in the downstream side of the box culvert and that the backfill be excavated away from the box culvert and re-installed. He said that the MPRB has requested that the contractor currently working on the MPRB's trail improvement project provide the MPRB with a proposal for the repair. Mr. Kremer said the MPRB offered to provide a copy of the plan to the BCWMC.

Mr. LeFevere added that he had talked to Andrea Weber of the MPRB about this situation. He reported that the MPRB has a contract in place on an existing and currently ongoing project and that this issue needs to be fixed so that the other project can continue. He said that the MPRB has requested proposals from SEH, Inc., which is the MPRB's on-site contractor, and WSB, which designed the control structure. He said that the MPRB will review the two proposals, will select one, and is requesting that the BCWMC authorize its staff to review and comment on the design. Commissioner Welch asked if the MPRB is proposing this additional work as a change order to the current project. Mr. LeFevere said the MPRB is considering it as a possibility.

Ms. Clancy asked if it has been determined whether the project was built in accordance with the plans and specifications. Mr. Kremer said it cannot be determined whether it has been built in accordance with plans and specifications until the excavation has occurred. She asked who performed the inspection during the construction. Mr. Kremer said that as he understands it the construction was done primarily by the MPRB. Commissioner Black asked for clarification on what the Commission is being asked to do at this point in time. Mr. LeFevere responded by saying that the MPRB is asking the BCWMC to authorize its staff to review the design plan. Commissioner Welch asked if the Commission Engineer anticipates the review taking five to ten hours of the Engineer's time. Mr. Kremer said yes, it should take about that much time.

Commissioner Welch moved to direct the Commission Engineer to review the design plans. Commissioner Elder seconded the motion. Chair Loomis asked when the Commission would be advised on whether the original project was constructed in accordance with the original design. Mr. LeFevere said that is a reasonable question for the Commission to pose especially if the MPRB comes to the Commission for funds. Commissioner Black clarified that by the Commission agreeing to review the project design that the Commission has not agreed to any kind of partnership but only has agreed to review the project design and specifications.

Mr. LeFevere said that he could write a letter to the MPRB about whether it was reasonable for this failure to have happened and to communicate that if the MPRB is considering approaching the Commission with a request for funds regarding the repair the Commission would like the MPRB to provide the Commission with an analysis of who the MPRB thinks should participate in the cost and why.

Chair Loomis suggested that a friendly amendment be made to Commissioner Welch's motion, which would include the direction to Counsel to draft a letter to the MPRB expressing the Commission's concerns as discussed. Commissioner Welch asked that the Commission Engineer also provide the Commission with an analysis of whether having a trail over this structure works or if it is a bad location for a trail. Commissioners Welch and Elder agreed to the friendly amendments. The motion carried unanimously with six votes in favor [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

- B. Discuss Draft 2012 BCWMC Operating Budget. Administrator Nash presented the draft budget that was assembled by the BCWMC Budget Committee and that was e-mailed out to the Commission earlier in the week. He detailed the changes that were made in the draft budget compared to the BCWMC's 2011 budget and pointed out that the proposed operating budget for 2012 is \$692,545 and described the proposed 2012 assessment to the cities of \$564,545. He said the reflected increase is being driven by the Commission's budgeting for the development of a watershed-wide XP-SWMM model, a P8 water quality model, and the costs of the next generation plan work in 2012. Administrator Nash described the decreases that the Budget Committee made in the draft 2012 budget compared to the current budget such as zeroing out the water quantity budget and he asked the Commission Engineer and the member cities to weigh in on that budget item.

The Commission discussed funding the watershed-wide P8 water quality model and the watershed-wide XP-SWMM models from the Commission's long-term maintenance account, which would reduce the amount of the member-cities' assessment. Commissioner Hoshal commented that perhaps the P8-model could be funded over 18 months with the contractor.

Ms. Chandler mentioned that the Commission Engineer recommends using \$10,000 out of the TMDL studies fund to help cover the 2012 costs of TMDL implementation.

Chair Loomis said that she would like information on what the remaining balance would be in the flood control fund if some of those funds were used for the two models. Mr. LeFevere said that when the Second Generation Plan was created funds were taken out of the old construction account and allocated. He said that \$500,000 went to emergency repair and \$335,000 went to long-term maintenance. Mr. LeFevere said that the source of all of those funds was the same and the use of the funds is documented in the Commission's *Watershed Management Plan*. He said that the Commission may need to go through a procedural process, such as a plan amendment, with the Minnesota Board of Water and Soil Resources (BWSR) to use those funds. Ms. Chandler said that the Commission Engineer recommends using the funds from the long-term maintenance account.

