

Richfield-Bloomington Watershed Management Organization Meeting
Tuesday, March 26, 2013, 6:00 p.m.
Richfield City Hall
6700 Portland Avenue
Richfield, Minnesota 55423

Call to Order

Acting Chair Sandahl called the meeting to order at 6:00 p.m.

**Roll Call &
Introductions
Item 1**

Bloomington Council Present: Mayor Winstead, Council Members J. Baloga, T. Busse, S. Peterson, and V. Wilcox.

Richfield Council Present: Mayor Debbie Goettel, Council Members T. Fitzhenry, E. Garcia, and S. Sandahl.

Bloomington Council Absent: T. Hulting, arrived 6:23

Richfield Council Absent: Pat Elliot

At Chairs's request, all of the attendees introduced themselves:

Debbie Goettel, Richfield Mayor
Gene Winstead, Bloomington Mayor
Edwina Garcia (Ward 2), Richfield City Council
Karl Keel, Bloomington Director of Public Works
Jim Gates, Bloomington Deputy Director of Public Works
Derick Anderson, Richfield Engineering Technician
Steve Peterson (District I), Bloomington City Council
Sue Sandahl (At Large), Richfield City Council
Tom Fitzhenry (Ward 3), Richfield City Council
Vern Wilcox (District IV), Bloomington City Council
Jack Baloga (District III), Bloomington City Council
Tim Busse (At Large), Bloomington City Council
Steve Segar, Bloomington Civil Engineer
Shelly Pederson, Bloomington City Engineer - 2012 Assistant Executive Director
Kristin Asher, Richfield City Engineer - 2012 Executive Director
Mark Bernhardson, Bloomington City Manager
Steve Devich, Richfield City Manager
Brad Wozney, BWSR
Steve Elkins, Metropolitan Council

**Approval of Minutes
Item 2**

Motion was made by Fitzhenry seconded by Bologa, and all voting aye, to approve the March 26, 2012, Annual Meeting minutes of the Richfield-Bloomington Watershed Management Organization (RBWMO).

**Review and Approval
of Agenda
Item 3**

Motion was made by Goettel, seconded by Fitzhenry, and all voting aye, to approve the amended agenda as presented.

**Election of Officers
for 2013
Item 4**

Chair (Bloomington)

Motion was made by Peterson, seconded by Fitzhenry, and all voting aye, to nominate Busse as Chair of the 2013 RBWMO.

Vice Chair (Richfield)

Motion was made by Goettel, seconded by Fitzhenry, and all voting aye, to nominate Elliot as Vice Chair of the 2013 RBWMO.

Secretary (Richfield)

Motion was made by Goettel, seconded by Fitzhenry, and all voting aye, to nominate Garcia as Secretary of the 2013 RBWMO.

Treasurer (Bloomington)

Motion was made by Pederson, seconded by Garcia, and all voting aye, to nominate Baloga as Treasurer of the 2013 RBWMO.

**Appoint Executive Director & Assistant Executive Directors
Item 5**

Sandahl stated this is the start of the two-year terms for the Executive Director and Assistant Executive Director of the 2013 RBWMO.

Motion was made by Fitzhenry, seconded by Garcia, to appoint Asher (Richfield) as the Executive Director and Pederson (Bloomington) as the Assistant Executive Director of the 2013 RBWMO.

**2012 Executive Director's Report
Item 6**

Asher presented the following with a PowerPoint presentation:

