



## Bassett Creek Watershed Management Commission

### Minutes of the Regular Meeting February 21, 2013, 11:30 a.m. Plymouth City Hall

#### Commissioners and Staff Present:

|                  |   |                |  |
|------------------|---|----------------|--|
| Crystal          | Commissioner Dan Johnson  | Robbinsdale    | Commissioner Wayne Sicora                  |
| Golden Valley    | Commissioner Stacy Hoschka,<br>Treasurer                              | St. Louis Park | Commissioner Jim de Lambert, Vice<br>Chair |
| Medicine<br>Lake | Commissioner Ted Hoshal,<br>Secretary                                 | Administrator  | Laura Jester                               |
| Minneapolis      | Alternate Commissioner Lisa<br>Goddard/ Commissioner Michael<br>Welch | Attorney       | Charlie LeFevere                           |
| Minnetonka       | <i>Not represented</i>  | Engineer       | Karen Chandler                             |
| New Hope         | Alternate Commissioner Pat<br>Crough                                  |                |  |
| Plymouth         | Alternate Commissioner Bob Stein                                      |                |  |

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

|   |  |
|---|--|
| Derek Asche, TAC, City of Plymouth                            | Linda Loomis, BCWMC Next Generation Plan Steering<br>Committee Chair |
| Scott Brink, TAC, City of St. Louis Park                      | Tom Mathisen, TAC, City of Crystal                                   |
| Christopher Gise, Resident, City of Golden Valley             | Richard McCoy, City of Robbinsdale                                   |
| Dave Hanson, Alternate Commissioner, City of<br>Golden Valley | Jeff Oliver, TAC, City of Golden Valley                              |
| Chris Long, TAC, City of New Hope                             | Liz Stout, TAC, City of Minnetonka                                   |

#### 1. CALL TO ORDER AND ROLL CALL

On Thursday, February 21, 2013, at 11:33 a.m., Vice 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 Crystal, Minneapolis, Minnetonka, and Robbinsdale were absent from the roll call.

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

No citizen input

**3. AGENDA**

Commissioner Hoshal moved to approve the agenda. Alternate Commissioner Stein seconded the motion. The motion carried unanimously 5-0 [Cities of Crystal, Minneapolis, Minnetonka, and Robbinsdale absent from vote].

*[Commissioner Dan Johnson of Crystal arrives]*

**4. CONSENT AGENDA**

Vice Chair de Lambert requested the removal of item 4H – Approval of Recording Secretary Rate Adjustment and Language Update to Service Agreement – from the Consent Agenda so that the agreement could be reviewed and discussed. He said that the item would become agenda item 6F. Commissioner Hoshal requested the removal of item 4E – Approval of Golden Valley Pavement Management Plan – off of the Consent Agenda to item 6G under New Business. Commissioner Johnson moved to approve the Consent Agenda as amended. Commissioner Hoshal seconded the motion. The motion carried unanimously 6-0 [Cities of Minneapolis, Minnetonka, and Robbinsdale absent from vote].

[The following items were approved as part of the Consent Agenda: the January 17, 2013, BCWMC meeting minutes, the February Financial Reports, payment of the invoices, Payment of the Reimbursement Request from the City of Crystal for the North Branch project and in the amount of \$177,815.30, Approval of the Tiburon Site Redevelopment Project, Approval of the Metropolitan Council Grant Agreement for the Metropolitan Area WOMP Program, and Approval of the Contract with Wenck for 2013 WOMP Services, and approval of Resolution 13-02 Approving the Transfer of the Fiscal Year 2012 TMDL Budget of \$10,000 from the BCWMC’s Administrative Account to the TMDL Account.] The general and construction account balances reported in the February 2013 Financial Report for Fiscal Year 2012 are as follows:

|  |                       |
|--|-----------------------|
| Checking Account Balance                               | \$380,612.55          |
| <b>TOTAL GENERAL FUND BALANCE</b>                      | <b>\$380,612.55</b>   |
| <b>TOTAL CASH &amp; INVESTMENTS ON-HAND (2/12/13)</b>  | <b>\$2,923,653.72</b> |
| CIP Projects Levied – Budget Remaining                 | (\$2,476,661.24)      |
| Closed Projects Remaining Balance                      | \$446,992.48          |
| 2012 Anticipated Tax Levy Revenue                      | \$7,597.64            |
| Anticipated Closed Project Balance                     | \$454,590.12          |
| 2013 Proposed & Future CIP Project Amount to be Levied | \$196,000.00          |

