



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting February 19, 2015 Golden Valley City Hall, 8:30 a.m.

#### Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Robbinsdale	Michael Scanlan, Alternate Commissioner
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	Commissioner Jim de Lambert, Chair
Medicine Lake	Commissioner Clint Carlson	Administrator	Laura Jester
Minneapolis	Commissioner Michael Welch	Attorney	Charlie LeFevere, Kennedy & Graven
Minnetonka	Commissioner Jacob Millner	Engineer	Karen Chandler, Barr Engineering Co.
New Hope	Alternate Commissioner Pat Crough	Recorder	Amy Herbert
Plymouth	<i>Not represented</i>		

#### Technical Advisory Committee (TAC) Members/ Other Attendees Present:

Derek Asche, TAC, City of Plymouth	Richard McCoy, TAC, City of Robbinsdale
Marge Beard, Plymouth City Council	Jane McDonald Black, Alternate Commissioner, City of Golden Valley
Erick Francis, TAC, City of St. Louis Park	Jeff Oliver, TAC, City of Golden Valley
Christopher Gise, Golden Valley Resident	Bob Paschke, TAC, City of New Hope
Jere Gwin-Lenth, Friends of Northwood Lake	Jim Prom, Plymouth City Council
Gary Holter, Alternate Commissioner, City of Medicine Lake	Jim Renneberg, City of Plymouth
Chris Long, TAC, City of New Hope	Liz Stout, TAC, City of Minnetonka
Linda Loomis, Chair, Plan Steering Cmttee	Robert White, New Hope Resident

### 1. CALL TO ORDER AND ROLL CALL

On Thursday, February 19, 2015, at 8:30 a.m. in the Council Conference room at Golden Valley City Hall, Chair de Lambert called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and

asked for roll call to be taken. The Cities of Minneapolis, Minnetonka, and Plymouth were absent from the roll call.

**2. CITIZEN FORUM ON NON-AGENDA ITEMS**

No items were raised.

**3. AGENDA**

Administrator Jester requested the addition to the agenda of a resolution to transfer funds to the BCWMC’s Administrative fund from its Long-term Maintenance fund. Chair de Lambert added the item to the Business agenda. Commissioner Mueller moved to approve the agenda as amended. Alternate Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 6-0 [City of Plymouth absent from vote].

*[Commissioner Millner, Minnetonka, and Commissioner Welch, Minneapolis, arrive at 8:36 a.m.]*

**4. CONSENT AGENDA**

Commissioner Welch asked for item 4L – Approval of Vicksburg Lane Reconstruction to be pulled from the Consent Agenda. Chair de Lambert pulled the item from the Consent Agenda and added it to the Business agenda. Alternate Commissioner Scanlan moved to approve the Consent Agenda. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0 [City of Plymouth absent from vote].

[The following items were approved as part of the Consent Agenda: the January 15, 2015, Commission Meeting minutes, the monthly financial report, the payment of the invoices, approval of Resolution 15-03 Designating Depositories for BCWMC Funds, Approval to Designate *Finance & Commerce* as the Official News Publication of the BCWMC, Approval of Agreement with Shingle Creek WMC for Participation of West Metro Water Alliance (WMWA), Approval of Reimbursement Request from Channel Maintenance Fund by City of Golden Valley, Approval to Set TAC Meeting for March 5, 2015, Order Preparation of 2014 Annual Report, Approval of Press Release on Bassett Creek Water Quality Monitoring Report, Approval to Execute Agreement with Metropolitan Council for Participation in 2015 Watershed Outlet Monitoring Program (WOMP) Pending Approval by BCWMC Legal Counsel].

The general and construction account balances reported in the Fiscal Year 2015 Financial Report prepared for the February 19, 2015, meeting are as follows:

Checking Account Balance	\$734,765.24
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$734,765.24</b>
<b>TOTAL CASH &amp; INVESTMENTS ON-HAND (2/11/15)</b>	<b>\$3,406,800.83</b>
CIP Projects Levied – Budget Remaining	(\$2,674,831.87)
Closed Projects Remaining Balance	\$731,968.96
2013 Anticipated Tax Levy Revenue	\$15,251.02

2014 Anticipated Tax Levy Revenue	\$11,262.26
Anticipated Closed Project Balance	\$758,482.24

## 5. ORGANIZATIONAL MEETING

### A. Appoint Officers

Chair de Lambert opened up the floor for nominations. Alternate Commissioner Crough moved to appoint the current slate of officers to continue in their roles. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Plymouth absent from vote].

