



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting

June 18, 2015

Golden Valley City Hall, 8:30 a.m.

#### Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Robbinsdale	Alternate Commissioner Michael Scanlan
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	<i>Not represented</i>	Engineer	Karen Chandler, Barr Engineering
New Hope	Commissioner John Elder		
Plymouth	Commissioner Ginny Black		

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

Erin Anderson Wenz, Barr Engineering Company	Jill Kruger, Resident, Parkers Lake
Pat Crough, Alternate Commissioner, City of New Hope	Chris Long, TAC, City of New Hope
Eric Eckman, TAC, City of Golden Valley	Bob Paschke, TAC, City of New Hope
Erick Francis, TAC, City of St. Louis Park	Mark Ray, TAC, City of Crystal
Jere Gwin-Lenth, Friends of Northwood Lake	Liz Stout, TAC, City of Minnetonka
Mary Gwin-Lenth, Friends of Northwood Lake	Pete Willenbring, WSB & Associates
Gary Holter, Alternate Commissioner, Medicine Lake	Rick Johnson, Friends of Northwood Lake
Laurie Leonhardt, Friends of Northwood Lake	Sandy Baine, Friends of Northwood Lake

### 1. CALL TO ORDER AND ROLL CALL

On Thursday, June 18, 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 [Cities of Minneapolis and Minnetonka absent from roll call].

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

*[Commissioner Welch, Minneapolis, arrives.]*

Jill Kruger, a Plymouth resident, raised her concerns about the difficulty boating on Parkers Lake due to excessive aquatic plants, particularly over the past six years. She described information she gathered about aquatic plant harvesting and asked if the Commissioners have been to Parkers Lake, have considered budgeting for an aquatic plant harvester, and if there will be a waterski show this summer on Parkers Lake. There was discussion.

Derek Asche pointed out that the question about the waterski show would be an item for the City of Plymouth’s Park and Recreation Department. Ms. Kruger stated her dissatisfaction with the Commission’s lack of action. Commissioner Welch remarked that the Citizen Forum on Non-agenda Items is a great place to raise new items to the Commission for future meeting agendas. There was discussion on what the City of Plymouth currently does regarding aquatic plant management. Mr. Asche described how the City of Plymouth does aquatic plant management at the City’s public beaches but not for boat navigation purposes. He described the City’s previous work with aquatic plant harvesting and the resident complaints about it. Commissioner Black noted that the Commission will be forming a task force in 2016 to determine the Commission’s role in aquatic plant management. Mr. LeFevere explained that a Lake Improvement District can be formed to help fund aquatic plant management, among other activities and the Commission could help facilitate the formation of such a District.

Commissioner Black stated that she would like a presentation at a future Commission meeting on Lake Improvement Districts.

**3. AGENDA**

Chair de Lambert appointed Administrator Jester as the Recording Secretary for the meeting. Commissioner Welch moved to approve the agenda. Commissioner Elder seconded the motion. Upon a vote, the motion carried 8-0 [City of Minnetonka absent from vote].

**4. CONSENT AGENDA**

Administrator Jester announced that there is a revised monthly financial report to replace the report in the meeting packet. She noted the changes: the addition of two invoices received after the meeting packet went out and a correction to allocate to the proper line item the reimbursement to the City of Plymouth.

Commissioner Mueller moved to approve the Consent Agenda as amended. Commissioner Elder seconded the motion. Upon a vote, the motion carried 8-0 [City of Minnetonka absent from vote]. [The following items were approved as part of the Consent Agenda: the May 21, 2015, Commission Meeting minutes, the monthly financial report, the payment of the invoices, Approval to set the June 25<sup>th</sup> TAC-State Agency Meeting for Bacteria TMDL Implementation Plan, Approval of the Plymouth Ice Center/Lifetime Fitness Parking Lot Project, Approval to Reimburse the City of Plymouth for the Northwood Lake/Four Seasons Water Quality Improvement Project (NL-2), and Approval to Set the Public Hearing for August 20,2015, to Receive Comments from Cities on 2016 CIP Projects.]

