

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of January 18, 2007

### 1. Call to Order

The Bassett Creek Watershed Management Commission was called to order at 11:30 a.m., Thursday, January 18, 2007 at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

#### Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf	<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>	Commissioner Bill Yaeger, Vice Chair		
<i>New Hope</i>	Commissioner Mary Gwin-Lenth		
<i>Plymouth</i>	Commissioner Ginny Black		
<i>Robbinsdale</i>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	Commissioner Richard Johnson		

Also present: Laura Adler, BCWMC Technical Advisory Committee, city of St. Louis Park  
Jeannine Clancy, Technical Advisory Committee, city of Golden Valley  
Dave Hanson, Alternate Commissioner, City of Golden Valley  
Al Lundstrom, City of Golden Valley  
Tom Mathisen, BCWMC Technical Advisory Committee, city of Crystal  
Bob Moberg, City of Plymouth  
Liz Stout, City of Minnetonka  
Elizabeth Thornton, Alternate Commissioner, City of Plymouth  
Vincent VanderTop, Alternate Commissioner, City of New Hope

### 2. Approval of Agenda and Consent Agenda

Chair Welch added item two items to the meeting agenda. He added item 3H. City of Golden Valley Request for Reimbursement for Flood Proofing and item 6F. Direction to Staff on Public Hearing Notices for Minor Plan Amendment.

Ms. Black moved to approve the amended agenda. Ms. Gwin-Lenth seconded the motion. The motion carried unanimously. Ms. Black moved to approve the Consent Agenda. Ms. Loomis seconded the motion. The motion carried unanimously.

### 3. Administration

- A. Presentation of the January 18, 2007 minutes. Approved under the Consent Agenda.
- B. Financial Statements.

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

Checking Account Balance	196,613.38
<b><i>TOTAL GENERAL FUND BALANCE</i></b>	<b>196,613.38</b>
Investment Balance	918,500.05
Commercial Paper (due 1/18/07)	992,949.44
Commercial Paper (due 2/14/07)	990,791.11
<b><i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i></b>	<b>2,902,240.60</b>

**C. Presentation of Invoices for Payment Approval.**

**i. Kennedy & Graven – Legal Services**

Ms. Loomis moved to approve payment of the Kennedy & Graven invoice of \$1,432.81. Ms. Black seconded the motion. By call of roll, the motion carried unanimously. Ms. Loomis commented that the Bassett Creek Watershed Management Commission is incurring a lot of expenses on the Twin's Stadium project. She said she thinks the Commission needs to find out if and when it will be reimbursed for these expenses. Ms. Loomis asked if the member-city commissioners each need to contact their county commissioner about this issue.

Mr. Kremer pointed out the November 17, 2006 letter included in the meeting packet. He noted that the letter went to Mr. Ed Hunter at the Minnesota Ballpark Project Office and outlines among other issues that the Ball Park Authority would be responsible for reimbursing the Commission and the City of Minneapolis for all costs incurred in connection with the proposed encroachment over the easement of the Bassett double box culvert. Mr. Kremer said the Commission has not received a response and may need to send a follow up letter to be clear that a response from the BPA is in order.

Ms. Black moved that the Commission send a copy of the November 17, 2006 letter, as well a follow up letter if necessary, to the county commissioners that represent the Bassett Creek Watershed area so the commissioners are aware of the BCWMC's concerns. Ms. Loomis seconded the motion. The motion carried unanimously.

**ii. Barr Engineering Company – Engineering Services**

Ms. Black said that page 4 of the Barr invoice lists \$7,166.50 for water quality monitoring for Three Rivers Park District for Medicine Lake. She asked if that amount is part of the \$20,000 the BCWMC budgeted for water quality monitoring.

Mr. Kremer said the \$7,166.50 is assigned to the water quality budget item. He said that Barr Engineering will take the Medicine Lake monitoring data collected by Three Rivers Park District and put it into water quality models, compare it to past years' data, and compile it into a report. Ms. Black asked if the Commission staff is doing any of the water monitoring because her original concern was that the Commission is doing duplicative monitoring.

Mr. Kremer said Barr is not conducting the monitoring for the Commission and that the Commission is paying the Three Rivers Park District to do the monitoring.

