



Bassett Creek Watershed Management Commission

Minutes of Special Meeting October 17, 2013 Golden Valley City Hall, 8:30 a.m.

Commissioners and Staff Present:

Crystal	Alternate 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	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, Chair		

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

Perry Edman, TAC, St. Louis Park	Tom Mathisen, TAC, City of Crystal
Joe Fox, TAC, City of Golden Valley	Jeff Oliver, TAC, City of Golden Valley
Chris Gise, Golden Valley Resident	John O'Toole, Alternate Commissioner, City of Medicine Lake
David Hanson, Alternate Commissioner, City of Golden Valley	Bob Paschke, TAC, City of New Hope
Chris Long, TAC, City of New Hope	Justin Riss, Alternate Commissioner, City of St. Louis
Allen Hill, BTO Development Corp.	Liz Stout, TAC, City of Minnetonka
Linda Loomis, BCWMC Next Generation Plan Steering Committee Chair	David Tobelmann, Alternate Commissioner, City of Plymouth
Eric Luth, BKBM Engineers	

1. CALL TO ORDER AND ROLL CALL

On Thursday, October 17, 2013, at 8:32 a.m. in the Council Conference Room 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 Crystal, Minneapolis, Minnetonka, and Robbinsdale were absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input [See agenda item 5].

3. AGENDA

Chair Black moved item 3 - Approval of the Agenda and item 4 – Consent Agenda – to follow the New Business item – TAC Recommendations - because there was not a quorum of the Commission to take action on the items. [Thus, minutes reflect some items taken out of order.]

5. NEW BUSINESS

A. TAC Recommendations

i. City's Use of Commission Development Review Process

Jeff Oliver provided an overview of the TAC's discussion of how each member city utilizes the Commission's development and review process. He said that the TAC will continue to discuss this item, and he pointed out that the TAC memo included in the meeting packet lists how each member city is using the development and review process. Administrator Jester provided a summary and reported that the Commission review process is not duplicative of the cities' review processes. She said that the cities find the Commission's process helpful and don't recommend making any large-scale changes

[Commissioners Jacob Millner and Guy Mueller arrive.]

ii. Feasibility Study Criteria

Administrator Jester reminded the Commission that this past summer it directed the TAC to help develop and recommend criteria, or a set of elements, that each feasibility study would need to contain. She said that the 10 recommendations are listed on page 4 of the TAC memo in the meeting packet. Administrator Jester reported that the TAC members noted that in the cases where the cities fund the feasibility studies for Commission projects, the cities do not feel they are required to use the Commission's Engineer pool. Chair Black commented that her understanding is that that the pool was created for Commission use and cities are welcome to use it but it seems that it is already Commission policy that the cities aren't required to use the pool for the studies they fund.

Commissioner de Lambert moved to approve the recommendations in the TAC memo. Commissioner Millner seconded the motion. The motion carried 6-0 [Cities of Minneapolis, and Robbinsdale absent from vote].

[Commissioner Michael Welch arrives.]

iii. Summary Memo of XP-SWMM

Jeff Oliver provided an overview of the TAC’s status review of the XP-SWMM model. He said that the item will come to the Commission at either the November or December meeting for discussion and consideration.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

Linda Loomis asked to re-open the citizen forum on non-agenda items. The Commission agreed. Ms. Loomis announced that Golden Valley resident Nancy Azzam would like to bring to the Commission’s attention the service of Jon Ong, who has been active in involving his students in the River Watch program for many years. The Commission discussed recognizing the watershed’s volunteers. Administrator Jester said that she would gather some information on other teachers involved in the River Watch Program, and Chair Black directed her to bring the information back at a future meeting.

4. CONSENT AGENDA

Commissioner Welch requested the removal of item 4G. Chair Black moved the item to the second item in New Business. Commissioner Welch moved to approve the Consent Agenda as amended. Commissioner de Lambert seconded the motion. Upon a vote, the motion carried 7-0 [City of Robbinsdale absent from vote]. [The following items were approved as part of the Consent Agenda: the September 19, 2013, BCWMC meeting minutes, the monthly financial report, payment of the invoices, Resolution 13-06 Setting Time and Place of Regular Meeting, Approval of Three Nine Four Apartments and Senior Care Project in Golden Valley, and Approval to Pursue Delisting of Wirth Lake with MPCA]

The general and construction account balances reported in the Financial Report prepared for the October 17, 2013, meeting are as follows:

Checking Account Balance	\$551,489.72
TOTAL GENERAL FUND BALANCE	\$551,489.72
TOTAL CASH & INVESTMENTS ON-HAND (10/9/13)	\$2,910,784.30
CIP Projects Levied – Budget Remaining	(\$3,042,113.04)
Closed Projects Remaining Balance	(\$131,328.74)
2013 Anticipated Tax Levy Revenue	\$494,829.94
Anticipated Closed Project Balance	\$363,501.20

3. AGENDA

Commissioner Mueller moved to approve the agenda as amended. Commissioner Welch seconded the motion. Upon a vote, the motion carried 7-0 [City of Robbinsdale absent from vote].

