

**Bassett Creek Watershed Management Commission  
Minutes of the Meeting of June 16, 2011**

**1. CALL TO ORDER**

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., on Thursday, June 16, 2011, at Golden Valley City Hall by Chair Loomis. Ms. Herbert conducted roll call.

**Roll Call**

<b>Crystal</b>	<b>Commissioner Pauline Langsdorf</b>	<b>Administrator</b>	<b>Geoff Nash</b>
<b>Golden Valley</b>	<b>Chair Linda Loomis</b>	<b>Counsel</b>	<b>Charlie LeFevere</b>
<b>Medicine Lake</b>	<b>Commissioner Ted Hoshal</b>	<b>Engineer</b>	<b>Karen Chandler</b>
<b>Minneapolis</b>	<b>Alternate Commissioner Lisa Goddard</b>	<b>Recorder</b>	<b>Amy Herbert</b>
<b>Minnetonka</b>	<b>Absent</b>		
<b>New Hope</b>	<b>Alternate Commissioner Al Sarvi</b>		
<b>Plymouth</b>	<b>Commissioner Ginny Black</b>		
<b>Robbinsdale</b>	<b>Absent</b>		
<b>St. Louis Park</b>	<b>Commissioner Jim de Lambert</b>		

**Also present:**

- Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park**
- Pat Byrne, BCWMC Technical Advisory Committee, City of Minneapolis**
- Jeannine Clancy, BCWMC Technical Advisory Committee, City of Golden Valley**
- Lois Eberhart, BCWMC Technical Advisory Committee, City of Minneapolis**
- Christopher Gise, Watershed Resident**
- Dave Hanson, Alternate Commissioner, City of Golden Valley**
- Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale**
- Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley**
- Justin Riss, Alternate Commissioner, St. Louis Park**
- Sandi Villarreal, Golden Valley Patch**
- Andrea Weber, Minneapolis Park and Recreation Board**
- Jeff Weiss, Barr Engineering Company**

**2. APPROVAL OF AGENDA AND CONSENT AGENDA**

Chair Loomis amended the agenda to add an invoice for payment to the Lorenz Bus Service in the amount of \$431.25 , an invoice to the Sun Newspapers in the amount of \$297.44, an invoice to Shingle Creek

Watershed in the amount of \$869.75 for WMWA workshops, and an invoice to WMWA in the amount of \$2,969.50. Commissioner Black moved to approve the Consent Agenda and the Agenda as amended. Acting Commissioner Goddard seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

**3. CITIZEN INPUT ON NON-AGENDA ITEMS**

No Citizen Input on Non-agenda Items

**4. ADMINISTRATION**

Presentation of May 19, 2011, Meeting Minutes. The meeting minutes were approved as part of the Consent Agenda.

Presentation of Financial Statements. The June Financial Report was received and filed as part of the Consent Agenda.

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

Checking Account Balance	\$606,669.58
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$606,669.58</b>
Construction Account Cash Balance	2,886,513.85
Investment due 9/16/2015	512,059.83
<b>TOTAL CONSTRUCTION ACCOUNT BALANCE</b>	<b>3,398,573.68</b>
-Less: Reserved for CIP projects	4,865,112.45
Construction cash/ investments available for projects	(1,466,538.77)

Presentation of Invoices for Payment Approval.

- i. Kennedy & Graven – Legal Services through 4/30/11 – invoice for the amount of \$2,294.33.
- ii. Barr Engineering Company – Engineering Services through 4/29/11 – invoice for the amount of \$54,724.42.
- iii. Barr Engineering Company – Engineering Services through 5/27/11 – invoice for the amount of \$59,701.05.
- iv. Watershed Consulting, LLC – Geoff Nash Administrator Services through 5/31/11 – invoice for the amount of \$4,147.15.
- v. Amy Herbert – May Administrative Services – invoice for the amount of \$3,485.71.
- vi. D’amico- ACE Catering – June BCWMC meeting catering – invoice for the amount of \$215.89.
- vii. Finance & Commerce – Public Hearing Notice Publication – Public Communications – invoice for the amount of \$180.52.

- viii. State Register – Public Hearing Notice Publication – Public Communications – invoice for the amount of \$96.00.
- ix. Lakeshore Weekly News – Public Hearing Notice Publication – Public Communications – invoice for the amount of \$171.60.
- x. Shingle Creek Watershed – 2011 WMWA Expenses – invoice for the amount of \$869.75.
- xi. Lorenz Bus Service, Inc. – Bus Rental for 6/22/11 Watershed Tour – invoice for the amount of \$431.25.
- xii. Sun Newspapers – Public Hearing Notice Publication – Public Communications – invoice for the amount of \$297.44.
- xiii. WMWA – 2011 WMWA Workshops – invoice for the amount of \$2,969.50.

