

Bassett Creek Watershed Management Commission

Minutes of the Meeting of October 18, 2007

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, October 18, 2007 at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

Roll Call

| | | | |
|-----------------------|--------------------------------------|-----------------|------------------|
| <i>Crystal</i> | Alternate Commissioner Stu Stockhaus | <i>Counsel</i> | Charlie LeFevere |
| <i>Golden Valley</i> | Commissioner Linda Loomis, Treasurer | <i>Engineer</i> | Len Kremer |
| <i>Medicine Lake</i> | Commissioner Cheri Templeman | <i>Recorder</i> | Amy Herbert |
| <i>Minneapolis</i> | Commissioner Michael Welch, Chair | | |
| <i>Minnetonka</i> | <i>Not Represented</i> | | |
| <i>New Hope</i> | Commissioner Daniel Stauner | | |
| <i>Plymouth</i> | Commissioner Ginny Black, Vice Chair | | |
| <i>Robbinsdale</i> | <i>Not Represented</i> | | |
| <i>St. Louis Park</i> | Commissioner Richard Johnson | | |

Also present:

- Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
- Derek Ashe, BCWMC Technical Advisory Committee, City of Plymouth
- Brooke Asleson, Minnesota Pollution Control Agency (MPCA)
- Terrie Christian, Association of Medicine Lake Area Citizens
- Lane Christianson, City of Minneapolis
- Jack Frost, Metropolitan Council
- Dave Hanson, Alternate Commissioner, City of Golden Valley
- Ron Leaf, SEH, Inc.
- Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
- Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
- Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley
- Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka
- Elizabeth Thornton, Alternate Commissioner, City of Plymouth

2. Approval of Agenda and Consent Agenda

Ms. Black asked to add to the agenda as an Old Business item a discussion of the Medicine Lake TMDL proposal that was discussed by the Commission at its September 20th meeting. Ms. Black moved to approve the Consent Agenda. Ms. Loomis seconded the Consent Agenda. The motion carried unanimously.

3. Administration

- A. Presentation of the September 6th and September 20th meeting minutes. Mr. Stauner reported that the September 6th minutes indicate he was at that meeting; however, he said he was not present at the September 6th meeting. Chair Welch stated that on page 1 of the September 6th minutes, in the first paragraph under item A, the reference to storm sewer needed to be changed to sanitary sewer. Chair Welch also stated that on page 2 in the third paragraph, the two references to the old tunnel

needed to be changed to the new tunnel. The corrected language reads:

“Mr. Kremer said the City of Minneapolis would like to disconnect building rooftops in the watershed of the tunnel from the sanitary sewer and drain them to the new tunnel. Mr. Kremer said two subwatersheds, Twin and Duddy, labeled on the handouts, drain to a 36-inch pipe to the new Bassett Creek Tunnel.”

Ms. Black moved to approve the September 6th meeting minutes as amended. Ms. Loomis seconded the motion. The motion carried unanimously.

The September 20th minutes were approved as part of the Consent Agenda.

B. Financial Statement.

Chair Welch asked Ms. Loomis, BCWMC Treasurer, if she would ask Ms. Virnig, BCWMC Deputy Treasurer, to add the parenthetical reference “(Moved to TMDL Studies)” to the TMDL Studies line of the financial report. Ms. Loomis said yes. Chair Welch announced that Ms. Herbert will be adding information to the Project Analysis report that will help track the most recent action the Commission has taken on an issue.

Ms. Black moved to accept and file the financial report. Ms. Loomis seconded the motion. The motion carried unanimously.

The general and construction account balances reported in the October 2007 Financial Report are as follows:

| | |
|--|---------------------|
| <u>Checking Account Balance</u> | <u>378,294.62</u> |
| <i>TOTAL GENERAL FUND BALANCE</i> | <i>378,294.62</i> |
| | |
| <u>Investment Balance</u> | <u>0</u> |
| <i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i> | <i>2,755,951.47</i> |
| <u>-Less: Reserved for CIP projects</u> | <u>2,571,967.53</u> |
| <i>Construction cash/ investments available for projects</i> | <i>183,983.94</i> |

C. Presentation of Invoices for Payment Approval.

Invoices:

- i. SEH, Inc. – July 2007 Services for Sweeney Lake TMDL Study – invoice for the amount of \$1,537.00.
- ii. SEH, Inc. – August 2007 Services for Sweeney Lake TMDL Study – invoice for the amount of \$3,313.11.
- iii. SEH, Inc. – September 2007 Services for Sweeney Lake TMDL Study – invoice for the amount of \$1,015.00.
- iv. Kennedy & Graven – Legal Services - invoice for the amount of \$1,850.50.
- v. Barr Engineering Company – September Engineering Services - invoice for the amount of \$24,847.74.