Commissioner Welch remarked that if the Commission used the long-term maintenance fund for the XP-SWMM model, used \$10,000 from the TMDL studies fund toward the 2012 water monitoring, and found a way to shift historical maintenance funds for the proposed \$135,000 for the P8 model, then the assessment to the cities would decrease to approximately \$429,000, which is less than the 2011 assessment to the cities.

Commissioner Black said it sounds like the Budget Committee and staff have direction from the Commission to look for ways to remove out of the assessment the \$135,000 proposed cost for a watershed-wide P8 model and then to bring back the proposal to the Commission. Commissioner Hoshal noted that the footnotes needed revising. Chair Loomis asked the Commission if it wanted the Budget Committee to take a more detailed look at some of the budget items that the Committee had decreased in order to make sure the budgets will fit the Commission's proposed work load for 2012. The Commission indicated yes.

Ms. Chandler recommended that the Commission not abandon its water quantity monitoring. Chair Loomis said the Budget Committee did want to hear from the cities if that information is valuable to the cities. Commissioner Black asked if that information needed to be collected annually. Ms. Chandler said that the weather from year to year cannot be predicted. Ms. Clancy said the cities do need a point to refer back to and said that if the Commission isn't going to maintain the water quantity information then who would? She said that the City of Golden Valley has utilized the data. Administrator Nash suggested that the Commission purchase transducers and install them in the eight water bodies that the Commission currently monitors. He said the transducers could take hourly readings. Administrator Nash said that the transducers are not terribly expensive and that most of the 2011 water quantity budget is basically labor and having someone do a tour of the lakes. Commissioner Welch asked if it would make sense for the Budget Committee to get input from the TAC on this budget item as well as any other budget items. Ms. Clancy said that the TAC would like some time to discuss the water quantity data collection ideas with the Commission Engineer and Administrator to talk about the most efficient way of collecting the data.

Chair Loomis said that the Budget Committee has direction from the Commission. Commissioner Black remarked that she would like to stay at last year's funding level. Ms. Chandler noted that the watershed inspections and the project inspections numbers listed in draft 2012 budget table and in the column titled Audited 2010 Actual weren't reflected accurately and that the cost of the project inspections on line 14 was between \$9,000 and \$10,000 and not the \$5,700 indicated and that the amount spent in 2010 on watershed inspections on line 13 was \$7,200. Chair Loomis clarified that Ms. Chandler was saying that for the 2012 budget the amounts budgeted for lines 13 and 14 should be flipped. Ms. Chandler said yes, they at least should be flipped.

## 6. Old Business

### A. TAC Recommendations

- i. a. Proposed BCWMC Response to Comments on the Sweeney Lake TMDL.  
Administrator Nash reported that the TAC discussed the draft response to comments and that he went and discussed the issues with the MPCA. He said he had distributed to the Commission the BCWMC's draft comments and had also distributed Brooke Asleson's comments regarding the BCWMC's draft comments. Administrator Nash said that he is looking for the Commission to approve a meeting between the Commission Engineer, Brooke Asleson, and himself regarding refining the BCWMC's comments in a way that

will limit the BCWMC's potential involvement. He said one of the issues to be worked out is regarding reasonable assurance about internal loading, which is the most critical piece of the Commission's comments. Administrator Nash reiterated that he would like the Commission's approval to engage with the MPCA on refining the BCWMC's response to comments with the assistance of Barr Engineering.

Commissioner Welch said he was trying to distinguish between what materials had been provided to the Commission for its review yesterday and new materials presented today. He asked if the Commission will be seeing a draft of the revised BCWMC comments before it gets submitted to the MPCA. Administrator Nash remarked that he didn't think that the issues were so critical that the Commission would need to see the final comments before they were sent. He said that the Commission could provide staff with direction not to give away the store or basically not to commit the Commission to things that it doesn't want to commit to and provide staff with direction that the BCWMC sticks to the language that Mr. Kremer put together on reasonable assurance, which basically states that after waiting 10 years, or two stormwater permit cycles, the Commission will re-evaluate the situation.

Commissioner Welch requested an edit to the letter to replace the reference to the Minnesota Council for Environmental Advocacy with the proper name which is the Minnesota Center for Environmental Advocacy. Commissioner Welch asked what the next step would be after the discussion between the Administrator, Commission Engineer, and the MPCA. Administrator Nash said that then the BCWMC would submit to the Minnesota Pollution Control Agency the BCWMC's final comments on the Sweeney Lake TMDL. Administrator Nash stated that the MPCA wanted the strongest possible statement about the Commission's willingness to evaluate internal loading. He said that the responses to the comments would be incorporated into the TMDL by Ron Leaf of SEH.