### B. Appoint Committee Members

#### i. Administrative Services Committee

Administrator Jester described the role of this committee. Commissioner Mueller moved to appoint Commissioners Mueller, Millner, and de Lambert, and Alternate Commissioners Crough, and Tobelmann to the Administrative Services Committee. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0 [City of Plymouth absent from vote].

#### ii. Budget Committee

Administrator Jester described the role of this committee. Commissioner Millner moved to appoint Commissioners Mueller, Hoschka, Carlson, Millner, and de Lambert to the Budget Committee. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0 [City of Plymouth absent from vote].

#### iii. Education Committee

Administrator Jester described the role of this committee; Chair de Lambert stressed the importance of this committee and volunteers for outreach events. Commissioner Mueller moved to appoint Commissioners Hoschka and Millner, Alternate Commissioners McDonald Black, Goddard, and Tobelmann, and former Commissioner Dan Johnson to the Education Committee. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0 [City of Plymouth absent from vote]. [Later in the meeting Commissioner Welch said that heard from Alternate Commissioner Goddard that she does not want to be appointed to the Education Committee.] Administrator Jester was directed to contact former Commissioners Thornton and Langsdorf to find out their interest in participating on the committee or at outreach events.

#### iv. Next Generation Plan Steering Committee

Commissioner Welch moved to appoint Linda Loomis, Commissioners Mueller, Carlson, Welch, Black and Alternate Commissioners Goddard, Crough, and Tobelmann to the Next Generation Plan Steering Committee. Alternate Commissioner Michael Scanlan seconded the motion. Upon a vote, the motion carried 8-0 [City of Plymouth absent from vote]. Jim Prom requested to be added to the email list for this committee's meeting notifications.

Administrator Jester was directed to contact Commissioners Ginny Black and Wayne Sicora regarding their desired committee appointments.

**C. Review Year-End Financial Status and 2015 Budget**

Administrator Jester summarized the BCWMC's fiscal year 2014 year-end financial status. She reported that the year ended with a surplus of \$20,000, including a \$10,000 surplus in the Commission's 2014 Engineering budget. Administrator Jester noted that later in the meeting the Commission will take action to transfer \$17,000 from its Long-term Maintenance account to its Administrative account, increasing the overall budget surplus to \$37,000.

Administrator Jester provided a brief review of the BCWMC's 2015 budget. She pointed out some differences in the format of the budget and noted the 2015 budget for website updates. Engineer Chandler asked about the line item listed as Watershed-wide P8 water quality model. She stated that the budget for the annual update of the P8 water quality model is included in the TMDL implementation reporting budget. Administrator Jester said she will ask the Deputy Treasurer to remove the Watershed-wide P8 water quality model line item from the financial report. Commissioner Welch requested that the line item be included as a footnote. There was a short discussion about the budget for digitizing the Commission's files.

Commissioner Welch requested that the Plan Steering Committee add to its agenda a discussion of any engineering gaps in the Next Generation Plan. He explained that he thinks the Commission did very little analysis of watershed needs and assessment of status and prioritization. Commissioner Welch said that in light of funds remaining in the Commission's Next Generation Plan budget, there should be a Committee discussion of whether there are gaps that should be addressed.

**D. Receive Overview of Open Meeting Law**

Attorney LeFevere provided a detailed overview of the Open Meeting Law, described the legal penalties for violations of the Open Meeting Law, talked about the BCWMC's League of Minnesota Cities Insurance Trust coverage, and answered questions. He reminded the group to be cautious, practical, and transparent.

**6. BUSINESS****A. Receive Update on Comments from 60-Day Review of Watershed Management Plan**

Administrator Jester reported that the review period concluded in the end of January. She reported that the BCWMC received comments from the state agencies, the Minneapolis Park and Recreation Board, the Association of Medicine Lake Area Citizens (AMLAC), the City of Minneapolis, and the Plymouth Environmental Quality Commission. She said that the BCWMC received many commendations from state agencies. She said that the comments also indicated that the BCWMC needs more detail in its CIP, and she said that the TAC will discuss this. Administrator Jester said that there were a few questions about buffers and about a few policies.

