

Bassett Creek Watershed Management Commission

Minutes of the Meeting of August 21, 2008

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:40 a.m., Thursday, August 21, 2008, 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>	Karen Chandler
<i>Medicine Lake</i>	Commissioner Cheri Templeman	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Chair		
<i>Minnetonka</i>	Commissioner Kris Sundberg		
<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>	Alternate Commissioner Sue Sanger		

Note: Robbinsdale Commissioner Karla Peterson arrived after roll call

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Brooke Asleson, Minnesota Pollution Control Agency
Jack Frost, Metropolitan Council Environmental Services
Hans Holmberg, LimnoTech
Randy Lehr, Three Rivers Park District
Al Lundstrom, BCWMC Technical Advisory Committee, City of Golden Valley
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
Bob Moberg, BCWMC Technical Advisory Committee, City of Plymouth
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley
Brian Ross, CR Planning
Stu Stockhaus, Alternate Commissioner, City of Crystal
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka
Elizabeth Thornton, Alternate Commissioner, City of Plymouth

2. Approval of Agenda and Consent Agenda

Chair Welch corrected the address on listed on the agenda for item 5A to read 1240 Angelo Drive. He announced that agenda item 6D – Resource Management Plan - would be addressed last; he added to the agenda a discussion of the Pilgrim Lane Elementary Education Grant Reimbursement Request and he stated that agenda item 6A – Plymouth Creek Feasibility Study – would be addressed prior to item 5B – Ad Valorem Tax Request to Hennepin County. Ms. Black moved to approve the agenda as amended. Ms. Loomis seconded the motion. The motion carried unanimously [City of Robbinsdale absent from the vote]. Ms. Loomis moved to approve the Consent Agenda. Ms. Black seconded the motion. The motion carried unanimously [City of Robbinsdale absent from the vote].

3. Citizen Input on Non-Agenda Items

Mr. Frost announced that there is a Lake Pepin TMDL conference in Mankato on September 23rd and 24th.

4. Administration

A. Presentation of the July 17, 2008, BCWMC meeting minutes. The July 17, 2008, meeting minutes were approved as part of the Consent Agenda.

B. Presentation of the Financial Statement.

The general and construction account balances reported in the August 2008 Financial Report are as follows:

Checking Account Balance	509,099.53
<i>TOTAL GENERAL FUND BALANCE</i>	<i>509,099.53</i>
Construction Account Balance (cash)	2,500,537.58
Investment Balance	0.00
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>2,500,537.58</i>
<i>-Less: Reserved for CIP projects</i>	<i>3,748,708.17</i>
<i>Construction cash/ investments available for projects</i>	<i>(1,248,170.59)</i>

C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through July 25, 2008 - invoice for the amount of \$1,010.90.
- ii. Barr Engineering Company – July Engineering Services - invoice for the amount of \$29,413.74.
- iii. Barr Engineering Company – Sweeney Lake TMDL Services May 31 – August 1, 2008 - invoice for the amount of \$914.11.
- iv. Amy Herbert – July Recording Administrator Services - invoice for the amount of \$2,360.05.
- v. SEH, Inc. – Sweeney Lake TMDL Study Phase 2 Services through June 30, 2008 – invoice for the amount of \$1,065.00.
- vi. City of Golden Valley – Reimbursement for Sweeney Lake Branch Channel Maintenance – invoice for the amount of \$83,734.35.

Ms. Black moved to approve payment of all invoices. Ms. Loomis seconded the motion. By call of roll, the motion carried unanimously [City of Robbinsdale absent from the vote].

5. New Business

- A. **1240 Angelo Drive: Golden Valley Trail Phase 2.** Ms. Chandler explained that the property is located directly on the west shore of Sweeney Lake and that the project is in front of the Commission because the second and final phase of the project consists of work in the floodplain. She stated that the work comprises the removal of an existing limestone wall and an old boathouse foundation and other debris along 122 feet of the shoreline. Ms. Chandler explained that the shoreline will be restored with limestone riprap and native plants. She reported that the three conditions listed in the August 12, 2008, Engineer's Memo have been met and that the Commission Engineer recommends approval of the project.

