



## **Bassett Creek Water Management Commission**

# **A g e n d a**

**Thursday, May 16, 2002  
12:00 Noon**

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

### **Call to Order**

**Presentation of April 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**

?? **36<sup>th</sup> Avenue Improvements/Hidden Valley Park Improvements: New Hope**

?? **Sonnesyn Elementary School: New Hope**

?? **Request for Interest Proposals – Legal and Engineering**

### **Old Business**

?? **Budget Committee Report for 2003**

?? **Hidden Lakes Development Second Phase – Peninsula and Block 2: Golden Valley (DNR Permit Application)**

?? **Breck School Soccer Field: Golden Valley**

?? **Final 2001 Annual Report**

?? **Orientation and Watershed Tour**

?? **Second Generation Plan Update**

*ℳℳ* **Capital Improvements Program comments**

*ℳℳ* **Advisory Groups Recommendations table comments**

?? **Procedure for Distributing BCWMC Meeting Materials**

### **June Meeting**

?? **Watershed Tour**

### **Adjournment**

# Bassett Creek Water Management Commission

## Minutes of the Meeting of April 18, 2002

### Call to Order

The Bassett Creek Water Management Commission was called to order at 12:10 p.m., Thursday, April 18, 2002, at the City of Golden Valley City Hall by Chairman O'Toole.

### Roll Call

<i>Crystal</i>	Commissioner Tom Mathisen, Vice Chairman	<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, Chairman	<i>Recorder:</i> Pat Schutrop
<i>Minneapolis</i>	Commissioner Mike 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 Mike Rardin	

Also present: Lee Gustafson, Steering Committee Chair, City of Minnetonka  
Ron Quanbeck, Technical Advisory Committee, City of Plymouth  
Mary Gwin-Lenth, Alternate Commissioner, City of New Hope  
Patrick Wrase, Technical Advisory Committee, City of Minneapolis  
Bill Deblon, Technical Advisory Committee, City of Robbinsdale  
Jeannine Clancy, Director of Public Works, City of Golden Valley  
Jeff Oliver, City Engineer, City of Golden Valley  
Dave Stack, Friends of Bassett Creek  
Nancy Azzam, Golden Valley League of Women Voters  
Pat Waddick, Friends of Birch Pond Watershed  
Mary Jo Schifsky, Friends of Birch Pond Watershed  
Todd Bohle, Friends of Birch Pond Watershed  
Sarah Emery, HDR Engineering, Inc.

### Approval and/or Correction of Minutes

The minutes of the March 21, 2002 meeting were presented. Ms. Thornton moved and Mr. Hanson seconded approval of the minutes. Carried unanimously.

### Financial Statements

1. Mr. Hanson presented the Treasurers Report as of April 18, 2002. The current balances are as follows:

Checking Account Balance	\$156,520.36
Investment Account Commercial Paper (due 5/15/02)	199,480.56
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$356,000.92</b>

Construction Account Balance	\$39,977.01
Commercial Paper (due 4/29/02)	199,150.00
Commercial Paper (due 7/29/02)	400,343.08
Commercial Paper (due 8/15/02)	1,059,867.19
<b><i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i></b>	<b><i>\$1,699,337.28</i></b>

The report shows a transfer of \$66,500 from the construction account to the administrative account pursuant to 2001 budget approval. The Treasurers report was accepted as presented and ordered to be filed subject to audit.

2. Mr. Hanson presented the Annual Financial Report for year ended January 31, 2002. The report was prepared by Malloy, Montague, Karnowski, Radosevich & Co., P.A. The auditors have requested Commission members to sign conflict of interest statements. Conflict of interest statements will be distributed yearly in January prior to preparation of the auditors report.

### ***Presentation of Invoices to be Paid***

The following invoice was presented for approval:

1. An invoice was received from Barr Engineering Company for professional services during the period of March 9, 2002 through April 5, 2002, in the amount of \$26,092.66.

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

### ***Communications***

*Chairman:*

No communications.