Commissioner Langsdorf requested the removal of invoice xiii - WMWA since the WMWA workshop costs were be handled in the Shingle Creek invoice. Commissioner Black moved to approve payment of the twelve remaining invoices. Commissioner de Lambert seconded the motion. By call of roll the motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

**4D. Authorize Staff to Send BCWMC Invoice to the City of Minneapolis for Engineering Services provided to the City for the 165 Glenwood Avenue Drainage Study.** Ms. Chandler said that the City contacted the Commission Engineer because a permit applicant had contacted the City of Minneapolis regarding discharging runoff into the Tunnel. She said that the City wanted an analysis done before the applicant proceeded to the next permit step because the City wanted to make sure that the discharging would be ok. Ms. Chandler said that the City agreed to pay the Commission Engineer for the analysis work, which is similar, but much smaller in nature, to the analysis that the Commission Engineer did for the Twin's stadium. She said that she is asking the Commission to approve sending the letter, included in the meeting packet, to the City under Sue Virnig's signature. She said that the invoice should be revised to include an additional charge of \$145.00 for follow up work bringing the total of the invoice to \$1,520.50. Chair Loomis asked if the Administrator would take care of the invoice. Ms. Chandler said that Barr Engineering would revise the invoice as described and forward it to Administrator Nash. Chair Loomis said that Administrator Nash would then get the invoice to Sue Virnig for signature and then would send the invoice to the City.

Commissioner Black moved to approve the revision to the invoice and to send it to the City of Minneapolis. Commissioner Hoshal seconded the motion. Acting Commissioner Goddard asked for clarification on which Minneapolis Tunnel was part of the analysis. Ms. Chandler responded that it was the New Tunnel and commented that the Commission Engineer discovered that there would not be any impact and that the Commission would likely see the project come before the Board. The motion carried with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

## 5. PUBLIC HEARING

Chair Loomis stated that the Commission is proposing to amend its *Watershed Management Plan* and is holding a public hearing as required for Plan amendments. She explained that the Commission is proposing to amend its Plan by adding three projects:

- Restoration of the Main Stem of Bassett Creek from Irving Avenue North in Minneapolis to Golden Valley Road in Golden Valley in 2012.
- Modification of the Wirth Lake Outlet in 2012

- Construction of a pond at Lakeview Park within the Medicine Lake watershed in 2013.

### **Restoration of the Main Stem of Bassett Creek from Irving Avenue North in Minneapolis to Golden Valley Road in Golden Valley in 2012:**

Ms. Chandler introduced Jeff Weiss from Barr Engineering Company to present the feasibility project on the restoration of the Main Stem of Bassett Creek. Mr. Weiss summarized that he would review the reach locations, the problems observed, the concept solutions, opinion costs, and next steps.

Mr. Weiss, showing a PowerPoint presentation, explained that the project is located in the far eastern end of the Bassett Creek watershed and is almost entirely in the Theodore Wirth Park and Theodore Wirth Golf Course. He said that the Minneapolis Park and Recreation Board (MPRB) brought forth this restoration project because the MPRB wants to do renovations throughout the park and wants to coordinate efforts. Mr. Weiss said that Barr Engineering staff and MPRB staff walked through the park together to identify sites for the restoration.

Mr. Weiss described the project's site one, the Fruen Mill site, and pointed out the crumbling WPA (Works Progress Administration) wall along the bank. He described the second site and showed a photo indicating signs of heavy foot traffic contributing to the erosion in the site. Commissioner Black asked how the foot traffic issue would be addressed so that the restored bank doesn't end up eroded by foot traffic in the same way. Mr. Weiss said that the final design plans could include designated walking areas or perhaps the MPRB would consider adding a fishing pier. Commissioner Black said that if it is a heavy fishing area people won't stop fishing at the spot. Ms. Chandler said that Barr Engineering could discuss the issue with the MPRB.

Mr. Weiss described site 3 as a drawdown of the wetland area, site 4 as an eroded bank where the current is undercutting a tree, site 5 as a spot where a big oak tree is being undercut by the current, and site 6 as a large site with eroding bank adjacent to the park's walking trail. He said that at site 6 some rocks had been moved by people, which caused the water to undercut the bank at one spot. Mr. Weiss said that the last three sites are all on Theodore Wirth Golf Course and are very straightforward in terms of where the banks have erosion and wear and tear. He said that adding some buffer between the golf course and the creek would add extra stabilization.

Mr. Weiss discussed possible structural-based and plant-based solutions. He said the Fruen Mill site is the only site that needs rip rap and said that rock vanes are proposed at two sites. Mr. Weiss said that plant-based treatments include live cutting, plant stakes, bio logs, and root wads.

Mr. Weiss went through the opinion of costs table. Commissioner Black asked when the Commission would receive the cost estimate for use in determining what the Commission will request for its levy. Ms. Chandler responded that this number in the opinion of cost is what the Commission will use in calculating its levy request. She said that the City will get the final cost estimate when the project is going to be constructed and there are construction plans and specifications. Ms. Chandler said that the term feasibility-level opinion of cost describes where the project is at in terms of how defined it is and that the project is in between the ballpark cost estimate and the final design/ construction cost estimate.