Chair Welch asked if there is a silt fence installed at the project site and if it would manage erosion properly and if anyone is inspecting the site. Ms. Chandler said the silt fence is there and hay bales are reinforcing the fencing. Mr. Lundstrom said the City of Golden Valley has been visiting the project site. Chair Welch suggested the Commission consider during its Third Generation Plan process discussing rip rap and shoreline stabilization requirements. Ms. Black moved to approve the project. Ms. Sundberg seconded the motion. The motion carried unanimously. [Commissioner Peterson arrives].

6. Old Business

- A. **Plymouth Creek Feasibility Study.** Ms. Chandler mentioned that the nine Commissioners were mailed a hard copy of the study in the mail and that the entire Commission was sent an electronic copy. She explained this project was included in the BCWMC's CIP for construction in 2009. She said the project is for the reach of Plymouth Creek that from upstream of 26th Avenue down to the park by Medicine Lake. Ms. Chandler said that within that reach there are a lot of erosion and sedimentation problems. She said the City of Plymouth is interested in rerouting a portion of the creek to restore it to a more natural configuration. Ms. Chandler said that because of the large amount of work that needs to be done for the project and because a lot of the project will take place on private property, the City of Plymouth decided it needs more time to go through the public process and would like the project to be delayed one year for construction in 2010.

Chair Welch said the Commission would have needed to order the project and have held the public hearing in order to levy for the project this year for collection in 2009. He said the need for wetland mitigation on the project is unknown and commented that the easements for private property can be a big deal.

Mr. Moberg said the City of Plymouth would like the West Medicine Lake Park Pond project completed prior to starting the Plymouth Creek project. He said the City is moving forward with plans to replace all the culverts under 26th Avenue and that project won't be completed until 2009 or 2010. He commented that the City also needs time for extensive public participation and for working on easement issues. Mr. Moberg remarked that the project has been identified as a component of the BCWMC's resource management plan and the City wants to make sure the project goes through the Army Corps of Engineer's process.

Ms. Chandler commented that Figure 10 in the project's feasibility report provides a project timeline.

Ms. Black asked if the Commission would want this project and the feasibility study to be discussed again in January 2009? The Commission concurred. Chair Welch said Mr. Moberg will update the Commission on the public process and the EAW status. Chair Welch directed the TAC

to discuss the Plymouth Creek project as part of the TAC's January CIP review.

Ms. Langsdorf mentioned that the figures in the feasibility report are great resources and should be provided to the alternate commissioners. Chair Welch directed Ms. Herbert to send a CD-ROM of the feasibility report to the alternate commissioners and the TAC members.

Ms. Chandler stated that the project cost listed in the feasibility report is greater than the cost listed in the CIP table because originally the stream relocation was not part of the project and the cost of easement acquisition was not in the original estimate. She reminded the Commission that the TAC has since recommended that feasibility reports include acquisition costs.

5. New Business

- B. **2009 Ad Valorem Tax Request to Hennepin County.** Chair Welch reminded the Commission that the tax levy request to the County is a request for funding of the BCWMC's capital projects. He said the Commission needs to determine whether or not it wants to include in the levy request the additional \$200,000 for wetland mitigation for the West Medicine Lake Park Pond project. Chair Welch reminded the Commission that in the past the Commission has not paid for this kind of project-related cost. Chair Welch said the TAC had discussed whether the Commission should develop a policy for handling land-related costs such as for easements and for wetland mitigation. He stated that the TAC recommended the Commission make decisions on a case by case basis for now.

Mr. LeFevere explained that no plan amendment is required if a project cost is adjusted within certain limits. He said the original project cost can be increased by up to 20% in accordance to the Construction Cost Index. He said that for this project the levy could be adjusted up to approximately \$1,164,000 without a plan amendment. Mr. LeFevere said the wetland mitigation cost was not included in the feasibility report and the report stated that those costs were unknown at the time of the report. Ms. Sanger asked if the BCWMC doesn't pay for the wetland mitigation, then who will? Chair Welch said the City would pay the cost.