Administrator Jester said that the Commission is required to respond to all comments and staff will work on preparing draft responses. She indicated the TAC and Plan Steering Committee would be meeting to discuss comments and appropriate responses. She said that the plan is to have the draft response to comments ready for the Commission to discuss at its April meeting. Administrator Jester explained that after the response to comments are sent out there needs to be a public hearing no sooner than 10-days after the response to comments are sent out. She said that the public hearing would likely be at the Commission's May meeting and then the Plan would go into the 90-day review. Administrator Jester pointed out that this timeline would mean that the Commission would meet its October 1, 2015, deadline for adopting its final plan and would be eligible to apply for Clean Water Fund grants.

**B. Consider Approval of 90% Design Plans for Schaper Pond Diversion Project (SL-3)**

Mr. Oliver provided background on the project. Engineer Chandler reminded the Commission that it approved the 50% design plans in December. She said that at today's meeting the City of Golden Valley is asking the Commission to approve the 90% design plans and to authorize the City to proceed with the project to construction. Using a PowerPoint presentation she walked the Commission through the project and the 90% design set. She mentioned that a change between the 50% design plans and the 90% design plans is that they no longer plan to remove part of the existing berm/dike that extends down from the north as it would have resulted in too many wetland impacts and therefore would be in violation of the Army Corps of Engineers general permit.

Engineer Chandler reported that the Minnesota Pollution Control Agency (MPCA) has communicated that it will accept this project as a reduction in wasteload allocation for the Sweeney Lake TMDL. She said that the permit applications have been submitted to the Department of Natural Resources for the public waters permit and the Wetland Conservation Act permit. She talked about the Army Corps of Engineers general permit and said that under the permit, the total wetland impacts, including temporary and permanent, need to be less than 2,000 square feet. She talked about obtaining city permits for erosion and sediment control and right-of-way.

Commissioner Mueller asked about maintenance requirements of the project. Engineer Chandler talked about annual inspections, cleaning out trash, the possibility that the bottom of the curtain would need to be dug out of bottom sediment, and pond dredging. Mr. Oliver responded that the City estimates that dredging would need to occur on a 10- to 15-year timeframe.

Mr. Oliver explained that the City is the property owner and will be talking to the Sweeney Lake residents and the public about this project as the project nears construction. Mr. Oliver said that he recommends that the next monitoring of Sweeney Lake take place in two years, and Engineer Chandler said that the next scheduled monitoring for Sweeney Lake is 2017.

Commissioner Hoschka moved to approve the 90% design plans and to authorize the City to move forward with construction. Alternate Commissioner Mueller seconded the motion. Upon a vote, the motion carried 8-0 [City of Plymouth absent from vote].

**C. Receive Presentation on 2014 Twin and Sweeney Lake Monitoring Results**

Engineer Chandler provided a detailed PowerPoint presentation on the results of the water quality monitoring that Barr Engineering did for Twin Lake and Sweeney Lake in 2014 on behalf of the BCWMC. She described the water quality parameters that were monitored and the biotic monitoring conducted. Engineer Chandler gave background information on the lakes including their size in acres, maximum depth, and littoral area.

Talking about Sweeney Lake, Engineer Chandler reported on the summer averages of phosphorous in different parts of the lake and compared those averages to the MPCA's/BCWMC's standards. She summarized that on average the water quality data for the north basin of the lake is better than the data for the south basin. She addressed the spikes in phosphorous and chlorophyll *a* levels during the summer. Engineer Chandler described Sweeney Lake's biota, noting that the lake has an average number of plant species and an average quality plant community. She reported that three invasive plant species were found including curlyleaf pondweed, purple loosestrife, and reed canary grass. Engineer Chandler summarized the results of the phytoplankton analysis and described how the algae blooms in Sweeney Lake were due to the phosphorous spikes. She reported there were blue-green algae blooms, including toxin-producing species, in June, July, and September and there were green algae blooms in August. Engineer Chandler also summarized the zooplankton results.