- vi. Barr Engineering Company – September Services for Sweeney Lake TMDL - invoice for the amount of \$2,849.45.
- vii. Barr Engineering Company – September Services for Twin’s Stadium – invoice for the amount of \$1004.50.
- viii. Amy Herbert – July Recording Administrator Services - invoice for the amount of \$2,625.00.

Ms. Black requested the removal of Barr’s September Engineering Services and Barr’s Sweeney Lake TMDL invoices. Mr. Johnson requested that the topic of how Commissioners are to read and interpret invoices be added as a Commissioner Training topic. Ms. Black moved to approve invoices 1 (i.) through 4 (iv.) and invoices 7 (vii.) and 8 (viii.). Ms. Loomis seconded the motion. By call of roll, the motion carried (The cities of Minnetonka and Robbinsdale were absent from the vote].

Ms. Black said she noticed the charge for the TAC meeting in the Barr September invoice (invoice v.) was \$2,800.00. Ms. Black asked if that is a typical charge for a TAC meeting and that she doesn’t remember the TAC meeting charges being that high. Mr. Kremer reminded Ms. Black that the September TAC meeting was a 4-hour extended meeting. Mr. Kremer explained that the TAC meeting included a work session on the addendum to the Commission’s *Requirements for Development* document (*Requirements* document) and that the addendum was prepared for TAC review at the meeting. Ms. Black said she would like a brief memo included in the monthly Engineer’s memo on the status of the *Requirements for Development* document. Mr. Kremer said the Commission requested Barr prepare a work scope for updating the *Requirements* document and that work scope will be ready for the Commission meeting next month. Ms. Black also had a question about page 9 of the invoice where the Sweeney Lake Branch Channel CIP charges were listed. She asked how these charges are different from the Sweeney Lake TMDL invoice. Mr. Kremer explained that the Sweeney Lake Branch Channel project is the channel restoration CIP project, which is different from the Sweeney Lake TMDL project. Ms. Loomis reminded Ms. Black that the Commission held a public hearing last month and did a minor plan amendment on the Sweeney Lake Channel Branch CIP project. Ms. Black moved to approve invoice 5 (v.). Mr. Stauner seconded the motion. By call of roll, the motion carried (The cities of Minnetonka and Robbinsdale were absent from the vote].

Ms. Black said she had a question about Barr’s Sweeney Lake TMDL invoice (invoice vi.). She asked if the BCWMC is reimbursed by the MPCA for the payment of Barr’s invoice. Chair Welch responded yes. Ms. Black asked if the Commission has been staying within budget on the Sweeney Lake TDML project. Mr. Kremer said yes. Chair Welch said Ron Leaf will be able to speak to that question during his presentation later in the meeting. Ms. Black moved to approve invoice 6 (vi.). Ms. Loomis seconded the motion. By call of roll, the motion carried (The cities of Minnetonka and Robbinsdale were absent from the vote].

- D. BCWMC Invoice through September 30, 2007 for Submission to the MN Ballpark Authority. Chair Welch said the Minnesota Ballpark Authority contacted the Commission and said an agreement needs to be in place between the Commission and the Ballpark Authority in order for the Ballpark Authority to pay the Commission. Mr. Kremer said the contract will be ready for Chair review in the next few days. Ms. Loomis moved to approve sending the invoice to the MN Ballpark Authority. Ms. Black seconded the motion. The motion carried unanimously.

