



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting November 19, 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	Administrator Laura Jester
Minneapolis	Commissioner Michael Welch	Attorney	Charlie LeFevere, Kennedy & Graven
Minnetonka	Commissioner Jacob Millner, Secretary	Engineer	Karen Chandler, Barr Engineering Co.
New Hope	Commissioner John Elder	Recorder	Amy Herbert
Plymouth	Commissioner Ginny Black		

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

Derek Asche, TAC, City of Plymouth	Rick Johnson, New Hope Resident
Sandy Bainey, Friends of Northwood Lake	Chris Long, TAC, City of New Hope
Marge Beard, City of Plymouth Councilmember Elect	Linda Loomis, Chair, BCWMC Plan Steering Cmtee
John Byrnes, City of Plymouth	Tom Mathisen, TAC, City of Crystal
Lois Eberhart, TAC, City of Minneapolis	Jeff Oliver, TAC, City of Golden Valley
Andrea Feldman, New Hope Resident	John O'Toole, Alternate Commissioner, City of Medicine Lake
Harvey Feldman, New Hope Resident	Bob Paschke, City of New Hope
Erick Francis, TAC, City of St. Louis Park	Susan Rader, City of New Hope
Christopher Gise, Golden Valley Resident	Jim Spevarcek, Friends of Northwood Lake
Jere Gwin-Lenth, Friends of Northwood Lake	Joanne Spevarcek, Friends of Northwood Lake
Mary Gwin-Lenth, Friends of Northwood Lake	Liz Stout, City of Minnetonka

David Tobelmann, Alternate Commissioner, City of  
Plymouth

Robert White, Friends of Northwood Lake

Doug Williams, Friends of Northwood Lake

Scott Wylie, Golden Valley Resident

## 1. CALL TO ORDER AND ROLL CALL

On Wednesday, November 19, 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 Minneapolis 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. Commissioner Elder seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote].

## 4. CONSENT AGENDA

Commissioner Mueller asked for more detail on item 4D – Approval to utilize 2014 West Metro Water Alliance (WMWA) Funds for 2015 Special WMWA Project. Administrator Jester provided information on the WMWA request. She explained that WMWA’s contract with the BCWMC, and other participating organizations, via the Shingle Creek Watershed Management Commission requires that each member organization approves special projects. She said that WMWA is seeking approval of the special project “5,000 acres by 2025” to begin in 2015. Administrator Jester stated that WMWA is also seeking BCWMC approval of the BCWMC funding the project in the amount of \$1,500 from its 2014 budget.

Commissioner Mueller moved to approve the Consent Agenda. Commissioner Black seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote].

[The following items were approved as part of the Consent Agenda: the October 8, 2014, Commission Workshop minutes, the October 16, 2014, Commission Meeting minutes, the monthly financial report, the payment of the invoices, Approval to Utilize 2014 West metro Water Alliance (WMWA) Funds for 2015 Special WMWA Project, Approval of Reimbursement Request from City of Minneapolis for Main Stem Bassett Creek Restoration Project – Golden Valley Road to Irving Avenue (CR2012), Approval of Resolution Designating the City of Golden Valley as Responsible for Implementing the Twin Lake In-Lake Alum Treatment Project and Approving an Agreement for Implementation (TW-2), Approval of Golden Valley Senior Living Project, Golden Valley].

The general and construction account balances reported in the Financial Report prepared for the November 18, 2014, meeting are as follows:

Checking Account Balance	\$583,397.53
<hr/>	
TOTAL GENERAL FUND BALANCE	\$583,397.53
<hr/>	
TOTAL CASH & INVESTMENTS ON-HAND (11/12/14)	\$3,011,653.57
<hr/>	
CIP Projects Levied – Budget Remaining	(\$2,699,071.72)
<hr/>	
Closed Projects Remaining Balance	(\$312,581.85)
<hr/>	
2013 Anticipated Tax Levy Revenue	\$8,756.59
<hr/>	
2014 Anticipated Tax Levy Revenue	\$428,419.50
<hr/>	
Anticipated Closed Project Balance	\$749,757.94
<hr/>	

