

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of June 17, 2010

### 1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, June 17, 2010, at Golden Valley City Hall by Chair Loomis. Ms. Herbert conducted roll call.

#### Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf, Secretary	<i>Administrator</i>	Geoff Nash
<i>Golden Valley</i>	Commissioner Linda Loomis, Chair	<i>Counsel</i>	Charlie LeFevere
<i>Medicine Lake</i>	Alternate Commissioner Ted Hoshal	<i>Engineer</i>	Karen Chandler
<i>Minneapolis</i>	<i>Not represented</i>	<i>Recorder</i>	Amy Herbert
<i>Minnetonka</i>	<i>Not represented</i>		
<i>New Hope</i>	Alternate Commissioner Al Sarvi		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	<i>Not represented</i>		
<i>St. Louis Park</i>	Commissioner Jim deLambert		

Arrived after roll call: Minneapolis Commissioner Michael Welch, Treasurer; New Hope Commissioner John Elder

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park  
Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth  
Jack Frost, Metropolitan Council Environmental Services  
Gerald Klitz, Sweeney Lakeshore Owners Association  
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal  
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale  
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley  
Al Sarvi, Alternate Commissioner, City of New Hope  
Stu Stockhaus, Alternate Commissioner, City of Crystal  
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka  
Liz Thornton, Alternate Commissioner, City of Plymouth  
Bill Wilson, Sweeney Lakeshore Owners Association

### 2. Approval of Agenda and Consent Agenda

Chair Loomis requested the addition of agenda item 6H – An update/ timeline on the BCWMC’s Major Plan Amendment request. Commissioner Black moved to approve the agenda as amended. Commissioner deLambert seconded the motion. The motion carried unanimously with six votes in favor [Cities of Minneapolis, Minnetonka, and Robbinsdale absent from vote].

Commissioner Black moved to approve the Consent Agenda, which included the presentation and approval of the May 20, 2010, minutes, the June 2010 financial report, and the communications from the BCWMC’s Counsel. Alternate Commissioner Hoshal seconded the motion. The motion carried unanimously with six votes in favor [Cities of Minneapolis, Minnetonka, and Robbinsdale absent from vote].

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

No citizen input on non-agenda items. Meeting attendees Bill Wilson and Gerald Klitz introduced

themselves as members of the Sweeney Lakeshore Owners Association.

#### 4. Administration

- A. Presentation of the May 20, 2010, BCWMC meeting minutes. Approved under the Consent Agenda.
- B. Presentation of the Financial Statement. Approved under the Consent Agenda.

The general and construction account balances as reported in the June 2010 Financial Report:

<u>Checking Account Balance</u>	<u>624,560.69</u>
<i>TOTAL GENERAL FUND BALANCE</i>	<i>624,560.69</i>
Construction Account Cash Balance	2,057,049.20
Investment due 10/18/2010	533,957.50
Investment due 1/21/2015	500,000.00
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	<u>3,091,006.70</u>
<u>-Less: Reserved for CIP projects</u>	<u>2,755,077.52</u>
<i>Construction cash/ investments available for projects</i>	<i>335,929.18</i>

[Commissioner Elder arrived.]

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through April 30, 2010 - invoice for the amount of \$2,055.95.
- ii. Barr Engineering Company – Engineering Services through May 28, 2010 - invoice for the amount of \$39,307.10.
- iii. Watershed Consulting, LLC – Administrator Services through May 31, 2010 – invoice for the amount of \$2,537.68.
- iv. Amy Herbert – May Administrative Services - invoice for the amount of \$4,071.24.
- v. D’amico Catering – June 2010 meeting catering – invoice for the amount of \$316.68.
- vi. Hennepin County Environmental Services – 2009 participation in River Watch - invoice for the amount of \$2,000.00.
- vii. MMKR – Audit Services – Fourth progress billing – invoice for the amount of \$2,500.

Commissioner Black moved to approve the payment of all invoices. Commissioner Langsdorf seconded the motion. By call of roll, the motion carried unanimously with six votes in favor. [Cities of Minneapolis, Minnetonka, and Robbinsdale absent from vote].

- D. Approval of the BCWMC’s Annual Liability Insurance Renewal and Motion to Waive or

**Not Waive the Monetary Limits on Municipal Tort Liability.** Commissioner Black moved to approve the renewal of the BCWMC's liability coverage with the liability cap. Commissioner Elder seconded the motion. The motion carried unanimously with six votes in favor. [Cities of Minneapolis, Minnetonka, and Robbinsdale absent from vote].

