



Bassett Creek Watershed Management Commission

Minutes of the Special Meeting

July 18, 2013

Plymouth City Hall, 8:30 a.m.

Commissioners and Staff Present:

Crystal	Alternate Commissioner Guy Mueller	Robbinsdale	<i>Not represented</i>
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	Commissioner Jim de Lambert, Vice Chair
Medicine Lake	Commissioner Ted Hoshal, Secretary	Attorney	Charlie LeFevere, Kennedy & Graven
Minneapolis	Alternate Commissioner Lisa Goddard	Engineer	Karen Chandler, Barr Engineering Co.
Minnetonka	Commissioner Jacob Millner	Recorder	Amy Herbert
New Hope	Alternate Commissioner Pat Crough		
Plymouth	Commissioner Ginny Black, Chair		

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

Derek Asche, TAC, City of Plymouth	Tom Mathisen, TAC, City of Crystal
Kate Drewry, MDNR	Steve McComas, Blue Water Science
Lois Eberhart, TAC, City of Minneapolis	Richard McCoy, TAC, City of Robbinsdale
Perry Edman, TAC, City of St. Louis Park	Jeff Oliver, TAC, City of Golden Valley
David Hanson, Alternate Commissioner, City of Golden Valley	Liz Stout, TAC, City of Minnetonka
Guy Johnson, TAC, City of New Hope	Dave Tobelmann, Alternate Commissioner, City of Plymouth
Linda Loomis, BCWMC Next Generation Plan Steering Committee Chair	Greg Williams, Barr Engineering Company
Chris Long, TAC, City of New Hope	

1. CALL TO ORDER AND ROLL CALL

On Thursday, July 18, 2013, at 8:30 a.m. in Plymouth City Hall, Chair Black 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 and Robbinsdale were absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input.

3. AGENDA

Chair Black requested that item 6B – Receive Update on Next Generation Plan Development - be removed from the Special Meeting agenda and onto the Workshop agenda as item 10A, and she requested that the previous Workshop agenda item 10A – Discussion and Refinement of Draft Commission Goals – become item 10B. Commissioner Millner moved to approve the agenda as amended. Alternate Commissioner Goddard seconded the motion. The motion carried unanimously 7-0 [Cities of Medicine Lake and Robbinsdale absent from vote].

[BCWMC Commissioner Ted Hoshal, Medicine Lake representative, arrives.]

4. CONSENT AGENDA

Chair Black requested the removal of 4B – Approval of Financial Report – from the Consent Agenda and requested that it be added to the agenda as item 6E. Alternate Commissioner Goddard moved to approve the Consent Agenda as amended. Commissioner Millner seconded the motion. The motion carried unanimously 8-0 [City of Robbinsdale absent from vote]. [The following items were approved as part of the Consent Agenda: the June 20, 2013, BCWMC meeting minutes and payment of the invoices.]

The general and construction account balances reported in the Financial Report prepared for the July 18, 2013, meeting are as follows:

Checking Account Balance	\$647,660.15
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TOTAL GENERAL FUND BALANCE	\$647,660.15
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TOTAL CASH & INVESTMENTS ON-HAND (7/10/13)	\$2,943,887.24
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CIP Projects Levied – Budget Remaining	(\$3,056,873.04)
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Closed Projects Remaining Balance	(\$112,985.80)
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2013 Anticipated Tax Levy Revenue	\$494,829.94
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Anticipated Closed Project Balance	\$381,844.14
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5. NEW BUSINESS

- A. Consider Proposal for Fish Survey of Sweeney and Twin Lakes.** Steve McComas of Blue Water Science summarized his experience working with lakes and fish surveys. He provided additional detail to the information included in the meeting packet about the proposal and quote for the fish surveys of Sweeney and Twin Lakes. He said that the objective of the proposed survey is to characterize the existing fish community and to see if the existing fish composition has an impact, whether adverse or beneficial, on the lakes' water quality. Mr. McComas said that any single survey will not tell the whole story but will provide a lot of information. He said that indirect evidence of impacts of the fish to water quality can be gathered by looking at the aquatic plant distribution, potential fish habitat, and related conditions. Mr. McComas responded to Commission questions.

Chair Black asked if the Commission would gain anything by adding electrofishing to the trap netting. Mr. McComas said yes, it would raise the confidence of the data, but in terms of cost effectiveness if he were to recommend the best single survey for the Commission's needs it would be the trapnetting. He said that if he were to recommend two surveys it would be trapnetting and electrofishing, and for three surveys he would recommend trapnetting, electrofishing, and gillnetting.

