

**Bassett Creek Watershed Management Commission  
Minutes of the Meeting of October 18, 2012**

**Commissioners and Staff Present:**

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

**Technical Advisory Committee Members and other Attendees Present:**

Derek Asche, TAC, City of Plymouth	Tom Mathisen, TAC, City of Crystal
Pat Byrne, TAC, City of Minneapolis	Richard McCoy, TAC, City of Robbinsdale
Mary Gwin-Lenth, New Hope resident	Fred Moore, citizen
Dave Hanson, Alternate Commissioner, City of Golden Valley	Jeff Oliver, TAC, City of Golden Valley
Gary Holter, AMLAC/ Medicine Lake resident	John O’Toole, Alternate Commissioner, Medicine Lake
Bruce Larson, AMLAC/ Medicine Lake resident	David Stack, owner of property in Minneapolis
Linda Loomis, Golden Valley resident/ BCWMC Plan Steering Committee Chair	Liz Stout, TAC, City of Minnetonka
Scott Marks, Medicine Lake resident	

**1. CALL TO ORDER AND ROLL CALL**

On Thursday, October 18, at 11:34 a.m., Chair Black called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken.

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

No citizen input.

### 3. AGENDA

Commissioner Elder moved to approve the agenda. Alternate Commissioner Goddard seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].

### 4. CONSENT AGENDA

Alternate Commissioner Goddard moved to approve the Consent Agenda. Commissioner Millner seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote]. [The following items were approved as part of the Consent Agenda: the September 20, 2012, meeting minutes, the October 2012 Financial Report, Payment of invoices, Legal Counsel Communications, Final Reimbursement Request from the City of Plymouth for Bassett Creek Reach 2 Restoration Project, Reimbursement Request from the City of Plymouth for the Feasibility Study for the Four Seasons Mall Area Water Quality Project, and the Proposed Agreement with the City of Golden Valley for the Preparation of the Feasibility Report for Water Quality Improvement Project BC-7 (Briarwood/ Dawnview).]

### 5. NEW BUSINESS

**A. Request from AMLAC (Association of Medicine Lake Area Citizens) to Install Controllable Weir at the Medicine Lake Dam.** Chair Black provided background on the request, including the fact that this issue was in front of the Commission at its March 15, 2012, meeting. She said that at that time the Commission recommended that AMLAC or the City of Medicine Lake write a letter to the Minnesota Department of Natural Resources (DNR) communicating AMLAC's request for the dam to be raised. She said that also at the March meeting the Commission agreed to share the results of the SWMM model with the City of Medicine Lake. Chair Black noted that in March AMLAC reported to the Commission that the DNR suggested the group get a petition and she said AMLAC hasn't said whether or not their petition was submitted to the DNR. Bruce Larson of AMLAC said that it has not been submitted to the DNR. Chair Black said that the final recommendation made by the Commission in March on this issue was that the Commission Engineer compile and distribute to the Commission, AMLAC, and the City of Medicine Lake the information that has been previously prepared and presented by the Commission on the topic of the lake level of Medicine Lake. Chair Black said that the City of Plymouth staff found a copy of the construction agreement for the current dam and the last provision of the agreement states that Hennepin County owns the dam.

Bruce Larson of AMLAC said the issue is that every year the lake becomes low in the last part of the summer. He said the low water level makes it hard for the lake to be used for recreational boating because the water is too shallow for the boats to get to the docks and the boat launch at French Regional Park is designed in such a way that when the water gets that low, trailers cannot be backed in far enough for boats to be launched. He said that his proposal, which has support from AMLAC and the City of Medicine Lake, is that from August 1<sup>st</sup> to September 15<sup>th</sup> of each year, the lower part of the weir would be raised six inches, using sandbags, to hold water back in Medicine Lake. He said that this action would extend the boating season on the lake through August. Mr. Larson said this was done two years ago when the City of Plymouth ran a sanitary sewer line under the creek and used sand bags as a temporary measure to keep the area dry during the construction project, which had the effect of keeping water in the lake and making the lake more recreationally usable.

Mr. Larson said he doesn't see a danger of flooding in August or September and if there is a particularly wet year, then the sandbags wouldn't need to be put in that year.

Alternate Commissioner Goddard asked who would be responsible for putting in and removing the sand bags.

Mr. Larson said he believes that he could get the City of Medicine Lake to do that work and pay for it. Commissioner Hoshal asked Mr. Larson if he has spoken with Kate Drewry of the DNR, who is the Area Hydrologist for the region that includes Medicine Lake. Mr. Larson said that he has not. Commissioner Hoshal said that in the past he had agreed to contact her to find out the process to make an alteration like the one being proposed, so he recently sent her an e-mail asking for the information and has not heard back. He said that he has expressed previously that he doesn't think it is appropriate for AMLAC to ask the Commission to consider an alteration of the dam without first going to the DNR and getting its go-ahead.