## 5. New Business

- A. **General Mills Pedestrian Bridge: Golden Valley.** Ms. Chandler explained that the project is proposed by the City of Golden Valley and is located on the Main Stem of Bassett Creek and on General Mills property. She stated that the project includes the construction of a new pedestrian bridge approximately 100 feet upstream of a failing pedestrian bridge, which would be removed. She explained that the low elevation of the new bridge would not be in the floodplain but the project is coming before the Commission because work on the existing bridge, the new bridge, and trail modifications would occur in the floodplain. Ms. Chandler said the Commission Engineer recommends approval of the project.

Commissioner Langsdorf moved to approve the permit. Commissioner Black seconded the motion. The motion carried unanimously with six votes in favor [Cities of Minneapolis, Minnetonka, and Robbinsdale absent from vote].

- B. **Request from City of Medicine Lake to Conduct Hydrologic/ Hydraulic Analysis and Environmental Assessment of the Medicine Lake Dam at Bassett Creek.** Alternate Commissioner Hoshal reported that the City of Medicine Lake City Council wanted to investigate issues regarding the lake level of Medicine Lake beyond the previous information provided by the BCWMC through its Commission Engineer. He summarized the three possibilities that the City proposed. Alternate Commissioner Hoshal explained that the City of Medicine Lake is asking the BCWMC to consider and respond to the City as to what action the BCWMC is willing to do to satisfy the Medicine Lake City Council, members of the Association of Medicine Lake Area Citizens (AMLAC), and residents of the City of Plymouth regarding the water level of Medicine Lake.

Commissioner Black asked Alternate Commissioner Hoshal what value there would be in collecting more data on the water flow and rate out of the lake. Alternate Commissioner Hoshal responded that the data would help develop and support a City response to inquiries from residents about the water level of the lake. Administrator Nash commented that the cost of installing a transducer to collect data would likely be less than \$1,000. Ms. Chandler remarked that Barr Engineering could provide an approximate answer to the City's questions regarding how much water is flowing out of Medicine Lake and how often if Barr utilized data already collected but the data may not be as comprehensive as what the City is requesting.

Mr. Mathisen commented that the level of a lake is set by the Department of Natural Resources (DNR) for various reasons and that there is only so much bounce in a lake before low properties are flooded out. He remarked that perhaps the issue is a public education issue.

Alternate Commissioner Hoshal said it would be helpful to have someone from the Commission to come meet with the Medicine Lake City Council.

Commissioner Black moved to approve the direction to the Commission Engineer to attend a meeting of the Medicine Lake City Council and to be prepared to provide ballpark costs of different actions. Commissioner Elder seconded the motion. The motion carried unanimously with five votes in favor [City of Medicine Lake abstained from the vote. Cities of Minneapolis, Minnetonka, and Robbinsdale absent from vote]. Commissioner Black requested that she get notified of the date of the City Council meeting that the Engineer will be attending. Commissioner

Elder recommended that the responsibility should be on the City of Medicine Lake to bring the issue in front of the Commission again if the City so chooses. Alternate Commissioner Ted Hoshal volunteered to contact Commission Engineer Karen Chandler and Commissioner Black regarding the date of the City of Medicine Lake's City Council meeting.

## 6. Old Business

A. **Medicine Lake Local Water Management Plan.** Ms. Chandler commented that she reviewed the Plan and compared it with the BCWMC's requirements. She said that her memo included in the meeting packet provides the details of the review. She explained that the items listed in bold font were the items that the BCWMC either requires or recommends that the City revise. Ms. Chandler said that page one of the memo includes a summary of the three most significant issues:

- The need for a discussion of structures located within the FEMA floodplain
- Clarification of the review/permitting roles of the City and BCWMC, including references to the BCWMC's *Requirements for Improvements and Development Proposals*.
- The need for the City to develop an erosion and sediment control ordinance or to incorporate similar controls into other City ordinances.

Ms. Chandler reported that she sent a draft of the review to the consultant preparing the Plan for the City of Medicine Lake. She reported that the consultant responded that all of the issues raised by the BCWMC could be addressed.

Chair Loomis stated that Commissioner Harper-Lore had conveyed a concern regarding the City's lack of an erosion and sediment control ordinance and would like the Commission to find out where the City is in its process to develop such an ordinance. Alternate Commissioner Hoshal said that the City would certainly be able to investigate and follow up on that issue. Commissioner Black moved to forward the comments prepared by the Commission Engineer regarding the City of Medicine Lake's LWMP to the City and to communicate that the BCWMC would like the City to develop an erosion and sediment control ordinance by sometime in 2011. Commissioner Elder seconded the motion. Alternate Commissioner Hoshal remarked that on item 17 in the memo there should be a reference to both 100-year floodplain elevations. Ms. Chandler said that the Commission Engineer would make that change. The motion carried unanimously with six votes in favor [Cities of Minneapolis, Minnetonka, and Robbinsdale absent from vote].

