

Bassett Creek Watershed Management Commission

Minutes of the Special Meeting of September 6, 2007

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 3:00 p.m., Thursday, September 6, 2007 at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf, Secretary	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Len Kremer
<i>Medicine Lake</i>	Commissioner Cheri Templeman	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Chair		
<i>Minnetonka</i>	Commissioner Kris Sundberg (arrived after roll call)		
<i>New Hope</i>	Commissioner Daniel Stauner (arrived after roll call)		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair (arrived after roll call)		
<i>Robbinsdale</i>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	Commissioner Richard Johnson		

Also present:

- Jeannine Clancy, BCWMC Technical Advisory Committee, City of Golden Valley
- Bryan Dodds, Northstar Project - Mn/DOT
- Lois Eberhart, BCWMC Technical Advisory Committee, City of Minneapolis
- Lisa Goddard, Alternate Commissioner, City of Minneapolis
- Dave Hanson, Alternate Commissioner, City of Golden Valley
- Mike Herman, Kimley-Horn
- Kenny Horns, HGA
- Ed Hunter, MN Ballpark Authority
- Jenifer Loritz, Minneapolis Public Works
- Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
- Bob Moberg, BCWMC Technical Advisory Committee, City of Plymouth
- Donald Pflaum, City of Minneapolis
- Bo Spurrier, City of Minneapolis
- Stu Stockhaus, Alternate Commissioner, City of Crystal
- Elizabeth Thornton, Alternate Commissioner, City of Plymouth

5. New Business

- A. **City of Minneapolis' Proposed Modifications to Bassett Creek Tunnel.** Chair Welch announced that the single item of business on today's agenda is proposed modifications to the flow patterns and flow system to the new tunnel [double box culvert] in Minneapolis. Mr. Kremer explained that he would start today's discussion, followed by Mr. Spurrier with information on Minneapolis' infiltration program reducing the amount of stormwater tributary to the storm sewer, and concluded by Mr. Hunter with information about the Twins stadium and the urgency for the decision in front of the Commission today.

Mr. Kremer explained that the Commission is considering modifications to the watershed

tributary to the tunnel system that provides flood control for the City of Minneapolis. He said the tunnel system was built cooperatively by the City of Minneapolis, Mn/DOT and the BCWMC. Mr. Kremer said the current issue is in front of the Commission due to an agreement the BCWMC has with the City of Minneapolis. He explained that the agreement was developed in 2000 because of modifications that were made in the watershed boundary between Bassett Creek and the Mississippi WMO. He said that during the agreement process, the City of Minneapolis requested that a procedure be set in terms of how future modifications in the tunnel system or discharges to the tunnel should be handled. Mr. Kremer said the tunnel is completely outside of the boundaries of the Bassett Creek Watershed Management Commission but the agreement from 2000 says that the City will not make changes to the discharges to the tunnel without written approval of the Commission.

Mr. Kremer pointed out the tunnel systems on the map displays and handouts [*See attached map and August 29, 2007 Memorandum on the City of Minneapolis' Proposed Modifications to Bassett Creek Tunnel*]. He explained who participated in the construction of the different reaches, discussed the Commission's participation, and summarized the associated project costs.

Mr. Kremer said the City of Minneapolis would like to disconnect building rooftops in the watershed of the tunnel from the sanitary sewer and drain them to the old tunnel. Mr. Kremer said two subwatersheds, Twin and Duddy, labeled on the handouts, drain to a 36-inch pipe to the old Bassett Creek Tunnel. He said the City of Minneapolis would like to disconnect that 36-inch pipe and drain other areas to the tunnel that currently don't drain to that tunnel [Mr. Kremer pointed out the areas on the map.]

Mr. Kremer explained that the peaks from the different watersheds come in at varying times and they don't necessarily combine. He said what is important to consider is to try to figure out if the water from any of the areas draining into the tunnel combine more critically than they did in the original design. Mr. Kremer said that in the area upstream of the existing conduit entrance (Point B on the map) there is a historic flood level elevation of 813 and the low commercial building was at an elevation of 808.5. He said the purpose of the system was to get the flood level below the elevation of 808.5. Mr. Kremer explained that the evaluation of the proposal involves a determination of whether or not the peaks coincide more critically and if the change in discharge or increase peak causes a stage increase at the conduit entrance. It is important that the current flood level of the conduit entrance is below the low elevation of those buildings in that area, which was originally designed at 807.5.

Mr. Kremer said new calculated maximum flood level at point B is at an elevation of 806.6, which is less than what it was previously. Mr. Kremer highlighted that this new flood level elevation calculation is the critical information for the Commission. He said the Commission's purpose of its review is to make sure it is providing protection either equal to or better than the original system.

[Commissioner Sundberg arrived].

Chair Welch explained that the redevelopment site is in the jurisdiction of the Mississippi Watershed Management Organization and that the BCWMC won't review any of the water quality features of the project. Mr. Kremer stated that in the BCWMC's agreement with Mississippi WMO and the City of Minneapolis, the BCWMC agreed that water quality responsibilities for anything outside of the watershed including the areas in the boundary change being given to the Mississippi's jurisdiction are the responsibility of Mississippi. Mr. Kremer reminded the Commission that the agreement stated that any changes to the watershed area or the watershed characteristics tributary to the tunnel would need BCWMC review.

