



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting May 15, 2014 Golden Valley City Hall, 8:30 a.m.

Commissioners and Staff Present:

| | | | |
|---------------|---------------------------------------|----------------|--------------------------------------|
| Crystal | Commissioner Guy Mueller, Vice Chair | Robbinsdale | <i>Not represented</i> |
| Golden Valley | Commissioner Stacy Hoschka, Treasurer | St. Louis Park | Commissioner Jim de Lambert, Chair |
| Medicine Lake | Commissioner Clint Carlson | 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 | | |

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

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| Derek Ashe, TAC, City of Plymouth | Jane McDonald Black, Alternate Commissioner, City of Golden Valley |
| Constance Bonniwell, Minneapolis resident | Jeff Oliver, TAC, City of Golden Valley |
| Terrie Christian, Plymouth resident, Medicine Lake lakeshore property owner | Rachel Olmanson, MPCA |
| Joe Fox, TAC, City of Golden Valley | John O'Toole, Alternate Commissioner, City of Medicine Lake |
| Erick Francis, TAC, City of St. Louis Park | David Stack, Minneapolis resident |
| Christopher Gise, Golden Valley resident | Liz Stout, TAC, City of Minnetonka |
| Chris Long, TAC, City of New Hope | Peter Tiede, Murnane Brandt |
| Richard McCoy, TAC, City of Robbinsdale | Robert White, Friends of Northwood Lake Association |

1. CALL TO ORDER AND ROLL CALL

On Thursday, May 15, 2014, at 8:35 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. The Cities of Minnetonka, New Hope, and Robbinsdale were absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No items were brought forward.

3. AGENDA

Commissioner Black moved to approve the agenda. Alternate Commissioner Mueller seconded the motion. Upon a vote, the motion carried 6-0 [Cities of Minnetonka, New Hope, and Robbinsdale absent from vote].

4. CONSENT AGENDA

Chair de Lambert requested to remove from the Consent Agenda 4C – Financial Report and 4D – Payment of Invoices and to add them to the Business agenda as 5A1. Commissioner Welch requested the removal of item 4F – Approval of Comments on the Draft EIS for the Bottineau Transitway Project. Chair de Lambert said it would be added to the Business Agenda as 5A2. Commissioner Hoschka moved to approve the Consent Agenda as amended. Commissioner Black seconded the motion. Upon a vote, the motion carried 6-0 [Cities of Minnetonka, New Hope, and Robbinsdale absent from vote].

[The following items were approved as part of the Consent Agenda: the April 14, 2014 Commission Workshop minutes, the April 17, 2014 BCWMC meeting minutes, response to comments on Major Plan Amendment, accept and authorize distribution of fiscal year 2013 financial audit, accept Fernbrook Lane emergency culvert replacement (Plymouth), approval of Lock-Up Storage Facility project (Golden Valley), and approval of comment letter on draft bacteria TMDL report.]

The general and construction account balances reported in the Financial Report prepared for the May 15, 2014, meeting are as follows:

| | |
|---|------------------|
| Checking Account Balance | \$735,455.00 |
| <hr/> | |
| TOTAL GENERAL FUND BALANCE | \$735,455.00 |
| <hr/> | |
| TOTAL CASH & INVESTMENTS ON-HAND (5/7/14) | \$2,621,520.95 |
| <hr/> | |
| CIP Projects Levied – Budget Remaining | (\$2,874,430.73) |
| <hr/> | |
| Closed Projects Remaining Balance | (\$252,909.78) |
| <hr/> | |
| 2013 Anticipated Tax Levy Revenue | \$9,662.09 |
| <hr/> | |
| 2014 Anticipated Tax Levy Revenue | \$895,000.00 |
| <hr/> | |
| Anticipated Closed Project Balance | \$651,752.31 |
| <hr/> | |

5. BUSINESS

5A1. BCWMC Financial Report and Payment of May Invoices

Administrator Jester explained that the financial report had been revised to include an invoice in the amount of \$405.00 to Schmitt and Sons Transportation for the Commission's upcoming watershed tour bus transportation. Commissioner Black moved to accept the financial report and pay the invoices. Commissioner Hoschka seconded the motion. Upon a vote, the motion carried 6-0 [Cities of Minnetonka, New Hope, and Robbinsdale absent from vote].