B. **Weir on Sweeney Lake.** Ms. Chandler reported that the BCWMC received a letter from the Department of Natural Resources (DNR) regarding what work could and could not take place at the weir without a DNR permit. She said that Commission staff and City of Golden Valley staff will meet next week to discuss what should be done with the outlet.

[Commissioner Welch arrived.]

C. **Approval of BCWMC's Draft 2011 Budget.** Commissioner Welch directed Ms. Chandler to follow up with Sue Virnig regarding the financial recording of a disbursement to the City of Plymouth in March 2009 from the Channel Maintenance Fund. Ms. Langsdorf reported that the Education Committee requested a revision to the Budget and Levy narrative to reflect the division of the funds budgeted for the BCWMC's participation in the West Metro Watershed Alliance's (WMWA) project costs versus administrative costs. She said the correct budget figure for the BCWMC's 2011 portion of WMWA's administrative costs is \$2,000 and is part of the BCWMC's Watershed Education Partnerships budget. She said the correct budget figure for the BCWMC's 2011 portion of the WMWA's project costs is \$1,000 and is part of the BCWMC's Education and Public Outreach budget. Ms. Chandler requested the removal of the footnotes in the 2009 and 2010 columns. Commissioner Welch moved to approve the budget and the budget and levy

narrative with the revisions noted by Commissioner Langsdorf and Ms. Chandler. Commissioner Black seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

**D. TAC Recommendations.**

- i. **CIP Work Group.** Mr. Mathisen reported that Richard McCoy, the Robbinsdale TAC representative, will be the third TAC member on the CIP Work Group, joining Jeff Oliver and Derek Ashe.
- ii. **RFP Process for BCWMC's Non-Plan Review Work Including Establishing a Consultant Pool.** Mr. Mathisen reported that the TAC recommended that if the BCWMC wants to set up an RFP process for TMDL studies, feasibility studies or other special projects then the Commission should consider setting up a threshold project cost such as \$25,000, under which projects would not be subject to the RFP process. He explained that the recommendation is based on the idea that there are time and costs associated with an RFP process.

Mr. Mathisen reported that the TAC recommended developing a scoring process that the TAC would then use to select a candidate. He explained that the TAC felt it could invite a select number of engineering firms to receive project RFPs without limiting the selection to a pool of pre-qualified firms.

Commissioner Welch requested that Barr Engineering identify the number of special, non-operating projects or studies that Barr conducted for the BCWMC in 2009 and the costs associated with that work. Commissioner Black moved that the TAC's recommendations go to the Administrative Services Committee for development into a policy proposal. Commissioner Welch seconded the motion and clarified that the motion included that the Committee would receive the requested input from Barr Engineering. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

- iii. **Use of Channel Maintenance Funds for Maintenance of CIP Channel Restoration Projects.** Mr. Mathisen reported that there are many shorter reaches outside of the CIP projects that need restoration and that the larger projects also need ongoing maintenance work. He said that the Channel Maintenance Fund likely will be utilized in the future even more than in the past. Mr. Mathisen remarked that regarding the maintenance of the CIP restoration projects the TAC didn't see any difference between maintenance of completed CIP restoration projects and maintenance of other streambanks in the watershed and therefore the TAC didn't see the need to define the projects differently. He said that the TAC felt that the cities could make their own determinations regarding which restoration projects they submitted for channel maintenance funds.
- iv. **Recommended Changes to the BCWMC's Next Generation Plan.** Mr. Mathisen commented that the TAC reviewed some historical documents from Mr. Kremer of Barr that documented issues brought up by the cities and stakeholders at the time of the revised Watershed Management Plan. Mr. Mathisen said that the TAC thought the historical list would be the starting point for issues that may need to be addressed in the Plan. He said that the TAC and the cities could update the list. Commissioner Welch commented that the Commission should work closely with the TAC to identify the issues and to frame the plan so that the Commission understands it. Commissioner Welch requested an electronic copy of the information put together by Mr. Kremer. Ms. Chandler said Barr would forward the information to Ms. Herbert who could forward the information on to Commissioner Welch. Commissioner Black and Commissioner deLambert volunteered to be the liaisons

for the June 30<sup>th</sup> TAC meeting. The Commission directed the TAC to discuss at its June 30<sup>th</sup> meeting:

1. The BCWMC's next generation plan;
2. Standardization of data collection, models, and results for collaboration between agencies; and,
3. Gaps in the BCWMC's non-degradation plan.