The general and construction account balances reported in the Fiscal Year 2015 Financial Report prepared for the June 18, 2015, meeting are as follows:

Checking Account Balance	\$718,678.15
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TOTAL GENERAL FUND BALANCE	\$718,678.15
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TOTAL CASH & INVESTMENTS ON-HAND (6/09/15)	\$3,345,291.65
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CIP Projects Levied – Budget Remaining	(\$4,078,785.78)
Closed Projects Remaining Balance	\$733,494.13
2012-2014 Anticipated Tax Levy Revenue	\$9,634.81
2015 Anticipated Tax Levy Revenue	\$1,000,000.00
Anticipated Closed Project Balance	\$276,140.68

## 5. BUSINESS

### A. Consider Adopting Major Watershed Plan Amendment

Administrator Jester reminded the Commission that in November 2014 the Commission submitted a Major Plan Amendment request to add 2016 projects to its CIP. She said that BWSR approved the amendment at its May 2015 meeting and now the Commission needs to take action to adopt that Major Plan Amendment.

Commissioner Welch asked if the Commission wants to approve adding a project to the Commission's CIP before knowing what the project will be (referring to the discussion further on the agenda regarding the Northwood Lake Improvement Project). Administrator Jester said she had asked the Commission's legal counsel about what would happen in the event the Commission adopts the Major Plan Amendment but then does not move forward with Options A and C for the Northwood Lake Improvement Project. Attorney LeFevere stated that the Commission provides advance notice to Hennepin County about the maximum costs the Commission plans to certify, but the Commission still has time to lower the levy amount before certifying costs to the County later this year.

Commissioner Welch moved to approve adopting the Major Plan Amendment. Commissioner Black seconded the motion. Upon a vote, the motion carried 8-0 [City of Minnetonka absent from vote].

### B. Choose Concept(s) to Implement for Northwood Lake Improvement Project (NL-1)

#### Receive Presentation on Results of Envision Process

Administrator Jester introduced Erin Anderson Wenz of Barr Engineering Company. Ms. Anderson Wenz provided an overview of the Envision process and how it was used to look at the two different project options the Commission is considering for the Northwood Lake Improvement Project.

Ms. Anderson Wenz explained that Envision is a checklist of design considerations that every infrastructure project can use, is a great resource library, is an encouragement for innovative infrastructure projects, and is a tool that identifies relative value on project aspects that are hard to monetize and tough to value through traditional methods. She said that Envision is a scoring tool, with the highest score being 864 points.

Ms. Anderson Wenz explained that Envision evaluates a project through 60 different credits in five categories including quality of life, leadership, resource allocation, natural world, and climate and risk. She defined the five categories and talked about the life cycle analyses

performed through Envision for both project options for the Northwood Lake Improvement project. She identified the Envision scores and the differences that the Envision process determined between the options, including that it scored the Northwood Lake Improvement Project Stormwater Reuse option as a silver project and the Pond option as a bronze project.

Commissioner Hoschka asked if the approximate 50-Envision-point difference between the two options is significant and worth the cost difference between the two projects. Ms. Anderson Wenz said that she can't answer that for the Commission and that it seems that the answer would stem on the Commission's goals.

Commissioner Welch asked if one option is a better water management project over the other project option. Ms. Anderson Wenz said that thinking about water conservation is likely a new endeavor for the Commission and in terms of overall sustainability the reuse option is better. She said that the metric scores are higher for the infiltration option versus the ponding option. Commissioner Black asked how much subjectivity is involved in the Envision process and results. Ms. Anderson Wenz commented that there is less subjectivity with Envision than with other scoring processes.

Commissioner Black stated that the Envision tool raises a policy issue in terms of how the Commission might use this tool, which could change the way the Commission has operated to-date. She noted that one aspect for the Commission's consideration is about who benefits from different projects and how the costs and benefits are assigned. She pointed out that the City of New Hope accrues more benefit with Option A.

