



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting November 20, 2013 Golden Valley City Hall, 8:30 a.m.

#### Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller	Robbinsdale	<i>Not represented</i>
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	Commissioner Jim de Lambert, Vice Chair
Medicine Lake	Commissioner Clint Carlson	Administrator	Laura Jester, Keystone Waters LLC
Minneapolis	<i>Not represented</i>	Attorney	Charlie LeFevere, Kennedy & Graven
Minnetonka	Commissioner Jacob Millner, Secretary	Engineer	Karen Chandler, Barr Engineering Co.
New Hope	Alternate Commissioner Pat Crough	Recorder	Amy Herbert
Plymouth	Commissioner Ginny Black, Chair		

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

Derek Asche, TAC, City of Plymouth	Chris Long, TAC, City of New Hope
Jeannine Clancy, TAC, City of Golden Valley	Linda Loomis, BCWMC Next Generation Plan Steering Committee Chair
Perry Edman, TAC, City of St. Louis Park	Tom Mathisen, TAC, City of Crystal
Joe Fox, TAC, City of Golden Valley	Richard McCoy, TAC, City of Robbinsdale
Larry Founest, Golden Valley City Council	Jeff Oliver, TAC, City of Golden Valley
Christopher Gise, Golden Valley Resident	Erich Schroeder, Plymouth Resident
David Hanson, Alternate Commissioner, City of Golden Valley	David Stack, Friends of Bassett Creek, Minneapolis
Gary Holter, Mayor, City of Medicine Lake	Liz Stout, TAC, City of Minnetonka
Ted Hoshal, Hoshal Advertising	David Tobelmann, Alternate Commissioner, City of Plymouth
Dorothy Jordan, Hedberg Maps (Minneapolis)	

## 1. CALL TO ORDER AND ROLL CALL

On Wednesday, November 20, 2013, at 8:32 a.m. in the Council Chambers at Golden Valley City Hall, Chair Black called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken. The cities of Golden Valley, Minneapolis, Minnetonka, New Hope, and Robbinsdale were absent from the roll call.

## 2. CITIZEN FORUM ON NON-AGENDA ITEMS

*[Alternate Commissioner David Hanson arrives.]*

David Stack, resident of Minneapolis, requested on behalf of the Friends of Bassett Creek that a representative of the BCWMC give a presentation in either the Harrison or Bryn Mawr neighborhoods about projects that will be happening in Minneapolis from Highway 55 downstream to the tunnel. Chair Black recommended that the BCWMC Administrator contact the BCWMC's Commissioner and Alternate Commissioner for Minneapolis to have them get in touch with Mr. Stack about coordinating a presentation.

*[Commissioners Stacy Hoschka, Jacob Millner, and Pat Crough arrive.]*

## 3. AGENDA

Commissioner Stacy Hoschka requested that agenda item 5D – Approval of Resolution of Appreciation for Services of Commissioner David Hanson – be moved ahead in the agenda to 5A. Commissioner Millner moved to approve the agenda as amended. Commissioner Millner seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote].

## 4. CONSENT AGENDA

Administrator Jester requested the addition of an invoice payment in the amount of \$55.80 to the Minnesota Bookstore for a December 2012 public hearing notice publication in the *State Register*. She also noted that she had passed around a revised financial report reflecting the additional invoice. The Commission indicated approval of the addition. Commissioner de Lambert moved to approve the Consent Agenda. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote]. Mr. Mathisen thanked the Dispute Resolution Committee for all of the work it put into the process and in developing the recommendations.

[The following items were approved as part of the Consent Agenda: the October 17, 2013, BCWMC meeting minutes, the October 17, 2013, BCWMC Workshop minutes, the monthly financial report, payment of the invoices, Approval of the Reimbursement Request from the City of Minneapolis for the Main Stem Project, Approval of the Reimbursement Request from the City of Golden Valley for the Sweeney Lake Outlet Project, Approval of the Reimbursement Request from the City of Golden Valley for the Wirth Lake Outlet Project, Approval of the Reimbursement Request from the City of Crystal for the North Branch Erosion Control Project, Approval of the Dispute Resolution Committee Recommendations, and the Setting of the December meeting of the BCWMC's Executive Committee.]

