



Bassett Creek Water Management Commission

A g e n d a

**Thursday, January 16, 2003
12:00 Noon**

**Golden Valley City Hall
7800 Golden Valley Road**

Call to Order

Public Hearing - Flood-Proofing Homes in City of Golden Valley

**Presentation of November Minutes
Presentation of Financial Statements
Presentation of Invoices for Payment Approval**

Communications

Chairman

- **Citizen Input on Non-Agenda Items**

Counsel

Corps of Engineers

Commissioners

Engineer

New Business

- **2241 Lee Avenue North: Golden Valley**
- **5919 St. Croix Avenue: Golden Valley**
- **2002 Flood Control Project Inspection**

Old Business

- **Tax Levy Information**
- **Financing Capital Projects**
- **Second Generation Plan Update**
☞☞ Capital Improvements Program

February Meeting

- **New Commissioners/Alternates – Crystal, Golden Valley, Medicine Lake**
- **Election of Officers**

Adjournment

Bassett Creek Water Management Commission

Minutes of the Meeting of November 19, 2002

Call to Order

The Bassett Creek Water Management Commission was called to order at 12:05 p.m., Tuesday, November 19, 2002, at the City of Golden Valley City Hall by Chair O'Toole.

Roll Call

<i>Crystal</i>	Commissioner Tom Mathisen, Vice Chair	<i>Counsel:</i> Charlie LeFevere
<i>Golden Valley</i>	Commissioner David Hanson, Treasurer	<i>Engineer:</i> Len Kremer
<i>Medicine Lake</i>	Commissioner John O'Toole, Chair	<i>Recorder:</i> Pat Schutrop
<i>Minneapolis</i>	Commissioner Michael Welch	
<i>Minnetonka</i>	Commissioner Bill Yaeger, Secretary	
<i>New Hope</i>	Commissioner Vincent Vander Top	
<i>Plymouth</i>	Commissioner Elizabeth Thornton	
<i>Robbinsdale</i>	Commissioner Karla Peterson	
<i>St. Louis Park</i>	Commissioner Paul (PJ) Andersen	

Also present: Erik Hansen, Alternate Commissioner, City of Robbinsdale
Mary Gwin-Lenth, Alternate Commissioner, City of New Hope
Karla Anderson, Alternate Commissioner, City of Plymouth
Jan LeSuer, Alternate Commissioner, City of Golden Valley
Ed McRoberts, Alternate Commissioner, City of Minneapolis
Ron Quanbeck, BCWMC Technical Advisory Committee, City of Plymouth
Bill Deblon, BCWMC Technical Advisory Committee, City of Robbinsdale
Guy Johnson, BCWMC Technical Advisory Committee, City of New Hope
Jim Vaughan, BCWMC Technical Advisory Committee, City of St. Louis Park
Lee Gustafson, Chair, BCWMC Steering Committee, City of Minnetonka
Jeannine Clancy, BCWMC Technical Advisory Committee, City of Golden Valley
Jack Frost, Metropolitan Council
Dave Stack, Friends of Bassett Creek
Terrie Christian, Association of Medicine Lake Area Citizens
Nancy Azzam, Golden Valley League of Women Voters

Approval and/or Correction of Minutes

The minutes of the October 17, 2002 meeting were presented. The following corrections are noted:

[Mr. David Stack] Page, 5, Old Business, paragraph #1, last sentence, add: Mr. Kremer said that ultimately flooding will begin upstream...

[Commissioner Andersen] Page 6, Old Business, paragraph #2, make the following change to the third sentence: "...Northwood, South Rice, Sweeney, and ~~Northwood~~ Westwood..."

Ms. Thornton moved and Mr. Mathisen seconded the motion to approve the minutes with the above corrections noted. Carried unanimously.