5. NEW BUSINESS (Continued)

A. Approval of Plymouth City Center Medical Building Project in Plymouth

Commissioner Welch asked for further information on the Commission Engineer's recommendation that the 0.36 acres of impervious surface that discharges offsite must be treated to Level 1 standards. Engineer Chandler provided information and reported that since the time that the memo was prepared, the Commission Engineer received updated plans showing that the entire site will be treated to Level 1 standards. She said that the Commission Engineer recommends approval of the project with no conditions. Commissioner Welch moved to approve the project. Commissioner de Lambert seconded the motion. Upon a vote, the motion carried 7-0 [City of Robbinsdale absent from vote].

B. Set Next TAC Meeting and Agenda

Administrator Jester noted that the TAC proposes to meet on November 7th. She noted there are items involving the Watershed Plan development still need TAC input including identifying some of the gray areas of the maintenance of flood control projects and developing a more succinct definition of the trunk system or changing the definition of the trunk system. She said that the TAC also needs to start discussing 2020 CIP projects. Commissioner Welch added that the whole process of adding items to the CIP should be discussed as part of the Plan process and explained that when the Commission finalizes its new Plan it will finalize a new CIP, so at some point the Commission will need to have a comprehensive review of the 10-year CIP. Commissioner Welch said that he is interested in getting the TAC's view on the degree to which Bassett Creek has problems with gullies and small tributaries, sometimes defined as first-order streams, contributing sediment loads to the creek. He said that it seems that this discussion could be part of the TAC's discussion of the trunk system. The Commission agreed to the proposed date and time of the next TAC meeting and the proposed agenda items.

C. Twin Lake In-Lake Alum Treatment Project.

Administrator Jester reminded the Commission that this item was tabled from its September meeting and that the Department of Natural Resource's draft fish survey report was printed and included in last month's meeting packet and was also available online. She pointed out that Blue Water Science's report on the trapnet fish surveys of Sweeney Lake and Twin Lake were printed and included in this month's packet and was also available online. Administrator Jester gave an overview of the information. She reported that Steve McComas' opinion is that water quality in Sweeney and Twin lakes are not being impacted by the fish communities.

Administrator Jester said that the Commission Engineer recommendation in the packet memo was to proceed with the alum treatment, but since the memo was written, staff received some preliminary data from the CAMP (Citizen-Assisted Monitoring Program) monitoring from this past summer. Engineer Chandler reported that the CAMP data is based on surface water sampling and this year's data chlorophyll and Secchi data (phosphorus data were still unavailable) shows better water quality than in the past few years. However, she noted that only limited data were available at this time. She explained that the alum treatment is scheduled for 2014, and she proposed to delay treatment until after the water quality results are available from next year's water quality monitoring of Twin Lake.

There were questions and discussion about how much better the water quality was this year over the past years, reasons for the change, the timing of receiving the final CAMP monitoring results from this year, reasons to move ahead with the alum treatment in 2014, reasons to postpone the alum treatment until after the Commission's water quality monitoring of Twin Lake, and when the Commission would need to take action if it were to order the alum treatment for the fall of 2014. Commission Engineer noted it would take a very dramatic change in water quality in 2013 and 2014 to change the alum treatment recommendation. Chair Black directed staff to bring the item back in front of the Commission at the appropriate time. Mr. Oliver suggested researching to find if any of the alum treatment providers are on the state contract list because if one of those contractors are used then the project wouldn't be required to go out for bids.

D. Update on “Legacy Restoration Evaluation” of Commission Projects that Received 2010 CWF

Administrator Jester explained that last month the Department of Natural Resources (DNR) contacted her to talk about evaluating the projects that used 2010 Clean Water Funds. She reminded the Commission that they had two projects that used those funds, including the Plymouth Creek restoration and the restoration of a portion of Bassett Creek in Golden Valley. She said that the cities and Barr Engineering helped her gather the information needed and she sent it on to the DNR. Administrator Jester reported that yesterday she, Plymouth staff, Golden Valley staff, and DNR staff met and walked those project sites to look at the different restoration methods employed. She said that the project evaluations will go to a restoration evaluation panel and then the information will go into a fiscal year 2010 report. She noted that a case study may be done on either of the projects and the Commission will be informed if this happens.

6. OLD BUSINESS

A. Recommendation from Dispute Resolution Committee

Dispute Resolution Committee Chair Jim de Lambert provided a summary of the Committee's three meetings, including a work session with the Crystal City Council, and the items discussed by the Committee. He said that he would like the Committee to meet one more time to develop a recommendation. Chair Black summarized the issues under dispute. There was discussion of the cities' schedules and the appropriate timeline for providing a recommendation to the cities. Attorney LeFevere pointed out that neither the Committee nor the Commission has the authority to decide the issue and said that the final recommendation would have more weight to it if it is from the full Commission rather than a few members of it. There was further discussion of ideas including incorporating land use as one of the factors that would go into the cost split. Commissioners de Lambert noted that an expeditious way to split up the study costs was needed.