Commissioner Hoshal brought up for discussion the idea that maybe a similar issue is going on with Medicine Lake that has been happening with White Bear Lake in terms of the drawing down of the aquifer under the lake having a long-term effect on the lake level. He said that he thinks the Commission should elect to do something about this and look at it from an entire-watershed perspective. Commissioner Hoshal said the Commission should consider whether the demand on ground water in the watershed is affecting the lake level of Medicine Lake. He wondered if ground water modeling would provide any data.

Commissioner Elder raised his strong concern that the proposed temporary change in the lake level would alter the 100-year floodplain and although he understands the concerns about the recreational use of the lake, he thinks that it is the Commission's duty to maintain the floodplain. Chair Black said that one concern raised on numerous occasions is that water is leaking under or through the dam and asked if, when staff examined the dam earlier in the season, any leakage was noticed. Commissioner Hoshal said that he and Commission Engineer Jim Herbert went to the dam and didn't see any indication of water movement through or under the dam. Commissioner Hoshal said that he thinks it is still inconclusive and noted that a summary of the examination was provided by Mr. Herbert and is included in the meeting packet.

The discussion continued about water levels of the lake, elevations of different parts of the Medicine Lake dam, assumptions of water models, possible ground water issues affecting Medicine Lake, and evaporation. Alternate Commissioner Goddard asked if AMLAC has talked with Hennepin County about the proposal. Mr. Larson said no, the idea was to first approach the BCWMC and if there was a favorable response then AMLAC would move forward with the other groups.

Mr. Mathisen provided history on the 1960s paper TP40, which became the basis for floodplain modeling, and noted that it is being revised and will be published in January or February. He said it may provide a better long-term prognosis for lake levels.

Chair Black said that the Medicine Lake dam and a lot of homes around the lake are located in the City of Plymouth. She said the City is another jurisdiction that would need to be involved with the proposal. She said that the Plymouth City Council showed no support to the idea of having a study session on the topic of the raising of the dam. She said that the City Council's concern is the floodplain issue and the possibility of putting more homes at risk. Chair Black said that she doesn't know what the Council's opinion would be on this new proposal of a temporary raising of the dam.

Mr. LeFevere said that if any part of the structure is raised and is holding water back and then there is rain or a flood, the flooding would be greater than it would have been prior to the structure's modification. He said that any governmental entity being called on to do the modification would be reluctant because of the risk associated with it without buying the low-lying properties and buying additional easements and flooding and flowage rights, which would be an expensive undertaking. Mr. LeFevere said that if the structure is modified and flooding occurs then lawsuits could be involved. He said that some government entity would have to buy into the idea that the recreational value of the lake through making the improvements is great enough to justify that public expense. Mr. LeFevere said that this would be the process whether the modification to the structure was a temporary modification or a permanent one.

Commissioner Hoshal asked if the Commission would like to see the e-mail that he sent to Kate Drewry of the DNR and any response he may receive from her. Chair Black said yes. Commissioner Elder said he recommends that the Commission encourage AMLAC to work with the cities of Plymouth and Medicine Lake as well as with Hennepin County and make it over those hurdles before a proposal comes in front of the Commission because conversations with those entities pre-empt the Commission. Chair Black concurred and said that the BCWMC does not own the dam – Hennepin County does, the dam is located in the City of Plymouth, the DNR regulates the dam and the issue is a recreational one that seems to impact the cities more than the watershed. She suggested that AMLAC raise the issue during the public forum at the next Plymouth City Council meeting and request a study session. She noted that AMLAC’s communication with DNR about the proposal is vital.

- B. Update on Request from Golden Valley and New Hope for Dispute Resolution.** Mr. Oliver reported that the mayors and staff from the communities have met and are discussing the issue, which appears to be moving in a positive direction. He said that hopefully soon a report on those discussions will be ready to be provided to the Commission. Chair Black said that the item will be added to the future agenda items list and the cities can let the Commission know when they are ready for the issue to come back in front of the Commission.

## 6. OLD BUSINESS

- A. Update on Search for Administrator.** Commissioner Hoschka announced that the Commission received proposals in response to its Request for Proposals, which had an October 17<sup>th</sup> deadline. The Commission discussed its timeline for the next steps in the process and asked that Ms. Herbert coordinate a meeting of the Administrative Services Committee for October 25<sup>th</sup> or 26<sup>th</sup> to discuss the proposals.
- B. Next Generation Watershed Management Plan.** Commissioner de Lambert said that the meeting packet contains the notes from the Plan Steering Committee’s September meeting and said that Linda Loomis has volunteered to chair the Committee. The Commission listed the names of the Committee members: Linda Loomis, Jim de Lambert, Ginny Black, Wayne Sicora, Justin Riss, Lisa Goddard, Michael Welch, John O’Toole, Jeannine Clancy, Derek Asche, and Karen Chandler. Pat Byrne and Ted Hoshal volunteered to be part of the Committee. Commissioner Elder moved to appoint Linda Loomis as the Chair of the Plan Steering Committee meeting. Commissioner Millner seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote]. Commissioner Johnson moved to appoint the Plan Steering Committee members as listed. Commissioner de Lambert seconded the motion. The motion carried unanimously with seven votes in favor [City of Robbinsdale absent from vote] and one vote abstained [City of Medicine Lake].

