



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting January 16, 2014 Golden Valley City Hall, 8:30 a.m.

#### Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller	Robbinsdale	Wayne Sicora
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	Commissioner Jim de Lambert, Vice Chair
Medicine Lake	<i>Not represented</i>	Administrator	Laura Jester, Keystone Waters LLC
Minneapolis	Michael Welch	Attorney	Troy Gilchrist, Kennedy & Graven
Minnetonka	<i>Not represented</i>	Engineer	Karen Chandler, Barr Engineering Co.
New Hope	Alternate Commissioner Pat Crough	Recorder	Amy Herbert
Plymouth	Alternate Commissioner David Tobelmann		

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

Derek Asche, TAC, City of Plymouth	Jane McDonald Black, Golden Valley Resident
Perry Edman, TAC, City of St. Louis Park	Richard McCoy, TAC, City of Robbinsdale
Joe Fox, TAC, City of Golden Valley	Jeff Oliver, TAC, City of Golden Valley
Christopher Gise, Golden Valley Resident	Jim Prom, Plymouth City Council
Jere Gwin-Lenth, New Hope Resident	Ben Scharenbroich, City of Plymouth
Mary Gwin-Lenth, New Hope Resident	Erich Schroeder, Plymouth Resident
Gary Holter, Mayor, City of Medicine Lake	Liz Stout, TAC, City of Minnetonka
Kurt Leuthold, Barr Engineering Company	Peter Tiede, Murnane Law Firm
Shawn Markham, City of New Hope	Robert White, New Hope Resident
Tom Mathisen, TAC, City of Crystal	Christine Baeumler, Speaker

## 1. CALL TO ORDER AND ROLL CALL

On Thursday, January 16, 2014, at 8:35 a.m. in the Council Chambers at Golden Valley City Hall, Vice Chair deLambert called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken. The cities of Medicine Lake, Minnetonka, Plymouth, and Robbinsdale were absent from the roll call.

## 2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input.

## 3. AGENDA

Commissioner Welch requested the Commission address agenda item 6A – Four Seasons Area Water Quality Project Drainage Improvement Alternatives – immediately after agenda item 5A – Presentation by Christine Baeumler. He also requested that agenda item 6C – Update on Medicine Lake Water Level Issue – immediately follow the Four Seasons Area Water Quality Project discussion. Commissioner Welch moved to approve the agenda as amended. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 5-0 [Cities of Medicine Lake, Minnetonka, Plymouth, and Robbinsdale absent from vote].

## 4. CONSENT AGENDA

Administrator Jester noted the addition of an invoice payment in the amount of \$3,650.00 to the Metropolitan Council for the Commission's participation in the 2013 CAMP Program (Citizen-Assisted Monitoring Program) and said that she has handed out a revised financial report reflecting the additional invoice. The Commission indicated approval of the addition.

Commissioner Welch requested the removal of 4D – Approval of Reimbursement Request from City of Golden Valley for Main Stem Project – Wisconsin Ave. to Golden Valley/ Crystal Border. He asked that the item be added to Old Business. Commissioner Welch moved to approve the Consent Agenda as amended. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 5-0 [Cities of Medicine Lake, Minnetonka, Plymouth, and Robbinsdale absent from vote].

[The following items were approved as part of the Consent Agenda: the December 19, 2013, BCWMC meeting minutes, the monthly financial report, payment of the invoices, Approval of Final Financial Report to Close-out BWSR Clean Water Fund Grant for the Wirth Lake Outlet Modification Project, Resolution 14-01 Approving Reimbursement to the BCWMC 2.5% of the Tax Levy Request to Hennepin County for Collection in 2013 for Admin Expenses of the CIP Projects and Approving the Transfer of those Funds to the BCWMC's FY2013-2014 Administrative Account, and Resolution 14-02 Approving the Transfer of 2013 BCWMC Funds from its Administrative Account to its Erosion/Sediment Account (Channel Maintenance Fund) and Long-Term Maintenance Account]

The general and construction account balances reported in the Financial Report prepared for the January 16, 2014, meeting are as follows:

Checking Account Balance	\$436,183.18
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$436,183.18</b>
<b>TOTAL CASH &amp; INVESTMENTS ON-HAND (12/11/13)</b>	<b>\$1,700,395.61</b>
CIP Projects Levied – Budget Remaining	(\$2,889,661.73)
Closed Projects Remaining Balance	(\$252,722.51)
2013 Anticipated Tax Levy Revenue	\$15,330.79
Anticipated Closed Project Balance	\$657,608.28

*[Commissioner David Tobelmann arrives.]*

## 5. NEW BUSINESS

### A. Presentation by Christine Baeumler, University of Minnesota, on Use of Art and Aesthetics in Water Quality Improvement Projects

Joe Fox introduced Ms. Baeumler, Associate Professor in the art department at the University of Minnesota, and described her work in raising awareness of ecological issues through studio practice as well as by engaging communities in environmental projects focused on ecological restoration. He mentioned her current role as Watershed Artist in Residence for Capitol Region Watershed District and her previous role as Watershed Artist in Residence at Ramsey Washington Metro Watershed District.