Mr. Weiss said that that the total opinion of cost for the project is \$856,000, which includes the construction contingency and the design, permitting, and administration costs. He said that the construction cost subtotal is just under \$500,000. He added that the only location where there is concern for contamination is the Fruen Mill site, which is also the only site for concern about possibly needing cultural or historical investigations. Mr. Weiss noted that costs for contamination remediation of approximately 50% of the soil at the Fruen Mill site and cultural and historical investigations at that site were assumed in the opinion of cost. He explained that the opinion of cost assumes no costs for construction easements since the construction will occur on MPRB property. Mr. Weiss said that the tree replacement was assumed at

two-to-one and the vegetation warranty was assumed to be a three-year contract.

Mr. Weiss said that next steps would be for the Commission to take steps to finalize the feasibility report, distribute the final report, amend its Plan and send the levy request to the County and then the MPRB would undertake the project.

Commissioner Black said that the construction contingency standard is 10% and asked why it is assumed at 20% for this project.

Ms. Eberhart stated that as far as the soil contamination there was a transformer in that area that experienced some vandalism last year but that the disturbance to the site was minimal so she is not terribly concerned about extensive soil removal. She said that there may be a discussion raised by the Minnesota State Historical Preservation Office regarding the rip rap at site one so having a 20% contingency right now is comfortable because there may be some design changes at that site for that reason and also to address the fishing needs. Ms. Eberhart said that her understanding is that the Commission needs to or prefers to pass funds through a Commission member and she pointed out that the MPRB is not a member. She said the City of Minneapolis would be the fiduciary agent and would then hire the MPRB. Ms. Eberhart said that the City of Golden Valley is comfortable with the arrangement of the money flowing through the City of Minneapolis, even though some of the project is located in the City of Golden Valley, and the City of Minneapolis has a closer relationship to the MPRB. She said that if the Commission wants the money to go directly to the MPRB it would be fine with the City of Minneapolis.

Commissioner Black said that 30% for design, administration, and permitting seems high especially given that the Resource Management Plan was supposed to help lower costs of permitting. Ms. Eberhart commented that hopefully some of the work in this project will be bioengineering, which is a more creative and time consuming process than using rip rap. She said that she thinks that at this point it is appropriate to have the higher contingency figure in the report, which is not meant to encourage too much work. Ms. Eberhart clarified that regarding permits there will need to be a construction easement at the private property, which is the Fruen Mill site, and the MPRB would issue permits for the work on MPRB property but without a fee, and she wasn't sure what other permits may be needed for the work on the creek. She added that it is more comfortable to have the cost figure higher than too low at this point.

Commissioner Hoshal asked about whether the erosion control measures in the project would actually serve to just move the erosion problems to new sites. Mr. Weiss said no, not likely. Commissioner Hoshal asked if anyone had any knowledge of a historical site called the Sweeney Slaughterhouse along the creek in the early 1900s. No one indicated any information about it.

Mr. Asche said that the Minnesota Pollution Control Agency (MPCA) may be looking at wetland issues for their formal water quality certification. He said one of the issues that the City of Plymouth has run into through the BCWMC is wetland mitigation required for some ponding. He said the wetland mitigation can go a couple of different directions depending on the type of project and can be an unanswered question for quite a while. Mr. Weiss said that this project wouldn't change any permanent ponding areas or any permanent water levels so the project wouldn't cause any permanent wetland impacts. He said that there would be the drawdown of the one wetland site but it would return to its normal water level. Mr. Weiss explained that the typical experience with streambank erosion projects are that they are self-mitigating and often improve wetland habitat because of the sloped banks.

Chair Loomis asked if the Commission evaluates its streambank restoration projects in terms of habitat and remarked on one of the proposed sites in the project where the stream will be widened to slow down the velocity of the waters and asked how that would impact the habitat for mussels, which require faster moving water. Mr. Weiss said that the base flow area of that site wouldn't really be impacted and instead the project would create more of a flood plain and the bulk of the flow would remain in the channel.

Andrea Weber of the MPRB discussed that site and said that the MPRB would like to construct additional access points on that section and possibly some fishing points as well. Chair Loomis brought up the earlier discussion of the foot traffic on site two. Andrea Weber said that the area is a popular fishing spot and the MPRB is looking into putting in fishing blocks to provide people with an opportunity to do that activity.

She said the MPRB is still in a citizen's advisory phase but commented that in the case of a project such as this one where the MPRB is partnering with another group the MPRB will communicate to its Citizen Advisory Group that there are certain things that need to happen in the project in partnership.

Chair Loomis commented that one of the erosion sites seems to have worse scouring due to people rearranging rocks in the creek and asked if the MPRB has plans to monitor the rock vanes after construction. Ms. Weber said that the MPRB would need to maintain the project once the construction and warranty are complete and it will be something that the MPRB will need to make sure its staff understands.

#### **Modification of the Wirth Lake Outlet Structure in 2012:**

Chair Loomis noted that this project is part of the Wirth Lake TMDL implementation project. Ms. Chandler displayed a PowerPoint presentation on the project location, goals and issues, alternatives, recommended solutions, opinion of cost, and next steps.