Financial Statements

Mr. Hanson presented the Treasurers Report as of November 19, 2002. The current balances are as follows:

Checking Account Balance	155,087.41
Investment Account	0.00
<i>TOTAL GENERAL FUND BALANCE</i>	<i>\$155,087.41</i>
Construction Account Balance	347,179.43
Commercial Paper (due 3/03/03)	99,000.00
Commercial Paper (due 3/03/03)	99,000.00
Commercial Paper (due 3/04/03)	98,000.00
Commercial Paper (due 3/05/03)	99,000.00
Commercial Paper (due 3/11/03)	99,000.00
Commercial Paper (due 4/23/03)	99,000.00
Commercial Paper (due 4/23/03)	99,000.00
Commercial Paper (due 4/23/03)	99,000.00
Commercial Paper (due 4/25/03)	98,000.00
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>1,825,135.33</i>

Mr. Mathisen noted the Second Generation Plan item is \$20,131.30 over budget for the year. Mr. Hanson said at the start of the Second Generation planning process, the Commission was aware that it would be difficult to budget for the plan therefore the overage is not surprising.

The Treasurers report was accepted as presented and ordered to be filed subject to audit.

Presentation of Invoices to be Paid

The following invoices were presented for approval:

1. An invoice was received from Barr Engineering Company for professional services during the period October 5, 2002 through November 8, 2002, in the amount of \$17,103.79.

Mr. Hanson moved and Mr. Vander Top seconded approval for payment of claims as set forth on the invoice. Upon call of the roll, the vote was unanimously carried.

2. An invoice was received from Kennedy & Graven for professional services during the third quarter 2002 in the amount of \$4,531.47.

Mr. Hanson moved and Ms. Peterson seconded approval for payment of claims as set forth on the invoice. Upon call of the roll, the vote was unanimously carried.

Communications

Chairman:

1. Correspondence was received from Louellen Essex and Associates concerning emergency management workshops offered through this organization.

Citizen Input on Non-Agenda Items:

1. At the October 2002 Commission meeting, Ms. Terrie Christian, Association of Medicine Lake Area Citizens, asked the Commission to support the Hennepin Conservation District and vote in favor of HCD on the November ballot. Ms. Christian reported that HCD received the public support necessary to stay in operation. The reason this was on the ballot was an issue between a developer and HCD's enforcement of the Wetland Conservation Act. The developer used an old Minnesota law allowing him to get a referendum on the ballot with the help of a petition. Apparently, the law had never been used before.
2. Mr. David Stack stated that he would like more discussion concerning the statement made in the October 17, 2002 minutes by Mr. Kremer relating to the Bassett Creek improvements at Theodore Wirth Park where Mr. Kremer said that "ultimately, flooding will begin upstream into the park because of the capacity lost in the channel." Mr. Stack was told a conflicting statement that the dredging would not have much effect on flood prevention. He was of the understanding that for flood control, it would be better to increase the live storage area above the normal water level. The dredging would increase the dead storage area below the normal water level, which would be better for water quality, but questionable for flood control in that area. Mr. Kremer said it depends on the definition of flooding. Anytime the water level exceeds normal, flooding will occur over the creek banks. If capacity is lost in the channel downstream during a severe flood, more area will be flooded and more frequent flooding will occur upstream as channel capacity is lost downstream. It will probably not be a serious problem in this area because most of the area flooded will be on the Wirth Park Golf Course and Wirth Park, unless the frequency of flooding and inundation causes more cleanup costs, etc.

Counsel:

1. Mr. LeFevere gave an update of the Board of Water & Soil Resources' committee activities regarding the Third Generation Rules. He hoped that by participating on the committee, he would be able to help make the new rules more user-friendly for watershed management organizations. The rules proposed will be delayed due to BWSR's reorganization of their laws and rules. BWSR staff has been telling WMOs for some time that what they are looking for in the planning process is more prioritization and focus. The current draft rules will help in that regard. The plan amendment process is still undecided. Part of BWSR's purpose in making the rules standard across the water-planning spectrum is so that the various organizations have similar authority. BWSR is currently planning to present a proposal to the legislature requesting that the same taxing authority be given to joint powers water management organizations (JP WMOs) as is currently held by watershed districts. Mr. LeFevere will update the Commission as BWSR moves ahead in the formal rule-making and legislative process.
2. Mr. LeFevere is continuing his discussions with BWSR concerning BCWMC charging the county for its capital projects. BWSR staff are of the understanding that JP WMOs have the authority under the state statutes to include capital projects in their Second Generation Plan (Plan), specifying that those projects will be billed to the county, and if the county does not veto the projects in the planning and hearing process, there is authority for the JP WMOs to request the county to levy a tax or raise funds to pay their share of the costs. Apparently, no JP WMO has tried to enforce this authority yet;