The general and construction account balances reported in the Financial Report prepared for the November 20, 2013, meeting are as follows:

Checking Account Balance	\$519,081.91
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$519,081.91</b>
<b>TOTAL CASH &amp; INVESTMENTS ON-HAND (11/13/13)</b>	<b>\$2,275,120.37</b>
CIP Projects Levied – Budget Remaining	(\$3,012,765.67)
Closed Projects Remaining Balance	(\$737,645.30)
2013 Anticipated Tax Levy Revenue	\$494,829.94
Anticipated Closed Project Balance	\$652,184.64

## 5. NEW BUSINESS

### A. Approval of Resolution of Appreciation for Services of Commissioner David Hanson

Chair Black introduced Resolution 13-07 - A Resolution of Appreciation for Services of David Hanson to the Bassett Creek Watershed Management Commission, and she read the resolution aloud. Commissioner Hoschka moved to adopt Resolution 13-07. Commissioner Carlson seconded the motion. Commission, TAC, and Staff members as well as members of the public expressed remarks of appreciation for the contributions that David Hanson has made to the BCWMC. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote].

### B. Consider Proposal for Development of Watershed Map.

Ted Hoshal of Hoshal Advertising introduced Dorothy Jordan of Hedberg Maps. He provided a summary of the discussions he had with the BCWMC's Education Committee, and he outlined the proposed project including cost, deliverables, and timeline. Administrator Jester added details on the meetings of the Education Committee, the funds that the Commission has available for a map project, and noted that this project is included in the Commission's 2011 Education and Outreach Plan. She noted that the Education Committee discussed the possibility of finding a corporate sponsor.

Commissioners de Lambert and Hoschka spoke in favor of the BCWMC undertaking the map project, indicating it had been planned for some time but there had been no action. There was discussion about the final map product, companion components to the map like a large map for the BCWMC education display, a possible separate project of making an online interactive map, and when the map would be completed. Chair Black commented that it seems like the Commission is in favor of the project and just needs to work out the details of the project.

Commissioner Carlson asked for further information on where the project funding would come from out of the Commission's budget. Chair Black said that it would come out of the Education budget. Administrator

Jester replied that the cost would come out of the Education and Public Outreach budget item. She noted that if cost of the project exceeds what the Commission has budgeted for the project, the Commission would need to discuss its options such as being over-budget in 2014 for that line item, using fund balance to cover the overage, or taking budget from another line item. She said that it is possible that the project costs will exceed the budgeted amount by a few thousand dollars, up to \$6,000. There was discussion of the budget for the project and about how the Commission's operating budget and CIP projects are funded.

Commissioner Mueller moved to authorize staff to work out the final details, to add a component to produce a large laminated map, and to negotiate the agreement with Hoshal and Hedberg Maps and bring it back in front of the Commission or the Executive Committee. Commissioner de Lambert seconded the motion. He noted that he is in favor of expediting this project, and if it is possible he would like the Executive Committee to take action on it at the Committee's December meeting. Upon a vote, the motion on the table carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote].

The Commission discussed its meeting for December and whether it would hold an Executive Committee meeting and a Special Meeting. Attorney LeFevere offered comments on each type of meeting and the public notice requirements. He said that he will work with staff on the meeting notices.

### **C. TAC (Technical Advisory Committee) Recommendations**

#### **i. Memo from November 7, 2013, TAC Meeting**

##### **a. Possible 2016 – 2020 CIP Projects**

Mr. Asche reminded the group that the CIP process begins in November or December each year and then in the following April the Commission approves the CIP program. He stated that the Commission is beginning its CIP process for the 2016 -2020 CIP. Mr. Asche reminded the Commission and the TAC that now is the time for Commissioners and TAC members to be discussing with each other and their cities possible future CIP projects. He said that no decisions were made at the past TAC meeting about the 2016-2020 CIP, but the TAC will be discussing it at the January 2014 TAC meeting.

##### **b. CIP Selection Criteria**

Mr. Asche reported that the TAC received some guidance from the Plan Steering Committee with regard to possible project characteristics that should be included when CIP projects are being reviewed and prioritized. He explained that the purpose of this selection and prioritization process is to have a system in place for when there may be more projects than funds available; the process would provide a way to prioritize projects. He commented that the TAC agreed with the recommendations that came from the Plan Steering Committee and the TAC added a couple of items, all of which are listed in the TAC memo.

Administrator Jester reiterated that the list in the TAC memo is not yet a final or complete list and the Plan Steering Committee has had a lot of good discussion about the items and will discuss it again at its next meeting. Mr. Asche added that the TAC has offered to assist with developing the weighting criteria if requested.

##### **c. Redefined Trunk System**

Mr. Asche explained that the TAC briefly discussed the trunk system. He said that the Commission's current watershed management plan defines the trunk system and in the past there has been some prioritization of projects in favor of those that were part of the trunk

system. Mr. Asche expressed that in the end, there was no recommendation for changing the definition of the trunk system.

