

Bassett Creek Watershed Management Commission Minutes of the Meeting of May 17, 2012

1. CALL TO ORDER

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:33 a.m., on Thursday, May 17, 2012, at Golden Valley City Hall by Chair Black.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input was presented.

3. CONSENT AGENDA

Chair Black requested the removal from the Consent Agenda item 3C – 2011 Water Quality Monitoring Activities – because the Commission Engineer that there are action items on the issue. Chair Black also requested the removal from the Consent Agenda the Counsel Communications. Commissioner Hoschka requested the removal of Consent Agenda item 3D – Policy Manual revisions – so that there could be discussion about it. Chair Black requested the addition to the Consent Agenda the BCWMC / Golden Valley 2012 Agreement for Channel Maintenance and the addition of the 2012 Plymouth Street Reconstruction Project.

Commissioner Elder moved to approve the meeting agenda as amended. Commissioner Hoshal seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minneapolis and Robbinsdale absent from vote]. Commissioner Millner moved to approve the Consent Agenda as amended. Commissioner Hoshal seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minneapolis and Robbinsdale absent from vote].

The following items were approved as part of the Consent Agenda: The BCWMC/ Golden Valley 2012 Agreement for Channel Maintenance; the 2012 Plymouth Street Reconstruction Project; the April 19, 2012, meeting minutes; and the May financial report. The general and construction account balances reported in the May 2012 Financial Report are as follows:

Checking Account Balance	\$755,985.24
TOTAL GENERAL FUND BALANCE	\$755,985.24
TOTAL ON-HAND CONSTRUCTION CASH & INVESTMENTS	\$2,481,771.00
CIP Projects Levied – Budget Remaining	(\$869.60)
Closed Projects Remaining Balance	\$662,591.82
2012 Anticipated Tax Levy Revenue	\$998,000.00
Anticipated Closed Project Balance	\$335,408.18

4. ROLL CALL

ROLL CALL

Crystal	Commissioner Dan Johnson	Counsel	Charlie LeFevere
Golden Valley	Commissioner Stacy Hoschka, Treasurer	Engineer	Karen Chandler
Medicine Lake	Commissioner Ted Hoshal, Secretary	Recorder	Amy Herbert
Minneapolis	<i>Not represented</i>		
Minnetonka	Commissioner Jacob Millner		
New Hope	Commissioner John Elder		
Plymouth	Commissioner Ginny Black, Chair		
Robbinsdale	<i>Not represented</i>		
St. Louis Park	Commissioner Jim de Lambert, Vice Chair		

Also present:

Commissioner Michael Welch, Minneapolis, arrived after roll call.

Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park

Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth

Christopher Gise, Golden Valley resident

Linda Loomis, Golden Valley resident

Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal

Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale

Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley

Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka

5. ADMINISTRATION

5A. Presentation of Invoices for Payment Approval. The Commission discussed its practice of paying invoices by roll call and decided that if its Bylaws permit, it would conduct payment of invoices via the Consent Agenda starting next month. The Commission agreed to ask its legal counsel to review the Commission Bylaws.

- i. **Kennedy & Graven – Legal Services through March 31, 2012 – invoice for the amount of \$1,132.17.**
- ii. **Barr Engineering Company – Engineering Services through April 27, 2012 – invoice for the amount of \$25,762.61.**
- iii. **Amy Herbert – April Secretarial Services – invoice for the amount of \$2,403.48.**

- iv. D'amico - ACE Catering – May BCWMC meeting catering – invoice for the amount of \$342.74.
- v. MMKR – Audit Work through March 31, 2012 – invoice for the amount of \$3,600.

[*Charlie LeFevere, Legal counsel, arrives.*]

Commissioner de Lambert moved to approve payment of all of the invoices. Commissioner Elder seconded the motion. By call of roll the motion carried unanimously with seven votes in favor [Cities of Minneapolis and Robbinsdale absent from vote].