Chair Welch commented that the Commission hasn't heard from the TAC about this project specifically. Mr. LeFevere stated that the tax certification is due to the County before October 1st so the Commission has time to act on the levy at the September meeting.

Mr. Mathisen said the Commission needs to have a policy on what is and what is not land acquisition.

Ms. Black said this particular project would likely be a significant piece of the Medicine Lake TMDL study and wondered if that consideration needs to be evaluated. Ms. Loomis said if the Commission gets into land acquisition then at what point does the Commission stop? Mr. LeFevere said if the project winds up helping a city with its load allocation then the city could agree to share the costs of the land acquisition, which may be the cheapest way for the city to meet its load allocation.

Chair Welch commented that the Commission should consider the Commission's involvement in these types of projects. He said the Commission is largely a funding source and doesn't have much say in how the projects are conducted.

Mr. Mathisen remarked that the WMOs having been telling the MPCA that the WMOs want to decide how to divide the load allocations so that the allocations don't necessarily need to be divided

on a city by city basis. He stated that the Shingle Creek Watershed Management Commission doesn't pay for land acquisition and only pays 25% of project costs and the projects still get done.

Mr. Stauner requested that the feasibility report for this project be resent to the Commission.

Ms. Peterson said she would like the TAC to provide the Commission with a few different options that it could discuss at the next meeting. Ms. Black requested historical information on land acquisition in the BCWMC's land acquisition projects. Chair Welch asked Ms. Chandler if Barr could prepare such information, not including the flood control projects. Ms. Chandler said yes.

Ms. Sanger asked if the Commission and the TAC should take into consideration the levy limits on the cities. Ms. Black remarked that cities do have other vehicles besides property tax for raising those funds. Chair Welch moved to send the issue to the TAC for its recommendation on whether the wetland mitigation costs for this project should be included in the ad valorem levy for 2009. Ms. Loomis seconded the motion.

6. Old Business

- B. **Golden Valley Surface Water Management Plan.** Ms. Loomis moved to direct Commission Counsel to prepare the resolution to approve Golden Valley's surface water management plan. Ms. Black seconded the motion. The motion carried unanimously.
- C. **Minnetonka Surface Water Management Plan.** Ms. Loomis moved to approve Minnetonka's surface water management plan, to direct Commission Counsel to prepare the resolution to approve the plan, and to refer to the TAC the issue raised by Minnetonka regarding the changed flood plain elevation for Crane Lake. Ms. Black seconded the motion. Mr. LeFevere commented that the resolution would clarify that at this time the Commission has not adopted the changed flood plain elevation for Crane Lake. The motion carried with eight votes in favor [Crystal, Golden Valley, Minneapolis, Minnetonka, New Hope, Plymouth, Robbinsdale, and St. Louis Park] and one vote against [Medicine Lake].
- D. **Medicine Lake TMDL Study Update.** Chair Welch stated that a final Medicine Lake TMDL Study work plan was e-mailed to the BCWMC [on August 12, 2008] from Brooke Asleson of the Minnesota Pollution Control Agency (MPCA) and stated that Ms. Asleson also e-mailed the BCWMC [on August 12, 2008] a memo with a Medicine Lake TMDL Study update. Chair Welch said that a memo dated August 20, 2008, from Barr Engineering was e-mailed today to the BCWMC. He said the memo raises a couple of issues for points of clarification and the Commission Engineer is recommending that the Commission discuss the points with the Medicine Lake TMDL team. Chair Welch welcomed to the meeting Hans Holmberg of LimnoTech, Brian Ross of CR Planning, and Randy Lehr of Three Rivers Park District in addition to Brooke Asleson of the MPCA, who are all part of the Medicine Lake TMDL Study.