Commissioner Black moved for staff to proceed with working with the MPCA along with the Commission Engineer to finalize these comments in order to move forward.

Commissioner Elder seconded the motion. The motion carried unanimously with five votes in favor [Cities of Crystal, Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

b. **BCWMC's Role as a Categorical Wasteload Implementer for TMDLs.** Chair Loomis said the Commission touched on this topic when it discussed the creation of a P8 model as part of the draft 2012 budget discussion. Ms. Chandler reported that the TAC discussed that the P8 model is the best way to go for now until such time that new directives come from the MPCA.

c. **Policy Changes Needed to Implement TMDLs.** Mr. Kremer said the discussion began with the reference to the Mn/DOT recommendation of expanding Highway 494 by a couple of lanes in each direction and the knowledge that with a TMDL in place there would be no increases in load allowed. He said the TAC discussed that the Commission's current policy for linear projects allow a lot of variance and does not limit or prohibit the loadings from the road expansion projects such as Mn/DOT's proposal to expand 494. Mr. Kremer said that in order to implement the TMDLs the Commission needs to take a look at its current policies because currently the policies on new developments and linear projects would allow increases in loads. Mr. Kremer said there could be a type of trading program put in place so that for those watersheds where there are completed TMDLs where the Commission doesn't want an increase in load some additional BMPs could be built beyond what is needed to implement the TMDL and then the Commission would allow projects that occur in those watersheds to buy credits from that bank.

Mr. Kremer reported that the TAC wants to collect additional information on those alternatives, such as the Ramsey-Washington trading program, to discuss at a future TAC meeting. He noted that Commissioner Welch had provided comments to the TAC on potential policy changes. Commissioner Welch brought up the Ramsey-Washington

trading program and brought up the issue of the enforcement of policies and the role of the MS4 permitting process as a tool. Commissioner Welch said that the numbers he put into his comments on the policies are not unprecedented but were put in to start the discussion. Chair Loomis said that it seems that the TAC should discuss who has what ordinances already in place.

Mr. Asche remarked that he can understand the Commission's viewpoint but that there is a lot of effort at the city level any time a review is triggered. He said for example, with a 20-cubic yard disturbance that did not have erosion control measures in place when a rain downpour occurred, he wonders how much phosphorous went down the drain and the comparison of that amount with the amount of effort that went into the permit, the design, the inspection, and the follow-up of that project. Mr. Asche said he thinks it would be valuable to know the cost benefit and to understand at what level does it make sense and is it efficient to go through the permitting process. He said he thinks the TAC would have a robust discussion about this issue.

Commissioner Black moved for this issue to go to the TAC. She added that she thinks this should be discussed as a policy issue for the Plan. She said that the TAC members could bring their ordinances to discuss. Commissioner Elder seconded the motion. Ms. Clancy requested that the Commission direct Administrator Nash to collect the ordinances and create a matrix about the trigger points and to distribute it to the TAC. The Commission agreed to that staff request. She added that if residents need to go to the cities to get a permit and then need to go to the watershed for a permit, the residents will get angry. The motion carried unanimously with six votes in favor [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

- ii. RFQ for Engineering and Technical Services. Administrator Nash asked the Commission to consider sending out the RFQ presented in the meeting packet to select consultants and noted that the TAC had discussed that the RFQ doesn't need to be posted. Commissioner Black asked that the information regarding the purpose of the Commission's request to develop a list be moved from page 4 to page 1. Commissioner Welch said that the Commission should see the minutes of the last meeting regarding his objections to this approach but setting those aside he agrees with Commissioner Black's comments and also requested the removal of the third sentence in the second paragraph. He also asked if the Commission needs to state how many firms that the Commission will put on its list. The Commission agreed that it does not need to be listed in the RFQ. Ms. Clancy said that the TAC wants the RFQ to make it clear that just because a firm submits its qualifications doesn't mean the firm will end up on the list. Commissioner Black recommended removing the background information on the Commission from the RFQ and instead included the direction that firms could go to the Commission's Web site for background information.
- iii. BCWMC's Role in Advising Property Owners about Water Quality Sampling in the Bassett Creek Watershed. Administrator Nash said that the TAC's opinion is that the BCWMC should stay away from the role because the Commission has nothing to gain from it.