**d. Maintenance of Flood Control Projects**

Mr. Asche told the Commission that there was extended discussion by the TAC on this topic. He explained that as the characteristics of the watershed and the approach of the watershed have changed from just flood control to water quality and as projects have been done across the watershed, questions have arisen over which entities are responsible for particular activities, like inspections and maintenance. He reported that the TAC suggests more research be done to locate and understand documents and agreements with regards to the Flood Control Project.

Mr. Asche reported that TAC member Joe Fox has agreed to take on the role of TAC Chair.

**ii. Memo with Summary of XP-SWMM Model and Recommendations (additional technical memo available online)**

Mr. Asche provided a brief overview of the purposes of the XP-SWMM model and the P8 model. He described ways that the current XP-SWMM model could be refined and what types of additional detail could be added. Mr. Asche explained that the current model could be used for general assumptions whereas by refining the model and adding detail to it, the model would provide more absolute-type data, which would be a better tool for decision making. Chair Black clarified that the proposed cost is \$246,000. There was discussion of the model and uses of it at different levels of detail.

Mr. Asche noted that the updating of the model is work that could be pieced together over time as budget allows. Mr. Asche added that the Commission has a consultant pool and could request proposals for the work, but he doesn't know if the Commission would see any differences. He noted that most watersheds have the kind of information that would be provided by updating the XP-SWMM model, and he said that the information is extremely valuable and the TAC supports it in whichever way that the Commission wants to proceed.

There was a discussion of Atlas 14 and flood elevations as well as ways that the model would be updated and budget line items that could be used to fund the XP-SWMM update work. Commissioner Carlson asked if the Phase 2 XP-SWMM work was included in the Commission's budget. Chair Black replied no, it's not included in the 2014 budget unless the Commission takes action to amend its 2014 budget. Engineer Chandler commented that the Phase 1 work was funded from the Commission's Long-Term Maintenance fund. She also explained that the order of Phase 2 tasks as listed in the Engineer Memo on this topic is the order in which the Phase 2 updates should take place.

Mr. Oliver said that in regards to the idea of the Commission going out for proposals for the Phase 2 work, he recommends that it be considered very carefully. He said that the Commission Engineer has institutional knowledge and is familiar with the assumptions that are in the background models that will be converted and the Commission Engineer has knowledgeable resources within its company. Mr. Oliver said that he thinks that if the Commission goes out for the XP-SWMM Phase 2 work, the Commission will be paying for a learning curve for the contractor to go back to the Commission Engineer for answers to questions.

Chair Black summarized that it has been suggested that staff come back to the January or February

meeting with more details on what pieces would be undertaken first, second, and third, if there is a possibility of taking some of the cost out of the Commission's reserve fund, and if there is a possibility of going out to the cities with a letter and description of justifications. She said that there seems to be consensus that the Commission move ahead with the project. Chair Black directed staff to come back to the Commission with the information at either the January or February meeting, based on the readiness of the information.

Administrator Jester raised the topic of a possible XP-SWMM tutorial by the Commission Engineer for the Commission and TAC members. She said that the cost will be \$2,000 and that \$996 of that cost could come from the Surveys and Studies budget and the rest could come from the Technical Services budget. Chair Black directed staff to conduct a Doodle poll to arrange a time for the tutorial. Commissioner Carlson requested that the tutorial occur before the topic is brought in front of the Commission for decision.

Administrator Jester reiterated that the direction to staff by the Commission is that staff will put together funding options for Commission consideration at its January or February meeting, will do a prioritizing of pieces, and options would include amending the 2014 budget, waiting until 2015, funding from the long-term fund, going out for an RFP (Request for Proposal) and/or getting more detail from Barr Engineering on its proposal, and will set up a Doodle poll for the entire Commission regarding scheduling an XP-SWMM tutorial. The Commission agreed to the summary of the direction to staff.

#### **D. Consider Proposal for Study of Long-Term Maintenance and Replacement Needs for Flood Control Project**

Engineer Chandler reminded the Commission that it directed the Commission Engineer to develop a proposal in response to the Commission's discussion and questions about long-term maintenance and replacement needs for the Flood Control Project. She summarized the six tasks included in the proposal, as listed in the November 12<sup>th</sup> Engineer Memo "Proposal for Study of Long-Term Maintenance and Replacement Needs for Flood Control Project":

1. Estimate of cost to replace the Bassett Creek Flood Control project;
2. Funding options for replacing Flood Control Project features;
3. Estimated maintenance and repair costs for Flood Control project;
4. Options for funding emergency repairs and long-term maintenance of Flood Control Project;
5. Locate and review previous agreements for the Flood Control Project; and
6. Prepare technical memorandum.