4. Communications

A. Citizen Input on Non-agenda Items: No Citizen Input.

B. Chair

- i. Chair Welch reminded the commissioners that the Commission is holding a public hearing on the Sweeney Lake Branch Channel Restoration project at the Commission's November 14th meeting.
- C. Commissioners: Ms. Black introduced Brooke Asleson, TMDL Project Manager at the MPCA and who is the project manager for the Sweeney Lake TMDL and the Medicine Lake TMDL. Ms. Black said Ms. Asleson is taking over the project manager position from Tim Larson.
- D. Committees:
 - i. Administrator Services Committee – Chair Welch said Ms. Black has been putting together a cover letter and job description for the Committee to discuss. Chair Welch said the next meeting is November 1st at 4:30 pm here in the Council Conference Room at Golden Valley City Hall. Chair Welch said the Committee wants to identify clear baseline responsibilities for the Administrator to start and the Committee thinks that February 1 would be a logical start date since it is the beginning of the BCWMC's budget year. Chair Welch said the Committee wants to draft a scope of work for the first six months that would include completing an analysis of existing Commission operations. He said the analysis could help identify efficiencies that may be out there.
- E. Counsel: No communications.
- F. Engineer: Mr. Kremer said he had a conversation with a staff member of the Hennepin County Department of Environment and Energy. Mr. Kremer said the staff member reported that department was asked by the Hennepin County Board of Commissioners to develop a plan to encourage the watershed management organizations (WMOs) in Hennepin County to be more proactive. Mr. Kremer said the Department of Environment and Energy staff will propose to the County Board that the Commissions of the different WMOs in Hennepin County come in front of the Board to make a presentation to them on what the Commission has done. Mr. Kremer said the staff member said the BCWMC would be the first to present since it has done so much work.

Mr. Mathisen asked under what authority is the County Board acting? Mr. Kremer said that ultimately, if a WMO isn't functioning, it is the County's responsibility to resolve the issue. Mr. LeFevere said outside of Hennepin and Ramsey Counties the standard is that if the Commission is not implementing its plan, the Board of Water and Soil Resources (BWSR) can make a determination to have the County take over. Mr. LeFevere explained the difference in Hennepin and Ramsey is that if BWSR decides the Commission is not implementing its plan, the counties have to establish a watershed district. Mr. LeFevere said the County had opportunity to comment on the BCWMC's Watershed Management Plan and the County also has veto power over the BCWMC's CIP. Mr. LeFevere said if the WMO or watershed district is playing by the rules and made its plan, had the plan approved by BWSR, submitted the plan to the county for comment, and is following its plan and meeting the requirements of law, then the county doesn't have the authority to do anything over the WMO or watershed district, but it is a political force and it would be good public relations to stay on good terms with the County.

Chair Welch said he thought opening lines of communication could go a long way in this situation. Chair Welch directed Ms. Herbert to send to the Department of Environment and Energy the BCWMC's Executive Summary from its 2006 Annual Report along with a cover letter that lists other information the Commission has regarding its activities.

5. New Business

No New Business.

6. Old Business

- A. **Ron Leaf, SEH, Inc., Update on the Sweeney Lake TMDL.** Mr. Leaf stated he passed out a BCWMC Project Progress Update for the Commission's reference. He explained that he has divided the Sweeney Lake TMDL update into three categories: 1. Work plan Status; 2. Lake Response Observations; and, 3. Next Steps.

Mr. Leaf reported that Phase 1A of the work plan is 100% complete. He reminded the Commission that Phase 1A included initiating the project, holding the first public meeting, setting up the project Web site, doing the P8 modeling, getting the monitoring and data collection set up and doing the first couple of months of monitoring and sampling. He said due to some equipment problems there was a delay in getting the monitoring equipment set up but it did not cause any problems with the data collection.

Mr. Leaf said Phase 1B is the heavy lifting on the data collection. He said this phase includes the in-lake data collection, the inflow monitoring, the sediment core sample. He said this task is overall about 85% complete. Mr. Leaf explained that the bathtub model/lake response monitor still needs to be set up but SEH is waiting for the data from Three Rivers Park District to get their data qualified QA/QC reviewed first. Mr. Leaf said Three Rivers has indicated they would get the data ready in the next couple of weeks, which is a little ahead of schedule but will not affect the overall schedule. Mr. Leaf reported that it is too early to tell if the second year of data collection will be necessary.

Mr. Leaf stated that the project is right on track for schedule and budget.