**i. Review Additional Information in Consideration of Different Concepts**

Administrator Jester went through the information included in the meeting packet and discussed the reasoning behind the Administrator's recommendation to implement Options A and C. Mr. Paschke spoke in support of Options A and C. Jere Gwin-Lenth of the Friends of Northwood Lake provided comments.

There was discussion.

Commissioner Hoschka indicated initial "sticker shock" with the project but indicated support at this time due to results of the Envision process and the fact that this is one of few BCWMC CIP projects slated for the City of New Hope. She asked if educational signage was included in the project. Commissioner Elder noted that educational signage is in the project plan. Commissioner Welch remarked that the Commission needs to be fair in allocating resource requests from its member cities. He raised his concerns about reuse systems (water is not available when you need it) but noted the cost per pound of pollutant removal for options A and C isn't outrageous. He also commented that he wished the City of New Hope would allocate more City funds toward the project. Mr. Paschke responded that there is still a possibility for future grants. Mr. Paschke and Mr. Long talked about water quality projects and best management practices that have been completed and are being implemented in the City of New Hope. Mr. Ray stated that the City of Crystal is excited about the proposed Options A and C as a pilot project for irrigating ballfields and thinks that the cities can learn from the project.

Commissioner Black said that the City is currently proposing to contribute 16% of the project cost, but it seems like the City's contribution should be higher. She pointed out that the City of Plymouth has used parkland for water quality projects without asking the Commission for

funding.

Commissioner Elder asked if it would be more palatable if the City of New Hope contributed \$300,000 to the project. Commissioner Black responded maybe. Commissioner Welch asked if the City of New Hope is able to put more money into the project. Commissioner Elder said yes, the City can put in \$300,000. Commissioner Welch remarked that he doesn't appreciate this process regarding withholding information from the Commission. He wanted to know why the City didn't put all available funding on the table during initial discussions, and he voiced concerns about it setting a precedent.

Commissioner Hoschka commented that this is a working body and a conversation and she is not offended by negotiation. Commissioner Mueller agreed with Commissioner Hoschka, and he added that perhaps the Commission can develop a cost sharing policy for future projects. Commissioner Carlson said that he is happy to support the proposed project Options A and C. He asked if the Commission can approve the project with the funding gap.

Commissioner Elder said that the City of New Hope is not being disingenuous. He said that he is in current communication with the City Manager. He said that as the conversation has proceeded today, he as a City representative sees that \$300,000 is a better contribution, and he has communicated this to the City Manager. The City Manager has just approved this contribution amount, communicating that the funds can be taken from a temporary account.

Commissioner Black moved to approve that the Commission participate in the Northwood Lake Improvement Project Options A and C at a Commission cost of up to \$751,328 in addition to the \$300,000 grant received by the Commission for the project and the City's participation at the \$300,000 level. Commissioner Elder seconded the motion. Commissioner Welch made a friendly amendment to the motion to include that the City with the Administrator's assistance identify and apply for all additional possible grant funding and report back to the Commission at the end of the year on the status of the grants. Commissioner Black and Commissioner Elder approved Commissioner Welch's friendly amendment. Commissioner Hoschka made friendly amendment that any additional grant funding awarded go proportionately to the City and the Commission. Commissioner Black and Commissioner Elder agreed to the friendly amendment.

Commissioner Black stated that she doesn't believe her City would be in favor of the motion, but she thinks the motion on the table is fair. She said that the Commission needs to develop policy that gives the Commission more direction on these types of projects. She suggested that the Administrative Services Committee set up a meeting in the near future to start discussing this issue.

Commissioner Welch said that he will vote in favor of this motion, even though he does not love it, because he believes the Commission did a thorough job of analyzing the water quality benefits of the project and the options and he is not willing to say no to the Northwood Lake Improvement Project. Commissioner Black raised the point that shoreline restoration really helps protect the lake and residents and the cities should do more with shoreline restoration.