5A2. Approval of Comments on the Draft EIS for the Bottineau Transitway Project

Engineer Chandler described the current alignment of the project and noted that there are a lot of wetland and floodplain impacts with the alignment that would need mitigation. Commissioner Welch added that he thinks that the Commission's comments should state that the Commission would like to work with the Bottineau Transitway Project throughout the process. He said that he is nervous about the steep slopes along the alignment and along the creek in Minneapolis and that the Commission's comments should emphasize that the Commission is doing a capital project in the area before the Bottineau project will be done.

Mr. Oliver said that the City of Golden Valley's comments are still being drafted but do include many of the same comments that are in the Commission's comments. He said that the City's comments will include that no increase in upstream flood stage will be acceptable.

Commissioner Black said that she generally agrees with the draft comment letter and that it raises all of the issues that the BCWMC needs to raise. She said that she is most concerned with the runoff coming from hard surfaces and how it will be addressed. She commented that the Commission should communicate its rules. Commissioner Welch said that he assumes that the project will come to the Commission for Engineer review, and he commented that the Commission has no permitting program, so the burden would fall on the cities of Minneapolis and Golden Valley to implement, in terms of water quality, with the Commission's assistance.

Mr. Oliver reported that the station area planning process is underway for the first group of stations from Minneapolis through Golden Valley. He said that the City of Golden Valley has staff on the Technical Advisory Committee for that process. He relayed that the City of Golden Valley's message to both the Rail Authority and the Metropolitan Council is that the City will be involved in the preliminary design, if and when that moves forward. Mr. Oliver explained that both the Rail Authority and Metropolitan Council are well aware of the Commission's CIP water quality project immediately adjacent to the rail corridor.

Engineer Chandler remarked that because of the tight corridor of the proposed alignment, her biggest concern is how the erosion and sediment will be handled during construction. There was a discussion about how this could be addressed.

Commissioner Welch recommended that the Commission could direct Engineer Chandler and Administrator Jester to attend some of the project design meetings. He suggested asking Mr. Oliver to be a liaison and to communicate about upcoming meetings that Engineer Chandler and/or Administrator Jester should attend. Commissioner Black recommended that the Commission direct the Administrator to go and she can decide when the Commission Engineer will go since many of the Commission's TAC members/ City Engineers will be involved for their cities already.

Engineer Chandler summarized the comments that she will add to the letter based on today's comments.

Ms. Constance Bonniwell provided comments and stated that Hennepin County chose alignment D1 as it is the

cheapest option. She requested that the Commission maintain its focus of protecting the wetlands. She noted that the locally-preferred option is for no light rail and instead to provide rapid bus transit. Ms. Bonniwell described many details of the proposed project and her participation in many public meetings about the project.

Commissioner Welch moved to:

- direct the Commission Engineer to include in the comment letter an emphasis on the Commission's CIP project and the need to plan and design the project to ensure the integrity of the Commission's project;
- authorize the Administrator and, at the Administrator's discretion, the Commission Engineer to attend the station area plan process meetings; and,
- authorize Chair de Lambert to review and sign the final comment letter for submission by the Commission Engineer.

Commissioner Black seconded the motion. Upon a vote, the motion carried 6-0 [Cities of Minnetonka, New Hope, and Robbinsdale absent from vote].

A. Consider Agreement with the City of New Hope for Development of Feasibility Study for Northwood Lake Improvements Project

Administrator Jester explained that this is the time of year to start the CIP process for 2016 projects and is the time to authorize the drafting of the feasibility study for the Northwood Lake Improvements Project. She said that Stantec prepared a proposal for doing the feasibility study and the proposal is in the meeting packet. Mr. Long reported that New Hope's City Council approved going forward with the Cooperative Agreement with the BCWMC and if the BCWMC approves the Cooperative Agreement then the City of New Hope will sign the agreement with Stantec for the feasibility study.

Commissioner Black moved to approve entering into the Cooperative Agreement. Commissioner Carlson seconded the motion. Commissioner Welch commented that it is really important that the City of New Hope is aware of the context within which improvements to Northwood Lake should be assessed. He recommended that the Administrator provide New Hope and its consultant with copies of the Commission meetings minutes where improvements to Northwood Lake have been discussed, especially in relation to the proposed project in Plymouth that hasn't moved forward yet. Commissioner Welch encouraged the consultant to work closely with the Commission Engineer and to ask questions that may be helpful in preparing the study.