Engineer Chandler said that the Commission Engineer recommends the Commission continue monitoring this

lake and that the next scheduled monitoring is in 2017, which is good timing due to the Schaper Pond project. She also said the Commission Engineer recommends continued implementation of the Sweeney Lake TMDL, including construction of Schaper Pond, other watershed projects, and in-lake alum treatment (after construction of Schaper Pond). Before implementing an in-lake alum treatment, the Commission Engineer recommends the Commission consider performing a study regarding the impact of the current aeration system on Sweeney Lake water quality.

Commissioner Welch asked if phosphorous reductions were being maximized when redevelopment occurs in the watershed of Sweeney Lake. Engineer Chandler responded yes and said that if the Schaper Pond improvements are successful the Commission will have reached enough of its watershed phosphorous load reductions for Sweeney Lake to go forward with an in-lake alum treatment. There was discussion, and Engineer Chandler responded to questions.

Talking about Twin Lake, Engineer Chandler provided background information on the lake, noting that the southern half of the lake is located in Wirth Park. She reported that the lake's summer average phosphorous met the BCWMC's standard. She pointed out that right after ice out the phosphorous levels in Twin Lake were 60 micrograms per liter (after spring mixing), but the summer average was 18 micrograms per liter.

Engineer Chandler provided information on chlorophyll a in the lake, transparency, and the lake's ecosystem/biota. She stated that the number of plant species in Twin Lake doubled from 12 in 1992 to 24 in 2014. She said that lake has an average quality plant community and coontail is the most prevalent plant species in the lake. Engineer Chandler reported that the lake has three invasive plant species: curlyleaf pondweed, purple loosestrife, and reed canary grass. No management of curlyleaf pondweed and reed canary grass beyond monitoring is needed, but management of purple loosestrife is recommended (the city or homeowners groups could consider releasing loosestrife eating beetles.). She said that the lake had relatively low numbers of algae in 2014 and healthy zooplankton. Engineer Chandler provided the Commission Engineer's recommendations for Twin Lake, including continued monitoring of the lake (the next scheduled monitoring is in 2017), in-lake alum treatment (to be completed in 2015), and control of purple loosestrife.

#### **D. Review Results of Staff Performance Evaluations**

Commissioner Mueller announced that the performance evaluations were summarized and the results are presented in the summary document that was distributed at the meeting. He described the evaluation process, the number of responses received, the evaluation results and comments, and the meetings with staff to review the results. Commissioner Welch commented that it would be helpful if Commissioner Mueller would delineate the results between commissioner responses and non-commissioner responses.

*[Commissioner Millner departs the meeting at 10:55 a.m.]*

#### **E. Approval of Vicksburg Lane Reconstruction**

Commissioner Welch said that the information provided by the Commission Engineer concludes that it doesn't appear this project entails work in wetlands and that the City of Plymouth is the Local Governmental Unit (LGU) for the Wetland Conservation Act. He said that it is his expectation that the Commission knows whether projects do or do not entail work in wetlands. Engineer Chandler stated that the Commission doesn't get involved in reviewing the wetland impacts because the City is the LGU, but from what the Commission Engineer did review, it does not appear that there are wetland impacts. Mr. Ashe stated that the project has incidental wetland impacts comprised of impacts to wetlands in front of some culverts. He said that the City of Plymouth did notice the Commission of those impacts as part of the City's typical procedure. Engineer Chandler said that even though the Commission is not the LGU, the Commission Engineer can review such projects in further detail for wetland impacts if the Commission wants. Commissioner Welch said yes, he

would like that.

Commissioner Welch moved to approve the Vicksburg Lane Reconstruction. Alternate Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minnetonka and Plymouth absent from vote].

Commissioner Hoschka suggested that items that are pulled from the Consent Agenda be addressed immediately after the Consent Agenda.

#### **F. Consider Approval of Technical Advisory Committee Recommendations**

Erick Francis reported that the TAC recommends that the Commission continue with Barr Engineering as its Commission Engineer.

Commissioner Clint Carlson commented on an item reflected in the minutes from TAC meeting. He said that an issue was raised by the City of Golden Valley when Mr. Oliver was talking about the Blue Line and working with the Metropolitan Council. Mr. Carlson said that he thinks there is an opportunity to further the Commission's XP-SWMM model by leveraging cooperation with the Met Council and their modeling efforts in this area.