however, Jim Haertel and Steve Woods recommended discussing the issue with the Department of Revenue. Mr. LeFevere was told that although the parts of the statutes that give JP WMOs taxing authority are not effective, this is not about a WMO tax, but a process where the county is expected to pay the bill. The staff person in the Department of Revenue was of the opinion that this is permissible and an authority that the WMO has. Mr. LeFevere is awaiting a call back from the Hennepin County property tax division to close the loop. At the moment without legislation, it appears that it is an option available to the Commission to state in the Plan that the capital projects costs will be paid by the county.

Mr. Mathisen asked where in the process can the county chose to veto a project? Mr. LeFevere said the county could veto a project at the early stages of the review process. The Plan would specify that the funding would be raised under the authority of statute 103B.251. However, as part of the county's review process, the county can refuse to approve a project. Mr. LeFevere is not sure if the review would go before the Hennepin County Board of Commissioners or staff only.

Mr. LeSuer asked if the project funding would first come from the Commission and be reimbursed by the County and, if so, how would the Commission be assured that those funds will come back to the Commission? Mr. LeFevere said the county would have to make the funds available to pay for the cost of the project. The county would levy taxes against property owners within the Bassett Creek WMO area only. Mr. LeFevere thought the county would treat it as a special taxing entity with a separate line item because it would be outside of their levy limits.

Mr. O'Toole asked if this potential taxing authority exists to be a source of funds for particular projects and if the Commission contemplates participating in projects in a 80(city)/20(Commission) relationship with the cities, does the Commission have to participate on a specific project or can the Commission participate on a lower level? Mr. LeFevere does not believe the statute deals with that issue, but does not think the county would object to paying less than 100% of a project. Mr. LeFevere added that the biggest advantage this funding mechanism will have for the cities is that it does not count against their tax levy limits.

Mr. Vander Top asked if the Commission would anticipate the decision process on the part of the county to be on a project-by-project basis or every time the Capital Improvements Program is updated? Mr. LeFevere said the county option to veto is during the formal review period of the planning process and when amendments to the CIP are issued.

Mr. LeFevere said before exploring this specific provision of the statute, interest was expressed by local city officials during the Second Generation Plan's Policy Advisory Group meetings and other meetings about seeking special legislation or general legislation and pursuing the idea of levying outside of the city levy. Mr. O'Toole said it is vital to investigate all sources for funding in order to get done at the global level all that the Commission is interested in accomplishing for water quality improvements within the watershed.

Mr. O'Toole asked the Commission for input about directing Mr. LeFevere to develop a plan, timetable, and steps necessary to follow-up. Mr. Mathisen asked when the county would be reviewing the Plan. Mr. Kremer said the draft Second Generation Plan will ready for the Steering Committee to review within the next few weeks. Mr. Mathisen asked if the burden is on the Commission to educate the county of this clause in the statute or can the Commission state it in the Plan assuming the county will read it in the Plan. Mr. LeFevere said it would be beneficial for the Commission to inform the county beforehand that the Commission is thinking of utilizing the statute. Mr. LeFevere will seek a stamp of approval from as many agencies as possible prior to submittal of the Plan for formal review to avoid any challenges to the Commission using the statute.

Mr. Welch suggested the Commission decide how to structure the funding portion of the CIP because that will affect the cities perception of the CIP. Mr. O'Toole said that, conceptually, the county funding should be viewed either as the main or supplemental vehicle of funding. Relying on it as the main source of funding can be risky and problematic. He would view it as a supplemental mechanism. The Commission would choose one or two high value projects with unquestionable benefit and designate this funding mechanism for the Commission's portion of the funding for those projects. Mr. LeFevere emphasized contacting the County to get early feedback of the concept before the formal review process.

Mr. Quanbeck said the Commission recently sent out a memorandum accompanying the draft CIP to the commissioners requesting feedback from their member cities. One of the questions asked in the memo was how the cities felt about the Commission seeking taxing authority through the legislature.