*[Commissioner Welch arrives.]*

## 5. BUSINESS

- A. Consider Approval of Revised Feasibility Study for Northwood Lake Improvement Project (NL-1):** Engineer Chandler reminded the Commission that at its September meeting it reviewed the project and feasibility study and at that time it was interested in options A and C. She said that option A was the storm water reuse system option and option C is the traditional wet retention pond located on a City-owned parcel located west of Jordan Avenue, not in Northwood Park. Engineer Chandler said that the Commission was concerned about the cost and wanted to hear more from the City about what funding it was willing to contribute to the project and to hear more about the intangible costs.

Engineer Chandler reported that the City of New Hope has offered to put in \$205,000 toward the project, meaning that the Commission would fund the remaining cost. She added that the City of New Hope has applied for a \$400,000 grant from the Minnesota Board of Water and Soil Resources (BWSR) for the project as well as a \$50,000 grant from Hennepin County through its Natural Resources grant program. Engineer Chandler said that the City would find out in January if it has been awarded the BWSR grant and should find out this week if it has been awarded the Hennepin County grant.

Engineer Chandler explained that if the Commission selected options A and C and fully funded the project, the Commission would be responsible for funding in the amount of \$1,145,000. She said that this cost to the Commission would be reduced if the City is awarded one or both grants.

Mr. Mathisen asked what the cost would be for options B and C. Ms. Chandler responded \$284,720.

Chair de Lambert asked for more information on the intangible benefits of the options. Engineer Chandler responded with details on the use of Northwood Lake Park by the residents. Mr. Paschke provided more information. Engineer Chandler added that the New Hope City Council had discussed this project at two different Council meetings since the Commission's last meeting.

Alternate Commissioner Tobelmann remarked that options B and C would meet the need and options A and C would have some intangible benefits, so the cost of the intangible benefits is approximately \$1,000,000. He noted that a \$1M price tag for intangibles seemed inconsistent with the BCWMC Plan.

Commissioner Black said that she would like more information on the grants and wondered how the project would be funded if grants were not received. Administrator Jester noted that if the Commission is to do this project, the Commission needs to add it to its CIP. She talked about the timing of the Plan amendment process.

Commissioner Elder said that the City of New Hope is fully developed and the City doesn't have the ability to add green space. He said that the City Council would like to implement this project and recognizes that if the grants do not come through, there could be some additional costs and the City would need to discuss it.

Commissioner Black moved approval of Commission costs of up to \$1,400,000 for the Northwood Lake Improvement Project and to add it onto the Commission's CIP. Commissioner Elder seconded the motion.

There was discussion. Commissioner Carlson asked about the status of the Plymouth project that had been on hold due to the consideration of the number of trees that were slated for removal. Mr. Asche gave an update and said it will be back in front of the Commission at its December meeting.

Commissioner Hoschka said that she would not like to see the Commission fund the Northwood project up to the amount of \$1.4 million. She said that she sees a lot of benefit to the City of New Hope for doing both options A and C but not a lot of additional benefit to the watershed by implementing these options in terms of the number of additional pounds of phosphorous removed.

Commissioner Welch remarked that the Commission has a tendency to put off decisions, but he feels that the decision is in front of the Commission now. He said he understands why the Commission would want to consider a conditional approval and wait to hear about the grants, but the question on the table won't change. Commissioner Welch said that the question is: will the Commission pay for non-water related costs of a project. He stated that he did not think that the staff memo on this topic addressed how the project serves any innovative Commission goal and said that the reasons offered in the memo regarding support for moving forward with options A and C do not tip him in favor of them. Commissioner Welch added that he is struggling with this item because he really wants to see a project done for Northwood Lake but has concerns as mentioned.

There was discussion. Mr. Long provided more information about the proposed project sites and the soils at the sites. Commissioner Hoschka remarked that she is uncomfortable with putting \$1.4 million in the Commission's CIP because it sets up the expectation that the Commission will select options A and C.

