



## Bassett Creek Watershed Management Commission

### Minutes of the Regular Meeting

April 18, 2013

Golden Valley City Hall, 11:30 a.m.

#### Commissioners and Staff Present:

Crystal	Commissioner Dan Johnson	Robbinsdale	<i>Not represented</i>
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	<i>Not represented</i>
Medicine Lake	Commissioner Ted Hoshal, Secretary	Administrator	Laura Jester, Keystone Waters LLC
Minneapolis	Commissioner Michael Welch	Attorney	Charlie LeFevere, Kennedy & Graven
Minnetonka	<i>Not represented</i>	Engineer	Karen Chandler, Barr Engineering Co.
New Hope	<i>Not represented</i>	Recorder	Amy Herbert
Plymouth	Commissioner Ginny Black, Chair		

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

Derek Asche, TAC, City of Plymouth	Guy Mueller, Alternate Commissioner, City of Crystal
Jeannine Clancy, TAC, City of Golden Valley	John O'Toole, Alternate Commissioner, City of Medicine Lake
Christopher Gise, Resident, City of Golden Valley	David Spicer, Friends of Northwood Lake, New Hope
Dave Hanson, Alternate Commissioner, City of Golden Valley	Liz Stout, TAC, City of Minnetonka
Justin Klabo, SEH, Inc.	Jim Vaughn, TAC, City of St. Louis Park
Linda Loomis, BCWMC Next Generation Plan Steering Committee Chair	Robert White, Friends of Northwood Lake, New Hope
Tom Mathisen, TAC, City of Crystal	Pete Willbenbring, WSB & Associates
Richard McCoy, TAC, City of Robbinsdale	

## 1. CALL TO ORDER AND ROLL CALL

On Thursday, April 18, 2013, 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. The cities of Minnetonka, New Hope, Robbinsdale and St. Louis Park were absent from the roll call.

## 2. CITIZEN FORUM ON NON-AGENDA ITEMS

Robert White of the Friends of Northwood Lake in New Hope introduced himself, described the goals of the Friends of Northwood Lake, and mentioned his history of volunteering with the BCWMC's sponsored CAMP monitoring of Northwood Lake. David Spicer of the Friends of Northwood Lake introduced himself. Guy Mueller, BCWMC alternate commissioner from the City of Crystal, introduced himself.

## 3. AGENDA

Commissioner Hoschka moved to approve the agenda. Commissioner Johnson seconded the motion. The motion carried unanimously 5-0 [Cities of Minnetonka, New Hope, Robbinsdale, and St. Louis absent from vote].

## 4. CONSENT AGENDA

Commissioner Welch requested the removal of item 4E – Approval of Hennepin County Request to extend major plan amendment comment period – from the Consent Agenda. The Commission agreed. Commissioner Welch moved to approve the Consent Agenda as amended. Commissioner Hoshal seconded the motion. The motion carried unanimously 5-0 [Cities of Minnetonka, New Hope, Robbinsdale, and St. Louis absent from vote].

[The following items were approved as part of the Consent Agenda: the March 21, 2013, BCWMC meeting minutes, the April Financial Report, payment of the invoices, and approval of the 2013 CAMP contract with the Metropolitan Council.]

The general and construction account balances reported in the April 2013 Financial Report are as follows:

Checking Account Balance	\$723,109.26
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TOTAL GENERAL FUND BALANCE	\$723,109.26
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TOTAL CASH & INVESTMENTS ON-HAND (4/11/13)	\$2,946,484.10
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CIP Projects Levied – Budget Remaining	(\$3,524,544.50)
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Closed Projects Remaining Balance	(\$578,060.40)
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2013 Anticipated Tax Levy Revenue	\$986,000.00
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Anticipated Closed Project Balance	\$407,939.60
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## 5. NEW BUSINESS

**A. Clarification of Open Meeting Law with Regards to Electronic or Telephone Participation.** Mr. LeFevere said that the Open Meeting Law applies to the Commission and its Committees. He explained that those groups can conduct meetings where people participate remotely, but it is difficult to comply with the law because law requires that the members of the governing body, no matter the location of each member, must be able to hear and see one another and hear and see all discussion. He said that in addition, members of the public must be able to hear and see all discussion and all votes of the members of the governing body. Mr. LeFevere said that you would need an audiovisual device set up in order to meet the requirement and recently it was ruled that Skype can be used to meet the requirement. He said he thinks it would be difficult to make Skype work for a group this large. He said that using only a telephone would not meet the requirements of the Open Meeting Law. Mr. LeFevere said that if someone wanted to listen in to the meeting but not participate or speak, then it would be fine to use a conference call for listening in, but not for participating.