Ms. Black moved to approve payment of the Barr invoice of \$24,228.49. Ms. Loomis seconded the motion. By call of roll, the motion carried unanimously.

iii. Amy Herbert – Recording Administrator Services

Ms. Loomis moved to approve the Amy Herbert invoice of \$1,737.50. Ms. Gwin-Lenth seconded the motion. By call of roll, the motion carried unanimously.

iv. City of Golden Valley – Financial Management Fee

The financial management fee invoice was deferred until the February meeting so that a copy of the invoice could be presented to the Commission.

v. Center for Global Environmental Education, Hamline University – Metro WaterShed Partners

Ms. Langsdorf moved approval of the payment of the Center for Global Environmental Education, Hamline University - Metro WaterShed Partners invoice of \$5,000. Ms. Gwin-Lenth seconded the motion. By call of roll, the motion carried unanimously.

vi. Three Rivers Park District – 2006 Water Quality Monitoring

Ms. Black moved approval of the Three Rivers Park District Invoice of \$2,572.00. Ms. Loomis seconded the approval. By call of roll, the motion carried unanimously.

- D. Resolution to transfer funds from BCWMC Administrative Account to Erosion/Sediment –Channel Maintenance (\$25,000), Long-Term Maintenance (\$25,000), and TMDL Studies (\$35,000). Ms. Black moved approval of the Resolution approving the transfer of Bassett Creek Watershed Management Funds from the Administrative Account to the Erosion/ Sediment – Channel Maintenance (\$25,000), Long-Term Maintenance (\$25,000), and TMDL Studies (\$35,000) accounts and the Resolution approving the reimbursement to the BCWMC of \$4,750, or 2.5% of the 2006 tax levy, for administrative expenses for Capital Improvement Projects and approving the transfer of the funds from the CIP account to the Administrative Account. Ms. Loomis seconded the motion. The motion carried unanimously.
- E. Resolution to reimburse the BCWMC 2.5% of annual tax levy for administrative expense charge for CIP projects and to move the funds from the BCWMC CIP account to the Administrative Account. [See resolution approval under 3D.].
- F. Contract for MMKR Certified Public Accountant Audit Services. Ms. Gwin-Lenth moved approval of the contract with MMKR Certified Public Accounts for auditing services for the year ending January 31, 2007. Ms. Peterson seconded the motion. By call of roll, the motion carried unanimously.
- G. Letter from city of Plymouth Requesting Partial Reimbursement for 2006 Application for Medicine Lake Curly Leaf Pondweed Project. Mr. Kremer said the BCWMC has a contract with the city of Plymouth to reimburse the city for the 2005 and 2006 curly leaf pondweed herbicide treatments of Medicine Lake. He said the city had previously been reimbursed for the 2005 treatment. Mr. Kremer pointed out that the contract states that the city will be reimbursed from the 2007 funds received from Hennepin County. He said the city of Plymouth submitted all the appropriate materials and that the Commission Engineer recommends approval of the reimbursement. Mr. Kremer mentioned that the

project was originally budgeted at \$110,000.

Chair Welch clarified that the funds from which the reimbursement is to come from have not been received yet. Mr. Kremer said the BCWMC will not receive those funds until after the county receives the May 15, 2007 payment of taxes. Mr. LeFevere said the Commission has other funds for other projects but the Commission has not received those specific dollars.

Ms. Black moved to approve payment of the \$54,321.12 reimbursement to the city of Plymouth from the 2006 Medicine Lake In-Lake Treatment item in the BCWMC budget. Ms. Loomis seconded the motion. Chair Welch asked if the herbicide treatment worked. Ms. Black said the treatment appeared to have worked quite well in terms of getting rid of the curly leaf pondweed. She said as far as the phosphorus decrease in the lake, the application appears not to have worked as well as the city wanted it to but that the results will need to be monitored longer, even two to three years out, for a final determination.

Ms. Black asked if the Commission would like a representative from the Three Rivers Park District to come to a future Commission meeting to do a presentation on the three-year curly leaf pondweed treatment project. Ms. Peterson said she would be in favor of a short presentation. Chair Welch asked Ms. Black to communicate in her request to Three Rivers Park District staff that they address in their presentation how their findings from the Medicine Lake project may or may not apply to other lakes or water bodies affected by the curly leaf pondweed.

By call of roll, the motion carried unanimously.