*[Commissioner Wayne Sicora arrives.]*

Ms. Baeumler shared her views on the role that art can play in work with watersheds and water quality. She said that the ideas that are central to her regarding being the artist in residence for a watershed are:

- to make the invisible visible
- to make infrastructure more aesthetic and to create a sense of place
- to interpret watershed Best Management Practices (BMPs) in a beautiful and surprising way
- to provide experiences that make information about water quality memorable.

Ms. Baeumler described projects she has been involved with and shared a PowerPoint presentation with photographs of the work, including Swede Hollow Henge, which utilized storm sewer material in the project, and the Rooftop Tamarack Bog, a project at the Minneapolis College of Art and Design. She identified opportunities for ongoing engagement between watersheds and artists such as the residency model and

project-based opportunities, and provided time for questions and answers.

[Christine Baeumler departs the meeting.]

## 6. OLD BUSINESS

### A. Four Seasons Area Water Quality Project – Drainage Improvement Alternatives

Derek Asche walked through the project's history and described the project as currently proposed, which is a stream restoration combined with water quality ponding project. He noted that at the Commission's September meeting the project was discussed and additional alternatives were raised. He explained that the memo "Four Seasons Drainage Improvement Alternatives" provided to the Commission in November outlines the project alternatives. Mr. Asche walked the Commission through the memo, which breaks down the alternatives into Table 1: Alternatives analyzed in the Four Seasons Mall Drainage Improvement Feasibility Study and Table 2: cursory review of Four Seasons Drainage Improvement Project alternatives. He provided a summary of all of the alternatives and reported that the alternatives selected and approved for design by the Commission included the Channel Restoration, costing an estimated \$620,000, listed as alternative #5 in the memo's Table 1. He explained that residents have concerns with the project as it is currently designed and mentioned that no TMDL (Total Maximum Daily Load) has been completed for Northwood Lake. He requested feedback today from the Commission on the project alternatives and said that he needs to meet with residents to provide an update about the project and he wishes to communicate the Commission's feedback provided here today.

There was discussion about the TMDL process timeframe for the Northwood Lake TMDL. Engineer Chandler stated that according to the MPCA schedule, it would be at least five years until the Northwood Lake TMDL process is even started.

Commissioner Welch stated that the public input meetings should be done in concert between the City of Plymouth and the BCWMC. He said that although there is no TMDL, the Commission decided to be proactive about addressing the water quality concern in Northwood Lake. He advised against further study (i.e. TMDL modeling) at this time. Commissioner Welch indicated the Commission could take the work that is done, analyze the issues, and develop an implementation plan that gets the Commission where it needs to go without a TMDL. Commissioner Welch said that he thinks this is a very attractive option for the Commission. He also asked Mr. Asche if he has looked into an alternative using iron filings as a treatment instead of using an alum injection system.

Resident Erich Schroeder shared his perspective as a property owner that backs up to green space involved in the project and requested that the project enhance the property and property value. There were questions about the tree removal proposals in the different project options, and Mr. Asche described the process used in estimating tree removal and the reasons for removing those trees. Commissioner Tobelmann suggested that the Commission look at making this project a win-win for the Commission, City and residents by looking at ways the project could make the forest better such as improving the habitat for wildlife and so on.

Commissioner Welch said that his perspective is that the Commission ought to look at the alternatives available through the mindset of prioritizing minimization of collateral costs and negatives in the forms of wetland mitigation, tree loss, and stream piping. He wondered what the soils are like at the Pilgrim Lane Elementary school and whether there is flow into that area because perhaps it would be a location for a large rain garden with an education component. Commissioner Welch recommended that the Commission again look at the alum injection system because it has the fewest downsides; however, it is unknown how the

Northwood Lake residents feel about alum injection into the lake.