- **Background on the RBWMO:**
In 1982, the Minnesota Legislature required all land area in the Metro be within a water management organization. Final agreement and bylaws were adopted in 1984, forming the Richfield Bloomington Watershed Management Organization. She showed map of the RBWMO boundary, approximate area is 4.5 square miles. The staff of the RBWMO continues to be the staff of each member city handling drainage and surface water issues within their respective boundaries. Both cities act as Local Governing Unit (LGU) for the Wetland Conservation Act. Both cities have a Stormwater Utility to fund stormwater maintenance and functions. No formal budget exists for the RBWMO, and that no funds were expended or accrued during the fiscal year in 2012. Expenses such as insurance, consultants are split 50 / 50. Both cities combined spent approximately \$4.5 million to manage stormwater in 2012.
- **Current RBWMO Plan:**
The WMO has certain requirements that must be met. In 2008, the WMO adopted the current Comprehensive Plan approved by BWSR;
 - Local Plans are required for each municipality and must be approved by WMO, these approvals were also completed in 2008;
 - Annual Organizational meeting is required (this meeting), other meetings are scheduled as necessary;
 - Prepare and provide annual reporting to Board of Water and Soil Resources;
 - RBWMO Technical Advisory Committee annual meeting required
- **Technical Advisory Committee:**
Staff from both cities met for the mandatory Technical Advisory Committee (TAC) meeting on Dec 20th. Members of the TAC review public and private development construction projects of each city for compliance with the RBWMO Plan. Every other year there is a compliance check on each individual city's local surface water management plan, it was last done in 2011, so it was not done in 2012. There was a review of each city's SWPPP for compliance.
- **Community Advisory Commissions:**
Each city has commissions to review and approve projects that impact the WMO. Richfield holds its annual SWPPP meeting at Community Services Commission meeting to get more people involved.
- **Website:**
Richfield has been hosting the website, working to make it easier to update.
- **Monitoring Program:**
Since 2010, four lakes have water quality monitoring programs to monitor trend analysis for phosphorus and total solids; Wood Lake, Richfield Lake, Wright's Lake, Smith Pond. They are required to be monitored every three years, we have been monitoring them annually. Results will likely be reported to Brad at BWSR in the future.
- **Infiltration Program:**
The WMO has water quality requirements in place for development /redevelopment projects. Runoff rates cannot exceed existing rates. Infiltration is encouraged. Work to educate

homeowners on implementing infiltration or reuse practices.

- NPDES Permits:
Both cities are permitted MS4 operators under the MPCA permit and implement SWPPP. There are 6 minimum control measures listed in the annual report, for Richfield, these 6 measures produce 41 BMPs to track and report annually. The current permit expired in 2011 and we expect a new one out for comment and in place by the end of the summer.
- 2012 Activity:
Most items will receive their own update under the business items. 76th Street East Reconstruction was completed from 12th Avenue to Cedar. Street widths were reduced, green boulevards were added, Three Rivers Park Trail was constructed.
- 2012 Permits – Variances – Enforcement:
A number of WCA actions occurred in Bloomington, those actions included: two boundary approvals, three no-loss determinations, one replacement plan. Richfield monitored six sites and Bloomington monitored four for erosion control. Richfield had two tear down and reconstruction of single family homes.
- 2013 Work Plan:
 - Website Update
 - Continue monitoring Wood Lake, Richfield Lake, Smith Pond, Wright’s Lake
 - Lindau Lane grade separation, construction expected to begin this spring
 - 24th Avenue storm sewer – 2300’ of 36” RCP will be tunneled along the east side of 24th Avenue from Lindau Lane to Killebrew Drive
 - Potential plan amendment – Brad has indicated the WMO will go through a plan amendment process to address the 2013 – 2017 implementation plan. We’ll need to assess the need and discuss the benefits of going through the process now when we are due to begin the process of pulling together our next plan in 4 years
 - Minnesota Administrative Rules, Chapter 8410 apply to the general administration of metropolitan watershed management activities which are managed by the Board of Water and Soil Resources. Those rules define the necessary content of the:
 1. Content of the joint powers agreement
 2. WMO comprehensive plans
 3. Implementation programs
 4. Annual reporting requirements
 5. General structure of local comprehensive plans

The existing rules have proposed amendments out for comment at the moment and Brad will highlight a few of the big items in a few minutes as part of the business items.

Business Items Item 7

The following business items were reviewed:

- A. Minimal Impact Design Standards (MIDS) Project Update (Anderson)
Brought to attention of the legislation passed in 2008, to develop a set of credits and create standards so cities, stormwater designers, and others can quantify and evaluate the benefits of BMPs outside of stormwater ponds, such as infiltration, native vegetation and site conditions. NURP ponds can settle out about 50% of phosphorous, but can’t remove dissolved phosphorous that can contribute to downstream pollution. MIDS is voluntary at this time. Components of MIDS showing up in draft MS4 permit

language. The project is scheduled to finish up in June of this year.

B. PAH Update (Segar)

PAHs are persistent chemicals that affect the city's stormwater ponds. PAHs are formed from the incomplete combustion of petroleum and organic products. Coal tar driveway sealcoat is thought to be a main source of PAHs. Discussed methods of disposal, and the three levels in addressing how sediments are handled. Low levels can be used as residential fill, medium levels can be used as industrial fill and high levels need to go to a certified landfill. Segar stated even the lower levels may need to be landfilled, as many places don't want to accept contaminated soil. The MPCA is doing research and is working on guidelines to help cities dealing with PAH in sediments. They are considered carcinogenic.