Administrator Jester reported that the City of New Hope has communicated that it would not move forward exclusively with option B and noted that the Commission’s practice has been to fully fund projects instead of cost-sharing projects. Commissioner Welch commented that this could set a precedent in which the cities pick the Commission projects and then the Commission is placed in the uncomfortable situation of having to say yay or nay to them.

Alternate Commissioner Tobelmann said the Commission needs to be careful about allowing cities to overlay intangible benefits on projects and expecting the Commission to pay for them.

Mr. Long provided more information on why the City of New Hope would not move ahead with only option B. He explained that the size of the pond in option B is too large for the City to maintain and would need to contract out the maintenance. He described that when maintenance cannot be done by the City, the ponds can become an eyesore. Several ideas were offered to the City of New Hope of other projects that could be done, such as constructing the project in different areas in and around the park.

Administrator Jester said she did have a conversation with Hennepin County staff about the possibility of a \$1.4 million levy and staff did comment that it would be a big increase and staff did not know how that would go over with the County Board. She remarked that construction costs are going up and it would be hard for the Commission to maintain the practice of levying \$1 million per year unless it wants to do fewer or smaller projects. She said that her recommendation is that the Commission starts levying more than \$1 million. Administrator Jester reported that the communication from County staff also suggested that the logical next step for the Commission is to seek taxing authority.

Commissioner Carlson said that he thinks that sharing costs with cities as needed is a good concept and that it would be terrible if the Commission doesn’t do exactly what New Hope wants, particularly if the city is contributing to the funding. There was a brief discussion of how much New Hope is offering to fund. Commissioner Elder reiterated that after discussions at two city council meetings, the City is offering \$205,000.

Commissioner Hoschka moved to amend the motion on the table so that the Commission would set the cost of the project at \$745,000.

Mr. LeFevere stated that rules require the CIP to identify not only the project cost but also the impact on government units, which in this case is what the Hennepin County levy might be. He pointed out that if the Commission specifies the project at \$745,000 for the County levy and the other project funding does not come through, the Commission loses the opportunity to do this project unless the City steps in and provides the funding.

Commissioner Black seconded the motion to amend her original motion.

There was discussion.

By call of roll, the motion failed 4-4 [City of Robbinsdale absent from vote].

<i>City</i>	<i>Ay</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Crystal - Mueller	X			

Golden Valley - Hoschka	X			
Medicine Lake - Carlson		X		
Minneapolis – Welch		X		
Minnetonka - Millner	X			
New Hope – Elder		X		
Plymouth - Black		X		
Robbinsdale				X
St. Louis Park – de Lambert	X			

Commissioner Black made the friendly amendment to her motion on the table so that the Commission would levy for the project up to \$1.1 million. Commissioner Elder accepted the friendly amendment. Chair de Lambert asked if there were any objections to voting on the motion as amended by Commissioner Black's friendly amendment. No objections were raised.

By call of roll, the motion carried 6-2 [City of Robbinsdale absent from vote].

<i>City</i>	<i>Ay</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Crystal - Mueller		X		
Golden Valley - Hoschka	X			
Medicine Lake - Carlson	X			
Minneapolis – Welch		X		
Minnetonka - Millner	X			
New Hope – Elder	X			
Plymouth - Black	X			
Robbinsdale				X
St. Louis Park – de Lambert	X			

At 10:00 a.m. Chair de Lambert called for a brief recess and during the recess recognized the contributions of outgoing Alternate Commissioner from St. Louis Park Justin Riss and outgoing TAC member from Crystal Tom Mathisen, who will be retiring from the City in December. At 10:10 a.m. Chair de Lambert called the

meeting back to order.