Commissioner Mueller asked that the Commission seek out input from ecologists on how to plant the understory of the intermittent stream ravine. He said that he would like the ecologists to look at the site and report back on the options or determine that there are no options, but he thinks that examining what could be done in an area with a great deal of shade is something that needs to be explored. He said that if something could be done, and it could be done in a way that engages residents in a volunteer capacity and that would create some sense of responsibility for that area. Commissioner Crough said that he isn't in favor of postponing the project and the problem. Commissioner Mueller asked if the pond could be placed further downstream in the system. Mr. Asche said he could explore that option.

Commissioner Welch stated that he thinks that the project as originally proposed is not viable and he can't see the Commission moving forward with that project. Mr. Asche wanted to know if wetland mitigation is on or off the table for this project. He noted wetland mitigation costs are approximately \$80,000/acre, so total costs can be very expensive. There was discussion about wetland mitigation. Commissioner Welch commented that he is not interested in piping the stream and regarding wetland mitigation, he would rather not pay a lot of money to mitigate wetlands so it isn't high on his list of options, but he wouldn't take that option off the table. Commissioner Sicora said that it is clear to him that wetland mitigation has to stay on the table. The Commission agreed that wetland mitigation options should stay on the table. The Commission also agreed that piping the length of the stream should not remain an option.

Mr. Asche said that he will set up a meeting with residents and will make sure the Commission is invited. Ms. Gwin-Lenth remarked on her appreciation of the effort that has been put toward this project and how it has been hard as a resident of Northwood Lake to continue to watch the quality of the lake go downhill while waiting for this project to happen. She added that she hopes that the meeting with residents includes the Northwood residents as well.

### **C. Update on Medicine Lake Water Level Issue**

#### **i. Letter Sent to Stakeholders Outlining the Commission Process Moving Forward**

Administrator Jester noted that she has passed around revised copies of the list of compiled responses from stakeholders on Medicine Lake issues (for the agenda item below). She pointed out that the stakeholder letter sent on December 3, 2013, to the stakeholder groups was included in the meeting packet. She reminded the Commission of its previous direction to staff on the issue, updated the Commission on the progress staff has made, and discussed submitting the stakeholder letter for publication in the *Sun Sailor*.

Administrator Jester stated that Chair Black also would like to send a letter to the *Sun Sailor* editor or write a guest column for that paper in response to a letter to the editor published on December 5<sup>th</sup>. Administrator Jester walked the Commission through the draft letter to the editor written by Chair Black with revisions by herself and a few other Commissioners. She asked for input from the Commission regarding the submission of the letter. There was lengthy discussion.

Commissioner Crough moved that the Commission submit for publication the stakeholder letter and not send out Chair Black's letter to the editor, either as a letter or a guest column. Commissioner Mueller seconded the motion. Vice Chair de Lambert recommended a cover letter from the Administrator accompany the stakeholder letter. Commissioners Crough and Mueller approved Vice Chair de Lambert's friendly amendment to the motion. There was discussion of the stakeholder letter and the Administrator's cover letter, particularly the timeline of the communications that took place in December. The

Commission directed Administrator Jester to pare down the stakeholder letter and explore if the longer stakeholder piece could be posted online so that the piece printed in the paper could include the link to the full piece. Commissioner Welch suggested that Administrator Jester run the cover letter past Commissioner de Lambert prior to sending it out, and he said that he could follow up with Chair Black. It was noted that Chair Black is welcome to submit her own letter to the editor as a resident of Plymouth.

Upon a vote, the motion carried unanimously 7-0 [Cities of Medicine Lake and Minnetonka absent from vote].

**ii. Draft Letter to the Editor from Chair Black**

See discussion under agenda item 6Ci.

**iii. List of Components and General Budget for Study of Outlet Modifications**

Administrator Jester explained that this list prepared by the Commission Engineer provides a high level look at what would be involved in a study of modifications to the Medicine Lake outlet. She said that this is an information-only piece that will be made available to the other stakeholders and perhaps presented at the stakeholder meeting. Engineer Chandler added that this high-level assessment focuses only on the technical aspects of looking into the hydrology and hydraulics of modifying the outlet. She said this high-level look does not include some significant issues that would need analysis to determine whether such a project is do-able. These issues include impacts to the water quality ponds that have been installed close to the lake, and impacts to the lake ecology. In addition, the permitting process could require additional information. She noted that additional studies of these issues may require the information provided from a continuous model rather than an event model. There was a brief discussion of continuous models.

Commissioner Tobelmann brought up the opinion previously provided by a Three Rivers Park District staff person that raising the lake level by 6 inches at least for those shallow areas would have almost no impact toward helping larger boats move through shallow areas. Engineer Chandler said that her memo uses six inches because that is what she has heard over the years, but that aspect is one of the issues that the Commission would need to study.