Mr. Leaf reported that according to his conversations with Tim Larson of the MPCA, he understands that the MPCA has created three priorities for moving contracts forward for the TMDL studies. The first group is the studies the MPCA really wants to get the contracts initiated in the short term. The second group comprises the studies the MPCA wants contracts executed by December or January. He said the third group consists of the studies designated for contracts executed by March 2008. Mr. Leaf reported that the MPCA has designated Phase 2 of the Sweeney Lake TMDL study as a group two contract, which means a December to January timeframe for the contract.

Mr. Leaf said Brian Black, the primary data collection staff of Three Rivers, reported the following two main observations so far, which will need to be analyzed when all the data is in:

1. Total phosphorus (TP) levels in the south bay of the lake are a little higher than the north bay and the sechhi readings are lower in the south bay.
2. There were likely some mixing events due to rainfall events or high winds. This means even though the thermocline set up there were still some mixing events.

Mr. Leaf reported that the sediment core analysis showed the sediment phosphorus release rate and concentrations are high relative to other lakes. He said the bathtub model will show how the release rate affects the lake under aerated and non-aerated conditions.

Mr. Leaf stated that the lake response analysis does not occur until phase 2 of the TMDL study.

Mr. Leaf said SEH has been using data collected by Dave Hanson to be able to look back and see how the lake has responded in the past. Mr. Hanson said he has an oxygen meter and a temperature meter and he takes measurements at one meter intervals around the lake. Mr. Hanson said he was surprised this year because normally all summer the oxygen level is somewhere in the 30%-40% saturation level. He said this year it went to 1% right away, almost as soon as the aerators were turned off and the ice went out. He said within a few weeks the thermocline was in place and there was very little oxygen below 10 feet. Mr. Hanson said in September the lake turned over and the lake is measuring 58% saturation up at the top, whereas in other years there would be 100% saturation at the same level. Mr. Hanson said he is very interested about the data on the inflow.

Mr. Leaf said SEH sees no reason not to turn the aerators on over the winter to keep the oxygen levels at a level that will support the fish in the lake. He says the timing for turning the aerators on would be before ice over. Mr. Leaf said SEH doesn't see turning on the aerators for the winter impacting the data collection or data quality. He asked if the Commission has any thoughts regarding turning the aerators on.

Ms. Loomis moved to allow aeration over the winter. Ms. Black seconded the motion. Chair Welch said he thinks the motion would be to withdraw the Commission's request to turn off the aerators. Ms. Loomis amended her motion to be that the Commission withdraws its request to turn off the aerators over the winter. Ms. Black seconded the motion. The motion approved unanimously.

B. Curlyleaf Pondweed Treatment of Medicine Lake – Timeline from the City of Plymouth.

Ms. Black said the City of Plymouth submitted a letter to the Commission asking that funds budgeted but not used in the previous three years on the Medicine Lake curlyleaf pondweed treatment be applied to future curlyleaf pondweed treatments of Medicine Lake. Ms. Black said the Plymouth City Council, the Plymouth Environmental Quality Committee, and the Association of Medicine Lake Area Citizens are in agreement that they would like to do spot treatment of curlyleaf pondweed in Medicine Lake next year. Ms. Black commented that the City of Plymouth has \$100,000 budgeted for aquatic weed treatment in the city and that budget has been through several city council reviews but has not been finalized. Ms. Black said the City of Plymouth is asking for Commission approval for using some of the funding not previously used from the Medicine Lake curlyleaf pondweed project budget and is asking what the Commission would like to see in terms of additional information.

Ms. Christian said the Department of Natural Resources is expected to grant \$20,000 for the spot treatment. Chair Welch asked when that information would be known. Ms. Black said the City of Plymouth could put together a timeline on how the project might be accomplished and when and what kinds of dollar sources are available.

Ms. Loomis said the Commission needs to see something like a feasibility study or a proposal from the City of Plymouth. Ms. Loomis said she would like to direct the city to come back to the Commission with a proposal that includes a best case/ worst case scenario.

Mr. LeFevere commented that it is possible there will be an ongoing Commission expense and the Commission might decide it is a proper expense if the Commission decides this is a cost effective way in terms of dollars per pound of phosphorus removal to control phosphorus. Mr. LeFevere said at some point the project may morph from the bricks and mortar of the CIP project to some kind of ongoing maintenance. Mr. LeFevere said the Commission may want the information from the City of Plymouth to go to the TAC first so the information can be analyzed to see how the proposal fits into the CIP among other things.

