



Item 5E.
BCWMC 5-15-14

Memorandum

To: Bassett Creek Watershed Management Commission
From: Technical Advisory Committee
Subject: May 1, 2014 Technical Advisory Committee Meeting
Date: May 7, 2014

The Technical Advisory Committee (TAC) met on May 1, 2014. The following TAC members, city representatives, BCWMC commissioners, and BCWMC staff attended the meeting:

City	TAC Members/Alternates	Other City Representatives
Crystal	Absent	
Golden Valley	Jeff Oliver, Joe Fox	
Medicine Lake	Absent	Commissioner Clint Carlson
Minneapolis	Lois Eberhart	
Minnetonka	Absent	
New Hope	Chris Long	Alt. Commissioner Pat Crough
Plymouth	Derek Asche	
Robbinsdale	Richard McCoy	
St. Louis Park	Erick Francis	
BCWMC Staff & Others	Karen Chandler (Barr Engineering), Jim Herbert (Barr Engineering), Laura Jester (Administrator), Charlie LeFevre (Legal Counsel), Rachael Crabb (Minneapolis Park and Recreation Board (MPRB)), Rich Brasch (Three Rivers Park District), Randy Anhorn (Hennepin County)	

Fox opened the meeting at 1:30 p.m. Introductions were made around the table. There were no communications by members to report.

The Technical Advisory Committee (TAC) forwards the following recommendations and information to the Commission for its consideration. This memorandum presents the TAC's recommendations and information relating to 1) 2015 water quality monitoring program; and 2) roles, responsibilities, and funding mechanisms for long term maintenance and replacement of the Flood Control Project and other Commission-funded surface water management facilities.

1. Discussion of 2015 Water Quality Monitoring Program

Administrator Jester reported that the Commission's Budget Committee requested that the TAC review and make recommendations regarding the proposed water quality monitoring program for 2015. Engineer Chandler reported that the proposed monitoring budget is higher in 2015 because both lake monitoring (on Crane and Westwood Lakes) and biotic index monitoring (performed once every 3 years) are proposed for 2015. She also noted the proposed budget for the biotic index monitoring is higher due to tasks added in response to Commission questions after the 2012 biotic index monitoring. There was a brief discussion on the

possible need to add a precipitation monitoring network but it was decided to first determine where gaps in precipitation monitoring may be.

Administrator Jester reported that Liz Stout (city of Minnetonka TAC member) couldn't be at the meeting but she had sent an email with the following message indicating that Crane Lake is scheduled to be monitored by the city in 2016 for the same water quality parameters the Commission would collect. However, the city does not collect data on phytoplankton, zooplankton, and macrophytes. She indicated that Crane Lake does not have public access and has only a few private residences adjacent to the lake, none of which has access to the lake due to the wetland fringe. Therefore, she indicated she wasn't sure if monitoring for zooplankton, phytoplankton and macrophytes is important for a water body like Crane Lake.

Engineer Chandler additionally reminded the group that Crane Lake is slated to be a "priority 2" lake in the new Watershed Plan and that full, minimal, or no monitoring may be proposed for priority 2 lakes in the future. There was some discussion on the benefits of monitoring phytoplankton and zooplankton, the current and future monitoring budgets, the cooperation with TRPD on Medicine Lake monitoring, and the need for an updated aquatic plant survey and management plan for Medicine Lake. The group discussed various scenarios and data needs for Crane Lake and decided that the Commission could cooperate with the city in 2016 to collect phytoplankton, zooplankton, and macrophyte data, if desired. The group agreed to recommend eliminating Crane Lake from the proposed 2015 water quality monitoring program.

The group briefly discussed the enhanced biotic index monitoring which is slated to cost \$7,000 more than the previous biotic index monitoring program and decided in the event of the creek being listed as impaired for biota, it would be good to improve the biotic index monitoring now and likely to keep that level of monitoring in the future. The group also briefly discussed the annual water quality monitoring report; Engineer Chandler noted it was a detailed report and that it's difficult to strike a good balance between too much and not enough detail to satisfy everyone. The group agreed that if the report was shortened to a technical memo format, the Commission Engineer would likely be asked for more detail anyway. They agreed the current format was appropriate.

Recommendations

- The TAC recommends eliminating Crane Lake from the 2015 water quality monitoring program and to revisit data needs from Crane Lake in 2016 in cooperation with the city of Minnetonka's water quality monitoring program.
- The TAC recommends including the proposed "enhanced" biotic index monitoring and data analysis in 2015.
- The TAC recommends that the Commission Engineer continue the full reporting of results and trend analyses of the annual water quality monitoring program as is current practice.

2. Roles, Responsibilities, and Funding Mechanisms for Long term Maintenance and Replacement of Flood Control Project and other Commission-funded Surface Water Management Facilities

Engineer Chandler noted the Commission directed a review and study of the Flood Control Project agreements and long term maintenance and replacement costs in the hopes of defining appropriate roles, responsibilities and funding mechanisms in time for inclusion in the next generation Watershed Management Plan. A memo from the Commission Engineer relays the results of the study. Counsel LeFevere noted that the Commission may also want to consider long term maintenance costs of other Commission or city-sponsored water

management structures because the current practice for maintenance has been decided on a case by case basis rather than relying on a Commission policy. A separate memo by Counsel LeFevere lays out the issues, current practice and considerations for policies. Counsel LeFevere also noted that the 2004 Watershed Management Plan stated the Commission's intentions regarding maintenance of the Flood Control Project components, however, the Plan is not a binding document. Rather, the executed agreements between the city of Minneapolis and the other cities where Flood Control Project structures are in place are binding documents, leaving ultimate responsibility for maintenance and replacement with the cities.