Linda Loomis reviewed the agenda for the Committee’s Monday, October 22<sup>nd</sup> meeting. Chair Black reviewed the Committee’s September meeting notes and the issues the Committee identified as being part of the Plan review process. Commissioner Johnson said that it sounds like groundwater is an issue that should be reviewed during the planning process. Chair Black asked that a policy review be incorporated in to the issue review process. She said that the Commission’s policies should be reviewed and reaffirmed or modified.

- C. Continue Work on the Policy Manual.** Chair Black directed Ms. Herbert to incorporate the revisions to Section 3.2.2 of the draft policy manual to reflect the new “Capital Improvement Program (CIP) Flow Chart” and the “CIP Project Flow Chart.” Chair Black asked for assistance from Ms. Herbert to complete work on the policy manual. Ms Herbert responded that she felt it was a lot of work and she would prefer that that the Policy Manual be part of the new administrator’s responsibilities.

## 7. COMMUNICATIONS

### Chair:

1. Chair Black discussed the recording of meetings and said that the Commission could think about recording its monthly meetings via the phone in the manner that the Plan Steering Committee meeting was recorded in September. Chair Black recommended that the Commission continue to use the phone recording method for its Committee meetings.
2. Chair Black said that she would like to have an actual name identified with projects in the materials for the Commission packets because the CIP table codes (like BC-7) don't provide enough information or any frame of reference. The Commission discussed ways the projects could be named, such as using cross streets or names of subwatersheds.
3. Chair Black reported on Tuesday's BWSR meeting about the Wetland Conservation Act law and rules. She said that BWSR wants comments by tomorrow and needs to provide a report to the Governor's Office by December.

### Commissioners:

1. Commissioner Hoschka reported on a recent Girl Scout event in Golden Valley where she and Linda Loomis provided watershed education.
2. Alternate Commissioner Goddard reported on the Water Resources Conference that took place in St. Paul earlier in the week.  
[Commissioner Hoschka left the meeting].
3. Alternate Commissioner Goddard brought up the discussion on feasibility studies that took place last month and was reflected in the meeting minutes. She asked if there is a way that the Commission could feel like it could better direct the outcome. Chair Black said that a discussion about it could come under the Plan review process or as part of the policy manual process.
4. Commissioner Johnson reported on a shoreline restoration project in the City of Crystal: Memory Lane Pond Shoreline Restoration Project. He said the project was recently featured in the *Post* newspaper.
5. Commissioner Hoshal provided a report about the October 9<sup>th</sup> West Metro Water Alliance (WMWA) meeting.
6. Commissioner Johnson asked the Commission to consider adding an educational component to its monthly meetings – a brief update about trends and issues in water topics.

### Committees:

1. Mr. Asche noted that there are a few items on the future TAC agenda items and asked if the Commission wanted to schedule a TAC meeting. He suggested convening the TAC in December. The Commission agreed to the TAC meeting on December 6<sup>th</sup>. Commissioners Elder and de Lambert volunteered to attend the TAC meeting as Commission liaisons. Ms. Chandler said that a couple of items have been brought up at Commission meetings that aren't on the future TAC agenda item. Mr. Asche confirmed that and said that those items - the ideas of revising the Commission's budget documents and of using software to provide a different structure to the Commission's CIP - maybe could be on the TAC's agenda early next year. Chair Black asked staff to add those two items to the TAC's future agenda item list and asked the TAC to bring a recommendation to the Commission at its December meeting about when the TAC should meet next.

**Counsel Communications:** No Counsel Communications.

**Engineer Communications:**

1. Ms. Chandler pointed out that the meeting packet included a copy of the approval letter from the Commission Engineer for the North Branch Stream Restoration Project.
2. Ms. Chandler reported that the Wirth Lake Outlet Project is starting and that the pre-construction meeting occurred earlier this month. She said that the Sweeny Lake Outlet Project will follow the Wirth project.
3. Ms. Chandler said that during a biotic index survey on Bassett Creek, Eurasian watermilfoil was found in a couple of locations and that information has been reported to the DNR.
4. Ms. Chandler said that in the conversation she had with Barr Engineering’s ground water specialists, they recommended the Commission consider installing shallow ground water observation wells close to Medicine Lake if the Commission wants to understand better the connection between surface water and ground water. Commissioner de Lambert reminded the Commission that he and Commissioner Hoshal have the volunteer project going on with the lake level monitoring. He said that he has downloaded the data, a year’s worth, and at the next Commission meeting he will be prepared to show the results of the monitoring and make recommendations on whether or not the Commission should continue.

**8. ADJOURNMENT**

The meeting adjourned at 1:45 p.m.

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Chair	Date	Amy Herbert, Recorder	Date
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Secretary	Date
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