4B. Approval of BCWMC's Annual Report. Commissioner de Lambert moved to approve the BCWMC's annual report of its 2011 activities. Commissioner Elder seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minneapolis and Robbinsdale absent from vote].

4C. Contract with the Metropolitan Council for participating in CAMP 2012. Commissioner Hoschka moved approval of the contract. Commissioner Johnson seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minneapolis and Robbinsdale absent from vote].

4D. 2011 Water Quality Monitoring Activities [*Previously Consent Agenda item 5B*]. Ms. Chandler indicated that in consideration of the time and in order to keep the meeting moving forward in a timely manner, she is just bringing up the issues that that need action now and she reminded the Commission that the data on the 2011 water quality monitoring activities is included in the meeting packet.

She said that the Commission Engineer recommends that the Commission contact the Minnesota Department of Natural Resources (MN DNR) to ask that it introduces purple loosestrife-eating beetles at Crane Lake and at Westwood Lake.

Ms. Chandler discussed the chloride concentrations in Crane Lake and presented three actions that the Commission could take:

1. Monitor Crane Lake in 2014 and if the lake shows impairment for chloride then determine management measures to reduce chloride levels in Crane Lake;
2. Submit historical Crane Lake data and the 2011 water quality monitoring report to the Minnesota Pollution Control Agency (MPCA) and request that Crane Lake be included in the Twin Cities Metro-Area Chloride Management Plan to be completed by the MPCA in 2014; or,
3. Submit historical Crane Lake data and the 2011 water quality monitoring report to the Minnesota Pollution Control Agency (MPCA); monitor chloride concentrations in Crane Lake, four times per year, or once each season, for 2012 and 2013. If the 2012 and 2013 chloride data indicate that the lake is impaired, Crane Lake would be added to the EPA 303d list of impaired waters. Also request that Crane Lake be included in the TCMA Chloride Management Plan.

Chair Black brought up the state's 10-year chloride plan that will be prepared in February 2013 and commented that if the Commission wanted to try to be part of that plan then monitoring would need to be conducted now but if the Commission wanted to wait to be part of the state's next 10-year chloride plan then monitoring wouldn't need to happen now. The Commission discussed the fact that chloride Best Management Practices (BMPs) are the same BMPs throughout the metro area. Ms. Stout said that she did not see any urgency for the monitoring and said that she thought that it could be done in conjunction with the monitoring already scheduled for 2014. The Commission discussed this year's budget for monitoring and the costs of additional monitoring. Ms. Chandler said that the monitoring would cost approximately \$3,000 per year. She brought up options for paying for additional 2012 monitoring through the surveys and studies budget. Chair Black asked the Commission Engineer to get clarification on whether the monitoring

would need to be four times a year for one year or for two years.

Several commissioners spoke in favor of the first option presented by Ms. Chandler, which is monitoring Crane Lake in 2014. Commissioner Millner moved to pursue option number one, monitor Crane Lake in 2014 and if results show the lake is impaired for chloride then determine management measures to reduce chloride levels in Crane Lake. Commissioner de Lambert seconded the motion. The motion carried unanimously with seven votes in favor. Commissioner Welch of the City of Minneapolis abstained from the vote and stated that his reason was because he was not present for the whole discussion. [City of Robbinsdale absent from vote].

6. NEW BUSINESS

- A. Discussion with Doug Snyder, Executive Director/Administrator of the Mississippi Watershed Management Organization.** Mr. Snyder called into the Commission meeting via conference phone and fielded Commission questions about possible work arrangements between the BCWMC and the Mississippi Watershed Management Organization (MWMO) for the provision of administrator services to the Commission. Mr. Snyder described the structure of the MWMO staff, offered three options for a services arrangement between the MWMO and the BCWMC for administrator duties, informed the Commission about what information he would still need to know in order to be able to move forward in the development of more specifics in the three options, and answered Commission and TAC questions.