Based on the three funding methods outlined on the CIP, Mr. Andersen said that the Commission might have to temper the language on how we look at the taxing authority if the 100% city funding is selected and we view the county taxing authority as supplemental and not 100%. Mr. Gustafson added that questions on the memorandum to the Commissioners were specific to this type of funding mechanism and using it if available. The city of Minnetonka would support 100% of the projects to be funded through the county. Mr. Mathisen asked if the county has a levy limit. Mr. LeFevere said this would be treated as a special district tax that is outside the county levy.

Mr. Vander Top asked if the county did collect revenues, would their collection be from the entire watershed or would they collect from subwatersheds? Mr. LeFevere believed that there is authority to use subwatershed districts following watershed boundaries. Mr. Vander Top said this topic was brought up in discussions with New Hope staff concerning projects that fall within a city but benefit other cities as well. This option may be beneficial from that standpoint to help spread the costs to those who really benefit. Mr. Hanson expressed concern about turning to the county for funding and the Commission's desire to continue to have local control within the watershed and not wanting to become a watershed district.

Mr. LeFevere added that this statute is addressed in the Commission's joint powers agreement and the reason it was not pursued over time was because early attempts made by other JP WMOs were frustrated by the Department of Revenue's response that the statute was not carried through to the taxing chapters of the statute thus not allowing its use.

Mr. O'Toole noted there would be administrative costs associated with anything done differently by the County in order for them to establish procedure and protocol. Mr. O'Toole believes the Commission should continue to pursue funding authority through the county.

Ms. Clancy suggested gathering support from other WMOs who would be interested in participating with BCWMC in this effort (i.e., WMOs where Mr. LeFevere also serves as legal counsel). Mr. LeFevere serves as legal counsel for the Shingle Creek WMO and Middle Mississippi WMO, but both WMOs' second generation plans have gone out for formal comment and both plans do not include capital projects. The Commission will try and coordinate with other WMOs, but BCWMC will most likely take the lead.

Mr. Kremer said the Middle Mississippi is using a similar mechanism to raise capital funds and have gone through the administrative process. We can ask them from a cost standpoint how to do it. Ms Thornton asked if the county pays 100% of the capital funds for Middle Mississippi. Mr. Kremer was not sure how the funding was distributed.

Mr. O'Toole again expressed a desire for Mr. LeFevere to develop a plan and timetable for the next Commission meeting and asked if the costs would be covered in the 2002 budget. Mr. LeFevere expects it to be within the budget.

Mr. LeFevere pointed out that the starting point for charges under the Joint Powers Agreement is 50% based on valuation and 50% based on area. If all the cities levied an ad valorem tax to raise their share, the difference for each individual taxpayer would be small. The minor difference would be the 50/50 percent. If the county levied the charge there is no accounting for area, but strictly valuation.

Mr. Hanson moved and Mr. Welch seconded the motion to direct legal counsel to develop a plan and timetable and to continue pursuing the county funding mechanism to a resolution in order to keep the planning process going. Carried unanimously.

Corps of Engineers:

No communications.

Commissioners:

No communications

Engineer:

1. **The Minneapolis Park Board – Wirth Lake Park.** The Minneapolis Park Board contacted Mr. Kremer concerning a renovation project proposed around the beach house located on Wirth Lake. The beach house is on the southeast corner of the lake. The Park Board would like to make modifications to the area and talked about possibly incorporating some water quality features into that project that would also benefit Wirth Lake. The Park Board asked if the new water quality features proposed and associated costs could be incorporated into the Commission's plan for Wirth Lake. Mr. Kremer informed the Commission that there is an area available to the east that could possibly be treated.

Mr. O'Toole asked if more detail was available to their request. Mr. Kremer said the Park Board is looking to see if the Commission is in favor of including the additional water quality features and associated costs in the Commission's Wirth Lake plan to determine if they should pursue the project. Typically, the Commission tries to identify areas where water treatment facilities can be built (i.e., wetlands, open space) and there was not an opportunity to do that on the beachfront property. However, the project proposed by the Park Board does provide such an opportunity. Mr. O'Toole asked about the financial scope of this new proposal. Mr. Kremer did not think the costs would be great because the watershed they are considering to bring into this facility is not a large watershed and it would have positive impacts on the water quality of the lake.