- B. Discuss Management Options for Twin Lake. Ms. Chandler said that in March Dr. Pilgrim of Barr Engineering Company presented Twin Lake water quality information to the Commission and the Commission subsequently asked for information on management options for Twin Lake. She said that Dr. Pilgrim said that alum treatment would be an option right now for Twin Lake and so the Commission Engineer is recommending that the Commission consider it as a CIP project, which would cost between \$40,000 and \$60,000.

Ted Gattino introduced himself as a member of Blue Wing Environmental and as representing Midwest Floating Islands. He said he has data supporting the floating islands efficacy in nutrient uptake. He said the islands were like floating treatment wetlands that use recycled materials, provide habitat, and reduce wave energy. Mr. Gattino said an island is a one-time expenditure and he said that he would like to offer this option as a possible best management practice.

Ms. Chandler said that the recommended alum treatment would be a one-time treatment and would not be a dosing plant. Chair Loomis said she doesn't think that the residents living adjacent to Twin Lake would be comfortable with an alum treatment. Commissioner Black said that there is one of these floating islands from a different company in one of Plymouth's stormwater ponds and that it was financed privately by a resident. Commissioner Welch said he thinks it would be good to open up the ideas to include information about the floating island. Commissioner Black said it would be worthwhile to investigate it as an option for this situation or perhaps it would be an option for a different situation.

Chair Loomis requested that the Twin Lake Management Options issue be added to the BCWMC's agenda for August or September so the Commission could review options and costs and directed staff to provide information to the Commission about options and costs.

[Commissioner Welch departed the meeting.]

- C. **Discuss Major Plan Amendment Schedule.** Ms. Chandler said that the schedule previously outlined for the major plan amendment remains the same and that she would like the Commission's authorization to send the draft feasibility reports to Joel Settles of Hennepin County at the same time as they are distributed to the Commission. She noted that the Commission will be holding its public hearing on the major plan amendment at the June 16<sup>th</sup> BCWMC meeting. The Commission directed Ms. Chandler to send out the draft feasibility reports to Mr. Settles at the same time they are distributed to the Commission.

[Commissioner Elder departed the meeting. The Commission no longer had a quorum.]

- D. **Discuss Possible New Water Quality Policies.** See the discussion 6Aic – TAC Recommendations.

## 7. Communications

A. **Chair:**

- i. Chair Loomis reported that the Mississippi River E. Coli group had a meeting but the group didn't have clear direction on how to move forward.

B. **Administrator:**

- i. Administrator Nash announced that he sent out the Administrator Performance Evaluation form a couple of days ago and requested that it be returned by next Friday. He said that he would resend it.
- ii. Administrator Nash asked the Commission for direction on which BCWMC staff it wanted to use for the June watershed tour. The remaining four commissioners agreed that it would reimburse one Commission Engineer and the Recorder as well as the Administrator for their time. Chair Loomis directed the Administrator to communicate to the Commission that the consensus of the remaining commissioners was that it would be important for the Commission to have the Recorder attend the watershed tour and that the Commission will reimburse her for her time and that the Commission will proceed in that manner if there are no objections.
- iii. Administrator Nash said that he heard from Deputy Treasurer Sue Virnig that the BCWMC hasn't received the assessment from the City of Minneapolis. Chair Loomis directed Administrator Nash to e-mail Commissioner Welch about the issue.

C. **Commissioners:**

- i. Commissioner Black said that she is receiving lots of e-mails about the issues of zebra mussels and lake levels on Medicine Lake and asked if the Commission wants to have those forwarded. The Commission indicated that it would.
- ii. Commissioner Hoshal announced that he will be an alternate this summer for two CAMP volunteers while they are on vacation and that he will go through the volunteer training.
- iii. Commissioner Hoshal reported that he attended a forum workshop put on WMWA about protecting water resources. He said one of the presenters discussed a new technology to extract phosphorous called a Minnesota Filter, which is composed of iron filings and sand.
- iv. Commissioner Hoshal announced that the Education and Public Outreach Committee will meet on Tuesday, May 24<sup>th</sup> and will provide a report to the Commission at its June meeting.
- v. Commissioner Langsdorf said that she had a resolution to introduce in appreciation for the services of Stu Stockhaus. Chair Loomis directed the resolution to be introduced at the June meeting so that there would be a quorum to vote on the resolution.
- vi. Commissioner Langsdorf reported on the Zachary Lane Environmental Fair and said that it went really well.

D. Committees: No Communications.

E. Counsel: No Communications.

F. Engineer: No Communications.

## 8. Adjournment

Chair Loomis adjourned the meeting at 2:45 p.m.

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Linda Loomis, Chair

Date

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Amy Herbert, Recorder

Date

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Jim de Lambert, Secretary

Date