Chair Welch stated that he would like the TAC to weigh in on this issue. Chair Welch directed the City of Plymouth to prepare something for the TAC to review at its January 3, 2008 meeting and the Commission can hear the TAC's recommendation at the January Commission meeting.

- C. **BCMWC Education Grant Criteria.** Ms. Black reported that members of the BCWMC's and the Shingle Creek's Education and Outreach Committee met with MetroBlooms. Ms. Black said MetroBlooms came up with a program for four Commissions to participate in and if the Commission participates, the BCWMC's portion would be \$1,000. Ms. Black said the Education Committee recommends that the Commission participate in the program, which comprises an educational meeting plus a workshop and landscape design assistance on site to help citizens through the process of putting in a rain garden on their property.

Ms. Black moved to approve BCWMC participation at \$1,000 through the BCWMC grant program. Chair Welch asked if there is a known timeframe for the request for participation. Ms. Black said she is not sure. Chair Welch said he is uncomfortable voting any amount of funding without anything in front of the Commission that it can react to and asked if the program would use the Commission's grant form to make its request. Mr. Stauner said he is not sure that the Commission is being asked to provide a grant as much as it is being asked to be a co-sponsor of the program.

The motion was not seconded.

Chair Welch said the Commission would like to see something written about the request at the next Commission meeting.

Ms. Black brought up the topic of grant criteria. Ms. Black proposed that the Education Committee provide and outline of the revised criteria at the November Commission meeting.

Ms. Black announced that the Education Committee is working on a design for the pull-up type of exhibit.

Ms. Black announced that the survey that has been talked about previously is ready and the phone survey will begin after November 6th. She said she has the survey questions and can e-mail them out to any interested commissioner.

- D. **Medicine Lake TMDL Work plan.** Ms. Black said last month the Commission reviewed the Medicine Lake Excessive Nutrients Work plan. She said last month she voiced her concern that the Commission did not go through a request for proposals (RFP) process for the work plan. Ms. Black said she has had discussions with a variety of people since last month and a number of people have told her that by and large the project is primarily done and was done by the City of Plymouth and was adopted by the Commission in its Second Generation Plan. Ms. Black said she has been told that what mostly needs to be done is to reformat the project into a TMDL study. She said that some people have told her that a \$100,000 project cost is off the mark and that the project should not cost that much. Ms. Black said she is concerned about the project cost and she would like the Commission to consider doing an RFP for the project instead of doing the project the way it was proposed.

Ms. Black said another concern of hers is that the proposed work plan said it will cost \$30,000 to update the models but according to the people she spoke to the models are already updated.

Ms. Asleson said the MPCA already has a request for the contract for the Medicine Lake TMDL.

She said she expects a draft work plan for the project in November to give the MPCA time to review it and the MPCA would like a final work plan in January, which is necessary to finalize the contract. Ms. Asleson said \$100,000 is budgeted for the project. Chair Welch asked where the \$100,000 figure came from. Ms. Asleson said she thought it came from the draft work plan. Mr. Kremer said the budget of \$100,000 was set likely nine or ten months ago by Tim Larson.

Ms. Black said she is also wondering about the public stakeholder process and who will do what in that process in the Medicine Lake TMDL study.

Mr. Kremer said he would bring back to the Commission at its next meeting the details regarding the Watershed Water Quality model and the in-Lake Water Quality model and the cost to update the models and details about the public stakeholder process.

Ms. Christian said she spoke with John Barten, Three Rivers Park District, and he said the work is already done and that he would like to see the money being spent on projects. Chair Welch asked if the Commission should invite John Barten to the November Commission meeting. Mr. Kremer said yes, since Mr. Barten was involved in developing the scope of work for the Medicine Lake TMDL.

Chair Welch directed Ms. Herbert to add this issue to the November meeting agenda.

7. Training

The Commissioner training was postponed to a later date.

8. Adjournment

Ms. Black moved to adjourn the meeting. Ms. Loomis seconded the motion. The meeting adjourned at 2:05 p.m.

Michael Welch, Chair

Date

Amy Herbert, Recorder

Date

Pauline Langsdorf, Secretary

Date