She said that the estimated cost of the work is \$16,500 and that at the time of its discussion at the workshop, the Commission indicated that the costs could come out of the Long-Term Maintenance fund. Engineer Chandler said the goal would be to complete the work by the end of February, but that timeline would be dependent on getting information back from the Minnesota Department of Transportation and the U.S. Army Corps of Engineers. Chair Black suggested that the Commission consider the Administrator taking on task 2 "funding options for replacing Flood Control project features" and task 4 "Options for funding emergency repairs and long-term maintenance of Flood Control Project."

Chair Black moved that the Commission authorize the Commission Engineer to perform tasks 1, 3, 5, and 6. Commissioner Hoschka seconded the motion. There was discussion of how the work would be funded. Chair Black said that the Commission has been discussing funding the work from the Long-Term Maintenance fund. Commissioner de Lambert clarified that the Commission is authorizing an estimated budget of \$13,500. Chair Black agreed with the clarification. Administrator Jester added that the budget would come from the Long-Term Maintenance fund. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote].

## 6. OLD BUSINESS

### A. Receive Update on Next Generation Plan Development

Chair Loomis reported that the cost of the Plan update is pushed right up against what was budgeted for this year. She said that it has been a lot of work with a lot of discussions, such as discussions about the policies. Administrator Jester added that work on the policy section is continuing, but the budget has been expended including the budget that had been saved from previous Plan Update project tasks that were completed under budget. She said that the projected budget overrun is estimated to be about \$8,000, but there could potentially be savings on future tasks.

Chair Black commented that she hopes that there would be future cost savings, but as the process moves forward, the issues will get more detailed, and she doesn't anticipate there being future cost savings. Chair Loomis provided an update of recent Plan Steering Committee discussions. Administrator Jester announced that the next Plan Steering Committee meeting is December 16<sup>th</sup>. Committee Chair Loomis said that the Commission should forward to Administrator Jester any comments about the draft list of CIP project weighting criteria as included in the November 12, 2013 TAC memo.

### B. Approval to Amend Agreement with Golden Valley for 2015 Main Stem Project Feasibility Study

Mr. Oliver said that in order to appropriately involve the public earlier in the project's implementation, and due to conversations with the Commission Engineer, the City of Golden Valley decided that it would be best to modify the contract between the Commission and the City of Golden Valley and between the City and WSB to have public participation as part of the feasibility report rather than following the feasibility report. He said that the 2015 project could see a rather significant tree removal, depending on the methods chosen, and the City would like to have conversations with the residents before coming to the Commission with 50% plans.

Commissioner Mueller moved to approve the amendment. Commissioner Crough seconded the motion. Alternate Commissioner Tobelmann asked where the extra \$8,000 will come from. Mr. Oliver said it is in the project budget. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote].

### C. Update on Medicine Lake Water Level Issue

Administrator Jester mentioned the newspaper articles and e-mails that have been circulating regarding this issue. She handed out a written recommendation and asked the Commission to consider moving forward with the items identified in her recommendation, including:

- The Commission continues to play a facilitation role in this issue;
- The Commission acknowledges its role as a facilitator; and,

- The Commission acknowledges that ultimately it might not be the implementer or the funder of potential future projects.

Administrator Jester listed potential actions that she recommends the Commission undertake, including sending a letter to stakeholders, continuing to gather information from stakeholders, directing the Commissioner Engineer to pull together information to determine components of a study on possibly altering the outlet structure and a “ballpark” cost estimate for that work, and hosting a large meeting of all of the stakeholders early next year (facilitated by a third party) in order to share ideas and information, dispel miscommunication, and to hear from experts about the different issues of concern to the stakeholders.

Mr. Oliver mentioned that the City of Golden Valley constructed and operates a variable-quantity weir on Wisconsin Avenue as part of the original Flood Control Project. He said that the City would be happy to provide information on the City’s experience with operating that weir.

Alternate Commissioner Tobelmann commented that the Commission needs to know who has the jurisdiction on the issues and the process and noted that if Administrator Jester is facilitating the process, then it could be interpreted that she is the leader.

*[Commissioner Hoschka departs the meeting.]*

There was discussion of the issues and ways for the Commission to proceed.

*[Commissioner Millner departs the meeting.]*

Medicine Lake Mayor Gary Holter spoke about Medicine Lake’s value as a key resource and about his concerns on behalf of property owners around Medicine Lake. He stated that those property owners would be willing to put up resources to make the quality of life better there. Chair Black said that lake property owners should be part of the stakeholder group but stated that the group is hard to get hold of. Mayor Holter agreed that the facts need to be identified such as how to proceed, who to talk to, who controls what issues and said that this is what they have been asking for. He brought up their previous request for a study being done and brought up the petition that was signed by 600 people indicating that more people than those that live on Medicine Lake are interested in the issues affecting the lake. Chair Black said that she would like to hear from those stakeholders about what issues concern them. Mayor Holter said that all that they are asking for is a study taking a look at the dam and the possibility of a controllable weir.