Ms. Chandler explained that the outlet is on the northeast corner of Wirth Lake and flows a short distance before it heads into the Main Stem of Bassett Creek. She said that the project is the one and only implementation project of the Wirth Lake TMDL study. Ms. Chandler explained that the project is to modify the outlet structure to prevent backflows coming into Wirth Lake from Bassett Creek. She said that the project would eliminate 55 pounds of phosphorous from flowing from the creek into the lake.

Ms. Chandler said the project will replace the current timber outlet of the structure, will need to make sure there won't be any problems with the lake level or flood levels downstream, and will want to minimize the maintenance required. Ms. Chandler noted that the creek is typically one to two feet lower than the lake but that it only takes the creek to be at a level that is consistent with a two-year flooding event for the water to flow back into Wirth Lake.

Ms. Chandler explained the four alternatives that were explored and provided information on the recommended solution of the replacement of the timber outlet with two rubber check valves. Ms. Chandler reported that the advantages to the rubber check valve solution include lower cost, reliability, low maintenance needs, and the fact that it would be the least visible option. She stated that the disadvantages include that access would be needed from the top and that something like lockable hatches would need to be constructed. She noted that the rubber check valves would also require a weir to be placed in front of the outlet structure to control the water level so it remains at its normal water level.

Ms. Chandler said that the opinion of cost for the project is \$180,000 and that the BCWMC received a \$75,000 Clean Water Fund grant from the Minnesota Board of Water and Soil Resources (BWSR) for the project. She said that the Commission would need to take action on the feasibility study and that there would need to be an agreement between the City of Golden Valley and the MPRB for the City to do the construction on the site and for maintenance of the project.

Mr. Asche asked if there is any concern with the option regarding managing to get water out of Wirth Lake in the event of an emergency. Ms. Chandler said that it is a good point and that if there is to be a ground overflow that it should be designed as part of the project.

Mr. Byrne asked if the project would reduce the total capacity and if the emergency overflow would be used at a different frequency. Ms. Chandler said that Barr Engineering would need to look into it to find out the relative capacity.

Commissioner Black said that it looks like there may be a lot of foot traffic in the area of this project, too, and wondered if the design would accommodate for it. She said that it should be looked at during the project design and perhaps could be coordinated with the Main Stem project's site two regarding design considerations for the foot traffic.

Commissioner Hoshal displayed a mounted Bassett Creek walleye and spoke of the environmental disconnect, the physical disconnect between the creek and the lake, which would occur if the rubber check

valve solution is used. He asked that the feasibility report touch on the environmental disconnect and its potential impact and how it could be addressed.

Mr. Oliver commented that Wirth Lake is part of the Minnesota Department of Natural Resources' (DNR) children's fishing program and is stocked regularly. He said that his inclination is that most of the fish present in the stream are rough fish and it would improve the fishery of Wirth Lake by not allowing rough fish into the lake.

### **Construction of a Pond at Lakeview Park in 2013:**

Chair Loomis said that this project is located in the Medicine Lake watershed and is on the implementation plan for the Medicine Lake TMDL. Ms. Chandler stated that the feasibility study was e-mailed to the Commission and is available in hard copy format today. She said that the study is the 2004 report prepared by Bonestroo and is accompanied by a letter written this month by the City of Golden Valley that updates the status of the feasibility study and the project. Ms. Chandler said that the project is slated for 2013 construction. She stated that she would present information about the project's location, problems, goals, what the proposed pond would do, opinion of cost, and conclusion.

Ms. Chandler said that the project location is on the west side of the City of Golden Valley and close to Highway 169 and discharges into Plymouth and Medicine Lake. She described the site and said that the water quality-related concerns are that the watershed currently drains to Plymouth without any water quality treatment and that the watershed is fully developed, which means it doesn't offer many opportunities to add water quality treatment. Ms. Chandler said that the goals were to improve how well the existing BMPs work downstream, to reduce the nutrient loading, to meet the Commission's Level I treatment standards, and to meet the City's goals of reducing the potential for flooding and providing an amenity in the park.

Ms. Chandler provided details on the benefit to Medicine Lake regarding the phosphorus removal that would be gained due to the pond. She said the pond would prevent 38% of total suspended solids and 23% of total phosphorous each year from entering Medicine Lake.

She said that in 2004 the project cost estimate for constructing the pond was \$146,000 but there were additional costs that the City faced regarding removal of asbestos-bonded sewer pipes. Ms. Chandler explained that at the time the City was looking at a slightly different location for the pond, which would have required the repositioning of sanitary sewer pipes. She said that those additional costs would have brought the project cost up to \$417,000 and due to that high cost the project was not ordered to be built. She said the project cost has since come down to \$196,000 because the City of Golden Valley will be using other funds to be make the sanitary sewer pipes water tight so that they won't need to be removed. She said the project cost includes the updated cost for the pond construction with allowance for inflation and some allowance in case some pipe may need to be moved.