Chair Black asked if the fish surveys would provide a good idea of the effects of the fish population on a possible water quality treatment plan. Mr. McComas replied yes. Engineer Chandler said that the Commission Engineer talked with the Minnesota Department of Natural Resources (DNR) and passed on the information to Chair Black, Administrator Jester, and Mr. McComas. She reported the DNR said it might be able to fit electrofishing on Sweeney Lake and Twin Lake into their fall schedule and that the DNR recommended that any type of fish survey be undertaken in the fall. She said that there also was discussion about how trapnetting might not be effective at giving a good sense of the carp population, according to the University of Minnesota's Dr. Bajer and Dr. Sorenson. Engineer Chandler said that they also recommended doing the shoreline seines.

There was discussion of the different survey methods. Chair Black said that she is interested in having the electrofishing survey done and would like the Commission to follow up with the DNR to see if it will do it or if not, then perhaps the Commission would need to look into modifying an agreement with Steve McComas and Blue Water Science to undertake it. She said that she is looking for a Commission motion to approve the fish survey of Twin Lake and Sweeney Lake by Steve McComas and Blue Water Science as presented today at a cost of \$3,900.

Commissioner Hoshal moved to approve ordering the survey at the cost of \$3,900. Commissioner de Lambert seconded the motion. Commissioner de Lambert commented that the discussion today answered his questions and he understands that the purpose behind conducting the fish survey is to determine potential risks to the effectiveness of the Commission's proposed water quality Best Management Practice (BMP) for Twin Lake and to understand if the proposed BMP would need to be tailored due to information discovered through the fish survey. Chair Black asked Mr. McComas when the fish survey would be undertaken. He said early fall, such as early September, in order to find both the pan fish and carp. Ms. Chandler asked if she has permission to follow up with the electrofishing opportunity with the DNR. The Commission directed Ms. Chandler to follow up with the DNR and to bring information back to the Commission at its August meeting.

B. Dispute Resolution Request from Cities of New Hope, Golden Valley, and Crystal. Chair Black reported that the Commission received letters from the cities of New Hope, Golden Valley, and Crystal requesting dispute resolution action. She said that this request first came in front of the Commission in August 2012 and at that time the item was deferred because the cities wanted to further discuss it among themselves to try to reach resolution. She provided a brief history of the issue indicating it deals with a low-lying Decola Ponds area in Golden Valley that is experiencing a lot of flooding.

Chair Black summarized that what is being asked of the Commission today is to appoint a three-member dispute resolution committee, comprising Board members that are not from cities involved in the dispute.

Chair Black opened the floor for comments from the disputing parties. Mr. Mathisen provided comments on behalf of the City of Crystal.

Mr. LeFevere provided more detail on the Commission's role in the dispute resolution process and described the different procedures that it could follow per the Commission's *Watershed Management Plan*. He said that the *Plan* is a little unclear, but it describes two different procedures: one in which the committee provides mediation, or in other terms facilitated negotiation, without having a decision-maker role and one in which a committee takes testimony from various parties and makes findings or recommendations, which is more like a hearing examiner role. He said that he thinks the committee has some latitude in terms of which way it would want to proceed based on what the committee thinks would be most helpful or fruitful. Mr. LeFevere pointed out that the rules provide that the committee members can be Commissioners or Alternate Commissioners. There was discussion of the procedure and potential costs to the Commission, which were identified as staff time.

Chair Black, Commissioner Millner, and Commissioner de Lambert volunteered to be on the three-person committee. Mr. LeFevere said that technically the Chair appoints the committee members and selects the chair. Chair Black appointed Commissioners Black, Millner, and de Lambert as the committee for this dispute resolution process. Commissioner de Lambert volunteered to chair the committee. The committee members approved.

- C. Set TAC Meeting and Agenda.** Mr. Asche said that the TAC proposes to meet on July 29th and recommends that the agenda items include: appropriate development review fees, a schedule for updating the XPSWMM and P8 models, and feasibility study process improvements. Commissioner Dave Tobelmann and Alternate Commissioner Guy Mueller volunteered to attend the TAC meeting. The Commission consented to the TAC's proposed meeting date and agenda.
- D. Discuss BCWMC Meeting Time.** The Commission discussed scheduling the meeting at a time of day that would be convenient for more people. The Commission decided to schedule its August 15th and September 19th meetings to start at 8:30 a.m. at its regular location of Golden Valley City Hall. Engineer Chandler noted that the Commission needs to order its public hearing that it is tentatively slated for September 19th to order the projects that are part of the Commission's proposed Major Plan Amendment. Chair Black added this issue to today's meeting agenda as item 6F.
- E. Consider BCWMC Projects for Clean Water Fund Grant Application.** Engineer Chandler reported that at the end of July or beginning of August the Minnesota Board of Water and Soil Resources (BWSR) will put out its Request For Proposals (RFP) for the next round of the Clean Water Fund grant applications. She said that the applications are typically due around the time of the Commission's September meeting. She explained that it would be good for the Commission to discuss which projects it may want to put forward for