Administrator Jester reminded the Commission that one of her recommendations is that the Commission Engineer pull together a list of components of such a study and a high-level cost estimate for such a study. Chair Black said that in order to pull together that information, the Commission Engineer would need to know the specific topics of the study and therefore the issues need to be identified by the stakeholders and compiled. She said that the responses from the stakeholders should come back at the January or February meeting as well as a list of components that would be needed in preparation of a larger meeting.

Chair Black asked the Commission what it would like to do about Administrator Jester’s recommendations. Mr. Oliver said that the downstream cities would like the impacts of a controllable weir on downstream cities to be included in the study. Administrator Jester recommended that the Commission take action to acknowledge its role as a facilitator in this issue and that the Commission might not be the implementer or the funder of potential future projects and to send a letter communicating that information to stakeholders. Commissioner Crough moved to approve the recommendation. Commissioner Muller seconded the motion. Upon a vote, the motion carried 5-0 [Cities of Golden Valley, Minneapolis, Minnetonka, and Robbinsdale absent from vote].

Chair Black directed Administrator Jester to be the signatory on the letter.

#### **D. Four Seasons Area Water Quality Project – Response to 90% Plan Comments and Alternatives Analysis**

Mr. Asche provided background on the project and its process to date. He added that the plan set is available with the meeting packet. He also said that the packet included the City’s responses to the Commission Engineer’s comments on the 90% plan set. Mr. Asche referenced the City of Plymouth’s November 12, 2013, memo “Four Seasons Drainage Improvement Alternatives” also included in the meeting packet. He said that the Table 1 in the memo summarizes the existing alternatives examined through the project feasibility study and Table 2 is a brief analysis of additional alternatives. He provided more detail about the information in the memo and recommended that this topic be tabled until January in order to provide an opportunity for residents to have a chance to speak about the alternatives.

Chair Black had questions about the phosphorous removal estimates for some of the alternatives, and Mr. Asche answered her questions and gave more information on the different alternatives. There was a short discussion of the tree removal proposed in the project’s original plan, and Engineer Chandler asked if the original plan included the clearing of 1,000 trees. Chair Black said yes, but that plan included the stormwater pond and this plan is just the rip rap of the channel and no pond. Mr. Asche asked the Commission to remember that this is a big project at three-fourths of a mile long. Engineer Chandler pointed out that the City’s memo recommends two items that are years out from now, including a possible partnership with the Four Seasons Mall property owner and work in context with an approved TMDL (Total Maximum Daily Load) study.

Mr. Asche answered specific questions about the project alternatives, and he commented that a great discussion for the Commission to have is how to weigh the projects with regards to phosphorous removal.

Mr. Asche said that he would like to have further discussion with the Commission at its January meeting when residents could attend and hear the discussion. He said he then would like the opportunity to go back to the residents and get input from them. Engineer Chandler clarified that the Commission Engineer will not be reviewing the plan set sent over by the City since this item has been tabled for now. Chair Black said that this item will be added to the Commission’s January meeting and asked Mr. Asche to notify the Commission about when he will be meeting with the residents and for Commissioners to RSVP for that meeting through Administrator Jester so that the meeting could be public noticed.

## **7. COMMUNICATIONS**

- A. Administrator:** Written report was included in meeting packet.
- B. Chair:** No Communications
- C. Commissioners:** No Communications
- D. Committees:** No Communications
- E. Legal Counsel:** No Communications
- F. Engineer:** Engineer Chandler announced that she has the MPCA’s (Minnesota Pollution Control Agency) draft 2014 list of water body impairments – mostly including chloride impairments - and the Commission can contact her for it. She also reported that there is a public hearing in January for nutrient criteria

standards for streams.

**8. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/Meetings/2013/2013-November/2013NovemberMeetingPacket.htm>)**

- A. Schaper Pond Diversion Project Impact Analysis Memo to MPCA and DNR
- B. Grant Tracking Summary and Spreadsheet
- C. BWSR Grants Quarterly Newsletter October 2013
- D. WCA Notice of Decision, Plymouth
- E. WCA Notice of Decision, Plymouth

**9. ADJOURNMENT**

Chair Black adjourned the Bassett Creek Watershed Management Commission Regular Meeting at 11:25 a.m.

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Amy Herbert, Recorder

Date

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Secretary

Date