Ms. Chandler listed the project benefits as getting the needed additional water quality treatment for Medicine Lake, meeting Level I water quality treatment requirements, reducing the maintenance requirements downstream because it allows another place for sediments to settle out before heading down downstream, providing park amenities, and avoiding utility removal/ relocation. She mentioned that the project does not increase flooding issues in the area. She recommended that the Commission order the project for 2013 when the Commission gets to the point in the process of ordering projects.

Chair Loomis stated that this is a public hearing and asked if anyone wanted to comment on the proposal to amend the BCWMC's Plan. Hearing no comments Chair Loomis closed the public hearing.

Chair Loomis said that staff is looking for direction to amend the Commission's *Watershed Management Plan* to include the three projects presented today. Commissioner Black said that she doesn't have any problems with adding these projects to the Commission's Plan but that she is not in agreement with the 20% contingency and the 30% administration, design, and permitting costs.

Commissioner Black moved to amend the Commission's *Watershed Management Plan* to include the three projects presented and that she hopes that the Commission will receive more reasonable cost estimates for the contingency budget and the design, administration, and permitting costs. Acting Commissioner Goddard seconded the motion. Commissioner Black commented that she would like the Commission to go out for a Request for Proposals (RFP) for these projects. Chair Loomis said that typically the Commission contracts with a member city for the projects and the member city would go out for any RFPs. The motion carries with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

## 6. NEW BUSINESS

### A. Discuss Capital Project Funding:

i. Estimated Tax Levy Request for County Collection in 2012. Ms. Chandler said that the Commission needs to provide today to Hennepin County a number for the Commission's estimated maximum tax levy request for collection in 2012. She said the Commission could lower its request but couldn't raise it beyond this estimate. Ms. Chandler stated that the amount in the Commission's CIP reserve is getting verified but is not available for today's discussion. She recommended that the Commission anticipate needing to use levied funds for the 2012 construction project costs and the Schaper Park Pond study.

She said the total costs of the 2012 projects are \$1,073,000. Ms. Chandler said the Commission could levy for the entire amount, or if the Commission would like to keep its levy request at the previously discussed 2012 amount of \$935,000 then the Commission could split the costs for the Main Stem project over two years.

Commissioner Langsdorf asked about the costs that the Commission already anticipates for 2013. Ms. Chandler reviewed with the Commission the CIP projects and the costs identified for 2013.

Chair Loomis said that the Commission would need \$1,073,000 less the \$75,000 Clean Water Fund grant of \$75,000 for the Wirth Lake Outlet Structure project, which would mean the Commission would need \$998,000.

Commissioner Black reiterated that she is looking for lower numbers for the construction contingency and the design, permitting, and administration costs on the projects and that if there aren't lower costs she'll be looking for justification of the costs. Commissioner Black moved for staff to communicate to Hennepin County that the Commission's maximum tax levy for collection in 2012 is \$998,000. Commissioner Goddard seconded the motion. The motion carries with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

Mr. Ashe said that perhaps the Commission would want the TAC to discuss the feasibility costs so that a way could be worked out for the feasibility studies to have some itemized numbers for some of those costs described by Commissioner Black.

Ms. Clancy agreed with Mr. Ashe's suggestion and also commented that city council members may be used to seeing feasibility reports for project improvements that are at the 75% to 80% design level whereas here the Commission is seeing the reports at the 10% design level, which may be why there seems to be some discrepancy between the percentages for the contingencies and unfortunately the Commission needs to ask for money for the projects very early in the process.

The motion carries with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

### B. Discuss Draft Feasibility Reports: Bassett Creek Main Stem Project; Wirth Lake Outlet Structure CIP Project; and, Lakeview Park Pond

Ms. Chandler asked if the Commission wants to see the reports changed or presented again or if the Commission wants revisions or justification to the cost estimates. She reiterated that the numbers listed in

the reports are the numbers that the Commission will be working with until it has final cost estimates during the design process. Commissioner Black asked if these numbers in the reports are the numbers that the Commission will use for its levy. Ms. Chandler said yes. Mr. LeFevere said that the Commission wouldn't need to change these feasibility reports but could include more information about the costs of the projects as part of its consideration process when it decides its final levy request amount in September. Mr. LeFevere said that the amount that the Commission levies is the amount that the Commission agrees to pay the cities for these projects. He said that the cities are required to cover cost overruns and the implementing cities are the ones who have the greatest interest in making sure they have enough contingency so that they are comfortable with moving forward. Acting Commissioner Goddard pointed out that if the project costs end up being less than the amount that is levied for the project then the remaining funds go into the CIP reserve and could be applied to the costs of the next year's capital projects, which would thereby reducing the levy for that year.

Ms. Clancy agreed with Acting Commissioner Goddard's comments and stated that the cities and BCWMC staff have been aggressively seeking out other sources of funding for the construction projects.

Acting Commissioner Goddard said that regarding the Wirth Lake report the Commission had questions about checking the outlet capacity and looking into emergency overflow. Commissioner Hoshal said he would like a paragraph added that addresses the disconnection that would be caused by the proposed valve. Ms. Chandler said the Commission also had a comment about addressing the foot traffic around the outlet. The Commission agreed that no changes needed to be made to the Main Stem feasibility study but directed Ms. Chandler to follow up with the MPRB regarding the foot traffic at site 2.