Commissioner Carlson said he emphasizes this because he would like the Met Council modeling to dovetail with any future Commission modeling. Commissioner Carlson stated that he would like to see the Commission indicate support of the partnership between the Commission and the Met Council and for the TAC to discuss this opportunity.

Commissioner Carlson moved that the Commission acknowledges support of a partnership with the Met Council to make best use of the opportunity arising from the Blue Line in terms of modeling that area. Alternate Commissioner Scanlan seconded the motion. Chair de Lambert said that the TAC is planning to discuss the XP-SWMM at its March meeting. Commissioner Welch remarked that previously the Commission acted to direct Jeff Oliver to communicate back to the Commission about this issue and to engage the Commission Engineer as necessary. He said that he hears Commissioner Carlson's motion as emphasizing the importance of that coordination and no further commitment of funding. Commissioner Carlson indicated consent. Upon a vote, the motion carried 6-0 [City of St. Louis Park abstained. Cities of Minnetonka and Plymouth absent from vote]. Chair de Lambert said he abstained and will wait for the TAC's recommendation at the next Commission meeting.

Alternate Commissioner Michael Scanlan moved to accept the TAC's recommendation of keeping Barr Engineering Company as the Commission Engineer. Alternate Commissioner Pat Crough seconded the motion. Commissioner Welch said that he is not going to vote on this motion if it is perceived to be contracting on a two-year contract with the Engineer because he doesn't think the Commission should do that without seeing the proposals. He said that he accepts the TAC recommendation. Attorney LeFevre said that this action is not a change in contract and is not a commitment for a two-year contract but is an action to not change anything. Upon a vote, the motion carried 6-1 [City of Minneapolis voted against the motion. Cities of Minnetonka and Plymouth absent from vote].

*[Commissioner Hoschka departs the meeting at 11:32 a.m.]*

## **G. Consider Clean Water Partnership Grant Application for Northwood Lake Improvement Project**

### **i. Resolution to Submit Application**

Administrator Jester explained that the City of New Hope did not receive a BWSR Clean Water Fund grant or Hennepin County grant for the Northwood Lake Improvement Project. She said that the Commission agreed to levy up to \$1.1 million for this project and the City of New Hope is contributing at least \$206,000 for the project. She stated that the Commission is hoping to secure grant funds to reduce the Commission's funding of the project. Administrator Jester reported that she has started an application for a Clean Water Partnership grant through the MPCA and is wondering if the Commission would like her to continue working on that application, which is due March 6. She said that it will take her some time to complete the application along with some work time from the Commission Engineer and the City Engineer. Commissioner Mueller moved to approve staff applying for the grant. Commissioner Carlson seconded the motion.

There was discussion. The Commission clarified that this Clean Water Partnership grant should be for the projects' Option A and Option C as a complete package. Chris Long added that the City of New Hope plans to reapply for the Clean Water Fund grant and the Hennepin County grant for this project but said it would be worth discussing whether the application should come from the City or the watershed. Administrator Jester agreed that this should be discussed before applying for those grants. Upon a vote, the motion carried 5-0 [Cities of Golden Valley, Minnetonka, Plymouth, and Robbinsdale absent from vote].

*[Alternate Commissioner Scanlan departs the meeting at 11:35 a.m.]*

## **H. Resolution 15-05 Transfer of Funds from Long-term Maintenance Fund to Administrative Fund**

Administrator Jester summarized that Resolution 15-05 authorizes the transfer of \$17,000 from the BCWMC's Long-term Maintenance Fund to its Administrative Fund to cover the costs of flood control project expenses in 2014. Commissioner Welch moved to adopt Resolution 15-05. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 5-0 [Cities of Golden Valley, Minnetonka, Plymouth, and Robbinsdale absent from vote].

*[Commissioner Welch departs the meeting at 11:40 a.m.]*

## **I. Receive Update on Major Plan Amendment Comments and Timeline**

Administrator Jester reported that the Commission received no comments on its proposed Major Plan Amendment and that the Commission will hold a public hearing on the proposed major plan amendment at the BCWMC's March meeting.

## **7. COMMUNICATIONS**

- A. Administrator:** No Administrator Communications
- B. Chair:** No Chair Communications
- C. Commissioners:** No Commissioner Communications
- D. TAC Members:** No TAC Communications