Upon a vote, the motion carried 8-0 [City of Minnetonka absent from vote].

### **C. Consider Accepting MPCA Clean Water Partnership Grant for Northwood Lake Improvement Project**

Commissioner Black moved to approve accepting the grant. Commissioner Hoschka seconded the motion. Upon a vote, the motion carried 8-0 [City of Minnetonka absent from vote].

**D. Set Maximum Amount for 2016 Levy Through Hennepin County**

Commissioner Black moved to notify the County of the Commission's maximum cost certification to the County of \$1,250,000. Commissioner Elder seconded the motion. Upon a vote, the motion carried 8-0 [City of Minnetonka absent from vote].

**E. Consider Approval of 90% Plans for Main Stem Project (CR2015) 10<sup>th</sup> Avenue to Duluth Street**

Mr. Eckman introduced the project, described how previous Commission comments on the plans have been addressed, and talked about communicating with homeowners about the project. He reported that two construction access points are still needed, but staff feels confident that it will obtain these. Mr. Eckman provided more details on the project.

Engineer Chandler remarked that she appreciated having enough time to review and discuss the plans with the City. Mr. Willenbring responded to a question from Administrator Jester about pollutant removal. Commissioner Welch asked about the long-term maintenance of the project. Mr. Eckman described the long-term maintenance of the project and said that it rests with the property owners. He talked about the education the City provides to the homeowners. Commissioner Welch recommended that written materials be provided to the homeowners.

Mr. Scanlan moved to approve the 90% plans with the Engineer Recommendations. Commissioner Elder seconded the motion. Commissioner Welch stated that he will abstain from the vote because of his discomfort of how the Commission has structured the implementation of its CIP projects, as he has stated many times in the past. Commissioner Welch said he thinks there is too little hands-on involvement by the Commission on the project. Commissioner Black expressed her discomfort about turning over maintenance to the residents.

Commissioner Hoschka noted that she works at WSB, the contractor working with the City on this project, and she asked if she can vote on this motion. Mr. LeFevere responded that there is no personal benefit to her regarding this vote, so she does not have to abstain. Upon a vote, the motion carried 7-0 [City of Minnetonka absent from vote. City of Minneapolis abstained from vote].

**F. Consider Funding Options for XP-SWMM Phase II Project**

Engineer Chandler reminded the Commission that it directed staff to look for project funding from other sources. She said that she previously described to the Commission possible funding coming from FEMA through the Department of Natural Resources (DNR). Engineer Chandler said that some other possible sources have come to staff's attention. She described the other options including assistance provided by the U.S. Army Corps of Engineers (ACOE) through the Floodplain Management Services Program and the Planning Assistance to States Program. Engineer Chandler went into more detail about the two specific programs through the ACOE. There was discussion about the possible loss of Commission control of the project schedule by utilizing the ACOE programs. Engineer Chandler also described possible funding through the DNR Flood Damage Reduction Program.

Chair de Lambert noted the Commission directed the Commission Engineer to complete the modeling and expressed concerns about losing control of the project schedule. Commissioner Hoschka

expressed similar concerns about schedule delays and coordination needed. Commissioner Black said that she doesn't support this project and won't be voting on this item. Commissioner Scanlan stated that he supports going forward with pursuing the FEMA and DNR funding. Commissioner Scanlan moved to approve pursuing the FEMA and DNR funding and not to pursue ACOE assistance. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 7-0 [City of Minnetonka absent from vote. City of Plymouth abstained from vote].