The next step for the Park Board would be to investigate the expansion proposed and come back to the Commission with associated costs. If the Commission were in agreement, it would be included in the Wirth Lake plan as part of the Second Generation Plan's capital improvements program.

The Commission applied for LCMR funds for Medicine and Wirth lakes and received a favorable response for Wirth Lake. The LCMR currently made a recommendation to the legislature that \$140,000 be provided for the Wirth Lake improvements. In the capital improvements program list of priorities, Wirth Lake would most likely be fifth or sixth in the list of lakes that would be completed without that funding. If the LCMR funding is approved and the Commission decides to use it, water quality improvements could be completed within the next 2 years. Mr. O'Toole said that the LCMR monies would have to be used for its original intent and not diverted to a new proposal. Mr. Kremer

agreed that additional funds would need to be raised for the new proposal presented by the Park Board, although it would be convenient to coordinate activities.

Mr. Kremer indicated to the Park Board that as part of the capital improvements program, various member communities were identifying additional measures to improve water quality and were put on a list for future consideration by the Commission. The current Park Board proposal is consistent with that criterion.

Mr. Welch added that while the LCMR proposal is accepted, the next step is preparation of a work plan and the LCMR staff is open to adding improvements to the original proposal that makes sense.

Mr. O'Toole agrees it would be a good idea if the new proposal can be added to the original proposal; however, he is concerned about the timing of the supplemental project with the moving forward of the LCMR application and if the Legislature would view it as taking advantage of an accepted grant request.

Mr. McRoberts is on the committee for the Wirth Lake beach house improvement. He said although it would be good to kill two birds with one stone, he expressed concern about the jurisdiction of Wirth Lake when it is located in the city of Golden Valley and in Hennepin County and run by the Minneapolis Park Board. Mr. McRoberts said if the area were going to be improved anyway, this would be a good time to combine efforts and possibly save dollars in the long run.

Mr. Mathisen is concerned that the Commission does not have enough information at this time concerning the expansion and how it would dovetail with the Wirth Lake plan.

The consensus of the Commission is to inform the Minneapolis Park Board to pursue the next step and develop a specific proposal to present to the Commission.

New Business

1. **Stone Creek Village Apartments: Plymouth.** A request was received to review a grading, drainage, and erosion control plan for this 130-unit residential complex located south of Medicine Lake in the city of Plymouth. A large portion of the site is floodplain area. The developer proposes to develop about 8 acres of the 15-acre site. The 100-year floodplain is 890.1 feet MSL. They are proposing to direct essentially all of the runoff from the parking surfaces and the west half of the rooftop to the two proposed ponds on the north side of the property. They indicated that not all of the runoff from the roof surface would drain into those ponds. Due to site limitations including the tree preservation plan and the wetland buffer setback, approximately 9,200 square feet (0.2 acres) of roof runoff will remain untreated and discharged directly to the wetland. Because of the 0.2 acres, the project does not meet the water quality criteria of the Commission. The developer has requested approval of a rain garden as an alternative for a water quality pond. The amount of phosphorus received on this portion of the roof area is from atmospheric deposition and most likely has the lowest concentration of phosphorus versus the amount coming from the impervious surfaces of the proposed development.

Mr. Mathisen thought the Commission approved similar projects in the past where roof drainage was directed through a pipe into a wetland. Mr. Kremer said there was a case in the city of Minneapolis where a project treated all the impervious surfaces in infiltration basins except the roofs where they used a different best management practice by running it over the grass. In the past, the Commission has accepted similar cases where the developer requested to treat impervious areas to a higher level to offset the total phosphorus removed. In this case, the developer has not demonstrated that is possible.

Mr. Quanbeck said the developer has used up pretty much most of the area without encroaching the wetland.

Mr. O'Toole asked if all the runoff could be treated if the number of units were reduced?

Mr. Quanbeck said that reducing the units would not be financially viable. The soils are poor and the building will be built on pilings. Affordable housing is also part of the project. The total impervious area being treated is about 2½ to 3 acres.