Engineer Chandler added that the P8 model is up and running and may be useful as the City and consultant are looking at alternatives.

Mr. Robert White of the Friends of the Northwood Lake Association remarked that the Association is in support of the project. He described the condition of the lake and said that the Association is in favor of reducing sediments, phosphorous, and the goose population.

Mr. Long said that the City will work closely with all of the parties. He said that in May, June, and July the City will be meeting with all of the stakeholders. Commissioner Black said that New Hope provided the City of Plymouth with a document that detailed all of the projects and work done to help the quality of Northwood Lake and suggested that the document be made available to the Commission. Mr. Long said that he will send it to Administrator Jester.

Administrator Jester reviewed the timeline and process for the 2016 CIP projects. She noted that a process is being developed regarding post-construction final reporting.

Upon a vote, the motion carried 6-0 [Cities of Minnetonka, New Hope, and Robbinsdale absent from vote].

B. Update on Watershed Tour

Administrator Jester updated the Commission about the May 29th watershed tour details and asked for authorization from the Commission to modify the bus reservation to a larger bus than the one currently reserved in the case that it is necessary based on RSVPs. She said that the larger bus would be an additional cost of \$130. Commissioner Mueller moved to authorize the Administrator to rent a larger bus if necessary. Commissioner Welch seconded the motion. Upon a vote, the motion carried 6-0 [Cities of Minnetonka, New Hope, and Robbinsdale absent from vote].

C. Update on Medicine Lake Water Level Issue and Conversations between Commissioners and Cities

Administrator Jester reminded the Commission that at one of its previous meetings the Commission decided that the members would talk with their city representatives regarding the Medicine Lake water level issue. She asked if anyone had any updates for the Commission based on those conversations. Commissioner Mueller provided comments from the City of Crystal. Commissioner Black provided comments. Mr. Asche said that he thinks that the next step is for the cities of Plymouth and Medicine Lake to discuss collaborating on a possible study.

Commissioner Carlson announced that the City of Medicine Lake City Council approved signing a JPA amendment extending the term by two years instead of ten years. He said that this term will allow the City of Medicine Lake to carefully analyze what is best for Medicine Lake, the residents, and the whole system.

Mr. LeFevere explained that the two-year proposal would need to go back to all the member cities for approval.

Administrator Jester reported that to-date the cities of Golden Valley, Plymouth, New Hope, Robbinsdale, and Minnetonka have already signed the amended Joint Powers Agreement (JPA) as originally proposed and that St. Louis Park has communicated that it will sign it next Monday

There was extensive discussion on the two-year term proposal, what a study of the Medicine Lake water level issue would entail and cost and who would pay for it, concerns over the bounce of Medicine Lake and the risk of flooding, what the City of Medicine Lake proposes would occur in those two years so that the watershed organization would not be in this same position two years from now, and what the other member cities would need in order to consider the two-year JPA proposal.

D. Contingency Plans in Event of JPA Expiration

Mr. LeFevere pointed out that in order for this organization to exist the member cities need to sign a Joint Powers Agreement. He summarized what the current JPA states about the dissolution of the organization, and he provided an overview of what would need to be handled in the case of dissolution. Mr. LeFevere explained that according to State Law, if the joint powers organization dissolves, the County would form a watershed district.

Mr. LeFevere discussed the information in his May 6, 2014, memo "Potential Dissolution of Bassett Creek Watershed Management Commission." He outlined the next steps that the Commission could take. He recommended that at either this meeting or the next meeting the Commission form a committee or charge an existing committee to focus on these issues.

There was an extensive discussion about the next steps that the Commission should take. Commissioner Black recommended that the Administrative Services Committee take on the role of discussing these issues and that anyone interested can participate or join the Committee.

Commissioner Mueller moved to direct the Administrative Services Committee and Legal Counsel to meet with the Medicine Lake City Council to discuss the situation and the implications of the two-year extension and of possible dissolution of the organization. Commissioner Black seconded the motion. Commissioner Black suggested that commissioners talk to their cities about the two-year proposal and bring that information back to the Commission next month. Upon a vote, the motion carried 6-0 [Cities of Minnetonka, New Hope, and Robbinsdale absent from vote].