The general and construction account balances reported in the February 2013 Financial Report for Fiscal Year 2013 are as follows:

|  |                       |
|--|-----------------------|
| Checking Account Balance                               | \$792,144.92          |
| <b>TOTAL GENERAL FUND BALANCE</b>                      | <b>\$792,144.92</b>   |
| <b>TOTAL CASH &amp; INVESTMENTS ON-HAND (2/12/13)</b>  | <b>\$2,923,653.72</b> |
| CIP Projects Levied – Budget Remaining                 | (\$2,665,759.64)      |
| Closed Projects Remaining Balance                      | \$257,894.08          |
| 2013 Anticipated Tax Levy Revenue                      | \$986,000.00          |
| Anticipated Closed Project Balance                     | \$1,243,894.08        |
| 2014 Proposed & Future CIP Project Amount to be Levied | \$0.00                |

*[Alternate Commissioner Lisa Goddard of Minneapolis arrives]*

## 5. ORGANIZATIONAL MEETING

- A. Appoint BCWMC Officers for 2013.** The commissioners discussed the officer responsibilities and individuals indicated their interest in serving as officers. Vice Chair de Lambert called three times for nominations for the Chair, Vice Chair, Treasurer and Secretary. Vice Chair de Lambert moved to approve the current slate of officers to continue as the officers for the Commission’s fiscal year 2013 [Chair Ginny Black, Vice Chair Jim de Lambert, Secretary Stacy Hoschka, Treasurer Ted Hoshal]. Commissioner Johnson seconded the motion. The motion carried unanimously 7-0 [Cities of Minnetonka, and Robbinsdale absent from vote].
- B. Appoint Committee Chairs.** Vice Chair de Lambert and Administrator Jester provided background on the Commission’s current Committees and their Chairs and memberships. Commissioner Hoshal requested that the Commission authorize someone to attend the West Metro Water Alliance (WMWA) meetings as the Commission representative. Vice Chair de Lambert moved to approve the current slate of Chairs and memberships to continue for the Commission’s fiscal year 2013. Alternate Commissioner Goddard seconded the motion. The motion carried unanimously 7-0 [Cities of Minnetonka, and Robbinsdale absent from vote].

*[Commissioner Wayne Sicora of Robbinsdale arrives]*

- C. TAC Liaison Process/ Schedule.** The Commission decided to continue its past practice of having a commissioner or alternate commissioner attend, on a rotating basis, the TAC meetings.
- D. Order Preparation of the 2012 Annual Report.** Administrator Jester noted that the Commission budgeted \$2,000 for the 2012 annual report. She stated that since she wasn’t the Administrator for the

Commission in 2012 it would be time consuming for her to prepare the report and she suggested that she coordinate with Karen Chandler and Amy Herbert to prepare the report. Commissioner Hoshal moved to order the preparation of the report with the Administrator and staff coordinating the work. Alternate Commissioner Crough seconded the motion. The motion carried unanimously 8-0 [City of Minnetonka absent from vote].

*[Commissioner Michael Welch of Minneapolis arrives]*

## 6. NEW BUSINESS

**A. Discuss 2013 Budget and Carryover Process.** Administrator Jester explained that since it is the first meeting of the Commission's new fiscal year, the 2013 budget table, assessment table, and the line-item description were included in the packet for the Commission's review. She described the information that came out of her meeting with the Commission's Deputy Treasurer Sue Virnig regarding the budget carry-over process. Administrator Jester said that the Commission can use the note section at the bottom of its budget table to note the Commission's carryovers such as the Commission's decision last month to carryover unspent 2012 funds for the XP-SWMM Model and the P8 Water Quality Model into 2013. Ms. Chandler noted that the Commission also authorized to carryover \$5,000 in the Surveys and Studies budget from 2012 into 2013. Vice Chair de Lambert said that Ms. Virnig said that there is not a specific timeframe within which the Commission needs to handle its carryovers but that the timeframe should not extend more than one year. He said that he did not see any need for additional Commission action at this time.

**B. Discuss Draft Feasibility Report for Twin Lake Project.** Ms. Chandler provided background on the project, which started in 2009 when the Commission started seeing data showing increased phosphorus levels in the lake. She described the two-year study that culminated in a 2011 report, which concluded that the high phosphorous loadings likely were due to internal loading in the lake due to low dissolved oxygen in the bottom of the lake and aggravated by the rising water temperatures experienced by the lake. Ms. Chandler described the six management options investigated as part of the feasibility study and said that they included ways of binding the phosphorous, removing the phosphorus from the lake, or reducing algae growth: hypolimnetic withdrawal, sediment phosphorous inactivation, biomanipulation, barley straw, aeration, and dredging.