Mr. Welch asked if the city of Plymouth (the local governmental unit enforcing the Wetland Conservation Act) approved the project? Mr. Quanbeck said yes and they are filling two very small portions of wetland and mitigating on the site. Mr. Welch asked about any performance statistics for rain gardens and how does the Commission enforce the components of a rain garden. Mr. Welch also asked Mr. Kremer about the recommendation for approval in spite of the proposal not meeting the Commission's water quality criteria.

Mr. Kremer said the policy of the Commission does recognize alternative technologies. Performance characteristics for infiltration and filtration basins can be better than dead storage ponds if designed properly. Theoretically, the infiltration basins could be removing high percentages of the phosphorus. Mr. Welch asked to what degree are we assured that expertise is applied here. Mr. Kremer said that might be one item missing from the Water Quality Policy in that no performance criteria are stated.

Mr. Kremer's recommendation for approval is because runoff from the roof has the lowest phosphorous concentrations, the infiltration basins can be efficient, and the 0.2 acres roof runoff will be directed to the wetland prior to going into Medicine Lake.

Mr. Andersen asked if there was any reduction in parking requested of the developer and/or did Plymouth request the developer to accommodate for lesser impervious surfaces? Mr. Quanbeck said there is a portion of the site set aside for future parking.

Ms. Terrie Christian spoke with the Hennepin Conservation District concerning this project and was told the developer has to prove by hydrological calculations if the rain garden proposed will be sufficient for the site. Ms. Christian recommends those calculations be provided prior to approval to determine if the rain garden will be effective. She noted that this is one of the few high quality wetlands undeveloped around Medicine Lake and that AMLAC opposed this project without success. The developer has made a number of changes to the project to make it appropriate for the site. Ms. Christian would like to know how the Commission would follow up on the effectiveness of the rain garden. Mr. Kremer said monitoring of filtration/infiltration basins has been requested in the past. Data is available to determine performance. Ms. Christian asked about the poor soils in the project area and if these best management practices been proven to be effective on the soils? Mr. Kremer said that is one of the conditions of approval requested to be completed by the developer.

Mr. Mathisen said with similar projects in the past, the Commission requested annual water quality monitoring and the reports are submitted to the city where the project is located.

Mr. Stack would like to see the developer look at some creative ideas to make it smaller (130 to 120 units) or reduce the impervious areas. There is a large amount of taxpayers money spent to reduce downstream water quality and flooding and the Commission should not allow a development that will be detrimental to that.

Mr. LeFevere recommended the following rewording of condition (a) shown on the engineer's memo to the Commission: (a) Require that an analysis of soils be performed to demonstrate the area is

appropriate for an infiltration-type system and the design of the system must be approved by the Commission's engineer as a system that will at least equal design criteria of the Commission's policies.

In addition, Mr. Mathisen suggested that the soils be corrected if necessary. When soils are removed, a filtration basin would be used instead of a infiltration system.

Ms. Thonton approved and Mr. Hanson seconded the motion to approve the project contingent on Mr. LeFevere's rewording of condition (a) and to correct the soils if necessary.

Mr. Andersen asked if that includes removing the additional pounds of phosphorus that are not removed by the detention basins. Mr. LeFevere said that if the Commission is concerned about the untreated areas, the Commission could require treatment to exceed the standards to offset the areas not being treated. Ms. Thornton accepted this amendment to the motion. The motion now reads:

Ms. Thornton approved and Mr. Hanson seconded the motion to approve the project contingent on the recommendations made in the engineer's memo to the Commission to include Mr. LeFevere's rewording of condition (a), correct the soils if necessary, and the Commission requires treatment to exceed the standards to offset the areas not being treated. Carried with one no vote by Commissioner Welch (Minneapolis).

2. **Plymouth Creek Professional Building and Future Development: Plymouth.** The project is a two-phased project with the current proposed project on a 2-acre site and a subsequent project proposed on the 6-acre site immediately west of the Plymouth Creek Professional Building.