The group discussed the situation at length including the difficulty in raising funds for future needs that are decades away (i.e., major rehabilitation and replacement), especially if the Commission wished to use an ad valorem levy through Hennepin County. Counsel LeFevere inquired as to what the county would be willing to bond/levy for? Mr. Anhorn said he would look into it. Ms. Eberhart commented that it is not clear what options the BCWMC has to fund major rehabilitation or replacement of the Flood Control Project, because the bulk of the major rehabilitation or replacement costs will not occur for many years into the future. This was contrasted with City capital improvement plans that typically have more steady expenditure outlays, because of numerous capital projects that fill recurring 5-year capital plans. Mr. Oliver noted the Commission should look at its original mission of flood control and noted that all communities send their water through Golden Valley and Minneapolis so all cities should help pay for the costs of maintaining and ultimately replacing the structures. There was also recognition that the tunnels have a longer life expectancy than the 50-year life used for the study, and that new technologies may additionally extend the life of these structures.

Mr. Oliver noted the city of Golden Valley still has flooding issues and no fiscally feasible way to lower the floodplain. He said the city is still looking for ways to purchase or protect vulnerable homes. He thought the Commission had a responsibility through the Flood Control Project to help with these situations. It was also noted that the city of Medicine Lake also has flood-prone properties.

Turning back to the question of long-term maintenance, Ms. Eberhart noted again that the agreements currently in place designate that responsibility lies with the city in which the structures are located. Mr. Oliver reiterated that the Flood Control Project maintenance is in the best interest of all the member cities so all the cities should help pay for the costs of maintaining and ultimately replacing the structures. Oliver suggested that all nine member cities contribute to Commission-held accounts for 1) major rehabilitation and 2) replacement of the flood control project features. The member cities would contribute funds annually, similar to the way they contribute to the Commission's annual budget.

There was discussion about the current practice of routine maintenance of the Flood Control Project structures including the current practice that cities perform routine maintenance but do not seek Commission reimbursement. Mr. Oliver noted that if major dredging of a regional pond was needed it would have far-reaching benefits and should be a Commission responsibility. There was discussion about catastrophic failure of a structure; Counsel LeFevere noted County bonding authority should be available in those situations. He noted the Commission should understand where the County would draw the line between maintenance, major rehabilitation, and ultimate replacement. There was discussion about the possible need for asset management but the point was made that the Commission doesn't own the structures so they are not considered an asset.

The TAC discussed having 1) the Commission continue to be responsible for the annual, five-year (and 20-year for tunnel) inspection of the Flood Control Project features and the follow-up reporting; 2) the cities be responsible for debris removal, brushing, tree removal, and general maintenance and repairs (except for major maintenance and repairs) and 3) the Commission fund (or cost-share) significant rehabilitation or major maintenance/repairs. The TAC agreed to recommend items 1) and 2) to the Commission, but is not ready to make a recommendation regarding responsibility for funding the significant rehabilitation and replacement work. The suggestion was made that the next generation watershed management plan should lay out a process

for determining the BCWMC's policy regarding local roles and responsibilities vs. Commission responsibilities over the next several years.

The TAC recognized that it may not be possible to develop all of the policies in time for inclusion in the next generation plan, but that more work could be done after completion of the plan and agreements developed later.

The TAC also discussed Commission funding of maintenance of water quality CIP and flood control CIP projects. Because these are maintenance projects, the Commission cannot levy (through Hennepin County) for the work, so the Commission would have to fund such work through its annual assessments. The TAC discussed that it would be more likely that the Commission would support increased assessments for flood control project maintenance than for water quality project maintenance. Jester asked if it wasn't appropriate for the maintenance of water quality CIP projects to remain the responsibility of the cities as they are the owners of the projects. There was no consensus on this. It was apparent the Commission budget would likely not be able to fund both CIP maintenance AND major rehabilitation of the Flood Control Project. They decided it should be a topic of discussion at a future TAC and/or Commission meeting along with continued discussion on the Flood Control Project responsibilities and funding mechanisms and that the group should prioritize what items should be the responsibility of the Commission.

Recommendations

- The TAC recommends that the Commission continue to be responsible for the annual, five-year (and 20-year for tunnel) inspection of the Flood Control Project features and the follow-up reporting.
- The TAC recommends the cities be responsible for debris removal, brushing, tree removal, and general maintenance and repairs (except for major maintenance and repairs) of the Flood Control Project features.
- The TAC recommends that policies in the next generation watershed management plan reflect the above along with other current practices.
- The TAC recommends the next generation watershed management plan include a policy stating the Commission will determine the responsibilities and funding mechanisms for major rehabilitation and replacement during the first 5 years of the plan.
- The TAC recommends further discussion and prioritization by the TAC and/or the Commission on maintenance of CIP projects and major rehabilitation of the Flood Control Project features.

The TAC meeting adjourned at 3:35 p.m.

Future TAC Meeting agenda items:

1. Developing guidelines for annualized costs per pound pollutant removal for future CIP projects
2. Stream identification signs at road crossings
3. Blue Star Award for cities
4. Look into implementing "phosphorus-budgeting" in the watershed – allow "x" pounds of TP/acre.
5. Discuss issues/topics arising from Next Generation Plan process.