Ms. Chandler explained that the study determined that the most feasible of the six options, when considering cost, probability for success, and maintenance, is alum treatment. She said that the alum treatment has a relatively low cost of \$148,000, a high probability of success to reduce the internal phosphorous load, and there is no maintenance. She said that an indirect benefit is that alum applications frequently result in increased dissolved oxygen. She said that the study recommends splitting the alum treatment into two parts: the first time in 2014 and the second time in 2017. Ms. Chandler described the permits required for the work and the coordination needed with the Minneapolis Park and Recreation Board (MPRB). Alternate Commissioner Crough asked if the \$148,000 cost estimate covers both parts of the treatment. Ms. Chandler responded yes.

Ms. Loomis asked if there has been any talk of the Minnesota Pollution Control Agency (MPCA) looking at their standards in light of climate change. Ms. Chandler said that she hasn't heard of any review by the MPCA on this issue. Vice Chair de Lambert said that he would be interested in knowing if the change in the lake water temperature correlated with the change in the ground water temperature. Ms. Chandler said that the

study did collect the information about the lake water temperature but not the ground water temperatures. There was discussion about the topic of water temperature changes.

Commissioner Welch asked about the fishery of Twin Lake, in particular about the carp population, and asked to what degree the lake's possible carp population could affect the alum treatment. He said that he wouldn't want the Commission to conduct the alum treatment and then look back and see that its effectiveness was greatly diminished due to carp in the lake. Commissioner Hoshal expressed his concern that the alum treatment is treating a symptom instead of the problem and commented that it seems that if the low dissolved oxygen due to the rising lake temperatures led to the increase in phosphorus then the same issue should have been seen in other lakes. The group discussed both issues.

Vice Chair de Lambert asked Ms. Chandler what action is needed today. Ms. Chandler described the Commission's options with the feasibility report and the project. The Commission discussed the options.

Commissioner Welch moved to approve the feasibility study and to direct the Commission Engineer to include in the project design an assessment of the existing data of the fisheries in the lake and also to include in the design a fisheries assessment of the lake, which the Commission could order at the same time as the project. Commissioner Hoschka seconded the motion. There was discussion of the estimated cost of the project and the potential cost of a fisheries assessment. Ms. Chandler asked for clarification of the motion in terms of the fishery assessment. Commissioner Welch said that his motion includes that the Commission Engineer find out if carp are part of the problem and to include in the project design information on the fishery and an assessment of the fishery, recognition of any gap, and a recommendation on what to do. Ms. Chandler said that it sounds like the Commission is not asking for any change in the feasibility study but is asking for information in addition to the report. The Commission agreed. Commissioner Hoshal asked if there is a chance that the Minnesota Department of Natural Resources would do a fish study of Twin Lake. Administrator Jester said that she would investigate. Mr. LeFevere reiterated that the motion made by Commissioner Welch and seconded by Commissioner Hoschka: The motion carried unanimously 8-0 [City of Minnetonka absent from vote].

- C. Order Submittal of Major Plan Amendment to BWSR.** Ms. Chandler described the draft Major Plan Amendment presented in the meeting packet. She explained that the plan amendment is to add three projects to the Commission's CIP (Capital Improvement Program): Schaper Pond modification project, Twin Lake alum treatment project, and the Briarwood/ Dawnview water quality pond project. Commissioner Welch asked when the Commission would see the feasibility report for the Briarwood/ Dawnview project. Mr. Oliver said hopefully next month. Commissioner Welch moved to approve the Major Plan Amendment request and submit it to BWSR, signed by Vice Chair de Lambert and with comments to be returned to Administrator Jester. Commissioner Hoschka seconded the motion. The motion carried unanimously 8-0 [City of Minnetonka absent from vote].

#### **D. TAC Recommendations**

- i. Continue to Receive Engineering Services from Barr Engineering Company. Mr. Asche summarized the TAC's recommendation that the Commission continue to receive engineering services from Barr Engineering Company and take the solicitation process for engineering services no further. Commissioner Johnson moved to approve the Commission continuing to receive engineering services from Barr Engineering Company. Commissioner Welch seconded the motion with the addition that the Administrator informs the other respondents of the Commission's decision. Commissioner Johnson agreed to the friendly amendment to the motion. The motion carried unanimously 8-0 [City

of Minnetonka absent from vote].

