



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting

Thursday, March 15, 2018

8:30 a.m.

Golden Valley City Hall, Golden Valley MN

#### 1. CALL TO ORDER and ROLL CALL

On Thursday, March 15, 2018 at 8:32 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair de Lambert called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken.

#### Commissioners and city staff present:

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Guy Mueller	<i>Absent</i>	Mark Ray
Golden Valley	Stacy Harwell	<i>Absent</i>	Eric Eckman
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	<i>Absent</i>	Liz Stout
Minnetonka	Absent	Bill Monk	Tom Dietrich
New Hope	John Elder	Pat Crough (voting member)	Megan Albert, Chris Long
Plymouth	Jim Prom	John Byrnes	Derek Asche
Robbinsdale	Michael Scanlan	<i>Absent</i>	Richard McCoy, Marta Roser
St. Louis Park	Jim de Lambert	<i>Absent</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters		
<b>Engineer</b>	Karen Chandler, Barr Engineering		
<b>Recorder</b>			
<b>Legal Counsel</b>	Troy Gilchrist, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	John Gulliver and Poornima Natarajan, University of Minnesota Dan Edgerton, Stantec Jere Gwin-Lenth and David Spicer, Friends of Northwood Lake		

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

None

**3. APPROVAL OF AGENDA**

Administer Jester requested adding 5H “Consider approval of agreement with Hennepin County for AIS Prevention Grant” to the agenda.

MOTION: Alternate Commissioner Crough moved to approve the amended agenda. Commissioner Prom seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale absent from the vote.]

**4. CONSENT AGENDA**

The following items were approved as part of the consent agenda: February 15, 2018 commission meeting minutes, March 2018 financial report, payment of invoices, approval to set April 9, 2018 as the Technical Advisory Committee meeting, approval of the letter agreement with Freshwater Society for engaging lake groups, approval of Golden Valley’s 2018 Pavement Management Program, and the approval of a revised Aquatic Invasive Species Rapid Response Plan.

The general and construction account balances reported in the March 2018 Financial Report are as follows:

Checking Account Balance	\$ 848,625.30
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TOTAL GENERAL FUND BALANCE	\$ 848,625.30
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TOTAL CASH & INVESTMENTS ON-HAND (3/7/18)	\$3,731,081.72
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CIP Projects Levied – Budget Remaining	(\$4,262,228.70)
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Closed Projects Remaining Balance	(\$531,146.98)
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2012-2016 Anticipated Tax Levy Revenue	\$3,721.01
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2017 Anticipated Tax Levy Revenue	\$1,771.12
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Anticipated Closed Project Balance	(\$525,654.85)
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MOTION: Commissioner Mueller moved to approve the consent agenda. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale absent from the vote.]

**5. BUSINESS**

**A. Receive Presentation on Technical Pre-Proposal for Assessment & Treatment of Phosphorus in Northwood Lake**

Chris Long with Stantec, consulting engineer for the City of New Hope, introduced Dr. John Gulliver, a researcher and professor at St. Anthony Falls Laboratory at the University of Minnesota (U of M).

The City of New Hope and the U of M are proposing a study on Northwood Lake to investigate internal phosphorus release from sediment and implement a pilot study of the use of iron filings in the lake. Dr. Gulliver outlined the proposed study in a PowerPoint presentation and city staff requested funding assistance from the Commission for the study.

[Commissioner Scanlan arrives.]

In Dr. Gulliver's summary, he described prior laboratory projects using sediment from Rush and Ann Lakes. He noted iron can control the release of phosphorus with and without the presence of oxygen. He reported iron pulls phosphorus out of pore water in the sediment and that different types of iron have been tested.

Dr. Gulliver then reviewed the proposed study for Northwood Lake, which included estimated costs for pre-treatment analyses of water quality and sediment in year 1 (\$16,409); applying the iron and performing post-treatment monitoring in year two (\$26,876); and purchase of the iron itself (\$15,000 - \$30,000).