Mr. Asche commented that his understanding of the Commission's role in this issue is that the Commission is facilitating the exchange of information. He said that if the Commission is looking to fund this study then it takes the Commission's role to a different level and he would like to know if this is the case. He pointed out that Engineer Chandler's memo is a facilitating step and as she stated there are other components that would need study and analysis. Administrator Jester clarified that this memo is not a proposal coming in front of the Commission but, instead, is a list of things that would to be studied. The memo is meant to help inform the Commission and stakeholders on the costs of studies that would be needed.

Commissioner Welch said that the Commission has to be very careful not to throw out a bone because then the Commission would create expectations. The Commission needs to be careful of the expectations it sets. He added that there are some fundamental questions that the Commission needs to address at the stakeholder level. He wondered if the issue is dissatisfaction with the normal water elevation set for Medicine Lake by the DNR (Department of Natural Resources) or is the issue that the normal water elevation is not being maintained in Medicine Lake.

Vice Chair de Lambert remarked that a helpful piece of information for the stakeholders would be a diagram of the dam structure with the elevations referenced. Commissioner Mueller asked who owns the dam. Vice Chair de Lambert said that it has been verified that Hennepin County owns the dam.

**iv. Compilation of Stakeholders' Responses to Survey of Issues**

Administrator Jester shared a summary of the responses, noting that water level is not every stakeholder group's primary concern. She reported that the primary concern of the Association of Medicine Lake Area Citizens (AMLAC) is aquatic invasive species (AIS), and water quality is the primary concern for the City of Plymouth, the Three Rivers Park District, and Hennepin County.

**v. Plans for Large Stakeholder Meeting**

There was discussion about setting the meeting. Commissioner Welch emphasized that it is critical that Hennepin County, the DNR, the Three Rivers Park District, and the cities are represented at the meeting. The Commission directed Administrator Jester to check with those entities about their availability on the first two Tuesdays and the first two Saturdays in March, with the Commission's first choice being the morning of the first Saturday in March. There was discussion about bringing in a facilitator for the meeting and on the meeting format. Commissioner Hoschka commented that she would like someone that could speak on flood levels such as someone from FEMA or the U.S. Army Corps of Engineers. Commissioner Welch requested that the meeting agenda come in front of the Commission at its February meeting.

**5. NEW BUSINESS - continued****B. Consider Request for Development of Educational Sign at Sweeney Lake**

Administrator Jester reported that a Sweeney Lake resident would like to donate (anonymously) an educational sign for installation at the lake. There was discussion about the sign, potential designs, information to be included on the sign, sign placement, and applicable rules or regulations from the City of Golden Valley and the Hidden Lakes Homeowners Association. One audience member was against the placement of a sign. Commissioner Mueller moved that the Commission approve the sign but not take on the project. There was discussion. Commissioner Welch remarked that he thinks the Commission could provide input on a sign project but the Commission should not be the primary project coordinator. Mr. Oliver noted he thinks the sign is a good idea and the city would encourage and support the project. He noted city staff could help coordinate the project. There was discussion about adding an arts component to the sign. Commissioner Mueller's motion did not receive a second. Commissioner Welch moved to authorize Administrator Jester to work with the donor and provide input on the project from the Commission's perspective on education. Commissioner Tobelmann seconded the motion. Administrator Jester said that her plan would be to work with the City of Golden Valley so that she and the donor would work directly with the City. Upon a vote, the motion carried unanimously 7-0 [Cities of Medicine Lake and Minnetonka absent from vote].

**C. Consider Request from Wenck Associates for 2014 WOMP Station Operation**

Commissioner Welch moved to approve the proposal from Wenck for the 2014 WOMP station operation. Commissioner Hoschka seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Medicine Lake and Minnetonka absent from vote].

**D. TAC Recommendations**

TAC Chair Joe Fox provided a brief summary of the TAC's recommendations from the January 7, 2014, TAC meeting.

**i. 2016 – 2020 CIP Projects**

TAC Chair Joe Fox said that the TAC discussed the CIP list and that Golden Valley is considering projects for the list. A final recommended list will come to the Commission in March.

**ii. 2014 Channel Maintenance Fund Use**

Mr. Fox reported that the TAC recommends the Commission approve the City of Minneapolis' request for Channel Maintenance Funds in the amount of \$26,747.50 for stream restoration work on the Main Stem in the Glenwood Inglewood area. Commissioner Welch moved to approve the City of Minneapolis' request as described in the meeting packet. Commissioner Hoschka seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Medicine Lake and Minnetonka absent from vote].