After ending the call with Mr. Snyder, the Commission discussed options to pursue. Commissioner Welch said that he thinks it is appropriate for the Administrative Services Committee to facilitate a prioritization of services that the Commission is looking for and to define the roles and responsibilities of the Administrator role. Mr. LeFevere noted that he had mentioned earlier that he thinks that an assistant City Manager would fit the role that the Commission is trying to fill. Mr. LeFevere suggested that the Commission take the job description of an Assistant City Manager and provide it to Mr. Snyder as an example of the experience and qualifications that the Commission is looking for in its Administrative Services search.

Chair Black said that the Administrative Services Committee will set up a meeting and inform the Commission of the meeting time and date so that anyone interested can participate. She said that a Survey Monkey survey will be distributed to the Commission to gather feedback on the Commission's priorities for the Administrator responsibilities. Chair Black said that the Administrative Services Committee will discuss the survey feedback and the other information communicated by the Commission to-date and will come back to the Commission with a proposal at the Commission's June meeting. The Commission agreed to Chair Black's recommendations.

- B. Policy Manual Revisions.** Commissioner Hoschka asked for details on the action that the Commission is being asked to take regarding the policy manual revisions. Chair Black said that the Commission is being asked to approve and adopt the policy manual revisions recommended by staff. Mr. LeFevere noted that the marked up version in the packet is not the latest version of the edits and said that the final edits could be brought in front of the Commission next month.

Mr. Oliver said that part of the Commission's conversation when it was reviewing the policy manual was that a flow chart should be created to show the process of CIP implementation. He reminded the Commission that Golden Valley has offered to work to create that flow chart but the topic hasn't been

on a TAC agenda. Chair Black said that she and Derek Asche have been drafting one as well. Mr. Oliver said that it would be beneficial for the flow chart of the process to be in alignment with the policy manual. Chair Black said that the final revisions should go to the TAC for the discussion about the flow chart and that the policy manual should be reviewed to see if there is an implementation section in it. Ms. Chandler said that she was concerned that the policy manual has been floating around without anyone taking ownership of it and making changes.

Chair Black directed staff to take the final revisions to the TAC for the development of a flow chart and asked staff to make sure that the policy manual doesn't already have a CIP implementation section or if it does, then the TAC should make sure that it aligns with the developed flow chart.

7. OLD BUSINESS

- A. **Minnesota Board of Water and Soil Resources (BWSR) Biennial Budget Review.** Ms. Chandler said that she attended the information session about the BWSR Biennial Budget Review (BBR). She explained that the BBR is both a process and a submittal that the Commission would make. Ms. Chandler reported that the process has already started. She likened the BBR to a grant application process but said that the BBR has less work involved in the process. Ms. Chandler said that for the submittal due at the end of June BWSR would be looking for projects that the Commission will do in 2014 and 2015. She said that BWSR will be taking the information and using it to make its request to the Governor and the Legislature for funding for the Clean Water Legacy grants.

Commissioner Welch moved that the Commission Engineer, relying on the Commission's most recent CIP, prepare a response to BWSR's request for Biennial Budget Review information. Commissioner Elder seconded the motion. The motion carried with eight votes in favor [City of Robbinsdale absent from vote].

- B. **Next Generation Watershed Management Plan.** Chair Black announced that the Plan Steering Committee will meet on Monday, May 21st at 4:30 p.m. in the Council Conference Room at Golden Valley City Hall.
- C. **Task Cost Estimates for Activities Discussed at the March BCWMC Meeting.** Chair Black said that the CIP-related tasks listed in the April 11, 2012, memo about the tasks would be better referred to the Plan Steering Committee. Mr. Oliver suggested moving forward with the work and getting it done. Commissioner Welch asked if there is still budget left in the Next Generation Plan to cover the costs estimated for this work. Ms. Chandler said yes, there are still funds in that budget unallocated. Commissioner Welch moved to approve the Commission Engineer's work recommendations as listed in item one of the April 11th memo. Commissioner de Lambert seconded the motion. Commissioner Welch noted that his friendly motion includes the direction that the cost of the work comes out of the Next Generation Plan budget. Chair Black made the friendly amendment that task d, "CIP flow chart" is not included in the work because she has already worked with Derek Asche to create one. The motion carried with eight votes in favor [City of Robbinsdale absent from vote]. Commissioner Welch agreed and said that if some of the work has already been done then it would seem that costs would be saved.