### **B. TAC Recommendations.**

- i. Lakeview Park Pond. Mr. Asche said that the TAC met on April 4<sup>th</sup> and discussed the Lakeview Park Pond project in Golden Valley that would treat stormwater runoff draining to Medicine Lake and where currently no stormwater treatment exists. He reminded the Commission that there was a feasibility report on the project prepared in 2004 and updated in 2011. He commented that the report addressed the project at the concept level. Mr. Asche said that the primary issue to be addressed by the project is flooding and the other issue to be addressed is water quality. He said that last year in its levy request to Hennepin County, the BCWMC requested \$162,000 for the \$196,000 project, which will be payable to the Commission this year.

Mr. Asche described the four project design options that the City of Golden Valley and the project's consultant, SEH, Inc., investigated: a parallel trunk storm sewer system, a partial build for ponding, which would collect water from about half of the area, a full build for ponding, and home buyouts in the area. He described the TAC's discussion and reported that the TAC recommends the full build out, which would bring the cost of the project from about \$200,000 to approximately \$400,000.

Justin Klabo of SEH provided a summary of the four design options, described Golden Valley's preferred design option of the full build, and addressed extensive questions and concerns from the Commission. Mr. LeFevere asked what would happen if the soils of the project site move and impact the houses adjacent to the project site. The group discussed the possibility of the soils moving. Chair Black said that before she votes she would like SEH to have a discussion with its geotechnical engineer and bring the information to the Commission. Ms. Clancy noted that at one point the City looked at designing the project solely to reduce flooding, instead of a water quality pond, and restoring the area with natural grasses; but the water quality pond could help address nutrient impairments in Medicine Lake. Chair Black asked SEH to come to the Commission's May meeting to respond to the concerns raised today by the Commission.

Chair Black said that in regard to the approximate \$200,000 project cost gap, the Commission could draw funds from its Closed Project Account. She said that doing so would draw down that account below the \$250,000 minimum that the Commission set for that fund. Mr. Asche said that the TAC discussed that point and did not have any issues with going below that \$250,000 minimum.

Chair Black said that at the May meeting the Commission will continue its discussion about the

- project. There was consensus that it was appropriate to use Closed Project funds to cover the additional costs of the project due to the special circumstances. The group also recognized this was a good opportunity to improve the water quality of Medicine Lake.
- ii. **XP-SWMM Model and P8 Model Completion.** Mr. Asche said that the TAC recommends a presentation of the models by the Commission Engineer to the TAC at its June 6<sup>th</sup> meeting and present the models to the Commission at one of its future meetings. Chair Black asked why the models aren't coming in front of the Next Generation Plan Steering Committee. Ms. Chandler said that she is sure the models will get incorporated into the plan since modeling will be addressed but she doesn't see that the Plan Steering Committee needs to make any decisions. She said the model results need to be accepted by the Commission, first. Ms. Chandler indicated the Commission should consider how the results will be used and maintained and that information will get carried into the plan. The Commission indicated agreement to the TAC's recommendation.
  - iii. **Improving the BCWMC Finance/ Budgeting Reporting.** Mr. Asche stated that several months ago the Commission authorized the TAC to look into the financial reports and determine if any changes or additions could be made to the reports to make them more useful. He said the TAC had a great discussion on this topic and talked about how the Commission accounts for funds that are left over from one budget year into another. He said that for the funds that accrue each year like the channel maintenance, long-term maintenance, and TMDL funds, the running totals could be listed on the financial report. The Commission indicated consent to the TAC's recommendation.
  - iv. **Watershed Tour Sites.** The Commission discussed and finalized its tour stops: WOMP station, Tunnel entrance, Sweeney Lake outlet, Stream restoration site (post construction), and Crystal Lake treatment plant. The Commission set its tour date and time for Monday, June 24<sup>th</sup> at 1:00 p.m.
  - v. **Next TAC meeting.** Chair Black announced that the next TAC meeting will be on Thursday, June 6<sup>th</sup> and the TAC will discuss the XP-SWMM and the P8 models. She said that an item on the TAC's future items list is the phosphorus budgeting in the watershed. Chair Black brought up the fact that the Commission doesn't always annualize the cost of projects, like a pond versus a rain garden and amount of phosphorous removed, and it would be helpful to have such information to facilitate comparison of the projects. She said it would be helpful for the TAC to look at this issue. Chair Black said that the Next Generation Watershed Management Plan should be on the TAC's agenda on an as-needed basis.

**C. Approve 2012 Annual Report.** The Commission provided comments on the draft report and authorized staff to make the changes. Commissioner Welch moved to approve the annual report with the changes discussed and to authorize staff to submit the report to BWSR (the Minnesota Board of Water and Soil Resources). Commissioner Johnson seconded the motion. The motion carried unanimously 5-0 [Cities of Minnetonka, New Hope, Robbinsdale, and St. Louis absent from vote].