- H. **Golden Valley Flood Proofing.** Mr. Kremer said the request is to reimburse the city of Golden Valley \$43,737.32 as a partial reimbursement for the flood proofing of 2725, 2685, and 2675 Scott Avenue North. He said the BCWMC has a contract with the city of Golden Valley to flood proof 13 homes in the city of Golden Valley. Mr. Kremer said that as the homes get flood proofed, the city of Golden Valley submits the evidence of the contract payments and the Commission approves the payments as the projects get completed. He said the Commission Engineer recommends approval of the reimbursement. Mr. Kremer confirmed that the Commission reimburses 72.5% of the project cost.

Ms. Black moved payment to the city of Golden Valley of \$43,737.32 for reimbursement of the Golden Valley Flood Proofing project. Ms. Loomis seconded the motion. By call of roll, the motion carried unanimously.

- I. **Resolution of Appreciation of Service of Commissioner Mary Gwin-Lenth.** Mr. VanderTop recognized Ms. Gwin-Lenth's years of service on the Bassett Creek Watershed Management Commission and thanked her for her hard work and her dedication to the Commission. Chair Welch read the Resolution of Appreciation of the Services of Mary Gwin-Lenth to the Bassett Creek Watershed Management Commission. Ms. Black moved to approve the resolution. Ms. Loomis seconded the motion. The motion carried unanimously.

## **4. Communications**

- A. **Citizen Input on Non-Agenda Items:** No citizen input.

**B. Chairman:**

- i. Chair Welch asked Mr. Kremer about the status of the application by the City of Golden Valley for Mn/DOT funds for Wirth Lake. Mr. Kremer responded that Mn/DOT recently followed up with the City of Golden Valley by asking the City specific questions such as who would provide pond maintenance. Mr. Kremer stated that Golden Valley's Public Works Director, Jeanine Clancy, responded to the questions and that the application is still under consideration by Mn/DOT.
- ii. Chair Welch announced that he received an e-mail on January 10, 2007, from Troy Erickson of SRF, representing Hennepin County, regarding the TH 55 Agency Water Resources Early Coordination meeting. Chair Welch said Mr. Erickson is asking the BCWMC for a representative to participate in the series of meetings regarding the highway expansion. Chair Welch asked the Commission if it would be interested in sending Commission staff to the meetings. Mr. Kremer remarked that the Commission's letter to Hennepin County's original request for feedback was pretty comprehensive and that he doesn't see the County needing more information from the Commission than what is contained in the letter. Chair Welch said any commissioner interested in attending the meeting is welcome to do so. Ms. Black said the city of Plymouth sent comments to Hennepin County regarding the highway expansion and asked if the Commission would be interested in seeing a copy of those comments. Chair Welch said he would like to see the comments. Ms. Black asked city of Plymouth engineer Bob Moberg to forward the city's comments to Ms. Herbert for distribution to the BCWMC.
- iii. Chair Welch stated that he, BCWMC Treasurer Linda Loomis, Ms. Herbert, and Mr. Kremer are meeting with BCWMC Deputy Treasurer Sue Virnig directly after today's Commission meeting. He said the purpose of the meeting is to discuss details of the financial report and said that anyone is welcome to stay and join that meeting.
- iv. Chair Welch announced that the Office of Legislative Auditor Evaluation Report on Watershed Management Organizations will be released on January 25<sup>th</sup> at 4:00 p.m.

**C. Commissioners:**

- i. Ms. Black said she is reporting the outcome of the Proposal Review Committee meeting. She said the purpose of the meeting was to review the engineering and technical consultant services proposals received by the BCWMC. Ms. Black stated that the Proposal Review Committee agreed with the conclusion of the Technical Advisory Committee (TAC) that Foth and VanDyke did not appear to be well qualified for what the BCWMC is looking for and that EOR did appear to be qualified but didn't appear to be interested in being the engineer to the BCWMC but instead was interested in contracting for jobs with the BCWMC. Ms. Black said the Proposal Review Committee recommends to the BCWMC that it contract with Barr Engineering for the engineering and technical consultant services. Ms. Herbert was directed to prepare and send letters to the three Engineering and Technical Consulting firms who submitted letters of interest proposals informing them of the Commission's decision.