Ms. Asleson discussed her memo about the Medicine Lake TMDL project update. She said that all three contracts for the project's separate components are in place. She said the Three Rivers Park District started work on July 1, 2008, on project task 1. She said that the contract with LimnoTech was signed on July 2, 2008, and that she and Brian Ross have held one meeting so far. Ms. Asleson said that on August 19, 2008, the contract with CR Planning was signed and said that the stakeholder process would begin soon. She said the detailed work plan and the budget were included in her August 12, 2008 e-mailed communications to the Commission for its review. She said she would be happy to answer any questions the Commission has about the work plan or the budget.

Ms. Asleson said that as the project moves forward, to ensure that the three-way partnership that has been established with the Three Rivers Park District, the BCWMC, and the MPCA is productive and that the partners can continue to work together in an effective way, she would like to set out some conditions for the partners to agree upon so that the partners hopefully could all move forward in a productive manner.

Ms. Asleson said the first condition she requests from the Commission is that the Commission speaks in one unified voice and that any internal differences or conflicts be worked out prior to communication with her regarding the project. She said this would help her spend her time most effectively on managing more of the details of the project.

Ms. Asleson said her second condition is to have the Commission's support and assurance as the project moves forward. She said she wants to make sure everyone is comfortable with how issues are addressed as the project move forward and that she needs the Commission's assurance and support in her leadership role of the project.

She said her third request is that the Commission is respectful of her time and that when there are issues and concerns that need to be dealt with that they are actually a project requirement and are necessary and critical in order to move the project forward.

Ms. Asleson said that she is looking for the Commission to agree to those terms of the relationship. She said that a verbal agreement would work for her or that a more formal agreement could be arranged. Chair Welch responded that he can't see putting those terms into a formal agreement because in a practical sense what would be the consequences of not following the agreement. He explained that as the Chair of the BCWMC he has made clear his request to the Commission members that in all of their communications they treat each other respectfully and his expectation in the Medicine Lake TMDL Study project isn't any different. Chair Welch commented that he doesn't foresee this project would suddenly get easy from here on out. He said the project is a public process and it can be ugly sometimes. He said he is personally comfortable making a commitment to Ms. Asleson to maintain a respectful environment and interplay. Chair Welch said the project has evolved to a point where the Commission Engineer is in the singular role of advising the Commission instead of playing multiple roles in the project. He said the official communications on the project will come from the Commission and although he can't promise unity between the Commission members, communications will be taken through the process the Commission takes all of its business and the Commission will come back to Ms. Asleson with consistent feedback the best it possibly can.

Ms. Asleson asked if Chair Welch would be the one delivering all of the Commission communications to her regarding the project. Chair Welch responded that he would not necessarily always be the one to deliver the communications. He said the Commission may authorize someone else to communicate with her and he does not want to commit to being the one to always to communicate with her. Ms. Peterson said if Ms. Asleson at any points needs clarification whether a certain communication is from the Commission that she can ask for that clarification from the Commission through Chair Welch. Mayor Loomis said the Commission has one voice once it has made a decision and if Ms. Asleson is hearing from individual commissioners then Ms. Asleson can ask whether that person is speaking on behalf of him- or herself or on behalf of the Commission.

Ms. Asleson said she is looking for considerable involvement from the Commission in the stakeholder process and wants to know who she should contact in that regard. Ms. Asleson asked the Commission to provide her with a list of people who would potentially be interested in

participating in the stakeholder group. Chair Welch said Ms. Herbert can be Brooke's contact and clarified that Ms. Herbert will field Brooke's request and will pass on information to the Commission and will act under direction of the Commission. Chair Welch stated that for better or worse the Commission is a group of nine volunteers and that one volunteer cannot be asked to undertake the burden of fielding all official requests from the MPCA regarding the TMDL.