- ii. **Mn/DOT Mill and Overlay Project on Highway 169, from Highway 55 to 77<sup>th</sup> Avenue North and MPRB Design Charette Regarding Bottineau Transitway.** Mr. Asche described Mn/DOT's fast track advancement on the mill and overlay project and the TAC's discussion of the project. Mr. Oliver stated that the TAC is looking for the Commission to authorize the Commission Engineer to be involved in meetings and discussions about the project.

Ms. Loomis described the goals of the Minneapolis Park and Recreation Board's (MPRB) design charette for the Bottineau Transitway. Mr. Asche described how areas of the Bassett Creek Watershed potentially could be affected by the Transitway and said that it makes sense to have the Commission Engineer at the Design Charette.

The Commission directed the Commission Engineer to attend the MPRB Design Charette and to be involved in Mn/DOT meetings and discussions about the mill and overlay project.

Mr. Asche recommended cancelling the March 7<sup>th</sup> TAC meeting due to scheduling conflicts for some of the TAC members and due to the fact that the issues that the TAC is working on can be delayed until the April 4<sup>th</sup> TAC meeting. The Commission agreed with the recommendation.

- E. **Discuss 2013 CAMP Participation.** Commissioner Sicora moved to approve participating in the 2013 CAMP program for the same seven lakes as the Commission's 2012 CAMP participation [Medicine Lake, Medicine Lake Site 2, Northwood Lake, Sweeney Lake South Site, Twin Lake, Westwood Lake, and Parkers Lake]. Commissioner Hoshal seconded the motion. There was discussion about the Commission's larger budget for CAMP in 2013 compared to the 2012 budget. Commissioner Sicora made the friendly amendment to authorize the Commission Engineer to include up to three additional lakes in the 2013 CAMP program based on the Commission Engineer's evaluation and recommendation. Commissioner Hoshal approved the friendly amendment. The motion carried unanimously 8-0 [City of Minnetonka absent from vote]. The Commission directed the Administrator to communicate the Commission's participation and list of lakes to Brian Johnson of the Metropolitan Council Environmental Services.

*[The Commission took a break to recognize TAC member Tom Mathisen on his award of City Engineer of the Year by the City Engineers Association of Minnesota.]*

**F. Approval of Recording Secretary Rate Adjustment and Language Update to Service**

**Agreement.** Mr. LeFevere described the two changes being requested by the Recording Secretary to the Service Agreement. He said that if the Commission is comfortable with those two changes, the Commission could direct the Administrator to confirm in writing to the Recording Secretary that those two sentences have been changed. Alternate Commissioner Stein moved to approve the request. Commissioner Hoshal seconded the motion. The motion carried unanimously 8-0 [City of Minnetonka absent from vote]. Commissioner Welch requested that staff send a copy of the revised agreement to the Commission members for their files.

- G. **Approval of Golden Valley 2013 Pavement Management Plan.** Commissioner Hoshal said he pulled this item off of the Consent Agenda because he wanted to know if there were plans to undertake any alternative management practices. Jeff Oliver described the project and the proposed practices to be used. Mr. Oliver and Ms. Chandler responded to Commission questions about the project. Commissioner Welch said that it sounds to him like there will be an overall improvement for water quality with this project. He asked Mr. Oliver if he was confident about attaining an improvement. Mr. Oliver responded yes. Commissioner Hoschka moved to approve the project with the Commission Engineer's recommendations as listed in the

Engineer memo in the meeting packet. Commissioner Hoshal seconded the motion. The motion carried unanimously 8-0 [City of Minnetonka absent from vote].