Ms. Loomis said that apparently there are two different meeting packets mailed out and asked if the commissioners have a way of verifying if the conversations and the meetings being billed by the Commission Attorney and the Commission Engineer have actually occurred. She said that it seems that one meeting packet is sent out to the commissioners and contains copies of the invoices and that a meeting packet without

the invoices is sent out to the TAC members. Ms. Loomis asked if it would be easier if one version of the meeting packet was sent out to everyone so that city staff could look at the bills since city staff are in the best position to provide oversight and could notify the commissioners if something isn't proper or correct.

Ms. Herbert said that when she assumed the role of the Recording Administrator she was instructed to include paper copies of the invoices in the meeting packets sent to commissioners, alternate commissioners, and the Deputy Treasurer. She said that perhaps the commissioners know the history of why the paper copies of the invoices aren't sent to the TAC members and others receiving the meeting packet. Ms. Herbert said she assumed it was a cost and paper saving measure. Ms. Herbert said that the invoices are electronically sent to the commissioners, alternate commissioners, and TAC members as part of the meeting packet e-mails each month. Ms. Loomis said she thinks that since the TAC members receive a paper copy of the meeting packet they don't always look at the electronic copy. Chair Welch directed Ms. Herbert to group the monthly invoices together in their own e-mail as part of the electronic meeting packet e-mails and to make sure the e-mail communicates to the TAC that the invoices are electronic copies and will not be included in the paper copy of the meeting packet.

Ms. Black brought up the idea of the Executive Director and mentioned that the BCWMC had previously discussed and asked if the BCWMC wants to bring the idea up again for discussion. She asked if the BCWMC wants to put it on a future agenda. Chair Welch said staffing is a topic that needs to be considered and discussed as the BCWMC enters the next budget process. Ms. Black said she could find previous BCWMC documents regarding the Executive Director position and could make them available to commissioners if they want to revisit the topic or if they were not part of the commission the last time the topic was discussed.

#### **D. Committees:**

- i. Ms. Black updated the Commission on the status of the grant program. She said the grant program information was recently posted to the BCWMC Web site and that next steps include e-mailing a press release to the schools in the Bassett Creek Watershed and to newspapers and other news agencies in the member-cities.
- ii. Ms. Langsdorf said that the Bassett Creek, Shingle Creek, West Mississippi, and Elm Creek joint education and outreach committee meeting was held January 9<sup>th</sup> at the Three Rivers Park District. She said the joint committee plans to send out a request for proposal (RFP) regarding the watershed survey. Ms. Langsdorf said the BCWMC budgeted money for the survey in its 2007 budget. She said the joint committee discussed an interest in having a joint rain garden workshop and in order to decide if funding for the workshop should be considered for 2008, the joint committee invited MetroBlooms to present to the joint committee on March 13<sup>th</sup> at 8:30 a.m. at French Regional Park. Ms. Langsdorf said the BCWMC Education and Outreach Committee will meet on February 6<sup>th</sup> at 9:00 a.m. in the Council Conference Room at Golden Valley City Hall to continue working on its education plan and to discuss table top exhibits and at 10:00 a.m. Shingle Creek will join to meeting to plan for the joint water quality presentation that we will be giving on March 27<sup>th</sup> at Pilgrim Lane Elementary School's Environmental Quality Fair.

#### **E. Counsel: No communications.**

**F. Engineer:**

- i. **Mr. Kremer reminded the Commission that at the December BCWMC meeting, the Commission Engineer presented comments on Mn/DOT's Storm Water Pollution Prevention Plan (SWPPP). He said the Commission directed him to contact Mr. Keith Cherryholms of the Minnesota Pollution Control Agency (MPCA) before sending the comment letter to Mn/DOT. Mr. Kremer said he contacted Mr. Cherryholms and asked him if he had received any comments on the SWPPP and Mr. Cherryholms said he had not. Mr. Kremer asked Mr. Cherryholms if the MPCA had any comments on the SWPPP and he said it did not. Mr. Kremer also asked him if the MPCA noted that the SWPPP did not include discussion of the plans for new or expanded highway projects or discussion of maintenance of receiving waters not owned by Mn/DOT. Mr. Cherryholms indicated that they were not aware that these issues were not covered in the SWPPP. Mr. Kremer contacted Chair Welch and Chair Welch directed Mr. Kremer not to send the letter since Mn/DOT hadn't received any other comment letters.**