This project is located southwest of Plymouth Boulevard and 37th Avenue North in Plymouth. The project is in the Medicine Lake watershed and subject to Level I treatment standards. The proposed project includes the construction of two new buildings. Grading will occur on the entire 2-acre site. The majority of stormwater runoff from the site (1.65 acres) will be directed to a "rain garden" stormwater treatment system located along the east side of the site. Approximately 0.25 acres of stormwater runoff from the north building and 0.1 acres along Plymouth Boulevard will be directed to the existing storm sewer. Due to site conditions and grades, runoff from the area along Plymouth Boulevard cannot be directed to the rain garden. The applicant will review the feasibility of directing the north roof runoff to the rain garden. A maintenance agreement is recommended for cleaning and maintaining the rain garden and for the street/parking lot sweeping program.

In order to provide water quality treatment for the future development (and the untreated areas of the Plymouth Creek Professional Building), the applicant has proposed the construction of a regional detention pond along Plymouth Creek. The regional pond would be located in the Central Park Pond complex near the Plymouth City offices. The Commission previously supported this concept. The proposed plan includes excavating a 1.47 acre-feet open water area adjacent to Plymouth Creek. The required Level 1 pond to treat the Plymouth Creek Professional Building and 6-acre future development would be 1.25 acre-feet. The identified offsite water quality pond does not provide adequate treatment for the referenced development because of the large overall contributing drainage area to the pond. Therefore additional onsite BMPs are recommended.

The applicant is requested to look at treating the runoff from the northeast building by directing it to the filtration basins even though they have demonstrated they are meeting the phosphorus removal rates requested by the Commission's water quality policies. The Commission engineer is recommending approval with a number of conditions outlined in the engineer's memorandum to the Commission.

Discussion followed. Mr. O'Toole said that again this project is a like situation where the Commission makes a request to report back to the Commission engineer, but how does the Commission know they have actually done what is required. Mr. LeFevere offered the following additional condition:

- (i) Applicant must provide information sufficient to demonstrate to the satisfaction of the Commission's engineer that the system will equal or exceed the phosphorus removal required by Commission policies.

Ms. Christian added when the Medicine Lake plan was being done by the city of Plymouth, there was not enough funding to do anything with Plymouth Creek and that was a concern of the committee and the environmental quality committee of Plymouth. About 40 percent of the external loading of phosphorus in Medicine Lake comes from Plymouth Creek so any measures to reduce the external loading would be beneficial to improving the water quality in Medicine Lake.

Mr. Kremer added that an under drain would need to be installed in order for the infiltration system to be effective. Ms. Thornton added that this is an area under development with streets laid out and limited space available.

Ms. Thornton moved and Mr. Mathisen seconded the motion to approve the project contingent on the recommendations stated in the engineer's memorandum to the Commission and with the addition of condition (i) suggested above by Mr. LeFevere. Carried unanimously.

Old Business

1. **Feasibility Report – Flood Proofing Homes in Golden Valley.** A feasibility report was prepared by the Commission engineer for construction of flood proofing measures for homes located along the Main Stem of Bassett Creek in the city of Golden Valley. There are 12 homes that are below the new 100-year flood level and these homes were originally included in the Corps of Engineers' plan for flood proofing as part of the Flood Control Project. In the mid-70s, at the time the project process was taking place, the homeowners immediately downstream of Highway 100 decided to flood proof their homes rather than channelize the creek down to Golden Valley Road, which was one of the alternatives with significant costs and environmental impacts. Originally, there were more than 20 homes in that area that agreed to accept flood proofing. At that time, the Commission was participating with the Corps in this public process to select a plan. At the time, the plan was called the Environmental Quality Plan because it had the less impact on the environment. Changes associated with the plan in terms of flood control were the storage area upstream of Highway 100 in Bassett Creek Park where more area was needed to raise the flood level to reduce the discharge downstream, and eliminate one bridge and replace two bridges. The EQP was the document that included the flood proofing option. Copies of the financial portion of the document were distributed at today's meeting.

The cost for the entire project at that time (September 1982) was \$22,300,000. The benefits to cost ratio for the project was 1.20. Shortly after this document was submitted by the St. Paul District Corps of Engineers to the Corps' headquarters to review, the headquarters office said all of the flood proofing would be eliminated and that the Corps would not participate with including it as part of their plan. Their reason was the flood level would be lowered enough so there would be no incremental benefit to flood proofing the homes with the storage provided in Bassett Creek Park, the removal of the crossing, and replacing the bridges. The Commission did not agree with the Corps decision at the time, but the Corps would not change its view.