*[Chair de Lambert, St. Louis Park, departs. Vice Chair Mueller takes over leading the meeting.]*

### **G. Consider Additional 2016 Operating Budget Items**

Administrator Jester reminded the Commission that at its May BCWMC meeting it reviewed the draft 2016 operating budget and assessment and directed her to bring more information about the additional budget items she described at that meeting. She said that the additional items would cost \$10,000, including \$4,000 for sign installation at creek-road crossings and \$6,000 to begin a shoreline habitat monitoring program after it is fully vetted and developed by the TAC and the Commission. Administrator Jester noted that if during the process of developing the shoreline habitat monitoring program the Commission decides not to pursue it, then the \$6,000 would not be spent. She recommends the Commission take the proposed \$10,000 from the Commission's fund balance, which would leave the Commission's fund balance at the end of fiscal year 2016 at approximately \$325,000. She said this amount is still in the range of the amount that the Commission wants to maintain in its fund balance.

Alternate Commissioner Scanlan moved to approve the 2016 budget as amended. Commissioner Hoschka seconded the motion.

Mr. Asche reported that the City of Plymouth won't be treating the curlyleaf pondweed in Medicine Lake next year – he wanted to make sure the Commission knew that the aquatic vegetation management won't be done by the City next year. Engineer Chandler said that the curlyleaf pondweed treatments 10 years ago were part of the Commission's CIP to improve water quality. She said that until the Commission decides how it wants to handle aquatic invasive species, it could go through the CIP process to include curlyleaf pondweed treatment as a CIP project.

Administrator Jester reminded the Commission that there already is included in the 2016 budget \$5,000 for forming a task force and determining the Commission's role in aquatic invasive species and aquatic plant management.

Commissioner Carlson asked if the Commission could put a placeholder in the 2016 budget in case the Commission decides to do the curlyleaf pondweed treatment in 2016. Administrator Jester said that the Commission could do that but it would change the 2016 City assessments. Commissioner Black said that she will be discussing funding options with the City of Plymouth for curlyleaf pondweed treatment in 2016, and she will communicate to the Council that the Commission may be willing to contribute some funding, and she will report back to the Commission.

Upon a vote, the motion carried 8-0 [City of Minnetonka and St. Louis Park absent from vote.]

### **H. Receive NEMO Workshop Registration Information**

Administrator Jester announced that registration is open for the NEMO workshop-on-the-water being held July 23, and she asked that Commission members consider attending and directed them to the flyer in their meeting packet.

## 6. COMMUNICATIONS

- A. Administrator:** Written Administrator's report was included with meeting materials
- B. Chair:** No Chair Communications
- C. Commissioners:** No Commissioner Communications
- D. TAC Members:** No TAC Communications
- E. Committees:**
  - i.** Administrator Jester announced the upcoming Education Committee meeting on 6/30/15 regarding the Website Redesign
- F. Legal Counsel:**
  - i.** Mr. LeFevere announced the retirement party being held this evening by Kennedy & Graven in his honor.
- G. Engineer:**
  - i.** Engineer Chandler provided an update on Blue Line LRT. She said that there are some wetland and floodplain items that need to be reviewed. Engineer Chandler said that she and the Administrator are looking into whether some of the Commission's review costs could be covered by the Metropolitan Council.
  - ii.** Engineer Chandler reported that the 8410 rules have been approved and adopted by BWSR.
  - iii.** Engineer Chandler announced that the schedule has changed for the Clean Water Fund grants so that now the application period opens July 6 and ends August 28. She said if the Commission wants to apply for grants then the Commission should discuss it at its next meeting.

## 7. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/Meetings/2015/2015-June/2015JuneMeetingPacket.htm>)

- A. CIP Project Update Chart
- B. Grant Tracking Summary and Spreadsheet
- C. Results of Resident Survey by Minnehaha Creek Watershed District
- D. West Metro Water Alliance (WMWA) June Newsletter "Water Links"  
<http://content.govdelivery.com/accounts/MNHENNE/bulletins/1076bf1>
- E. Citizen Assisted Monitoring Program (CAMP) 2013 Annual Report

## 8. ADJOURNMENT

Commissioner Elder moved to adjourn the meeting. Alternate Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0 [City of Minnetonka and St. Louis Park absent from vote.] Vice Chair Mueller adjourned the meeting at 11:25 a.m.

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Recorder Date

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Secretary Date