**Mr. Kremer said that at the January 4<sup>th</sup> TAC meeting, the TAC decided it would like to invite Ms. Beth Neuendorf of Mn/DOT to come talk at the next TAC meeting [March]. He said the SWPPP could be one of the items the TAC discusses with Ms. Neuendorf.**

**Chair Welch said he thought conditions had changed enough that the authorization that the Commission put forward regarding sending the comment letter to Mn/DOT didn't extend to being the only voice to comment on Mn/DOT's plan, which is why he asked Mr. Kremer to hold sending the letter until the Commission could discuss this again.**

**Chair Welch asked the commissioners if they were ok with the TAC inviting Ms. Neuendorf to its next meeting. The Commission indicated its approval for TAC to invite Ms. Neuendorf to its next meeting. Chair Welch directed Ms. Herbert to e-mail the TAC the comment letter regarding Mn/DOT's SWPPP prepared by the Commission.**

- ii. **Mr. Kremer reported that he was contacted by Hennepin County. He said the County has set up a loan program for acquisition of land for conservation purposes. The County said it is contacting the Watershed Management Organizations (WMOs) in the County to announce this loan program is available to WMOs. Mr. Kremer said there are activities the city may be undertaking in collaboration with the BCWMC where the city needs to potentially buy easements or buffers for lands for water quality purposes or to preserve something as open space and those activities would be eligible for a loan. Mr. Kremer explained that the County stated that the loan would have to be paid back from something such as an assessment to the landowners over time. Mr. Kremer said he finds this program to be an interesting concept.**

**Ms. Black said she wasn't clear on how the loan program could apply if a city is buying the land. Mr. Kremer said it seems like a possible scenario would be a BCWMC project where the BCWMC is collaborating with a city and the city needs to buy land for an easement or a buffer. He said in that case the County loan for the purchase of the land would go through the BCWMC. Mr. Kremer said he didn't ask Hennepin County whether the loans would be available to the cities.**

Mr. Kremer said he asked for a detailed description of the loan program and once he gets it he will give it to Ms. Herbert to distribute to the Commission before or with the next meeting packet. Chair Welch suggested the commissioners visit the Minnehaha Creek Web site for information on its land conservation program and for a point of comparison with Hennepin County's loan program for land conservation.

## 5. New Business

- A. **Biotic Index Evaluation of Bassett Creek and Plymouth Creek: 2006.** Mr. Kremer said these reports are now available in draft form and any one interested in reviewing and commenting on the draft should contact Ms. Herbert for copies. He said the final reports will be included in the February meeting packet. Mr. Kremer asked that when the Three Rivers Park District comes to speak to the BCWMC about the herbicide treatment of Medicine Lake's curlyleaf pondweed that the District also talk about the summary of long-term data. Mr. Kremer said the Commission Engineer will get the Three Rivers Park District a copy of the report.

Mr. Kremer said the summary graph on page 1 of the biota report shows that there is a diversity of biota in all the sampling locations and that there has been some decline in water quality over the last three periods in the city lake branch. He said that some of the ups and downs reflect impacts of some of the projects that have occurred over the years. Ms. Black said she noticed that between 1996 and the present the biotic index has stayed between the good and the fair. She asked if there is any speculation as to why. Mr. Kremer said he thinks a reason is because there have been a lot of storm water storage ponds built and they provide a base flow, they knock down the peaks and provide sustained flows, which provides for a diversity of biota and the water quality is very good.

Chair Welch said it is important to look at the graph keeping in mind that over the time graphed the environment has not been static but instead there has been continuing development. Mr. Kremer stated that the main stem of Bassett Creek is impaired for biota. He said the reason it is impaired for biota is because sampling for biota is done at low flow. He said sampling is done at low flow because the idea is that development has caused the streams to be dry during certain periods of the year and so the streams can't sustain the biota.

Chair Welch directed staff to finalize the report. Mr. Kremer said the Commission Engineer will wait to see if any one has comments on the draft report and then will finalize the report the week prior to the February 15<sup>th</sup> BCWMC meeting.