As a result, the remaining homes to be flood proofed were eleven homes located downstream of Highway 100 and one home located upstream of Highway 100, downstream of the Golden Valley Golf

Club. The flood proofing plans done by the city of Golden Valley in 1980 were reviewed and updated by a consulting firm for the city and the costs shown on Table 1 in the current feasibility report show the updated costs. Golden Valley slightly altered the plans. In one case, Barr proposed buying a house and Golden Valley is proposing to raise the house. The total flood proofing cost is \$678,000. Barr is recommending that it is a feasible plan to flood proof these homes because of the justification indicated in the original plan and it is economically feasible to do it and believes that the homeowners should have been notified that flood proofing was not an option.

Mr. Hanson was surprised that only 65% would be paid for by the Commission instead of 100% of the estimated costs. The Golden Valley City Council is concerned about the future costs around the flood control projects and is unwilling to proceed without an expression of strong financial support. The city was of the understanding that the Policy Advisory Group had approved 100% funding and disappointed in the inexplicable 35% reduction. The city of Golden Valley is unlikely to solve these problems without the strong help promised. Mr. Hanson was surprised that the \$700,000 allocated for flood proofing was reduced to only about \$400,000. Mr. Kremer said this was originally brought up at the Technical Advisory Group meeting while that group was working on their recommendations for the Second Generation Plan. That group recommended that it be included and after consideration by the Steering Committee it was included as a recommendation to the Commission. The recommendation that came to the Commission did not include any cost sharing scenario. It was discussed by the Commission and the 65% was a result of that discussion. The funding formula was not formally adopted, but presented as a recommendation only.

Ms. Clancy added that the Golden Valley City Manager, Bill Joynes, was a part of the Policy Advisory Group and he recalled a discussion at a PAG meeting where the recommendation was 100% funding. Ms. Clancy said that the city of Golden Valley City Council would be preparing a letter to the Commission requesting the Commission to reconsider the 65% funding.

Mr. O'Toole directed the Commission recorder to go through previous meeting minutes to clarify the previous discussions. Mr. Gustafson recommended also going through the Policy Advisory Group meeting minutes. He recalled that the 65% was selected for construction and 35% for administration. It was also noted that with the significant benefits and reduction in homeowners insurance rates, that the homeowners would recoup the costs. It was felt that the homeowner should have some buy-in to this cooperative venture. The homeowners can chose to not have their homes flood proofed.

Mr. Quanbeck said the feasibility study does not clearly define the cost versus benefit and recommends that it be clearly stated for the record, especially for those homes over \$100,000, at the time of the public hearing. The feasibility report could be edited to include the cost/benefit information or provide supplemental information at the public hearing in January.

Mr. Welch asked what the money would be used for if it is not used for flood proofing those homes. Mr. Kremer said the Commission would reassign the funds for other purposes.

- 2. Second Generation Plan Update. The revised draft Capital Improvements Program was sent out to the commissioners. A deadline for receipt of final comments needs to be determined. Mr. O'Toole recommended January 31, 2003. Copies will also be mailed to the Technical Advisory Committee members and other interested people. Written comments are to be directed to the Commission recorder to assemble for review.**

Mr. Gustafson said the commissioners should bring up the funding mechanisms to the cities during their discussion. Mr. Mathisen suggested getting buy-in for the CIP from city councils now and not allow the funding mechanism to prolong the process.

Miscellaneous

1. Mr. Mathisen noted that the Commission's engineering staff began their annual inspections.

December Meeting

1. Mr. O'Toole presented the following agenda items for the Commission's December meeting:
 - No items known at this time for discussion at the December meeting.
 - The commissioner/alternate terms for the cities of Crystal, Golden Valley, and Medicine Lake will expire as of January 31, 2003. Those member cities will need to advertise for those positions prior to that date.

Adjournment

It was moved by Ms. Peterson and seconded by Mr. Vander Top that the meeting adjourn. Chairman O'Toole adjourned the meeting at 2:10 p.m.

John O'Toole, Chair

Pat Schutrop, Recorder

Bill Yaeger, Secretary

Date: _____

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