the grant. Engineer Chandler stated that the two projects that she and Administrator Jester had discussed as possibilities for the grant application were the Briarwood/ Dawnview project and the Four Seasons Mall project. She noted that the grant awardees are officially notified in mid-December. Mr. Asche said that the City of Plymouth is looking to bid out the Four Seasons Mall project in late September or early October, so the timing of the grant process maybe too late for the schedule of that project. He suggested discussing this further at the Commission's August meeting because if this project was forwarded as a candidate for grant funding then the City would need to adjust contract documents. Engineer Chandler said that it also could be worth the time to discuss the project with BWSR staff after the RFP comes out in order to get a gauge on how strong a candidate BWSR feels that the project may be. Mr. Asche described grant money that the City of Plymouth received for the part of the project involving porous pavement and summarized that the City may already have Clean Water grant funding for part of the Four Seasons Mall project.

Chair Black said that it sounds like the Commission feels that the Briarwood/Dawnview project should be forwarded in the grant application. Mr. Oliver suggested that the Commission also forward the Schaper Pond project for grant funding. Engineer Chandler said that the project is a possibility and the Commission Engineer can talk with BWSR staff about the project. The Commission directed staff to bring back to the August BCWMC meeting any information it finds out from BWSR on the Briarwood/ Dawnview and Schaper Pond projects.

6. OLD BUSINESS

A. Discussion and TAC Recommendation Regarding Completed P8 Model. Chair Black summarized the P8 model and its role and importance in tracking the accomplishments of water quality improvements in the watershed. She presented a summary of the TAC's recommendations to the Commission as listed in the TAC's July 9, 2013, memo:

- i. The BCWMC would be the official keeper of the model;
- ii. The BCWMC would review and approve updates to the model;
- iii. The BCWMC would update the model annually;
- iv. The BCWMC would develop a summary report regarding the model that the member cities could use for their MS4 reporting;
- v. The TAC develop guidelines for the types of best management practices (BMPs) to be included in the P8 model updates and for the schedule for performing the updates.

Alternate Commissioner Goddard mentioned that Mn/DOT and the counties also have projects, and she asked how that information would be incorporated into the watershed-wide model. Chair Black remarked that it was a good question. She thought the information would be updated into the model once a year, but she asked if the cities need to have the model updated any more frequently. Mr. Asche said that the TAC recommends that the BCWMC be the official coordinator of the model, but the model would be available to the cities so that cities could take their project components and enter them into the model for their own purposes. However, he said, it would be up to the Commission to determine if it would officially enter the cities' data into the model. He said that regarding Mn/DOT it may be best for the Commission to enter Mn/DOT BMP information into the model. Mr. Asche said that Hennepin County has indicated an interest in participating in the categorical

TMDL, meaning that there may be an opportunity to coordinate a little more closely with the County. Mr. Oliver remarked that typically if there is a County project, a city is a partner and is involved in cost sharing and in the design and decision-making. He said that he thinks it would be the responsibility of the city in which the project occurs to get that information to the Commission.

Engineer Chandler asked if Hennepin County had signed the agreement regarding the categorical TMDL. Mr. LeFevere said that he will follow up on it.

The Commission discussed the possible timing of the annual model update. Mr. Oliver suggested that the TAC discuss the details. Alternate Commissioner Goddard moved to approve the recommendations of the TAC regarding the P8 model. Commissioner Hoschka seconded the motion. The motion carried unanimously 8-0 [City of Robbinsdale absent from vote].

- B. Receive Update on Next Generation Plan Development.** Discussion of item moved to Workshop Agenda as item 10A.
- C. JPA Amendment Next Steps.** Mr. LeFevere reported that there is some resistance by the City of Medicine Lake to the Joint Powers Agreement (JPA) Amendment. He explained that the resistance is not to the amendment itself but to another issue that it has raised with the BCWMC. Mr. LeFevere said that the amendment doesn't have to be completed until January 2015, so he recommended that the BCWMC put the JPA amendment on the back burner for now.

Chair Black said that some residents of Medicine Lake and Plymouth have been concerned for some time about the level of the lake and the outlet structure. She said that this issue has surfaced again with discussion of the JPA amendment. Chair Black described some communications she and Administrator Jester have received from the Mayor of Medicine Lake. She recommended that the Administrative Services Committee meet to discuss possible options of how to handle the issues raised by the City of Medicine Lake and to bring recommendations in front of the Commission at its August meeting. Chair Black described one idea, saying that a panel including BWSR, the DNR, the BCWMC, and perhaps the Army Corps of Engineers, meet with the City Councils of Medicine Lake and Plymouth and the other interested residents of Medicine Lake and Plymouth to discuss the issues being raised and to clarify jurisdictions.