## 7. OLD BUSINESS

- A. Discuss Letters of Interest from Legal Consultants.** Administrator Jester reported that the Commission received two letters of interest and recommended that the Commission retain the services of its current counsel, Kennedy & Graven. Commissioner Welch moved to approve retaining the legal services of Kennedy & Graven and for the Administrator to send out a letter of decision notification to the other applicant. Commissioner Sicora seconded the motion. The motion carried unanimously 7-0 [Cities of Minnetonka and Plymouth absent from vote].
- B. Approval of 2013 WMWA Agreement.** Administrator Jester described the agreement and explained the request from WMWA that prompted the new agreement. There was discussion of the agreement. Commissioner Sicora moved to accept the agreement. Commissioner Hoshal seconded the motion. Commissioner Welch commented that he doesn't have a good sense of what the Commission is getting in the Bassett Creek Watershed for this participation. There was discussion of Commissioner Welch's comment. The Commission decided to request that WMWA come in front of the Commission to make a short presentation about WMWA activities. The motion carried unanimously 8-0 [City of Minnetonka absent from vote].
- C. Next Generation Plan Update.**
- i. **Review Plan Process, Budget, Steps.** Administrator Jester reported on the progress with the Next Generation Plan. The Commission discussed the Next Generation Plan update budget. Commissioner Welch moved to approve the Next Generation Watershed Management Plan Proposed Plan Steps and Schedule and the budget as presented by Administrator Jester, and to submit the necessary information to the Minnesota Board of Water and Soil Resources. Commissioner Sicora seconded the motion. The motion carried unanimously 8-0 [City of Minnetonka absent from vote].  
  
Administrator Jester noted that the time she spends working on Next Generation Plan activities will be invoiced to the Administrator budget and not to the Next Generation Plan budget. She said that the time that the Commission Engineer spends talking about the Next Generation Plan at TAC meetings or Plan Steering Committee meetings isn't being billed to the Next Generation Plan budget. Commissioner Welch said that the Commission may need to revisit that practice in the future but it doesn't need to be addressed now.
  - ii. **Update on Public Input Process.** Administrator Jester reported on the Plan Steering Committee's January 28<sup>th</sup> meeting and activities completed or in progress for the public input process. Alternate Commissioner Goddard and Commissioner Welch reported on the upcoming presentations at neighborhood meetings, including the March 30<sup>th</sup> joint meeting with the MPRB. Plan Steering Committee Chair Linda Loomis reported on upcoming next steps in the process.

*[Commissioner Hoschka and Alternate Commissioner Stein depart meeting.]*

- D. Approval of Resolution to Modify the BCWMC's Joint Powers Agreement (JPA) due to its upcoming expiration.** Mr. LeFevre explained the resolution and the timeline necessary for Commission

action as well as his recommendation for the Commission to begin the process of submitting the modified resolution to the member cities for signature. He said that the Commission would need to decide through which contacts it wants to distribute the request to the member cities. Ms. Loomis recommended that the Commission first submit a notification about the impending request to the cities from the Commission through the City Managers.

Commissioner Welch explained an amendment to the JPA that he drafted and that would enable the Commission to compensate members serving on the BCWMC. There was extended discussion about the proposed modification and potential courses of action by the Commission. Commissioner Sicora moved to direct the Administrator to prepare a letter to the member cities detailing the recommendation of the Commission regarding the proposed JPA revisions, send the letter to the cities to notify them of the expiration of the JPA, include a draft of the amended JPA, and ask for comments. Commissioner Hoshal seconded the motion.

Commissioner Welch made a motion to amend the motion to draft a letter to the cities explaining the Commission’s need to amend the JPA, enclosing with the letter the draft amendment and a resolution for city council consideration, asking for city feedback, and including the letter in next month’s packet for approval by the Commission. The motion carried 6-1, with 6 votes in favor and 1 vote against by the City of Golden Valley [Cities of Minnetonka and Plymouth absent from vote].

The amended motion carried 6-1, with 6 votes in favor and 1 vote against by the City of Golden Valley [Cities of Minnetonka and Plymouth absent from vote].

## 8. COMMUNICATIONS

### A. Administrator

- i. Administrator Jester said that she is open to Commission feedback on her Administrator memo.

### B. Chair: No Chair Communications

### C. Commissioners

- i. Commissioner Welch reported on a meeting with volunteers who requested his input on behalf of the Commission for a memorial.
- ii. Commissioner Hoshal announced upcoming events.
- iii. Commissioner Hoshal commented on the Star Tribune editorial expressing concern about triclosan. The Commission discussed the editorial and its findings.
- iv. Commissioner Welch requested that the Commission request a presentation of the State of the River report.

### D. Committees: No Committee Communications

### E. Legal Counsel: No Legal Communications

### F. Engineer:

- i. Ms. Chandler announced that a take-away from her conversation with BWSR regarding the Clean Water Fund grant application process is that the Commission needs to talk to the different agencies that are involved in the scoring to make sure everyone is on the same page with respect to permitting and their support of the project.

## 9. ADJOURNMENT

The meeting adjourned at 2:45 p.m.

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Chair

Date

Amy Herbert, Recorder

Date

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Secretary

Date