## 6. OLD BUSINESS

**A. Briarwood/Dawnview Water Quality Improvement Project: Golden Valley - Presentation of Final Feasibility Report and Select Option for CIP Project.** Pete Willenbring of WSB & Associates described the project and its goal to improve the quality of the water discharged from the Briarwood/Dawnview watershed. He reviewed the five options investigated, which are described in detail in

the final feasibility report. Mr. Willenbring recommended option number 5: Construct stormwater retention and treatment pond with deadpool storage and iron-enhanced filtration system. This is the option preferred by the City of Golden Valley. In response to Commissioner Welch's question on the topic, Mr. Willenbring confirmed that option number 5 includes an official wetland delineation in the course of the project.

Mr. Mathisen asked about the life-span of the iron filings. Mr. Willenbring said that reports vary but the idea is to let the sand filter operate as long as it can. He said that it would be approximately 20 years before the sediment would need to be cleaned out of the pond and perhaps the iron filings would be replaced when the sediment is cleaned out. Mr. Willenbring responded to some questions from Commissioner Hoshal regarding impact to private properties in the area. Commissioner Welch asked Ms. Chandler for the Commission Engineer's thoughts on the project. Ms. Chandler said that everything discussed at the TAC meeting has been addressed, such as the maintenance of the iron filter. She said that the final feasibility report contains annual maintenance costs and the costs for option 5 are higher than the other options so she is assuming that it contains the costs for maintaining the filter. Ms. Chandler indicated she is comfortable with option 5 as it provides the most water quality improvements for the investment.

Commissioner Hoschka moved to accept the feasibility report and to move forward with implementing option 5. Commissioner Welch seconded the motion. Commissioner Hoshal asked for more detail about the cost of option 2. Mr. Willenbring responded. Commissioner Welch asked Golden Valley if it anticipates any difficulties with Hennepin County regarding the land. Ms. Clancy responded no. The motion carried unanimously 5-0 [Cities of Minnetonka, New Hope, Robbinsdale, and St. Louis absent from vote].

- B. Major Plan Amendment.** Ms. Chandler reported that on June 11<sup>th</sup> Hennepin County will be considering approval of the Commission's Major Plan Amendment. She said that if the Commission is comfortable with setting the maximum levy for 2014 projects today, then it could be acted upon at the County's June 11<sup>th</sup> meeting as well. Alternatively, the Commission could set its maximum levy at its May or June Commission meeting. Ms. Chandler reminded the Commission that in addition to project construction costs, the Commission incurs costs for feasibility studies, plan amendments, grant applications and administration, and follow up tasks in the pre-construction phase. The Commission considered the costs of the projects slated for next year's levy:

<b>Project</b>	<b>Item</b>	<b>Cost</b>
Briarwood/ Dawnview	Construction	\$234,000
	Feasibility study	\$11,700
	Costs Expended (per financial report)	\$933
	<i>Project Total:</i>	<i>\$246, 600</i>
Twin Lake Alum Treatment	Construction	\$148,000
	Feasibility study	\$7,300
		<i>Project Total:</i>
Schaper Pond Improvements	Construction	\$550,000
	Feasibility study/ plan amendment/ BCWMC follow up tasks	\$44,900

	<i>Project Total:</i>	<i>\$594,900</i>
	<b>Grand Total 2014 CIP Project Costs</b>	<b>\$996,900</b>

Ms. Chandler recommended the Commission set the maximum levy at \$1,000,000. Commissioner Welch moved to set the maximum levy for the 2014 CIP projects at \$1,000,000. Commissioner Johnson seconded the motion. The motion carried unanimously 5-0 [Cities of Minnetonka, New Hope, Robbinsdale, and St. Louis absent from vote].

Ms. Chandler said that she typically provides the levy number to Joel Settles at Hennepin County and will do so as long as the Commission approves. The Commission indicated approval. Commissioner Welch asked that Ms. Chandler notify the Commission of the date of the County’s hearing on the Commission’s plan amendment and maximum levy request. Ms. Chandler said that it would be the County’s May 14<sup>th</sup> hearing. Several commissioners and staff indicated interest at attending the hearing. Commissioner Welch asked that the Commission discuss at a future time the BCWMC’s Plan Amendment structure and schedule and how it works with Hennepin County’s structure and schedule. The Commission agreed that this is a policy issue to be discussed.

From Consent Agenda: Commissioner Welch moved to grant Hennepin County’s request for an extension on the Major Plan Amendment comment period until June 11, 2013. Commissioner Johnson seconded the motion. The motion carried unanimously 5-0 [Cities of Minnetonka, New Hope, Robbinsdale, and St. Louis absent from vote]. Ms. Chandler said that the public hearing on the Major Plan Amendment is on the Commission’s calendar for its May 16<sup>th</sup> meeting and she recommends that the Commission open the hearing on May 16<sup>th</sup> and continue it to the Commission’s June 20<sup>th</sup> meeting. The Commission agreed.