- B. **2006 Lake Water Quality Study: Medicine Lake.** Mr. Kremer said long-term trends show ups and downs but that overall there is a significant improvement in the lake. Chair Welch said the Executive Summary of both reports should list the impairments. Ms. Black clarified that the Commission wants the Three Rivers Park District to include in its presentation to the Commission about the Medicine Lake curlyleaf pondweed herbicide treatment a discussion about the long-term trends as detailed in the Medicine Lake 2006 Lake Water Quality Study. Mr. Kremer agreed and said that the Commission Engineer would get a copy of the final report to the Three Rivers Park District.

## 6. Old Business

- A. **Sweeney Lake TMDL Study.** Mr. Kremer said the topic of whether the BCWMC should do TMDL (Total Maximum Daily Load) study has been discussed on occasion over a long period of time. He reminded the Commission that the topic of the possibility of doing the Sweeney Lake TMDL study was introduced one year ago and was discussed in detail when Mr. Tim Larson of



the MPCA spoke at the January 2006 BCWMC meeting.

Mr. Kremer said the City of Golden Valley asked contractor SEH to prepare a scope of work for the Sweeney Lake TMDL study. He reported that the scope of work was submitted to the MPCA for review and is now in the process of being review. Mr. Kremer explained that the scope of work estimates the total cost to be \$120,000 and proposes the work to be completed in the next monitoring season. He reminded the Commission that according to Mr. Larson, the MPCA has \$62,000 earmarked for the Sweeney Lake TMDL and that has to be spent by June 30, 2007. Mr. Kremer said SEH's cost breakdown shows that \$62,000 would be spent on the TMDL study by June 30, 2007, and the remaining \$58,000 would be spent after June 30<sup>th</sup>. Mr. Kremer said that Mr. Larson also stated that the MPCA has \$22,000 for the Sweeney Lake TMDL study that can be spent after the June 30<sup>th</sup>. Mr. Kremer remarked that Mr. Larson is looking for additional funding.

Mr. Kremer referred to page 10 of the scope of work and said there is a lot of detail about the project components and cost estimate. He pointed out there are two fairly expensive items detailed – the in-lake data collection and the runoff monitoring. Mr. Kremer said that Mr. Larson asked him if there is any way the costs associated with those two items could be cut. Mr. Kremer said he thought there could be a possibility that the BCWMC could work with Hennepin Parks on the monitoring of Sweeney Lake like it has on Medicine Lake. Mr. Kremer told Mr. Larson that he would contact Hennepin Parks to see if they would be available to do that and what the cost would be.

Mr. Kremer pointed out that the meeting packet includes a copy of the contract that Shingle Creek Watershed District has with executed with the MPCA and a copy of the memo written by Mr. LeFevere and Mr. Kremer in March 2006.

Mr. Mathisen asked how much time is allotted to implement any projects stemming from the completed TMDL study and asked the Commission to consider where the money for those projects would come from and would they be competing for funds from other CIP projects.

Chair Welch said if the BCWMC got into the TMDL study process earlier, the BCWMC would get to the implementation phase earlier and then water quality improvements would start to happen earlier. Chair Welch said that one of the things in the March 2007 memo [copy of the memo was included in today's meeting packet] that caught his attention was the statement that there does not seem to be any reasonable approaches to reduce the external load to Sweeney Lake. Chair Welch said this would mean that the load reduction likely would have to come from the internal load such as dredging or alum treatment. He asked Mr. Kremer how the commissioners should consider that aspect while considering whether to go ahead with the TMDL study on Sweeney Lake. Mr. Kremer said it wouldn't change his recommendation to the Commission. He said part of the TMDL study process would be confirming if there are any feasible BMPs (Best Management Practices) that could reduce the external load.

Chair Welch asked when the BCWMC would need to let SEH know in order to proceed Mr. Kremer responded April for a full monitoring season on the lake. Ms. Black asked when the contract would need to be done. Mr. Kremer said the contract would need to be in place before April. Ms. Black said the BCWMC likely would need to give the go-ahead today if it wants to proceed in order to have the contracts in place before April. Mr. Mathisen said the Commission can discuss the pros and cons but recommended the Commission get its feet wet by going ahead. He said the first TMDL study will be an educational process and he commented that delaying the decision would make it harder to spend the \$62,000 prior to the June deadline.

Mr. Yaeger remarked that he thought \$31,000 for a TMDL study seems like a pretty good deal.