Baloga asked about bill to ban coal tar sealcoat.

Keel brought up 3 points Bloomington is considering about a City ban:

1. Pending legislation banning coal tar
2. Industry reducing amount used
3. Difficulty in enforcing

C. Wright Lake Dredging (Segar)

Cities are responsible for maintaining ponds and monitoring and removing sediment accumulation. Initiated work on the project in the winter of 2011-12, work included testing sediment for PAH contamination. Work on the project that year was cut short due to warm winter and material contamination issues, the disposal facility required further testing. Contaminated sediment is not easy to manage, due to variability of concentrations. Completed project last February, landfilled all material.

D. Proposed Amendments to Minnesota Rules Chapter 8410 (Attachment II.D.1 – Blue) (Brad Wozney, BWSR)

Brad handed out summary of proposed rule changes. He then went on to discuss observations he's seen over the last 9-10 years.

1. State Agency's expectations have heightened. BWSR has Performance Review and Assistance Program, PRAP. Performance measures are measured and reported to the Legislature. Do you know the trends for water quality for the WMO?
2. Plans matter for getting grants, plan are getting better, competition for grants increasing.
3. Governance discussions - 20 WMO's have dissolved since the start of the 8410 rules.
4. Increased activity levels - Macro versus micro targeting. Macro would be TMDL and micro would be neighborhood programs.
5. Increased transparency and accountability

Immediate impact of rules changes:

1. Plan amendments – thresholds loosened
2. Website requirements
3. Evaluation of progress towards goals every two years

- 4. Audits due two months latter
- 5. Required to update local water plan every 10 years

Handed out summary of changes to Metropolitan Area Local Water Management Rule Revision, dated February 21, 2013

Handed out summary of changes to 8410, dated February 21, 2013

- Bar is raising getting plan approved by BWSR
- Consider in two to three years to revise plan or join another watershed.

E. Hennepin County Watershed Management (Attachment II.D.2 - Green) (Anderson)

Summary in packet, current proposal by Hennepin County Commissioner and draft legislation takes the four watersheds and seven WMO in Hennepin County and combines them into three watershed management organizations. RBWMO would be split, Richfield would be part of MCWD and Bloomington would join other the districts. Nothing has changes since it was discussed at last year’s meeting.

F. Homeowner Based BMP Implementation Assistance Program (Kristin)

Discussed at last year’s meeting, Kristin mentioned the minimal requests she has received (one call when the 9 Mile Creek advertised their program) for assistance. Hennepin County Conservation District has cost share program that offers technical Assistance that may be better than anything the WMO can offer. Recommend the WMO promote and refer residents to the Hennepin County program.

G. 6535 Newton (Kristin)

There has been a long history of flooding in this area. It is a storage issue, a stormwater pond was rejected by the neighbors that did not want to lose any land. The property at 6535 Newton was bought and house was removed. This project will not relieve the street flooding problem.

**2012 Annual Report
Item 9**

Motion was made by Pederson, seconded by Fitzhenry, and all voting aye, to approve the 2012 Annual Report.

**Public Notice
Item 10**

Kristin mentioned a correction stating that she would be the 2013 Executive Director and that Shelly Pederson will be the Assistant Executive

Motion was made by Fitzhenry, seconded by Anderson, and all voting aye, to publish the Public Notice in the April 4, 2013 editions of the Bloomington and Richfield Sun-Current Newspapers.

**Insurance
Item 11**

Motion was made by Goettel, seconded by Winstead, and all voting aye, to approve each city’s payment of \$1,250 to cover its half of the insurance premium for the period of July 2013 – June 2014.

**Additional
Announcements**

Shelly Pederson thanked Scott Anderson for his service on the RBWMO, he will be taking on a new position in the City of Bloomington.

Steve Elkins brought up a study session he attended about the steady and unsustainable drop in the water table aquifers in the metro area. Historically, 50 years ago approximately 70% of water used came from surface water, now 30% comes from surface water. He thinks it only a matter of time

when City's will be required to get supply more water from surface sources.

Adjournment

The RBWMO meeting was adjourned at 6:58 p.m.

Derick Anderson
Engineering Technician