*Citizen Input on Non-Agenda Items:*

1. Ms. Nancy Azzam suggested the Commission consider making extra copies of items handed out during the Commission meetings in an effort to make the meetings more meaningful for attending guests. Mr. LeFevere added that the Open Meeting Law requires that one copy of everything presented to the board or council must be made available to the public attending the meeting. Mr. Rardin expressed concern when the draft Second Generation Plan becomes available, it may be unreasonable to make more than one copy. Mr. Yaeger suggested the Commission determine a set number of copies that will be available to guests attending the meetings. Ms. Terrie Christian suggested using e-mail and the Commission's website whenever possible. Mr. Rardin asked if the Commission should have a Data Practice Policy for the Commission. Mr. LeFevere will look into how that policy would apply to joint powers organizations. Mr. O'Toole directed the Commission recorder to set up a standard operating procedure and report to the Commission at its May meeting.
2. Mr. David Stack announced that a presentation would be given at the Minneapolis Harrison Community Center on living water gardens on May 14.
3. Ms. Christian asked for information concerning the Highway 169 water quality improvement project shown on the Commission's draft Capital Improvements Program. The Association of Medicine Lake Area Citizens would like to include information on this project in its spring newsletter. Mr. Quanbeck

said this is one of the City of Plymouth's capital improvement projects and is also identified in the Commission's capital improvements program as a capital improvement project for Medicine Lake. Mr. O'Toole directed Ms. Christian to Mr. Quanbeck for the information.

4. Ms. Christian reported that both the Minnesota Senate and House passed the legislation on phosphorus free fertilizers and the bill is currently waiting to be signed by Governor Ventura.

*Counsel:*

No communications.

*Corps of Engineers:*

No communications.

*Commissioners:*

1. Mr. Welch distributed a flyer announcing Bassett Creek Clean-Up on Saturday, April 20, beginning at 9:30 a.m. Volunteers are asked to meet at the J.D. Rivers Gardens at Glenwood and Washburn avenues.
2. Mr. Vander Top announced that Mr. Guy Johnson, Director of Public Works for the City of New Hope, has been appointed to the Commission's Technical Advisory Committee.

*Engineer:*

No communications.

## ***New Business***

1. Friends of Birch Pond. A citizens group called Friends of Birch Pond Watershed (Friends) has organized to purchase a plot of privately owned land in Area 7 of the Bryn Mawr neighborhood in Minneapolis. The group is interested in preserving the land as parkland. The land is located adjacent to Wirth Lake. Mary Jo Schifsky, representative for the group, presented the group's concerns to the Commission.

Originally, this area consisted of a number of ponds that appear to have been filled in with construction debris over the years. Water flows through the area making it extremely wet. During the summer, the City of Minneapolis pumps from a drainage depression in the area to keep the homes from being flooded.

Friends worked with HDR Engineering, Inc. to provide a hydrological assessment of the site. Glenwood Inglewood also submitted a letter to Friends expressing concern about any changes that may impact their water source.

Friends have worked with several organizations and are seeking to buy the property. The group applied for a Metro Greenway Project grant through the Minnesota Department of Natural Resources and their grant has been accepted. A letter of support has also been received from the Minneapolis Park and Recreation Board.

Friends is requesting a letter from the Commission acknowledging the following:

- 1. The property is under the jurisdiction of the Bassett Creek Water Management Commission.**
- 2. Bassett Creek Water Management Commission's recognition that water and soil concerns exist on the property presented.**
- 3. Commission support for the Friends of Birch Pond Watershed:**
  - a. In their efforts to research the issues as they work toward a solution to the soil and water issues**
  - b. In the implementation of a solution within the codes and policies established by state and local agencies and under the direction of the Bassett Creek Water Management Commission**
  - c. As they work with the community, land owner and public agencies to implement a solution for the property**

**Discussion followed. Mr. Pat Waddick emphasized the reason for the request is to confirm that the Commission recognizes the property is a part of the Bassett Creek watershed and that water and soil concerns exist on the property. This recognition will allow the group to continue researching solutions to better the area.**

**Mr. Welch added that developers have tried to develop this land in the past, but have found it to be extremely costly to correct the soils. Mr. Pat Wrase, City of Minneapolis, said Minneapolis is aware of the drainage problems in the area and currently does not have plan to make an improvement. Minneapolis is currently looking at the possibility of future development in the area to help implement the solution.**

**About eight years ago, Mr. Kremer said there was a proposal to develop this site. At that time, Barr met with the City of Minneapolis on the site and determined that a lot of the area was historically either open water or wetland and was filled with street debris (large concrete chunks, curb, etc.). It was not uncommon for some of these depressions to be used as construction landfills in the past. The city and the Commission went over the requirements with the developer that would be required at that site (ponding for water quality enhancement and stormwater storage so that the discharge was consistent with the outlet available). Because of the combination of the depth of the debris and the facilities needed to accommodate development, the developer apparently concluded that it was not feasible.**

**The Commission discussed whether the letter of support should be written to the City of Minneapolis, the developer, the DNR, or the Friends.**

**Mr. Vander Top suggested that if requested by the City of Minneapolis, the Commission's engineer provide a summary of some of the issues dealt with eight years ago for the benefit of the city and its applicant.**