There was discussion about the cost of iron filings vs. alum. Dr. Gulliver noted that an alum treatment is likely to be more expensive for a small lake like Northwood, but it's about the same cost for large lakes. There was a question on whether continued external loading of phosphorus would degrade the iron and the answer was no, although it would impact water quality. As to impacts on aquatic life, Dr. Gulliver noted iron is ubiquitous and present in many northern Minnesota lakes. He noted alum does leave toxicity issues. Dr. Gulliver reported the life expectancy of the treatment is unknown since this study has not been done in the field before.

Commissioner Harwell liked the idea of having the Commission involved with the project and a study like this.

Commission Engineer Chandler commented that this is an interesting idea, but thought that Northwood Lake might not be the best place for this study because there are not indicators that internal loading is the issue with Northwood Lake, and the lake has a high volume of water flowing through it as it's an impoundment of the North Branch of Bassett Creek. On the other hand, a lot would be learned with sediment coring in the first year. There was discussion about other lakes that may be better candidates for the study, including Lost Lake.

Administrator Jester stated that New Hope is requesting funding partners including the Commission and recommended that the Budget Committee consider the funding request in their 2019 budget.

[Commissioner Harwell departs.]

Mr. Long indicated that Stantec would offer some free assistance toward the project and that Stantec grant dollars are also being sought. It was also noted that the Commission will monitor Northwood Lake as part of its routine monitoring program in 2019, so that may help bring down some of the monitoring costs.

There was general support for the project from several commissioners.

Alternate Commissioner Monk said the Budget Committee should have the question answered regarding whether or not this is the right lake for the study and that more information from U of M or Commission Engineer is needed to determine this. Dr. Gulliver said they would look at the complete water quality data for the lake as supplied by the Commission Engineer.

## **B. Consider Approval of Resolution of Appreciation for Commissioner Mueller**

Chair de Lambert noted this is Commissioner Mueller's last meeting with the Commission because he is moving to Wisconsin. Chair de Lambert read the resolution of appreciation, noting that Commissioner Mueller had served on the Commission since 2013, including serving as vice chair from 2014 – 2017 and working on several committees.

Commissioner Mueller said he will miss everyone and that he learned a lot. He noted that good organizations are all about the people and good staff. Commissioner Welch added that Commissioner Mueller had been a fantastic commissioner and he will be missed. Commissioner Carlson noted that he has appreciated Commissioner Mueller's input. Commissioner Scanlan commented that he appreciated Mueller's easy-going approach. Chair de Lambert appreciated that Mr. Mueller was willing to stand in for him at meetings.

**MOTION: Commissioner Welch moved to approve the resolution of appreciation for Commissioner Mueller. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0. [City of Golden Valley absent from the vote.]**

**C. Consider Approval of Recommendations from Technical Advisory Committee (TAC)**

Erick Francis, Technical Advisory Committee chair reported that the TAC met on March 2<sup>nd</sup> to discuss various topics. He noted that the TAC needs another meeting to finalize recommendations on the 5-year CIP and other topics. He noted the board packet memo includes updates on the timing of local water management plan development in each city and recommendations regarding 1) BWSR's Biennial Budget Request (BBR) and 2) a request from Plymouth for use of Channel Maintenance Funds.

Mr. Francis reviewed the recommendations:

The TAC recommends that the Commission submit its 2020 – 2021 capital projects to BWSR through the BBR and ask member cities for their 2020 and 2021 capital projects to be included with the Commission's submittal.

The TAC recommends that the Commission approve a reimbursement to the City of Plymouth from its accrued Channel Maintenance Funds in the amount of \$73,461.65 for sediment removed from the Plymouth Creek Water Quality Ponds in February 2018.

There was some discussion about the purpose and intended use of the channel maintenance funds. Administrator Jester noted that typically the funds are requested by cities for a future project but that there is precedence for providing funds after the fact and that sediment removal from a water quality pond on the trunk system is an accepted use of the funds. She recommended approval of the request.