The Commission took no action on the Commission Engineer recommendations about the Budget document and Chair Black said that the Commission will move ahead with its current budget document.

[Commissioner Elder departs the meeting.]

- D. **Capstone Project.** Commissioner Welch recommended that the commissioners read the University of

Minnesota students' capstone project, "The Bassett Creek Stream Restoration Project: is restoration necessary?" Mr. Oliver noted that the creators of the project have graduated already from the University of Minnesota.

[Commissioner Millner departs the meeting.]

- E. **April 5, 2012, TAC memo, item 2, Member Cities' Post-Construction Best Management Practices Requirements (and Review Triggers) and Potential Changes to Water Quality Policies Pertaining to Nutrient Loading Increases and Water Quality Banking/ Trading Program.** Mr. Asche reported that the issue brought to the TAC was the gap with land alteration projects and the trigger for watershed review. He explained the recommended revision proposed by Commissioner Welch, which would revise the threshold for watershed review. Mr. Asche said that the TAC discussed what the cities are doing regarding project reviews. He stated that a lot of the cities have thresholds for review at or below the 50 cubic yards and 5,000 square feet of vegetation proposed by Commissioner Welch. Mr. Asche explained that the referenced city triggers are for erosion control but not post-construction storm water management, which is where the gap likely lies.

Mr. Asche said that the TAC thought that the Commission is on the right track with its capital projects in regard to Medicine Lake, Sweeney Lake, and Wirth Lake and is on track to meet its goals. He said it doesn't mean that the gap in post-construction storm water management at a smaller level is okay, but it does mean that Medicine, Sweeney and Wirth Lake are on pace for good things in terms of the TMDL process.

Mr. Asche continued by discussing the type of projects that would be reviewed under a 50 cubic yards and 5,000 square feet of vegetation review trigger. He said that the projects would include single family home development, maybe some large remodeling projects with landscaping projects included, and some small developments of one to four lots. Mr. Asche wondered how much impact those types of projects are having on water quality in relation to how much work it would take to permit and review the projects. He added that it would be very difficult to demonstrate that the small projects are meeting water quality requirements because they are so small scale. He said the projects wouldn't really be able to be monitored and the data wouldn't be very reliable because it is small scale.

Mr. Asche said that the TAC did not think that the Commission regulating at such a small scale would be an important step in meeting water quality goals. Mr. Asche said that the TAC discussed the City regulations and how they fit in with the watershed's requirements. He reported that the TAC's recommendation is that the Commission leave its regulations as-is based on progress being made on water quality goals for Medicine Lake, Sweeney Lake, and Wirth Lake and with regard to the difficulty with regulating at such a small level and the fact that there doesn't appear to be staff to handle the work of regulating at such a small level, and lastly a lot of the cities already take the regulations down to a pretty low level as it sits today.

Commissioner Welch responded that his suggestion was driven by the fact that recently three projects that came into the Commission for review and, in each of the cases, the projects weren't getting water quality improvements because they didn't trigger the threshold for Commission review. He said that he believes that land users who are causing pollution are not being regulated to minimize pollution; meanwhile, all watershed taxpayers are paying for projects to try to balance it out. Commissioner Welch said that he believes there is an equity issue there. He said that he doesn't have a specific response but he thinks it will come up again in the planning process. Commissioner Welch said that he would like to see a counter-proposal that would show how the burden of improving water quality in the watershed could be more equitably distributed. He said that he sees no reason not to develop some

concepts that would help inform the planning process to achieve some goals.