Ms. Black said she is curious as to the role of the Commission's engineering firm regarding the TMDL process given that the Commission approved having the MPCA hire the contractors to do the Medicine Lake TMDL work. Chair Welch answered that the role of the Commission Engineer is to advise the Commission on this TMDL study so the Commission can make appropriate decisions. Ms. Black responded by saying that would mean that Barr Engineering should not be communicating information other than information that has come through the Commission. Ms. Black said she thinks there has been some confusion on whether some information going to the MPCA from the Commission Engineer is coming from the Commission or from the engineering firm itself. Ms. Black asked if the Commission wants the Commission Engineer to technically review all the information and offer its comments or not. Ms. Black said the Commission has not defined those lines of responsibility and communication. Chair Welch said he agrees that they have not yet been defined and said the Commission hasn't had a chance to do so since the contracts had only been finalized in the last month. Chair Welch said the commissioners are not technical experts and rely on its technical experts for feedback. Ms. Black clarified that if the Commission Engineer has comments then the the Engineer should provide those comments to the Commission for direction.

Ms. Peterson raised the point that timely issues do come up between Commission meetings and the Commission may need the Commission Engineer to conduct communications even if the Commission doesn't meet to discuss them.

Ms. Asleson remarked that this TMDL study will have a technical stakeholder advisory committee. She said all the study results will be given to the Committee as the project goes on and everyone will have an opportunity to provide feedback and raise concerns.

Chair Welch said he thinks the Commission needs to hear from the TAC on the issues Barr raised about the work plan [in Barr's August 20th memo] and that the Commission needs to give the MPCA and the consultant time to look over the issues raised

Ms. Asleson said she can look over the comments and stated that by sharing the work plan with the Commission she was not requesting the Commission's approval of the work plan. She said she had gotten approval by the Commission to take a leadership role and to be the project manager. She explained that she took the work plan developed by the MPCA, the TMDL stakeholders, and the Commission's TAC and she modified it as necessary to create three different work plans to be submitted in the RFP (request for proposals) process. She said there are contracts in place and at this point the work plans cannot be changed. She said she would need to go through a process to make changes but that the contracts are in place, and this is the work plan the project is moving forward with. Ms. Asleson stated that if the Commission feels like there is a significant problem or deficit with the work plan then that would be a big concern to the MPCA and the stakeholders would need to take a step back and consider if they want to move forward with the project. She added that at this point the project is moving forward and people have already started the work.

Ms. Black said she doesn't understand at least two and maybe three of the issues that Barr has raised in its memo [August 20th memo]. She said she needed more information from Barr on why it even raised the points as issues. Ms. Black commented that the language she reads in the TMDL work plan covers issues one, two, and three as discussed in Barr's memo. She said that in regard to

the waste load allocation [memo issue three] the Commission could specify that individual waste load allocations must be determined, but she said she thinks that the stakeholder group is supposed to come back to the Commission with a recommendation. Ms. Black said that the memo also says that the TMDL process will identify BMPs (best management practices) not previously evaluated and she said she doesn't understand what those BMPs would be and she would like to know from Barr what it thinks those BMPs would be because she doesn't see anything new out there except maybe some vaults. Chair Welch said when he looks at some of the issues raised by Barr he thinks that they are issues that may be addressed by the implementation plan, but he said that there is some level of misunderstanding so it seems to him that the issues may be fairly quickly rectified although now he hears Brooke saying maybe not and that maybe the partners don't want to move forward on the TMDL. Chair Welch said that it sounds to him like Ms. Asleson has raised the question of stopping the TMDL when he perceived the matter as an information request.

Ms. Asleson said she was just clarifying that if the Commission has a serious concern with the work plan then she needs to be informed of it. She said that as the project moves forward, the project is using that work plan [August 12, 2008, work plan], which is the work plan the Commission provided. Ms. Asleson stated that any changes she made were just to clean up the plan to make it clear for the bidding process in order to receive responses consistent among everyone. She said that was her goal when she made the insignificant changes. Ms. Asleson said the project will move forward unless the Commission feels there is a significant error or problem with the work plan she has provided to the Commission. Chair Welch said he hasn't heard anyone say that there is a significant problem. He said he also hears a threat in Ms. Asleson's comments. Ms. Sundberg remarked that she agreed with Chair Welch. Ms. Asleson apologized if her comments came off as a threat and stated that she is trying to keep the group moving forward and productive and she doesn't want to slow down the process. Ms. Asleson said she can take the Commission's comments back to the MPCA's technical team and provide the Commission feedback on the comments. She requested that if at any point the Commission feels there is a serious issue she wants the Commission to please inform her. Ms. Asleson remarked that the MPCA and the Commission are partners in the project and that they need to make sure they are on the same page and moving forward together.