**C. Review of Draft FEMA Hennepin County Floodplain Maps.** Ms. Chandler said that in November the Commission authorized the Commission Engineer to review the FEMA (Federal Emergency Management Agency) draft floodplain maps. She reported that the Commission Engineer completed the review and found good matches in the Main Stem and North Branch but disparities in the Sweeney Branch and Plymouth Creek. She said that the tables in the April 10<sup>th</sup> Engineer’s Memo provides details on the differences. Ms. Chandler summarized the information in the tables.

Ms. Chandler recommended she draft a letter to FEMA for BCWMC signature requesting that FEMA modify the draft floodplain maps to include information from the 2007 Letter of Map Revision to accurately map the floodplains and base flood elevations for the Sweeney Lake Branch; and request that FEMA restudy Plymouth Creek using the information in the BCWMC’s new XP-SWMM model of the Plymouth Creek watershed to incorporate up-to-date information about the current hydrology and road crossings. Ms. Chandler indicated that FEMA was unlikely to delay its finalization process for a restudy, but the Commission can ask. She noted that comments are due to FEMA on June 29<sup>th</sup>.

Commissioner Welch moved to accept the Engineer’s recommendation to send a letter to FEMA with the requests described by the Commission Engineer and for the letter to strongly encourage FEMA to consider this information in its present process. Commissioner Johnson seconded the motion. Commissioner Hoschka offered comments on the maps and legends for Figures 1 and 3 included with the Engineer’s Memo. The motion carried unanimously 5-0 [Cities of Minnetonka, New Hope, Robbinsdale, and St. Louis absent from vote]. Chair Black said that she would sign the letter when it is prepared.

- D. Update on CAMP Volunteers.** Administrator Jester provided information on the CAMP volunteers for the 2013 season. She noted that the contract approved under today's Consent Agenda is for eight sites and she noted that there is funding for up to ten sites. She said that the contract can be amended if needed to add up to two additional monitoring sites. Administrator Jester said that a volunteer for Parkers Lake is still needed.
- E. Update on Twin Lake Fishery Investigation.** Ms. Chandler reported that an investigation of the Twin Lake fishery had found that the most recent fish survey of Twin Lake, done in 1991 by the DNR, was actually a combined survey of Twin and Sweeney Lakes. She reported that Ms. Jester asked the DNR if it could do a fishery study of the lake and the DNR said it would not fit into its budget. Ms. Chandler said the Commission Engineer did talk to some residents and the The Minneapolis Park and Recreation Board and received some anecdotal information about pike and crappies but not carp. She said that due to the depth of the lake and its steep sides, Twin Lake isn't favorable habitat for carp. Ms. Chandler reported said that she does not think that carp are a big problem in Twin Lake. She said that through some work in Ramsey County, staff with Barr Engineering has been studying the impact of carp on the mixing depth in lakes. Ms. Chandler said that since carp dig up the bottom of lakes, the alum dosing would need to take that mixing effect into account. She summarized that she did not find evidence that carp are a problem in Twin Lake but if the Commission wants to know more it would need to conduct a fish survey. There was a discussion about carp and techniques to locate carp in a lake such as releasing a tagged carp into the lake and tracking it.
- F. Receive Update on Next Generation Plan Development.** Administrator Jester provided an update on the Plan Steering Committee's March 25<sup>th</sup> meeting and on the small group meetings that have taken place and that are coming up. She explained the Committee's interest in getting information from GTS for assistance with planning and executing the June 13<sup>th</sup> Watershed Summit and commented that the organization worked with the City of Golden Valley on its Envision process. She provided information on the proposal that GTS submitted to the Commission. Administrator Jester said that the cost would be \$2,250 for the work as described in the proposal, which would include two GTS staff facilitating the Watershed Summit. She said that if the Commission wanted help planning the event but not using GTS to facilitate the Summit, the cost would be \$1,125 and the cost would be \$1,700 for GTS to provide one facilitator at the Summit.

Administrator Jester said that she liked GTS' ideas for the summit and recommends using GTS for the planning. She said that the issue of using internal vs external facilitators is really a Commission decision. Commissioner Welch moved to approve using GTS for help planning and facilitating the Watershed Summit at a cost not to exceed \$2,000. Commissioner Johnson seconded the motion. The motion carried unanimously 5-0 [Cities of Minnetonka, New Hope, Robbinsdale, and St. Louis absent from vote].

**7. ADJOURNMENT**

The meeting adjourned at 1:48 p.m.

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Amy Herbert, Recorder

Date

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Commission Secretary

Date