Commissioner Hoshal said that a third issue of concern for the City of Medicine Lake and as discussed at the BCWMC's June 13th Watershed Summit is the accessibility of the West Medicine Lake Park boat landing during times of low water periods. He commented on jurisdiction of dredging and possibilities of cost sharing of dredging and mentioned that this issue likely would be brought forward at a meeting such as the one that Chair Black has suggested. Alternate Commissioner Tobelmann suggested that the leadership for taking action on the issues raised by the City of Medicine Lake should come from Medicine Lake's lake association. Commissioner Hoschka recommended that a mediator organize and run the meeting that Chair Black is suggesting as opposed to the Commission in order to clarify that the issues are not within the Commission's jurisdiction.

- D. Reschedule Watershed Tour.** The Commission decided that it wants staff to send out a poll via Doodle about possible tour dates in September including the 1st, 3rd, and 4th Thursdays and the 2nd, 3rd, 4th, and 5th Mondays.
- E. BCWMC's July Financial Report.** Chair Black pointed out that the report indicates that the Commission is over-budget on its P8 and XPSWMM models, but she reminded the Commission that those budget items had unspent funds from the previous fiscal year and the Commission carried over those funds. She noted that

the Commission had discussed making modifications to its financial report in order to better track this type of information and she would like those modifications made. Chair Black moved to approve the July financial report. Commissioner Hoschka seconded the motion. The motion carried unanimously 8-0 [City of Robbinsdale absent from vote].

- F. Order Public Hearing to Order Projects.** The Commission set its public hearing for ordering the projects contained in the Commission's Major Plan Amendment Request. The hearing will take place at the 8:30 a.m. BCWMC meeting on September 19th. The Commission directed staff to order the hearing per required procedure.

7. COMMUNICATIONS

A. Administrator: Chair Black noted that Administrator Jester's Administrator's Report is in the meeting packet.

B. Chair: No Chair Communications

C. Commissioners:

- i. Commissioner Hoshal noted that the City of Medicine Lake and the City of Plymouth jointly put into effect their respective high water ordinances between June 26th and July 1st restricting boat traffic on Medicine Lake while there was high water. He said that he had been in touch with Barr Engineering Company regarding the lake level height that triggers that ordinance, because he wanted some type of visual reference either on the dam or the staff gauge in order to know the point in which the high water ordinance would be triggered. He commented that he was not sure who determined that the water had reached the high water trigger. He described measurements that he took and spoke about how even when the water had ceased to flow over the west wall of the dam it was still flowing over the east wall, which seemed to indicate to him that there has been some settling of the dam and he wondered if it is worth investigating further. Commissioner Hoshal commented that the current practice of monitoring the lake level every two weeks is not enough data since the water levels fluctuate over shorter periods of time.

There was discussion of the temporary monitoring of Medicine Lake that was done by Commissioners de Lambert and Hoshal with the data recorder and of the possibility of putting a data recorder back at Medicine Lake. Chair Black remarked that the City of Plymouth may be interested in putting a transducer in Medicine Lake and said that she and Mr. Asche will check into it and report back.

- ii. Commissioner Hoschka announced that the SunValley Post published an article about Bassett Creek. She said that she would send the link to Administrator Jester.

D. Committees: No Committee Communications

E. Legal Counsel: No Legal Communications

F. Engineer:

- i. Engineer Chandler reported that the Commission received a memo from SRF regarding the proposed repair of a retaining wall between Medicine Lake and the trail. She said that the project

may not trigger a Commission review but she wanted to make the Commission aware of the project since it will be very visible to the public and the path will be shut down in that area during the project. Chair Black said that the road there will be shut down temporarily during the project as well.

- ii. Engineer Chandler announced that BWSR has notified the BCWMC that its Major Plan Amendment request will be on BWSR’s Metro Water Planning Committee’s August 12th meeting agenda. She said that Administrator Jester will be at that August 12th meeting.
- iii. Engineer Chandler said that despite the recent large rain events the Wirth Lake Outlet Structure seemed to be working properly, preventing the backflow of water from Bassett Creek into Wirth Lake.

8. INFORMATION ONLY (Available at the link:
<http://www.bassettcreekwmo.org/Meetings/2013/2013-July/2013JulyMeetingPacket.htm>)

- A. Upcoming Events and Notices
- B. Links to Water-related News Articles
- C. Grant Tracking Summary
- D. Response to Comments on Upper Mississippi River Bacteria TMDL
- E. Commission Letter to FEMA
- F. New videos by MDNR on groundwater and results of study on groundwater usage in Twin Cities
- G. Clean Water Summit on September 12th at the University of Minnesota Landscape Arboretum

9. ADJOURNMENT

The Bassett Creek Watershed Management Commission Special Meeting adjourned at 10:29 a.m.

Amy Herbert, Recorder Date

Secretary Date