**Mr. LeFevere said development is sometimes the best way to improve contaminated sites and there is a concern in providing a letter of support that could misrepresent the Commission's position without hearing all parties.**

**Ms. Peterson added she is not in favor of the wording in the second bullet under No. 3 of the Friends' request because a solution is not set and is concerned about how that could affect the Commission.**

**Mr. Welch moved and Mr. Hanson seconded the motion to direct a letter be prepared to the Minnesota Department of Natural Resources in support of the Friends of Birch Pond Watershed's grant application and their efforts to address water quality and quantity problems and encourage the Friends of Birch Pond Watershed to work with landowners and other vested stakeholders to resolve issues.**

Mr. Rardin amended the motion to only support the following items as shown in the Friend's written request to the Commission: item nos. 1, 2, and 3, and the first bullet under #3 restated to read "in their efforts to research the issues," and address the letter to the Friends of Birch Pond Watershed. Mr. Welch accepted the amendment. Carried unanimously.

2. **Budget Committee.** The budget committee will consist of the Executive Committee (commissioners O'Toole, Mathisen, Hanson, Welch, and Thornton). Commission staff will also attend.
3. **Golden Valley Pavement Management: Meadow Lane Area.** This is a street improvement project immediately west of Wirth Lake. The project includes reconstruction of approximately 4.5 miles of streets, as well as storm sewer improvements, grading and other utility upgrades. The Commission engineer recommends approval based on recommendations as stated in the engineer's memorandum to the Commission.

Mr. Hanson moved and Mr. Mathisen seconded the motion to approve the project contingent on the Commission engineer's recommendations as stated in the engineer's memorandum to the Commission. Carried unanimously.

4. **Minnetonka 2002 Street Reconstruction.** This is a street reconstruction project including utility improvements and the reconstruction of approximately 1.3 miles of Archwood Lane, Crestridge Drive, Welland Avenue, Belmont Road, and Lakeview Drive in the Bassett Creek watershed. The project is located in the Main Stem watershed. Approximately 8.3 acres in the Bassett Creek watershed will be disturbed as a result of the project. The Commission engineer recommends approval contingent on recommendations stated in the engineer's memorandum to the Commission.

Mr. Hanson moved and Mr. Rardin seconded the motion to approve the project contingent on the recommendations stated in the Commission engineer's memorandum to the Commission. Carried unanimously.

5. **Draft 2001 Annual Report.** The Draft 2001 Annual Report was presented. Comments are due to the Commission's recorder by April 26.
6. A copy of Webtrends was included with the meeting packet for the Commission's information showing a tabulation of the Commission's website use. The report shows site visits over the period October 1999 through March 2002. There were an average of 16 site visits per day during that period.

## **Old Business**

1. **NPDES General Permit to Discharge Storm Water Associated with Small Municipal Separate Storm Sewer Systems into Waters of the State.** A memorandum prepared by the Commission engineer was distributed for the Commission's information. The memorandum outlines the MPCA NPDES Phase II draft general permit requirements. The six basic components of the program are: public education, public involvement, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction storm water management, and pollution prevention or "good housekeeping" for municipal operations. The Citizens Advisory Group involved in the Commission's second generation plan process recommended in their public information plan to work with cities to implement an education program with respect to water quality. The CAG recommendation is consistent with this program's public education and outreach on storm water impacts. With the NPDES permit program in mind, the Commission and the cities may find it beneficial to take advantage of opportunities to work together in gathering information required by the permit process.

2. **Commissioner/Alternate Orientation and Tour.** The orientation will be held on Tuesday, May 21, from 11:00 a.m. to 2:00 p.m. at the office of Barr Engineering Company. The tour will be held during the Commission's June 20<sup>th</sup> business meeting.
3. **Second Generation Plan Update.** Mr. Gustafson gave the following update. Comments on the Capital Improvements Program (CIP) and the Advisory Groups Recommendations table were due back to the Commission by April 18. The following comments have been received:

<b>Crystal</b>	Crystal's City Council deferred to the Policy Advisory Group.
<b>Golden Valley</b>	The City of Golden Valley requested an extension to the end of May to submit comments.
<b>Medicine Lake</b>	The City of Medicine Lake did not have specific concerns with the projects, but was apprehensive with the financial equity and asked Mr. O'Toole to be diligent to ensure that the allocation of costs be fair.
<b>Minneapolis</b>	Mr. Welch reported that Pat Wrase, Jeff Lee, and Alison Fong met and comments will be submitted by the end of day, April 18.
<b>Minnetonka</b>	After a preliminary staff review, the City of Minnetonka requests that the Crane Lake project CL-2 be moved from year 2015 to sometime within the 10-year CIP plan in order to have flexibility to construct the project in conjunction with future upgrading of Hopkins Crossroads by Hennepin County. Minnetonka's city council will review the CIP at a future meeting.
<b>New Hope</b>	New Hope's city council members discussed the CIP at a work session and a letter will be forwarded from Mayor Peter Enck. Discussion evolved primarily around the issue of equity between the cities.
<b>Plymouth</b>	The City of Plymouth's main comments were: (a) Plymouth's adopted Medicine Lake and Parkers Lake plans should be incorporated into the BCWMC CIP, (b) the overall funding level of the plan is too high and should be substantially reduced, and (c) the funding formula for cost sharing should be reviewed and changed.
<b>Robbinsdale</b>	Ms. Peterson reported that Robbinsdale did not have specific concerns and that the city council will discuss the CIP at their May 7 meeting.
<b>St. Louis Park</b>	Mr. Rardin reported no preliminary comments from the staff and the CIP will be discussed at a May city council meeting.

Mr. Gustafson added that the CIP is a component of the Second Generation Plan. The Advisory Groups Recommendations table gives direction for writing the plan. The Commission's engineering staff has started drafting the plan. Mr. Kremer estimated a preliminary draft of the plan might be complete within the next several weeks, Mr. Gustafson suggested the Commission use the City of Plymouth's comments as a framework for discussion concerning the CIP at today's meeting.

Mr. Quanbeck explained the three points described in the letter from the City of Plymouth. The first point is including Plymouth's studies on Medicine Lake and Parkers Lake into the Commission's CIP. Plymouth's Medicine Lake plan includes many of the water quality improvements recommended in the Commission's plan as well as additional improvements. Over the last two years, the water quality in Parkers Lake has shown to be good and Plymouth does not see the necessity to make recommended improvements when Parkers Lake is currently meeting its water quality goals.

The second point relates to the funding level of the CIP. The required level of funding shown on the CIP would substantially exceed the City of Plymouth's long-term available revenues.

Lastly, the third point concerns a review of the funding formula for cost sharing of the CIP. The City of Plymouth questions the benefits received and fairness of equity for the city.

Mr. O'Toole asked about how to address the conflicts raised in the letter from Plymouth. Mr. Gustafson believes similar comments will be received from the member cities. Taking into consideration the Plymouth comments, Mr. Gustafson recommended the Commission come up with a different method to address the CIP. Each member city has one or two water bodies located within its jurisdiction and many of those communities have proposed water quality improvements for those lakes (i.e., Northwood, Crane, etc.). The CIP may possibly be set up so that each community is responsible for improving the water quality of the lakes located within their jurisdiction.

Mr. O'Toole asked if the Commission would consider the concept of issuing credit to cities where an improvement is funded and constructed entirely by a city (e.g., Highway 169 project located in Plymouth). Mr. Gustafson recalled that this concept was discussed at a Commission work session, but no resolution was agreed upon.

Mr. Vander Top recommended the Steering Committee re-examine the CIP in light of the comments submitted by Plymouth. Mr. Vander Top added that the city of New Hope also looked at the issue of benefit versus where the source of the problem is located. An example is Northwood Lake where the source is in Plymouth and the benefiting city is New Hope.

Mr. Mathisen said that Crystal viewed the CIP as a global issue and is interested in continuing its support of the Commission as a viable organization concerned about improving the water quality of the watershed and its effect on the communities.

Ms. Thornton suggested reviewing the local capital improvement plans with the Commission's CIP and determine if there are projects on the Commission's CIP that can be eliminated.

The CIP will be discussed again at the May meeting with consideration for a future CIP plan review that includes more representation by member cities.

Mr. Hanson asked how the budget process should proceed? Mr. Gustafson said there was little disagreement with the ramp-up budget presented. The biggest problem was reaching the \$1 million budget and staying at that level. Mr. O'Toole directed the budget committee to proceed as planned.

Mr. Vander Top inquired if there is a list of streambank projects identified for the \$120,000 budgeted for erosion control streambank stabilization. Mr. Kremer said specific projects are not yet identified.

## ***May Meeting***

**1. Mr. O'Toole presented the following agenda items for the Commission's May meeting:**

- ?? Budget Committee report for 2003
- ?? 2001 Annual Report adoption
- ?? Remaining CIP comments from member cities
- ?? Orientation – Tuesday, May 21, 2002, from 11:00 a.m. to 2:00 p.m.

## ***Adjournment***

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

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**John O'Toole, Chairman**

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**Pat Schutrop, Recorder**

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**Bill Yaeger, Secretary**

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**Date:** \_\_\_\_\_