[Commissioner Elder departs.]

**MOTION:** Commissioner Prom moved to approve the TAC recommendations as presented. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0. [City of Golden Valley absent from the vote.]

Commissioner Welch noted he attended the TAC meeting and reminded cities that the BCWMC Plan requires cities adopt ordinances within two years of the BCWMC Plan approval and the deadline has passed. He noted that the cities' lack of ordinance adoption could interfere with the BCWMC approval of local water management plans.

Commissioner Scanlan wondered if commissioners or staff should get on city council agendas. TAC member, Derek Asche, noted that cities with multiple watersheds and schedules find it difficult to keep updating ordinances. There was some discussion about ordinance updates. Mr. Asche stated that it is not uncommon to change ordinances, but that it cannot be done constantly.

**D. Approval of Funding Request from Three Rivers Park District for Watercraft Inspectors**

Administrator Jester gave an overview of the \$5,000 request from Three Rivers Park District (TRPD) to hire Level II inspectors to use the decontamination unit which was recently purchased by TRPD using a Hennepin County AIS Prevention grant awarded to the Commission. Administrator Jester noted the grant agreement is included in the added agenda item, 5H. She noted TRPD has agreed to own, operate, and maintain the decontamination unit but is in need of funding to hire Level II inspectors to operate the unit. Staff recommends approval of the funding request which would come from the APM/AIS budget. She reviewed the items expected to be charged to this budget line this year and noted this request still fits within the budget.

Commissioner Carlson stated he felt strongly that the decontamination unit is important, but he has a different opinion than the TRPD about the hours of operation. He wants to see a provision to close the launch when inspectors are not present.

**MOTION:** Commissioner Carlson moved to approve the funding request on the condition that TRPD close the launch when inspectors are not present. Commissioner Welch seconded the motion.

Administrator Jester stated that her understanding was that TRPD is opposed to closing the launch but that they would be willing to train extra volunteer inspectors or hire additional inspectors if additional funding is provided.

Commissioner Welch noted that more information is needed on reasons for keeping the launch open when inspectors are not there. Commissioner Mueller wondered if there should be a fee for use of the decon unit.

There was discussion about other public launches on the lake including a City of Plymouth launch open a few weeks each year and monitored by the city and a private marina. It was noted that TRPD is a good partner on many issues, but there was sympathy for Commissioner Carlson's concerns.

Administrator Jester reminded the Commission that TRPD is a good partner on many issues including water quality monitoring and treating curly-leaf pondweed and she noted the approved APM/AIS Committee recommendations including one to consider starting a small grant program to help fund inspectors or AIS education materials, or signs, etc.

After more thought, Commissioner Welch indicated he thought the funding should not be contingent on launch hours and rescinded his support on the motion.

Commissioner Carlson restated how strongly he felt about this issue and proposed that the Commission approve the current motion to send a strong message to TRPD about the need to have a gate that closes when the launch is not staffed.

Upon a **VOTE**, the motion failed with two ayes and six nos. (Cities of Medicine Lake and New Hope voting aye; cities of Plymouth, Crystal, St. Louis Park, Minneapolis, Robbinsdale, and Minnetonka voting no.) [City of Golden Valley absent from the vote.]

**MOTION:** Commissioner Welch moved to approve the funding request of \$5,000 to TRPD with direction to the Administrator to get information from TRPD on launch policies and express deep concerns with keeping launch open when inspectors are not present. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0. [City of Golden Valley absent from the vote.]

[Commissioner Prom departs. Commissioner Byrnes assumed voting role.]

#### **E. Discuss Status of Chloride Limited Liability Legislation**

Administrator Jester gave an update on the status of the chloride legislation in the Minnesota House and Senate. There was some discussion about different groups supporting and opposing the legislation. Commissioner Welch stated that the Commission should be actively involved.

**MOTION:** Commissioner Welch moved to direct the Administrator to draft a letter for the Chair's signature in support of the legislation and send to the bill's authors and the Senate and House President. Commissioner Mueller seconded the motion.