**B. Choose Options and Funding for 2016 Projects: Northwood Lake Improvement Project (NL-1) and Honeywell Pond Expansion (BC-4)**

Administrator Jester reminded the Commission that at its September and October meetings it discussed funding options for the Honeywell Pond project in Golden Valley. She explained that the project came in with a higher cost estimate than anticipated, which further complicates the Commission's levy request for 2016 and 2017. She said that the Commission approved a motion to commit a preference for option 3, which is a combination of options 1 and 2 – expansion of the Honeywell Pond and use of storm water for irrigation. Administrator Jester said that the Engineer's memo from the October meeting details the costs.

Engineer Chandler provided more details about the project options and costs and explained that the City has offered to provide \$450,000 toward the project. Administrator Jester stated that if the Commission chooses option 3, which is the City's preference, the cost to the Commission is \$752,000. Administrator Jester said that today the Commission needs to choose an option and a funding amount.

Mr. Oliver reported that the City of Golden Valley has applied for a grant to upgrade the adjacent sports fields. He said that if the City doesn't receive the grant, then the irrigation of the sports fields will not be undertaken. He said the City is not offering at this time irrigation for Honeywell property.

Commissioner Black asked if the Commission would levy the \$752,000 over one year or multiple years. Administrator Jester said that she has it slated for the 2016 levy and so is more than half of the total cost of the Northwood Lake project. She explained that this would bring the levy request for 2016 to \$1.4 million.

There was discussion of whether any of the Commission's CIP projects slated for 2017 could be moved to a later year (Mr. Asche noted it was possible to move the 2017 CIP project to a different year), about the amount of total phosphorous that this project is estimated to remove and cost per pound of removal, and about remobilization costs if part of the project was delayed to a different year. Administrator Jester pointed out that option 3 doubles the amount of total phosphorous removed at an increase of 50% of the cost of the project.

Commissioner Black moved to approve adding this project to the Commission's CIP in the amount of \$752,000, which would support option 3. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 7-0 [City of Minneapolis abstained from vote. City of Robbinsdale absent from vote]. Commissioner Carlson noted that he is in favor of doing what the City wants and would like to find a way for this process to be streamlined for easier and quicker discussions and decisions.

**C. Submit Request for Major Plan Amendment for Northwood Lake Improvement Project (NL - 1) and Honeywell Pond Expansion (BC-4) as Needed**

Administrator Jester said that she would like the Commission to direct staff to move forward with a major plan amendment to incorporate these projects into the Commission's CIP. Commissioner Black moved to direct staff to prepare and submit the major plan amendment request. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote]. Commissioner Welch remarked that he voted yes even though he disagrees with the action that the Commission previously took. He noted that he thinks that if the Commission says "no" to a project sooner rather than later, then the process of finding different options starts earlier and he thinks that the Commission needs to find different options for these projects.

*[Commissioner Hoschka departs the meeting.]*

**D. Approve Resolution of Appreciation for Services of Alternate Commissioner Justin Riss**

Commissioner Welch moved to adopt the Resolution of Appreciation for Justin Riss. Commissioner Black seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Golden Valley and Robbinsdale absent from vote].

*[Commissioner Millner departs the meeting.]*

#### **E. Review Draft 2015 BCWMC Next Generation Watershed Management Plan**

Administrator Jester announced that it is time, hopefully, to submit the draft plan for the 60-day review. She summarized the process the Commission has moved through to prepare the draft plan, including 24 Plan Steering Committee meetings and 4 Commission workshops. The Commission and staff discussed comments on the draft plan and worked their way through the highlighted subsections in Section 5 – Implementation. There was discussion about when and how the “Requirements Document” would be updated and whether or not that would constitute a plan amendment. Commissioner Welch reminded the group that the draft Plan currently precludes the Commission from permitting and that cities must update their ordinances and enforce Commission standards. Counsel LeFevere concurred and noted the Commission’s Joint Powers Agreement does not allow the Commission to be a permitting authority. He also noted the Commission must review local plans for compliance with the watershed plan and must evaluate the watershed plan’s implementation regularly. Mr. Asche noted that the Commission and member cities work cooperatively together towards a shared goal. However, he noted the frustration in trying to implement policies of four different watershed organizations in addition to State requirements.