Chair Loomis asked what the cost savings would be between a two-year and three-year warranty on the vegetation in the Main Stem project and asked Barr Engineering to investigate.

Ms. Chandler asked if the Commission would like to see an updated presentation on the Wirth Lake report next month. The Commission indicated yes.

Acting Commissioner Goddard moved for staff to finalize and distribute the feasibility studies. Commissioner Hoshal seconded the motion. The motion carries with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

#### **C. Minneapolis Park and Recreation Board Plans for the Beach at Twin Lake.**

Ms. Weber said that the MPRB is working with the Conservation Corps on invasive species removal along the banks on Twin Lake and that work will begin in mid-July. She said that some erosion controls such as bio-logs have already been installed. Ms. Weber said that the MPRB is also looking at emergency access route stabilization and is looking to secure the funding source for that work. She said that she believes the Conservation Corps will be hand-pulling the smaller plants and cutting and treating the larger.

Chair Loomis said that at a previous meeting there were some concerns raised by a resident regarding the installation of erosion control measures on the banks. Ms. Weber said that she did inspect the control measures and that although the stakes were installed in the middle of the logs instead of at the ends she believed that the measures were installed appropriately. Ms. Clancy said that the MPRB did speak with the City of Golden Valley about the erosion control permits and that the MPRB was not required to have an erosion control permit and thanked Ms. Weber for going out and inspecting the erosion control measures on the site.

[Acting Commissioner Sarvi departs the meeting.]

## **7. OLD BUSINESS**

**A. Approve BCWMC's 2012 Operating Budget/ Direct Distribution.** Administrator Nash explained that the most recent revision of the budget was distributed today and that the change to the levy that was just discussed today by the Commission would need to be reflected in the budget sheet in the information table on the budget. Administrator Nash said that he would finalize the budget and levy

descriptive document to match the revised operating budget and would get it to Chair Loomis for signature tomorrow. Commissioner Hoshal moved to approve the budget as presented. Commissioner Langsdorf seconded the motion. The motion carried with five votes in favor [City of Crystal, City of Golden Valley, City of Medicine Lake, City of Minneapolis, and City of St. Louis Park], one city against [City of Plymouth], and three cities absent [City of Minnetonka, City of New Hope, and City of Robbinsdale].

## B. TAC Recommendations

i. **Electronic Data Collection of Surface Water Elevations.** Administrator Nash summarized the TAC's discussion and said that the TAC would like staff to come back to a future TAC meeting with information on the uses of the data and suggestions as well as more details on how cities could act as partners to conduct some of the visual readings when they are out there on inspections. Commissioner Hoshal asked if the Commission could encourage lake associations to get involved with the data reading. Administrator Nash said that would be great as long as it could be done on a consistent basis and if he or anyone else knows of a group willing to do this then it could be set up.

He said that another idea the TAC discussed is trying out the transducer technology on a couple of lakes in the watershed. Commissioner Black asked if the TAC is looking at getting more information about the use of the data before looking into buying transducers. Administrator Nash said that the TAC's questions would be answered to the TAC's satisfaction before any new equipment would be purchased or before modifying the monitoring program for 2012.

Chair Loomis asked if this data would be useful for the proposed new XP-SWMM model. Ms. Chandler said that even the bi-weekly data would be helpful with the model and there would be better numbers using a transducer but the costs and benefits would need to be weighed.

Commissioner Black moved that staff move forward and look into details of purchasing and installing one or two of the transducers. Commissioner de Lambert seconded the motion. The motion carried with six votes in favor [Cities of Minnetonka, New Hope, and Robbinsdale absent from vote]. The Commission clarified that Administrator Nash would prepare the information for the TAC and that he could utilize the Commission Engineer at his discretion. Ms. Clancy added that the City of Golden Valley has a transducer installed on Bassett Creek and there may be some valuable lessons that could be shared. Commissioner Black said that it seems like it could be a direction to staff to look into partnering with the cities if they have someone available and to see if lake associations have volunteers interested in doing this type of data collection. Ms. Chandler commented that the TAC was also looking for general information on uses of the water level data and whether there would be a benefit to collecting the data one way or the other - manually or electronically.

Ms. Clancy mentioned that the City of Golden Valley has a transducer installed on Bassett Creek that is monitored by its SCADA system. She said that she wanted the Commission to know that the City is already collecting water level data electronically and that there are some valuable lessons that could be shared.

ii. **BWMC and Member City Permit Review Procedures.** Administrator Nash said that in light of the Commission's role as a categorical wasteload allocator Commissioner Welch suggested a possible new Commission policy that would trigger a review of smaller projects compared to the size of projects that currently are reviewed under BCWMC requirements.

Ms. Chandler said that the TAC discussed decreasing the trigger for the erosion and sediment control review from the current trigger of 200 cubic yards to 50 cubic yards, as suggested by Commissioner Welch, or a 5,000 square foot land disturbance trigger instead of the Commission's current trigger of 10,000 square feet. She explained that the trigger would result in a review of water quality impacts of projects.