Ms. Loomis responded that the \$31,000 is a little misleading since it is the cost to do the TMDL but that cost doesn't include the BCWMC's costs such as the cost for the Commission Engineer to coordinate the project with SEH. Chair Welch directed Mr. Kremer to prepare for the March BCWMC meeting the Commission Engineer's cost estimate for consulting work /overseeing SEH on the Sweeney Lake TMDL study.

Ms. Clancy commented that last year the City of Golden Valley tried to move forward with the Sweeney Lake TMDL study and to get funding for the study through the MPCA but the city wasn't able to put together the scope of work in time and as a result another group that moved more quickly received the funds. Ms. Clancy said she is not asking the BCWMC to jump into anything it is not prepared to undertake but she wants the BCWMC to know if we don't move quickly enough there are other agencies who are prepared and will step up to the plate for those funds.

Mr. Hanson, a Sweeney Lake resident and a BCWMC alternate commissioner, stated that he supports the Commission going forward with the Sweeney Lake TMDL but that he is not happy with it. He read a written statement he prepared for the Commission. [The full statement is attached as the final page of the meeting minutes.]

Ms. Black said that according to last month's BCWMC meeting minutes SEH's first cost estimate was \$60,000 and asked why this month SEH's revised cost estimate is \$120,000. Mr. Kremer said the revised scope of work contains item 1B2 for \$40,000, which was not in the original cost estimate, and the final TMDL item 6 and the full cost estimate for the public involvement components were missing from the original estimate.

Ms. Black stated that she doesn't want the BCWMC to turn the MPCA funding down but that she has concerns about the cost of the project to the Commission. Mr. Johnson said his understanding is that the Sweeney Lake TMDL has to be done sometime and he supports moving ahead with the project.

Mr. LeFevere said the BCWMC has a proposal and a work plan from SEH for the Sweeney Lake TMDL study and the MPCA has said it has some money available for the BCWMC for the project but the Commission doesn't have a contract prepared. Mr. LeFevere said maybe the decision today is whether to move forward. He said the Commission may decide at an upcoming meeting that it doesn't have the money to cover the unfunded costs or it doesn't want to undertake the project, but if the Commission doesn't approve moving forward with the next steps in the process today, it will not be prepared in time to take advantage of the available funds from the MPCA.

Chair Welch asked how much the BCWMC currently has in its TMDL fund. Mr. Kremer remarked there is \$70,000 and the Commission also has \$35,000 budgeted for 2007. Ms. Langsdorf asked what the Commission needs to do to move ahead. Chair Welch said it needs to direct staff to prepare the contracts. Mr. Kremer said he would like authorization to work with Hennepin Parks to try and find a way to reduce the monitoring costs.

Ms. Black moved that staff go forward to prepare the contracts, to work with Hennepin County on the monitoring costs, and for Barr Engineering to prepare a cost estimate on what it would cost to have Barr involved in this process. Mr. Yaeger seconded the motion. The motion carried unanimously.

**B. Letters of Interest Proposals for Legal, Engineering and Technical Services. Item discussed in Commissioner Communications.**

**C. TAC Recommendations:**

- i. Mn/DOT Storm Water Contributions to City/Commission Storm Water Treatment Ponds.** Chair Welch reiterated that the BCWMC has authorized the TAC to invite Beth Neuendorf or other pertinent Mn/DOT staff to the next TAC meeting.
  
- ii. Third Exemption for BCWMC's Non-degradation Policy.** Chair Welch said his concern is that this exemption does not provide any mechanism to prevent serial additions of impervious surface in amounts meeting the exemptions. Ms. Loomis asked if the BCWMC has a maximum coverage and said that most of the cities do. Mr. Mathisen said the TAC did talk about the possibility of serial additions of impervious surface but the TAC realized that in a practical sense serial additions would not be efficient. He said the TAC considered whether the Commission wants to review every application for small increases of impervious surface that comes in from every individual city. Mr. Mathisen said that the individual communities have their own regulations in place about such additions of impervious surface and having the Commission review the plans on these projects is just adding another layer of review. He said the TAC looked at adding some minimal threshold so that the additional layer of review doesn't need to happen for small impervious surface increases especially when the cities are doing the review already.