There was discussion about the funding amounts included in some policies regarding the Flood Control Project. There was consensus to exclude actual dollar amounts and allow for flexibility. There were additional suggested changes to areas of the Implementation section.

Commissioner Carlson moved to approve the plan as presented. The motion did not receive a second.

Commissioner Welch also noted that when the draft Plan is revised to incorporate comments from reviewers, that the Implementation section be reviewed by the Commission in more detail.

There was discussion about the Commission’s role in recreation. Administrator Jester reported on the discussion at the October Commission workshop and her and Engineer Chandler’s recommendation not to include language explicitly stating that the Commission will not implement projects with a recreation focus. Instead, language included in the Implementation section was added reinforcing the Commission’s priorities of improving water quality and alleviating flooding. Administrator Jester also noted draft policy 61, which resulted from a recommendation from Friends of Bassett Creek.

After some discussion, the Commission indicated approval of staff’s recommendations on Policy 61 and on language regarding recreation.

Commissioner Carlson moved to direct staff to make the changes discussed and to submit the plan for the 60-day review. Commissioner Elder seconded the motion Upon a vote, the motion carried 6-0 [Cities of Golden Valley, Minnetonka, and Robbinsdale absent from vote].

#### **F. Consider Administrator’s Request to Attend MN Association of Watershed Districts (MWAD) Annual Conference**

Administrator Jester described the request and costs. Commissioner Black asked to which budget the costs would be allocated. Administrator Jester responded the Administrator’s budget. Commissioner Welch moved to approve the request. Commissioner Elder seconded the motion. Upon a vote, the motion carried 6-0 [Cities of Golden Valley, Minnetonka, and Robbinsdale absent from vote].



## 6. COMMUNICATIONS

- A. Administrator:** No Administrator Communications other than written report in meeting materials.
- B. Chair:** No Chair Communications
- C. Commissioners:**
- i. Commissioner Welch reported that the City of Minneapolis is moving ahead with entering into a contract for the Main Stem stabilization project in Wirth Park.
  - ii. Commissioner Welch said that there is a Wirth Park long-term plan that the Minneapolis Park and Recreation Board is seeking comments on through December 15.
  - iii. Commissioner Welch announced that the Friends of Bassett Creek is looking for someone to coordinate and run the Bassett Creek clean up on Earth Day.
  - iv. Commissioner Carlson said that he would like the Commission to look at developing a policy on how the Commission can best cooperate with the cities so that the cities can implement the projects of their choice and contribute funds to those projects.
- D. TAC Members:** No TAC Communications
- E. Committees:**
- i. **Administrative Services Committee:** Commissioner Mueller reported that the Committee is looking into record keeping and digital records and is also working on forms for the evaluation of the Administrator and paid staff. Chair de Lambert added that the Committee is going to have a follow-up meeting in the next couple of weeks to keep working on these items.
- F. Legal Counsel:** No Legal Communications
- G. Engineer:**
- i. **Review of Mississippi WMO Major Plan Amendment:** Engineer Chandler reported that next month the Commission will see, hopefully on its Consent Agenda, comments or a report of no comments on the Mississippi WMO Major Plan Amendment that she will be reviewing.
  - ii. **Meeting with MDNR regarding BCWMC comments on FEMA map:** Engineer Chandler stated that the Commission received responses from the MDNR on the comment letter that the Commission submitted more than a year ago about the flood insurance maps. The Commission Engineer participated in a meeting with MDNR regarding the FEMA maps.

## 7. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/Meetings/2014/2014-November/2014NovemberMeetingPacket.htm>)

- A. Grant Tracking Summary and Spreadsheet
- B. Star Tribune Article About Sweeney Lake
- C. WCA Notices, Plymouth
- D. Thank you Letter from Children's Water Festival

## 8. ADJOURNMENT

Chair de Lambert adjourned the Bassett Creek Watershed Management Commission Regular Meeting at 11:34 a.m.

---

Amy Herbert, Recorder

Date

---

Secretary

Date