Ms. Chandler said that there were two main things that the TAC was addressing. She said that one was the idea of going down to the smaller level of triggers and the other was applying the Commission's non-degradation requirement to new development and linear projects instead of just to redevelopment projects. Ms. Chandler commented that this is a big issue and may need more discussion in order to move forward but noted that there isn't much time left in today's meeting.

Commissioner Welch asked if the Commission wants to take a next step. He said that the Commission has a recommendation from the TAC and that he agrees with the last two recommendations but not the first. Mr. Asche said that the City of Plymouth works with four different watersheds on these issues and the City's standards have to comply with all four and all four do it differently. He said it is difficult to coordinate with the developers and homeowners. Mr. Asche said that as a staff person that deals with this every day the best thing that could happen is for a conversation to happen on what makes sense. He said that there was conversation at the TAC meeting about lining up regulations like matching up wetland rules with BWSR regulations and the Wetland Conservation Act, lining up storm water rules with the Minnesota Pollution Conservation Agency, so that the rules are consistent no matter what watershed you are in. He said that the conversation has to be between watersheds and not just between a watershed and the cities.

Mr. Oliver commented that what the Commission is doing is working and the watershed is trending positive for water quality. He said that there can be ongoing conversation about this but also if something isn't broken then it doesn't need fixing.

The Commission discussed options for moving forward on this issue. Chair Black suggested that the members of the TAC pull together the regulations of the different watersheds. Commissioner Hoschka suggested that someone also pull together anecdotal information on where problems have arisen due to the discrepancies in the regulations between watersheds. Commissioner Welch said that he isn't trying to put this responsibility on the TAC and he is willing to work to pull something together.

[Commissioner Hoschka departs the meeting.]

Mr. Asche said that he has pulled together onto one sheet the different requirements and also has general information out of the city's surface water management plan. Chair Black asked him to e-mail it to Ms. Herbert who could then distribute it to the Commission. Commissioner Welch said that he would go back to find the information on those three projects and will take the discussion of the projects out of the minutes and compile the information into one document and will send it to Ms. Herbert.

Ms. Chandler asked if the Commission is directing the TAC to meet about the issues discussed today. Commissioner Welch said that he doesn't think that the TAC needs to meet about this issue. The Commission decided that the TAC would next meet in September.

- F. **Follow-up report on the rip-rap in the channel below the Medicine Lake Outlet.** Ms. Chandler said that the Commission Engineer has been in contact with the Metropolitan Council. She said that the Met Council says they are okay with the pipe being uncovered or barely covered due to the low flow going through the pipe. She said that the parties are still coordinating a time to talk together. Chair Black directed that an update on the issue be added to the Commission's June agenda.
- G. **Follow-up concerns raised by Ms. Anderson regarding foam in Bassett Creek.** Mr. Oliver said that Ms. Anderson has not yet contacted him.

8. COMMUNICATIONS

Chair: None

Commissioners:

- 1. Commissioner Welch said that he has met with the member of the Bryn Mawr Association to update him on the Commission projects.**
- 2. Commissioner Hoshal informed the Commission that it will be represented at this Saturday's Golden Valley Days.**
- 3. Commissioner Hoshal inquired about the incoming invoices for the watershed education partnerships. The Commission let him know that the partners usually send invoices at the end of the fiscal year.**
- 4. Chair Black announced that the Budget Committee will be meeting tomorrow morning, May 18th, at 8:00 a.m. in the Council Conference room at Golden Valley City Hall.**
- 5. Chair Black noted that she responded to the Bottineau Transitway Project that she would be the contact for the Commission.**

Committees: None

Counsel Communications: No Counsel Communications.

Engineer Communications: No Engineer Communications.

9. ADJOURNMENT

The meeting adjourned at 2:09 p.m.

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Chair	Date	Amy Herbert, Recorder	Date

_____	_____
Secretary	Date