[Commissioner Hoschka and Commissioner Welch depart the meeting. Alternate Commissioner McDonald Black assumes representation for City of Golden Valley.]

E. TAC Recommendations

i. 2015 Water Quality Monitoring Program

Mr. Fox reported on the TAC's meeting and presented the TAC's recommendations:

- Eliminate Crane Lake from the Commission's 2015 water quality monitoring program and revisit data needs from Crane Lake in 2016 in coordination with the City of Minnetonka's water quality monitoring program.
- Include the proposed "enhanced" biotic index monitoring and data analysis in 2015.
- The Commission Engineer continue the full reporting of results and trend analyses of the annual water quality monitoring program as is current practice.

ii. Responsible Parties and Funding of Flood Control Project

Mr. Fox explained that the TAC had a long conversation with legal counsel on the roles and responsibilities for the Flood Control Project. Mr. Fox presented the TAC's recommendations:

- The Commission continues to be responsible for the annual, five-year (20-year for the tunnel) inspection of the Flood Control project features and the follow-up reporting.
- The cities be responsible for debris removal, brushing, tree removal, and general maintenance and repairs (except for major maintenance and repairs) of the Flood Control Project features.
- The policies in the Next Generation Watershed Management Plan reflect the above along with other current practices.
- The Next Generation Watershed Management Plan include a policy stating the Commission will determine the responsibilities and funding mechanisms for major rehabilitation and replacement during the first five years of the plan.
- Further discussion and prioritization by the TAC and/or Commission on maintenance of the CIP projects and major rehabilitation of the Flood Control Project features.

Commissioner Black moved to approve the TAC's recommendations as presented. Alternate Commissioner McDonald Black seconded the motion. Upon a vote, the motion carried 5-0 [Cities of Minneapolis, Minnetonka, New Hope, and Robbinsdale absent from vote].

F. Review Draft 2015 Operating Budget, Assessments to Cities, Budget Detail Document

Commissioner Black presented the draft budget, described the proposed modest increase over last year's budget, and reported that the Budget Committee decided not to include funds for updating the XP-SWMM model. She said if it turns out that the XP-SWMM work needs to be done in 2015 then the funds will come

out of one of the Commission's existing funds. Administrator Jester noted that the proposed 2015 \$63,000 Water Quality/Monitoring budget is the budget with Crane Lake excluded from the 2015 program. Commissioner Black went through the proposed budget and described the proposed increases and decreases. She said that the budget will be on the Consent Agenda for the Commission's June meeting for final approval.

G. Review 2013 Annual Report and Direct Staff to Submit to BWSR

Commissioner Black moved to accept the report and direct staff to submit it to the Minnesota Board of Water and Soil Resources. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 5-0 [Cities of Minneapolis, Minnetonka, New Hope, and Robbinsdale absent from vote].

H. Update on Next Generation Watershed Management Plan Development

Administrator Jester gave an overview of the Plan Steering Committee's most recent meeting and stated that the recommendation from the Committee will be to use the MIDS (Minimum Impact Design Standards) as the guidance. She reported that the Committee's next meeting will be on Monday, May 19th at 4:30 p.m.

6. COMMUNICATIONS

A. Administrator:

- i. Administrator Jester said that her Administrator Report is in the meeting packet and commented on the report's format change.

B. Chair: No Chair Communications

C. Commissioners:

- i. Commissioner Black said that she would not be at the Commission's June meeting.

D. TAC Members

i. Update on Twin Cities Metro Chloride Project

Mr. Asche gave an update on the project and summarized the discussion from the group's April meeting.

E. Committees:

i. Education Committee

Administrator Jester updated the Commission on the watershed map project.

ii. Budget Committee

No additional communications aside from those in item 5F.

iii. Administrative Services Committee

Commissioner Black provided an update including the Administrator's priorities for this year and noted that \$2,500 has been included in the 2015 budget to convert the Commission's files from written files to digital files.

F. Legal Counsel: No Legal Communications

G. Engineer:

- i. **2014 Impaired Waters List: Delisting of Wirth Lake; no chloride listing for Wirth and Medicine Lakes; remaining chloride listings.**

Engineer Chandler reported that the Minnesota Pollution Control Agency removed Wirth Lake