Chair Welch said he can't respond at this point whether or not there is a serious issue because he is operating with deference to professionals who have noted changes that Ms. Asleson has made and who have questions about those changes. He said the Commission meeting is the appropriate venue for a discussion of the issues and he doesn't see anyone who doesn't want the TMDL study to happen. Chair Welch said if there is a significant issue, he would want the Commission to hear about all the different ways the issue could be resolved. He said he hears the stakeholders saying let's do a good TMDL study and he said that if the MS4s aren't on board at any point in the project then the project is toast.

Ms. Peterson remarked that the memo from Barr Engineering to the Commission asks for clarification on certain issues.

Ms. Black said stated that she thinks that a lot of the issues raised to the Commission in Barr's memo are items the Commission has already discussed, has already made decisions on, and are in the work plan to the extent they are supposed to be. Ms. Black said she is frankly disgusted that Barr Engineering came up with this memo at the last minute after things had been, in her opinion, pretty well settled. She said if the Commission wants to send the issues to the TAC Committee to look at the issues it is fine with her. Ms. Black she said she doesn't know if the MS4s involved have raised the issues discussed in Barr's memo or if the MS4s are upset about the issues raised. She said perhaps the MS4s are the ones the Commission needs to hear from and not Barr Engineering

because Barr will not have to accept the end result of the TMDL study but the MS4s and the Commission will.

Ms. Chandler said Barr Engineering had heard from the MS4s when the work plan for the TMDL study was being put together. She said that input was put forward in the April work plan. Chair Welch asked in what format the MS4 input was received. Ms. Chandler said it may have been from MS4s during TAC meetings. Ms. Asleson said she recalls some letters. Ms. Chandler said there were strong opinions voiced at a Commission meeting that MS4s wanted individual waste load allocations by MS4. Ms. Chandler said there are differences in the work plan that was approved in April by the Commission and the work plan recently forwarded to the Commission by the MPCA. She said that the changes make certain details unclear and although everything in the plan may still be the way the Commission wants it to be, it just isn't clear so Barr recommended the Commission ask for clarification.

Ms. Asleson said she thinks a lot of the issues will be determined in the stakeholder process because a lot of the issues are ones the stakeholders need to engage in and provide feedback on in order to move forward. She said the stakeholder process will start early on and that she thinks the kickoff stakeholder meeting will be in September. Chair Welch said he read the work plan as creating possibilities for things to take place such as individual waste load allocations. Chair Welch said he would like to proceed in good faith and assume that people are bringing up legitimate concerns. Chair Welch reiterated the idea that the group needs to use respectful dialog in this process and needs to assume that people are acting in good faith as opposed to any other motivation. Ms. Loomis stated that the memo points out things that the Commission should look for as the project goes forward. Ms. Loomis suggested that the Commission forward Barr's memo to the MPCA and ask for clarification. Chair Welch said the Commission could also ask for TAC's input on the issues raised by Barr's memo and that the TAC should put the discussion on its September 4th agenda. Chair Welch asked if the Commission wants the issues to go to the TAC [several commissioners agreed and one commissioner did not agree with the idea]. Chair Welch directed the TAC to look at the issues raised by Barr about the final Medicine Lake TMDL study work plan and to discuss them at the TAC's September 4th meeting.