Mr. Kremer said the Commission at the time the modification was made to the boundary gave the responsibility for maintaining the old tunnel to the City of Minneapolis. He said the BCWMC in its *Watershed Management Plan* takes responsibility for the maintenance of the new tunnel, from Point B on the map all the way to the river. Ms. Loomis asked who is responsible for the maintenance from Point C to Point A on the map. Mr. Kremer said that is the responsibility of the City of Minneapolis.

Ms. Goddard asked if the original calculations of impervious surface area took into account the buildings that were directly connected to the sanitary sewer rather than the tunnel. Mr. Kremer pointed out an area on the map and said the original design assumed that area was 85% impervious even though the area was more impervious than that. He said the reason there was a reduction in the percent of impervious surface used in the model was because a lot of the buildings were directly connected to the sanitary sewer. Mr. Kremer said that the new assumption with those buildings disconnected from the sanitary sewer is that the area is 92% impervious.

Mr. Bo Spurrier handed out a different map that highlighted in yellow the buildings and areas of Minneapolis that currently drain to the sanitary sewer. He said city-wide the City of Minneapolis has about 360 acres of rooftop areas draining to the sanitary sewers. He said the City of Minneapolis has been compelled by the Metropolitan Council of Environmental Services to address that issue because it causes excess flow in the sanitary sewer. He said MCES has levied a surcharge against the City of Minneapolis until the City removes drainage into the sanitary sewers from the rooftop areas.

Mr. Spurrier stated that there is a 36-inch pipe running through the middle of the Twins Stadium site and the City proposes that pipe could be disconnected and the Twins Stadium storm sewer needs could instead be met with the new tunnel system (the double box culvert). Mr. Spurrier explained this arrangement would free up capacity in the 36-inch pipe and would therefore eliminate some street flooding occurring in the area and would also enable the rooftop area to be drained through the old Bassett Creek Tunnel.

Mr. Hunter stated that the Twins Stadium is situated on a site that is on top of the 36-inch pipe (running east-west) to the old tunnel. He said the double box culvert runs more or less underneath what will be the 3rd baseline. He explained the site will collect the runoff from the huge surface parking area as well as the plaza areas and the stadium itself. He said that tying into the double culvert system would allow the Ballpark to make a couple connections that would be more convenient than running to the single 36-inch. He said, however, that the Ballpark can accommodate its needs in either fashion. He said the urgency for the Twins project is that the pile driving has started and that the storm system needs to get into the ground this year. He said if it doesn't get into the ground this year, pretty soon there will be so much of the footings and other stadium structure in place that the storm system will have to go underneath, around, and through the structures. He said the practical progression is to get the underground systems in the ground first and protect and build around them. He said they are taking great pains to ensure that the integrity of the double box culvert is maintained during construction.

Ms. Sundberg asked if construction would continue regardless of the decision made by the Commission. Mr. Hunter said yes. He said the Minnesota Ballpark Authority has an obligation to Major League Baseball to open in 2010 and this was also dictated by the legislation that enabled the funding for the stadium.

Mr. Spurrier said that when Mr. Hunter says their construction will continue, what Mr. Hunter means is that the Minnesota Ballpark Authority would have to commit to using the 36-inch pipe for its storm system needs, which would therefore eliminate the City of Minneapolis' proposal to

disconnect that 36-inch pipe in order to free up capacity in order to eliminate some flooding and to accommodate the rooftop runoff from the disconnected leaders to the sanitary sewers.

Mr. Stockhaus asked if the gist of the consideration in front of the Commission is that if the flow were too great the water would come back into the Bassett Creek Watershed and cause problems? Chair Welch said he thinks Mr. Stockhaus is correct. Ms. Peterson said the Commission is also concerned about the structural integrity of the double box culvert being maintained.

[Commissioner Black arrived.]

Mr. LeFevere said the decision the Commission makes is constrained by the contract the Commission has with the Mississippi Watershed Management Organization and the City of Minneapolis. He reminded the Commission that the contract listed things that the Mississippi WMO and the City of Minneapolis can't do without the consent of the Commission. Mr. LeFevere stated that the contract gives a standard for the Commission's review of the decision. He summarized that the only reason this issue is before the Commission is that the contract states that neither the City of Minneapolis nor the Mississippi WMO can make new connections or increase the rate in the 10, 50, or 100-year event without Commission consent.

Mr. LeFevere commented that the only standard the Commission has to consider regarding giving its consent or not is if the proposed changes increase the first and second peak flows as defined in the agreement. Mr. LeFevere asked the Commissioners to refer to page 2 of the August 29, 2007 Memorandum regarding the proposed modifications to the Bassett Creek Tunnel. He said the three flows listed there are the designed peak flows and are the same flows in the agreement and are the standard against which the Commission is judging this project.