Ms. Chandler said that the Commission's current triggers for its Level I treatment is a 0.5-acre development or a five-acre redevelopment for commercial and that the triggers are even larger for

residential development and redevelopment.

Ms. Chandler said the TAC raised concerns that smaller triggers would lead to a large number of smaller Best Management Practices (BMPs) and the TAC was concerned about maintaining those small BMPs and getting enough bang for the buck in terms of getting the benefit compared to the work required by city staffs. She said that the TAC discussed an alternative to doing BMPs on these really small projects that would include doing regional BMPs to capture these smaller projects not captured in permitting. She said that another possibility discussed was that instead of such a dramatic decrease in the trigger points that perhaps a redevelopment trigger of one acre could be discussed.

Ms. Chandler said that the TAC discussed the different cities' triggers and the TAC thought that it might be valuable for the Commission to see that information.

Ms. Chandler said the TAC also discussed the draft NPDES permit that was released two days before the TAC meeting. She said that the TAC voiced a lot of concerns about whether there would be enough requirements in the permit that the Commission shouldn't be requiring any more.

She said that the TAC recommended:

- That the Commission consider a one-acre or greater trigger for the Commission review of redevelopment projects;
- That the Administrator compare the member-city triggers and report the information to the Commission at a future meeting;

Mr. Asche said that the difficulties caused by setting the triggers too small are that there would be more reviews, more inspections, more agreements, and more follow-up. He said the TAC discussed the one-acre trigger due to the draft MS-4 permit but he said that the draft could change.

Mr. Byrne commented that he thinks that Mr. Asche brought up to the TAC the idea of a one-acre trigger in order to address the Commission's concerns. Mr. Byrne said he didn't think that Mr. Asche was advocating a one-acre trigger. Mr. Byrne said that he recommends no change to the Commission's trigger. He said that there has been a question of whether the categorical wasteload allocator role means that the Commission would be on the hook with the MPCA for compliance and that he asked Mike Trojan of the MPCA this morning about how the MPCA will deal with categorical TMDLs. Mr. Byrne said that Mr. Trojan said that all of the responsibility will be on the individual MS4s. Mr. Byrne explained that the implementation plan is agreed upon in the TMDLs and the primary implementer will have in the implementation plan some sort of allocation of who does what. He said that the individual MS4s would have some idea of who will be responsible for what. Mr. Byrne said it is not the same as the old method where each MS4 has a wasteload allocated to them, He said now each MS4 has a job allocated to them. Mr. Byrne said that the MS4s need to document in their annual report their progress toward their job.

**iii. Water Quality Trading and Banking Programs.** Administrator Nash said that the Commission Engineer noted that the Commission's current policies for water quality treatment and nondegradation allow increases in nutrient loading for new projects and for linear projects. He said that the TAC discussed whether the Commission would want to consider infiltration trading, meaning that if a permittee installs more stormwater infiltration than is required by the Commission's rules, the permittee could bank it or even sell it in the future.

Ms. Chandler said that additionally there is another route that a couple of other watersheds have taken, which is that permittees who can't provide the necessary infiltration in their projects put money into a fund that pays for the watershed to construct a BMP project in an appropriate location. She said that TAC like the idea but didn't reach a decision to encourage the Commission to adopt the "no phosphorous loading" for all projects policy that the Commission and TAC had been discussing.

Chair Loomis said that Mn/DOT was given its own load allocation in the Sweeney Lake TMDL and that she isn't sure how Mn/DOT would meet its allocation if there isn't something like the banking program in place. Commissioner Black said that the program sounds interesting but it needs to be fleshed out. She said that there would be costs involved to keep it updated and to monitor it so a cost estimate would be a necessary piece. Chair Loomis said that maybe the Commission could get information from Ramsey-Washington and Nine Mile Creek on how they are dealing with the costs of monitoring the program. Commissioner Hoshal asked if there are any third-parties handling such programs. Ms. Chandler said that there is a group that has a water-quality trading concept being set up in the Sauk River Watershed and in the Minnesota River Watershed.

Chair Loomis said the Commission directs staff to gather more information and to keep TAC apprised. Ms. Chandler said that this is a big issue and it would be helpful if the Commission would identify a specific question or topic. Chair Loomis said that there is a gap in the Commission's policy for redevelopment and linear projects and that the Commission would like the TAC to address whether the Commission should look into changing its policy or whether the policy is fine the way it is. She said additionally the Commission is looking for feedback on whether the Commission should include linear projects in its policies. Chair Loomis said that the Commission is looking for findings to support why or why not and for alternatives for handling the linear projects. Chair Loomis said that the Commission also is looking for more information on the banking concept. Commissioner Black asked Administrator Nash to e-mail out to the Commission the information that he had distributed to the TAC regarding the member-cities' triggers for permit reviews.