Ms. Asleson said that kickoff meeting for the stakeholder advisory meeting is slated to occur in September and asked for the Commission's assistance in putting together a list of potential participants. She said she would like there to be a good mix of technical and non technical people on the stakeholder group. Ms. Asleson commented that the MS4s will be participating in the stakeholder involvement committee as MS4s so the BCWMC will want to select for the committee a representative of the Commission that is not an MS4 member. Ms. Black asked if the Commission's representative needs to be a technical person. Ms. Asleson responded that the technical and stakeholder groups will be combined and will receive two half-day trainings about TMDLs, hydrology, and modeling and so the representative does not need to be a technical expert to participate. She said she would like the committee to have a good mix of technical and non technical participants. Ms. Asleson encouraged as many of the BCWMC members as possible to attend the kickoff stakeholder meeting. Ms. Loomis stated that if the Commission asks a Commission technical representative from one of the non-MS4 cities to attend the stakeholder meetings on the Commission's behalf then the Commission should offer to pay for that person's time. She said if the Commission were to send the Commission Engineer then the Commission would pay the Engineer, if the Commission asks a city to send one of their technical staff to attend the meetings, from a city perspective she would expect some kind of...[Ms. Loomis was interrupted.] Chair Welch interjected that it is appropriate that if the Commission sends someone to the meetings as the Commission representative then the Commission can't expect the city to pay for it because that person is not there to represent the city. He said that is a good point for the

Commission to consider. The Commission directed Ms. Herbert to forward the stakeholder meeting request, once developed, to all BCWMC and TAC members.

Chair Welch asked for clarification on why the Department of Natural Resources (DNR) is considered a project partner in this work plan and he noted that the Three Rivers Park District is in a dual role.

Ms. Asleson said she is trying to get the DNR to work closely with the MPCA on the TMDL studies. She said the DNR has a vested interest in the lake and she thought it is important it work with the MPCA on this TMDL project. Ms. Asleson said the Three Rivers Park District is vested as a big landowner.

Chair Welch commented that the work plan states that the implementation plan will be submitted to the U.S. Environmental Protection Agency and asked if the EPA will be asked to approve the implementation plan. Ms. Asleson said the EPA doesn't approve the implementation plan but will receive it.

E. Pilgrim Lane Elementary Education Grant Reimbursement Request. Ms. Black stated that she had e-mailed to the Commission the final report from Pilgrim Lane Elementary regarding its use of the BCWMC's education grant funds. Ms. Black moved to approve the final disbursement of the grant funds to Pilgrim Lane Elementary. Ms. Sundberg seconded the motion. The motion carried unanimously.

F. Resource Management Plan. Chair Welch said if the Commission decides to go forward with the resource management plan (RMP) the Commission needs to consider whether it wants to do EAWs at the same time as the RMP. Chair Welch said the Army Corps of Engineers provided the BCWMC with some information in response to questions the Commission had sent to the Corps. He said he noted that the biggest change suggested in the Corps' response was the inclusion of a public participation process. Chair Welch said the Commission could invite a representative of the Corps to attend the September meeting. The Commission indicated it did not have interest in having a representative from the Corps at the next meeting. He asked for input from Mr. LeFevere on whether the Commission would want to do a voluntary environmental assessment at the same time as an RMP. Ms. Sanger suggested the Commission Counsel prepare a summary of pros and cons of conducting voluntary EAWs at the time of the RMP. Chair Welch directed staff to prepare such a memo. Ms. Loomis moved to table the Resource Management Plan discussion until the September meeting. Ms. Black seconded the motion. The motion carried unanimously.

7. Communications

A. Chair:

- i. Chair Welch announced that in October the BCWMC will discuss posting its request for letters of interest proposals for the consultant positions.
- ii. Chair Welch requested that ideas for water quality projects for the Mississippi Watershed Management Organization's Stewardship Fund Grants be passed on to the Commission Engineer [Letters of Interest due September 22].
- iii. Chair Welch reported on the BCWMC commissioner training session held August 12th.

B. Commissioners:

- i. Ms. Loomis reported that she had attended the first meeting of the Upper Mississippi TMDL Study meeting and that the next meeting hasn't yet been scheduled. She announced that this is