Ms. Black said millions of dollars are spent on water quality. She said the problem isn't just nutrient load but it is also volume. Ms. Black said the city of Plymouth has done three erosion creeks and most of it is the result of storm water coming off of hard surfaces and some residents are losing trees and are close to losing decks in their back yards. She said those projects have each cost close to \$500,000 and the city of Plymouth has recently talked about three other such projects. She said the issue is volume and impervious surface and that is what these exemptions deal with, too. Ms. Black said perhaps the oversight isn't best done at the Commission level but then the Commission should sit down with the communities and talk about guidelines.

Ms. Loomis said she thinks the BCWMC should go along with the TAC's recommendations. She moved approval of TAC's recommended exemptions for the BCWMC's non-degradation policy as written in the January 10, 2007 Engineer's memo:

Exemptions from the BCWMC's non-degradation policy (which applies to redevelopment projects);

- 1. Single family homesites, or,
- 2. Project sites less than 0.5 acre
- 3.

Project site size (acres)	Exemption applies if added impervious surface area is no more than:
0.5 – 1.0	1,000 square feet
1.0 – 5.0	2,000 square feet
Over 5.0	10,000 square feet

Mr. Yaeger seconded the motion. Eight votes were in favor of approving the motion. One vote was against [City of Plymouth].

iii. **Recommended CIP Modifications/ Channel Maintenance Fund.** Item deferred to February meeting.

iv. **Long-Term Maintenance Fund Balance and Annual Assessment.** The Commission concurred with the TAC recommendation that this issue be re-visited next year.

**D. Minneapolis Request for Green Roofs Conference.** Chair Welch reminded the Commission that the city of Minneapolis is hosting a green roofs conference in the spring and the conference has requested \$2,000 from the BCWMC to support the development of a printed database of greenroofs that will be an ongoing resource that would be available for watershed organizations and other organizations to use. Ms. Black asked where the funds would come from. Chair Welch asked for suggestions. Mr. Yaeger moved that the BCWMC give \$850 to the conference from the Public Communications fund. Ms. Peterson seconded the motion. Ms. Langsdorf moved to amend the motion to be giving \$2,000 to the conference from the contingency budget. Ms. Black seconded the motion to amend. By call of roll, six votes were in favor of amending the motion and three votes were against amending the motion [City of Golden Valley, City of Minnetonka, and City of Robbinsdale]. The motion was amended. By call of roll the motion to pay \$2,000 from the BCWMC contingency fund to the green roofs conference for the printed database of green roofs carried with six votes were in favor and three votes against [City of Golden Valley, City of Minnetonka, and City of Robbinsdale].

**E. Twin's Stadium Update.** Mr. Kremer said the information in the November letter to Ed Hunter is current and that there have been no additional meetings since that time and only one communication since that time. He reported that he has been sent a set of preliminary plans for storm sewer but he communicated to the Ball Park Office that the BCWMC won't be reviewing the storm sewer plans unless they exceed certain discharge.

**F. Minor Plan Amendment Hearings.** Mr. LeFevere said the BCWMC has a request for minor plan amendment in process for Northwood Lake East Pond [NL-5] in New Hope and Medicine Lake Park Pond [ML-11] in Plymouth. He said the Commission is still expecting the Hennepin County Board to act on the request in February and if the County Board approves the request, the BCWMC could hold the proposed minor plan amendment and the proposed improvements public meeting and public hearings at the March Commission meeting. Mr. LeFevere said the longest notice period provided under any of those rules is under the Joint Powers Agreement and requires 45-day mailed notice to the cities of the hearing. He said the Commission should direct staff to prepare and direct notice of the hearings at this meeting if it wants the public meeting and hearings to be held at the March BCWMC meeting. Ms. Loomis moved to direct staff to issue the call for the public hearings. Ms. Black seconded the motion. The motion carried unanimously.

## **7. Next Meeting**

The following agenda items are currently scheduled for the February 18th, 2006 BCWMC meeting:

- A. Organizational Meeting
- B. Review Policy of CIP Reserve Account and \$250,000 minimum account balance
- C. Review TAC's Recommendation on CIP Modifications
- D. Sweeney Lake TMDL

## 8. Adjournment

Ms. Langsdorf moved to adjourn the meeting. Ms. Peterson seconded the motion. The meeting adjourned at 2:10 p.m.

\_\_\_\_\_  
Michael Welch, Chair

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Amy Herbert, Recorder

\_\_\_\_\_  
Ginny Black, Secretary

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