**iii. Water Quality Standards and Triggers**

Mr. Fox said that the TAC spent a lot of time on the discussion about possible changes to the Commission's standards and triggers for development and redevelopment. Engineer Chandler summarized the TAC's suggested standards and triggers and said that the TAC would like the information to go to the Plan Steering Committee and then come to the Commission at a future meeting or workshop. Commissioner Welch agreed that the standards and triggers developed by the TAC should go to the Plan Steering Committee and he asked that the Plan Steering Committee also receive the Commission Engineer's recommendations with regard to appropriate triggers and standards for the Commission based on present water resource issues and goals.

*[Commissioner Wayne Sicora departs the meeting.]*

Administrator Jester announced that the TAC plans to meet in early March. The Commission will set the TAC's March meeting agenda at the February Commission meeting.

**6. OLD BUSINESS - continued****D. Update on Performance Evaluation of Administrator** [taken out of order]

Vice Chair de Lambert said that everyone who is being requested to provide input has been sent the input form. Responses are due tomorrow.

**B. Receive Update on Next Generation Plan Development** [taken out of order]

Administrator Jester explained that the Commission may need a workshop in February in addition to the regular February Commission meeting. She asked if Commissioners would prefer one long meeting (with Commission meeting and workshop back to back) or two shorter meetings within the month. The Commissioners identified pros and cons to both approaches and seemed split on the notion. The Plan Steering Committee will be asked to decide on scheduling the workshop.

**E. Approval of Reimbursement Request from City of Golden Valley for Main Stem Project Wisconsin Ave. to Golden Valley/ Crystal Border** [formerly Consent Agenda item 4D.]

Commissioner Welch asked if Clean Water Legacy money was used for this project. Engineer Chandler responded no. Commissioner Welch asked if the Commission Engineer reviewed the final project in the ground and if the Commission Engineer has a final report on the project implementation. Engineer Chandler said that the Commission Engineer was not asked to perform a final inspection and so did not inspect the final project.

Commissioner Welch moved to approve the City of Golden Valley's reimbursement request with the direction to the Commission Engineer to make a report on the implementation of the project and any particular issues that should be brought to the Commission's attention, specifically since the Commission has another stream restoration project coming up, the Commission ought to be informed on how the project turned out. Commissioner Tobelmann agreed that it would be nice to learn what went well, what did not, in

order to better inform the next project. Commissioner Hoschka seconded the motion. Upon a vote, the motion carried 6-0 [Cities of Medicine Lake, Minnetonka, and Robbinsdale absent from vote].

## 9. COMMUNICATIONS

### A. Administrator:

- i. Administrator Jester said that her Administrator Report is in the meeting packet and that she will review with the Administrative Services Committee how she might improve those reports.

### B. Chair:

- i. Vice Chair de Lambert reminded the Commission that it will be appointing officers at the Commission's February meeting.

### C. Commissioners:

- i. Commissioner Welch requested that a condensed version of the XP-SWMM tutorial be presented at an upcoming Commission meeting.
- ii. Commissioner Welch announced that on Saturday, February 22, time not yet set, there will be an open house at the Wirth Pavilion regarding the 90% plans for the Minneapolis Park and Recreation Board (MPRB) stretch of the creek. He said the MPRB's consultant (WSB) will be giving a presentation on the design, and he will forward the open house invitation when he receives it.

### D. Committees: No Committee Communications

### E. Legal Counsel: No Legal Communications

### F. Engineer:

- i. Engineer Chandler reported that the Commission's grant application for BWSR Clean Water funds for the Commission's Briarwood/Dawnview project was not successful. She explained that the top 40 projects received funding and the Commission's project was ranked at 56.
- ii. Engineer Chandler mentioned that the prepared memo requesting the removal of Wirth Lake from the 303(d) List of Impaired Waters will be part of the 2016 Minnesota Pollution Control Agency (MPCA) review and could potentially get into the MPCA's 2014 review.

## 10. INFORMATION ONLY (Available at

<http://www.bassettcreekwmo.org/Meetings/2014/2014-January/2014JanuaryMeetingPacket.htm>)

- A. WCA Notices, Plymouth
- B. Presentation on Water Quality Standards by MPCA
- C. Grant Tracking Summary and Spreadsheet

## 11. ADJOURNMENT

Vice Chair de Lambert adjourned the Bassett Creek Watershed Management Commission Regular Meeting at 11:25 a.m.

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Amy Herbert, Recorder

Date

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Secretary

Date