**iv. Discuss BCWMC's Annual CIP Review Timeline.** Ms. Chandler said that the Commission Engineer recommends that the Commission conduct its annual CIP review earlier than its current annual review that occurs in January. She said that January starts to run up against timelines related to plan amendments and the annual tax levy request to the County. Ms. Chandler said the TAC was supportive of the idea of doing the review earlier since the cities do their planning earlier. She said the TAC recommended that the Commission conduct its annual CIP review in April. Ms. Chandler said the recommendation is that this year the Commission would adopt its CIP revisions for 2013 at the July BCWMC meeting and then starting next year the Commission would direct the TAC to conduct its review in April. She said that the CIP would be a five-year CIP that is reviewed each year. She said that this schedule would mean that in 2012 the Commission would adopt its CIP for 2014 – 2018. Ms. Chandler said that the recommended schedule would provide the Commission with more time to prepare its feasibility studies and handle permitting as necessary. Ms. Black said that if this is the Commission's policy then it should be added to the Commission's policy manual.

**v. BCWMC's Draft 2012 Budget.** Administrator Nash said that the TAC discussed the draft 2012 operating budget. He said that the only item that came out of the discussion was the desire from the TAC to see the Commission's various funds spelled out differently in the financial report. He said that he is looking for ideas on better ways to display the financial information. Chair Loomis said perhaps the Commission needs to put on its agenda a topic on how to read the Commission's financial reports. Administrator Nash said that the Commission could put it on the agenda and could ask Deputy Treasurer to come and explain the reports to the Commission. Chair Loomis said perhaps she and the Administrator should set up some time during one of the Commission's upcoming meetings to have Sue Virnig to come and explain the financial reports.

## 8. COMMUNICATIONS

**Chair:**

1. Chair Loomis reported that she had received a newsletter from Wenck regarding mussel habitat and wondered if in the future the Commission would want to start considering improving mussel habitat as part of its stream restoration projects.
2. Chair Loomis said that there was a Sun-Post article about the plantings at Meadowbrook Elementary and that the BCWMC was mentioned regarding its involvement through the Commission's education grant program.
3. Chair Loomis stated that she received a request from a resident in Golden Valley for the Commission to ask the contractor who does the lawn service for the Hidden Lakes Homeowners Association for a list of the chemicals that the contractor uses on the lawns. She said that she isn't sure which chemicals the resident has concerns about since there is a state-wide ban on phosphorus. Commissioner Black said it is actually a restriction and Chair Loomis said yes, but contractors aren't allowed to use phosphorus on established lawn and the lawn in the Hidden Lakes area is established. Chair Loomis said that if the Commission was interested in making that request she would put it forward. No one indicated any interest.
4. Chair Loomis described a technology being investigated and soon to be tested by the City of Golden Valley in their environmental manholes.

**Administrator:**

1. Administrator Nash announced that staff at Barr Engineering, himself, and Ron Leaf of SEH have worked with Brooke Asleson of the MPCA to provide the content for responses to comments on the Sweeney Lake TMDL. He said that those letters went out last week to the people who provided comments. He said that the final changes are being made to the Sweeney Lake TMDL and he asked Barr Engineering to review the final changes made by SEH. Administrator Nash said that all final revisions would be done by next Friday and that the MPCA would then send it to the U.S. Environmental Protection Agency.

[Acting Commissioner Goddard departs the meeting.]

**Commissioners:**

1. Commissioner Hoshal said that he attended the Bassett Creek Regional Trail open house put on by the Three Rivers Park District on June 14<sup>th</sup>.

**Committees:**

1. Commissioner Langsdorf introduced Resolution 11-04 "A Resolution of Appreciation for the Services of Stuart Stockhaus" and Resolution 11-05 "A Resolution of Appreciation for the Services of Bonnie Harper-Lore." Chair Loomis moved to adopt Resolution 11-04 and Resolution 11-05. Commissioner Langsdorf seconded the motion. The motion carried with five votes in favor [Cities of Minneapolis, Minnetonka, New Hope, and Robbinsdale absent from vote].
2. Commissioner Langsdorf said that the BCWMC's Education and Public Outreach Committee has submitted a memo to the Budget Committee for its consideration of the idea that the Administrator would provide assistance to the Education Committee.
3. Commissioner Langsdorf provided an update on the May 31<sup>st</sup> WMWA workshop.
4. Commissioner Langsdorf said that the Education Committee has developed an Education Plan for 2011-2015 that is ready for the Commission's review. The Commission directed the review of the

plan to be put on the Commission’s July or August agenda.

**Counsel: No Communications.**

**Engineer:**

1. Ms. Chandler noted that the meeting packet contained a copy of a letter from the Commission Engineer to Andrea Weber of the Minneapolis Park and Recreation Board with comments on the proposed design for the modification of the control structure for the Wirth Lake Water Quality Pond.

**9. INFORMATION ONLY**

**Bassett Creek Erosion Control Inspections, June 1 – 4, 2011**

**10. ADJOURNMENT**

**Chair Loomis adjourned the meeting at 2:56 p.m.**

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**Linda Loomis, Chair**

**Date**

\_\_\_\_\_  
**Amy Herbert, Recorder**

**Date**

\_\_\_\_\_  
**Jim de Lambert, Secretary**

**Date**