**E. TMDL Updates:**

- i. **Sweeney Lake TMDL.** Administrator Nash reported that Ron Leaf of SEH, Inc. communicated that the latest version of the Sweeney Lake TMDL and the cover letter would be sent to Brooke Asleson of the MPCA next Tuesday at the very latest.
- ii. **Medicine Lake TMDL.** Ms. Chandler said the BCWMC's comments went to Brooke Asleson in the end of May.
- iii. **Wirth Lake TMDL.** Administrator Nash reported that Ms. Asleson communicated that the MPCA had received comments on the TMDL from Mn/DOT and that she was surprised that the comments included issues that she had thought had been worked out in the stakeholder meetings. He reported that Ms. Asleson was planning to contact Mn/DOT about the comments. Administrator Nash said he would e-mail a copy of the Mn/DOT comments to the Commission. Chair Loomis reminded the Commission that there is a public meeting about the Wirth Lake TMDL on June 24<sup>th</sup> at 5:30 p.m. at the Wirth Chalet. Commissioner Elder volunteered to attend the meeting as the Commission liaison.

**F. Update on 2010 Clean Water Fund Grant for Plymouth Creek and Bassett Main Stem Restoration Projects.** Ms. Chandler reported that the Commission Engineer will be submitting one more piece of information to BWSR for the work plan.

**G. Education Committee.**

- i. **Approval of Agreement for Administrative Services for WMWA (West Metro Watershed Alliance).** Commissioner Welch recommended a change in wording to the agreement to clarify that the costs to the Commission would not exceed \$2,000 per calendar year. Commissioner Black moved to approve entering into the agreement with the change requested by Commissioner Welch. Commissioner Welch seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote]. The Commission designated Administrator Nash to be the BCWMC's official contact person for the WMWA.
- ii. **Approval of Education and Public Outreach Expenditures for Documenting Oral History of the BCWMC and the Bassett Creek Watershed.** The Education and Public Outreach Committee decided to discuss this issue further within the Committee and to bring it back to the Commission at a future meeting. Ms. Langsdorf announced that the Committee's next meeting will be in the Golden Valley City Hall's Council Conference Room on July 15<sup>th</sup> at 8:30 a.m.
- iii. **Update on the WMWA (West Metro Watershed Alliance) Education and Outreach Plan.** Ms. Langsdorf reported that the plan has been completed and is included in the meeting packet for the Commission's information. She announced that the next WMWA meeting is on July 13<sup>th</sup> at 8:30 a.m. in Plymouth City Hall.

- H. **BCWMC's Major Plan Amendment Request – Update/ Timeline.** Chair Loomis reported that the Commission needs to authorize staff to public notice both the August public hearing regarding the proposed Major Plan Amendment and the September public hearing regarding ordering the proposed projects. She explained that the Commission also needs to authorize technical staff to attend Hennepin County's public hearing next month, at the County's request, and due to BWSR's schedule regarding the major plan amendment request, the BCWMC should move its September meeting to September 23<sup>rd</sup>, which is the fourth Thursday of September. Commissioner Welch moved to approve the authorization of staff to notice the hearings, to attend the Hennepin County hearing, and to change the BCWMC's September meeting to the fourth Thursday of the month, which is September 23<sup>rd</sup>. Commissioner Black seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

## 7. Communications

### A. Chair:

- i. Chair Loomis reported that the BCWMC received the contract from the Metropolitan Council regarding participating in the 2010 CAMP program and since the BCWMC has approved its participation, the execution of the contract would be handled administratively.
- ii. Chair Loomis reported that Minnehaha Creek Watershed District is holding a workshop on July 14<sup>th</sup> on Shorelines and Stormwaters: Protecting lakes and creeks.
- iii. Chair Loomis stated that BWSR is holding its BWSR academy October 26<sup>th</sup> – 28<sup>th</sup>.
- iv. Chair Loomis commented that the grants that the BCWMC received from Hennepin County will not be available in 2011 because the state legislature didn't authorize those funds this year.

### B. Administrator:

- i. Administrator Nash reported that the CIP Work Group met on June 10<sup>th</sup>. He stated that he will be working with the Commission Engineer to merge the CIP with the TMDL implementation projects.
- ii. Administrator Nash stated that he will have a working draft of the policy manual by June 30<sup>th</sup>.
- iii. Administrator Nash reported that the Administrative Services Committee met on June 14<sup>th</sup> and identified his priorities as the CIP, the TMDLs, Policies, and Planning, including budgeting and next generation planning.
- iv. Administrator Nash reported that he and Barr Engineering are collecting quotes for water quality sampling and analysis for the BCWMC's 2011 water quality monitoring of Crane and Westwood lakes. He said he is waiting to hear back from the Metropolitan Council Environmental Services and will continue to communicate to Barr about the quotes. Commissioner Welch recommended that Administrator Nash contact Dr. Udai Singh at Minnehaha Creek Watershed District.
- v. Administrator Nash announced that he forwarded to the Commission an e-mail with a letter from the DNR to the Minnehaha Creek Watershed District providing an extension to its general permit.