The Commission agreed that the Dispute Resolution Committee would meet to develop recommendations, would work with Attorney LeFevere to draft the recommendations in written form, and will bring the recommendations in front of the Commission in November. Chair Black directed commissioners to submit their comments to Attorney LeFevere.

B. Update on Four Seasons Area Water Quality Project [CIP NL-2]

Administrator Jester said that in November Plymouth staff will bring to the Commission very general information on two additional project options, including water quality ponding on the west side of Lancaster Lane and using rip rap to line the entire 3,700 linear feet of the channel, as well as the cost estimate for moving the ponding proposed with the current plan to a location 50 yards to the south. She reported that the City of Plymouth will also bring responses to comments to the 90% plan set.

Several commissioners made comments about the project. Engineer Chandler brought up the issue raised by a

resident last month that the estimated cost of the alum treatment plant project is now in the same range as the estimated cost of the project as presented in the 90% plan set. Commissioner Welch commented that given the reaction to this project, his view is that taking down 800 to 1,000 trees for a project is not a viable option. He pointed out that the Commission has a public relations issue revealed by this project and the public reaction to it and said that the Commission has some analysis to do in order to ensure that it does not get itself in this spot again.

Mr. Oliver remarked that the process in the City of Golden Valley is to meet with residents during the feasibility study phase. He added that he thinks the Commission should send this issue to the TAC to analyze and discuss how to streamline the process and get public input before the project is under contract for final plans. Mr. Oliver said that the TAC needs to look at the CIP flow chart and see where the process could be updated.

There were some questions and discussion of the Wal-Mart site in relation to the Four Seasons Mall area water quality project. Commissioner Welch commented that if the Commission just sends the issue to the TAC then the Commission will miss the boat because the Commission needs to understand that a function of what happened with this project has to do with a disconnect between the City and the Commission.

C. Update on Medicine Lake Water Level Issue

Administrator Jester reported that she hasn't heard back from all of the stakeholders yet, but that the process is proceeding.

D. Update on Schaper Pond Diversion Project

Engineer Chandler explained that since the Commission's last meeting, staff has been working on the development of the submittal. She said that staff is working to merge all of the information this week and will get the submittal out to the interagency work group as the Commission directed last month.

E. Finalize Budgetary Decision Re: Flood Control Inspections

Administrator Jester stated that staff recommends continuing with the flood control inspections. Chair Black asked about the Commission's budget. Administrator Jester said that the Commission will go over budget on a couple of items and will be under on a few items and should finish out the year in the black. Commissioner Welch asked to hear from the Commission Engineer on the consequences of doing or not doing the inspections. Engineer Chandler explained that the Operations and Maintenance manual for the flood control project calls for annual inspections, and the Commission has taken on this task. Mr. Oliver said that based on his city's experience, he doesn't think that there is any risk of catastrophic failure.

Commissioner Mueller moved that the Commission rely on the observations of the respective city engineers and defer the flood control inspections for the remainder of the year. Commissioner Welch seconded the motion. Upon a vote, the motion carried 7-0 [City of Robbinsdale absent from vote].

7. COMMUNICATIONS

A. Administrator: The group was referred to the Administrator's Report in the packet.

B. Chair: No Communications

C. Commissioners: No Communications

D. Committees: No Committee Communications

E. Legal Counsel: No Legal Communications

F. Engineer:

- i. Ms. Chandler provided an update on the potential chloride impairment listing of Bassett Creek, Medicine Lake, Parkers Lake, Sweeney Lake, Wirth Lake, Plymouth Creek, and an unnamed creek leading into Medicine Lake. She also mentioned a recent meeting about this issue at the Minnesota Pollution Control Agency [MPCA]. She said that she would provide an update when there is more information available.

11. INFORMATION ONLY (Available at

<http://www.bassettcreekwmo.org/Meetings/2013/2013-October/2013OctoberMeetingPacket.htm>)

- A. Grant Tracking Summary and Spreadsheet
- B. Updated Printable Commission Roster Available Online <http://www.bassettcreekwmo.org/Board-Roster/BCWMC-Roster-MostRecent.pdf>
- C. Final Grant Application Submitted for Briarwood/ Dawnview Project
- D. Hennepin Co. Green Partners Environment Education Grants due November 1st
- E. West Metro Water Alliance – September Meeting Minutes
- F. Wetland Conservation Act Applications (2), Notice of Decision, Application for Exemption – various projects in Plymouth

12. ADJOURNMENT

Chair Black adjourned the Bassett Creek Watershed Management Commission Special Meeting at 10:00 a.m.

Amy Herbert, Recorder

Date

Secretary

Date