After the motion was made, Alternate Commissioner Byrnes stated he thought that was a good idea, but he wondered if it was effective. He thought individual commissioners should also contact their legislators.

Commissioner Welch stated that the Commission should be on record supporting the legislation. Mr. Asche voiced concern saying he didn't think it was appropriate for the Commission to comment on proposed legislation since the Commission doesn't know the positions of all of its member cities. Commissioner Welch replied that the Commission is local unit of government and the letter would not state the cities' positions, only the Commission's position.

**VOTE:** Upon a vote, the motion carried, 7 - 1. Dissenting vote by the City of Plymouth. [City of Golden Valley absent from the vote.]

#### **F. Receive Update on BWSR's Watershed Based Funding Pilot Program**

Administrator Jester reported that a second meeting of the 11 Hennepin County watersheds was held on February 27<sup>th</sup> and that the group narrowed down their recommendations for use of the Clean Water funds which included an idea for all watersheds to work collectively on the issue of chloride pollution. The group agreed to meet in smaller groups based on basins. The Mississippi River Basin watersheds met on March 12<sup>th</sup> and

developed general criteria that could be used to prioritize CIP projects among the Mississippi River Basin watersheds. She noted a meeting of all watersheds AND eligible cities would be convened in May.

[Commissioner Welch departs.]

**G. Consider Approval of Recommendations from Education Committee**

Committee Chair Byrnes reported that the Education Committee met on March 9<sup>th</sup>. He walked through the Committee's recommendations including:

- 1) To approve funding presented in the proposed education budget, much of which is the same as previous years and which includes \$250 for packets of native seeds; \$1,200 for commissioner training and registration; \$4,000 to Metro Blooms as local match for Harrison Neighborhood Project; \$310 for dog waste bag dispensers; and \$1,000 for creek crossing signs; and
- 2) To not hold a watershed tour this year due to one or more watershed tours planned for next year; and
- 3) To approve entering into a contract with Dawn Pape with Lawn Chair Gardener Creative Services for up to \$3,000 for education activities, the details of which will be worked out at the next Education Committee meeting.

**MOTION:** Alternate Commissioner Byrnes moved to approve the Education Committee's recommendations as presented. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Golden Valley and Minneapolis absent from the vote.]

**H. Consider Approval of Agreement with Hennepin County for AIS Prevention Grant**

Administrator Jester reported the grant agreement was reviewed by attorney Gilchrist and the County agreed to his recommended changes.

**MOTION:** Commissioner Carlson moved to approve the execution of the AIS Grant Agreement with Hennepin County. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Golden Valley and Minneapolis absent from the vote.]

**6. COMMUNICATIONS**

**A. Administrator's Report**

Administrator Jester reported that 50 people attended the open house hosted by the Minneapolis Park and Recreation Board that included the Bryn Mawr Meadows CIP Project, and that 50 – 60 people attended open houses hosted by the City of St. Louis Park on the Westwood Hills Nature Center Reconstruction Project that included the CIP project.

Administrator Jester also reported that a resident had expressed concerns about PFC contaminants reaching the creek in Wirth Park due to its use in ski wax and that she is working with MPRB to possibly investigate this in 2019; that she will be on vacation March 30 – April 8; and that the Administrative Calendar in 7A will be updated each month.

**B. Chair**

Chair de Lambert attended one open house for the Westwood project and noted there were cost concerns from residents regarding the overall reconstruction project. He also noted that he is participating on a committee developing a white paper on chlorides.

**C. Commissioners**

Commissioner Scanlan thanked the Commission for support to attend various education programs and he reported on the recent AIS Summit. Commissioner Mueller thanked the Commission for the experience.

**D. TAC Members**

Mr. Asche asked that city clerks be copied on the letter to the legislators.

**E. Committees**

Budget Committee will meet on March 23, 11:30 a.m.

**F. Legal Counsel**

Nothing to report

**G. Engineer**

Nothing to report