Mr. LeFevere said page 3 of the Memorandum lists the flows determined by modeling the proposed changes and one peak flow decreases, one peak flow remains the same, and one peak flow increases nominally from 1,314 cubic feet per second to 1,317 cubic feet per second. Mr. Kremer remarked that he considers 1,314 cfs and 1,317 cfs to be the same for the purposes in front of the Commission. Mr. Kremer said the maximum flood elevation of 807.5, which is what is was in the original design criteria, at the entrance of the double box culvert is a critical component for the Commission and it should be in the agreement. Mr. LeFevere said the Commission could consent with the contingencies that the agreement be modified to change the one peak flow from 1,314 cfs to 1,317 and to add the maximum flood elevation.

Ms. Eberhart asked if the language at this point could reflect a relationship to the current structure. Mr. Kremer said the language in the agreement could state one foot below the elevation of the critical structure.

Mr. Mathisen asked if the Commission gives its conditional consent to the City of Minneapolis' request, would the proposed changes to the agreement require Mississippi approval and would that affect the timing for the City of Minneapolis and the Minnesota Ballpark Authority.

Chair Welch said the Commission could make the approval and then outline changes to the agreement. Mr. LeFevere said the Commission could do that but then there will be no incentive for the City of Minneapolis and the Mississippi WMO to make the changes to the agreement.

Mr. LeFevere said another approach would be to make the agreement bilateral between the City of Minneapolis and the BCWMC on that one element. He said the BCWMC could make it conditional on Minneapolis' agreement. Mr. LeFevere said the year 2000 agreement between the BCWMC, the City of Minneapolis, and MMWMO states that certain issues require BCWMC

consent. He said the approach he is suggesting is that the BCWMC could give that written consent conditional upon a bilateral agreement between the BCWMC and the City of Minneapolis saying that additional criteria will be applied in addition to the ones in the 2000 agreement including the maximum flood elevation of 807.5 or one foot below the existing critical structure. Ms. Eberhart said that approach would not be a problem for the City of Minneapolis.

Mr. Moberg reported that the BCWMC Technical Advisory Committee discussed the City of Minneapolis' request for proposed modifications to the Bassett Creek Tunnel during TAC's meeting earlier today. He said TAC's review of the information presented to it identified that there were no adverse affects to the Bassett system. Mr. Moberg said the TAC felt the proposal is a solid idea and that the TAC recommended the Commission consent to the City of Minneapolis' proposal.

Ms. Sundberg asked if the Bassett Creek Watershed would be at a greater risk of flooding if the Commission doesn't approve the proposal. Mr. Kremer stated that the Bassett Creek Watershed would not be at a greater risk if it did not approve the proposal nor would it be at a greater risk if it did approve the proposal.

Ms. Black asked if the Mississippi WMO didn't agree with the action of the bilateral agreement could there be any kind of breach or other ramification.

Mr. LeFevere said the only risk to having the bilateral agreement between the BCWMC and the City of Minneapolis is if the Mississippi WMO itself did a capital project and made a connection and wanted approval and the Commission wanted to turn it down because it increased the flood stage. He said the Commission wouldn't be able to use the flood stage as the standard because it is not in the agreement between the BCWMC and the Mississippi WMO. He said that would only be a problem if there is not enough protection in the peak flow rates in the agreement. Mr. LeFevere said the circumstance is unlikely.

Mr. Kremer said the flood stage criteria would not need to be in the agreement because there is enough protection in the agreement from the flow rates. He said it would be desirable to have the maximum flood elevation in the original agreement.

Mr. LeFevere said if the Commission wants to approve the proposal by the City of Minneapolis, the Commission should direct staff to prepare for Chair signature written approval of the Minneapolis proposal as required by paragraphs 6.1.2 and 6.1.3 of the September 28, 2000 agreement.

Ms. Black moved the motion as stated by Mr. LeFevere. Ms. Templeman seconded the motion.

Chair Welch asked if it is necessary to change the one rate flow from 1,314 cfs to 1,317 cfs. Mr. LeFevere said it is so nominal he doesn't think it is necessary.

Ms. Eberhart asked if the map that accompanied the 2000 agreement could be updated. Mr. LeFevere asked what map she is referring to. Mr. Kremer said the 2000 agreement did not include the 1988 area. Ms. Eberhart said the updating of the map is not necessary for the project it would just be to get the information updated. Mr. LeFevere asked if the map attached to the 2000 agreement has anything mislabeled. Mr. Spurrier said the attachment is not a very sophisticated map. Mr. Kremer said he doesn't think the map Ms. Eberhart is referring to is an attachment to the 2000 agreement. Ms. Eberhart said the request is then moot.

Chair Welch asked if he could add a friendly amendment that the agreement be modified to add the criteria of flood levels of 807.5 feet.

Mr. LeFevere said that friendly amendment would slow the process down because it would require approval.

Mr. Moberg said the Commission could consider the friendly amendment as a separate motion.

Chair Welch withdrew his friendly amendment and directed staff to work with Ms. Eberhart to see if a staff recommended modification to the agreement can come forward at a future meeting.

The motion carried unanimously.

8. Adjournment

Chair Welch adjourned the meeting. The meeting adjourned at 4:40 p.m.

Michael Welch, Chair

Amy Herbert, Recorder

Pauline Langsdorf, Secretary

Date: _____