



Bassett Creek Watershed Management Commission

Minutes of Special Meeting September 19, 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	Commissioner Michael Welch	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	Jeff Hafner, Rainbow Treecare
JoAnn Atkins, Plymouth Resident	David Hanson, Alternate Commissioner, City of Golden Valley
Stanley Atkins, Plymouth Resident	Chris Long, TAC, City of New Hope
Laura Betker, KARE 11	Linda Loomis, BCWMC Next Generation Plan Steering Committee Chair
Jeannine Clancy, TAC, City of Golden Valley	Tom Mathisen, TAC, City of Crystal
Lois Eberhart, TAC, City of Minneapolis	Richard McCoy, TAC, City of Robbinsdale
Perry Edman, TAC, City of St. Louis Park	Tom Meerson, Minneapolis Resident
Joe Fox, Staff, City of Golden Valley	Jeff Oliver, TAC, City of Golden Valley
Erick Francis, WSB & Associates	Bob Paschke, Staff, City of New Hope
Christopher Gise, Golden Valley Resident	Mike Payne, City of Plymouth

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

John O'Hara, Plymouth Resident

Erich Schroeder, Plymouth Resident

Liz Stout, TAC, City of Minnetonka

Jerry Thelen, Plymouth Resident

Andrea Weber, Minneapolis Park and Rec Board

Robert White, New Hope Resident

Pete Willenbring, WSB & Associates

1. CALL TO ORDER AND ROLL CALL

On Thursday, September 19, 2013, at 8:34 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 Minneapolis, Minnetonka, and Robbinsdale were absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input.

3. AGENDA

[Commissioner Michael Welch arrives]

Chair Black requested to move up agenda item 7A – Four Seasons Mall Area Water Quality Project – so that it would be handled after agenda item 4 – Consent Agenda. Commissioner de Lambert moved to approve the agenda as amended. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

[Commissioner Jacob Millner arrives]

4. CONSENT AGENDA

Commissioner Hoschka moved to approve the Consent Agenda. Commissioner de Lambert seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote]. [The following items were approved as part of the Consent Agenda: the August 15, 2013, BCWMC meeting minutes, the monthly financial report, and payment of the invoices]

The general and construction account balances reported in the Financial Report prepared for the September 19, 2013, meeting are as follows:

Checking Account Balance	\$578,045.28
TOTAL GENERAL FUND BALANCE	\$578,045.28
TOTAL CASH & INVESTMENTS ON-HAND (9/11/13)	\$2,931,541.15
CIP Projects Levied – Budget Remaining	(\$3,050,474.54)
Closed Projects Remaining Balance	(\$118,933.39)
2013 Anticipated Tax Levy Revenue	\$494,829.94
Anticipated Closed Project Balance	\$375,896.55

5. OLD BUSINESS

A. **Four Seasons Mall Area Water Quality Project (CIP-NL-2) [previously agenda item 7A.]: Lancaster Lane Diversion Project Update and Approval of 90% Plan Set.**

Derek Asche provided an overview (via PowerPoint presentation) of the project, which addresses an impairment of New Hope's Northwood Lake. He described the project's history and timeline and the project's 90% plan set. He said that the City is looking for the Commission's approval of the 90% plan set and for direction to complete the plans. He explained that if the Commission approves the project today, it would go to the Plymouth City Council in October with the plans and specifications and the order for bidding, and subsequently it would go back in front of the City Council to award a contract. He said that unless there is other direction, this is the last time that the Commission would see it until the project starts moving forward and the Commission gets project updates from staff.

He relayed the project team's responses to the Commission's comments on the 90% plan set and highlighted the comments submitted to the City by the Commission Engineer after the Engineer's August 28th site walk-through of the proposed project site. Mr. Asche announced that an article about the project ran in yesterday's *Star Tribune* and generated to the City of Plymouth several e-mails and phone calls in opposition to the project. He reported that the cost estimate of the project as reflected in the feasibility study was \$650,000, but the current construction estimate is closer to \$1,000,000. Mr. Asche explained the difference in the cost estimates and said that the increase includes \$15,000 in new trail construction, which would be paid for by the city, and potentially \$60,000 in trail repairs, should any trails be damaged during construction, \$15,000 for additional cross vanes based on Commission comments, and \$140,000 for higher than expected cost per tree for removal. Mr. Asche described that another additional cost is the Lancaster Lane project, which is a future BCWMC CIP project that the City of Plymouth would like to do at the same time as the Four Seasons Mall Area project because there is an economy of scale associated with doing both projects at the same time. He said that the costs for the Lancaster Lane project is \$40,000 for the storm sewer plus \$115,000 for compost that would be used to stabilize soils. Mr. Asche described the costs that have been accrued to date on the Four Seasons Mall Area Water Quality Project and reported that those costs total \$97,000 to date.

Commissioner Welch noted that at the last meeting he had asked that the City of Plymouth find out the percentage of phosphorous from that catchment area that this project will remove and asked if that information is available. He also asked how much of a phosphorous reduction for Northwood Lake in terms of a TMDL [Total Maximum Daily Load] would be achieved through this project. Mr. Asche responded that as an estimate this project would remove 75 to 100 pounds of phosphorous. He estimated that there would need to be 350 to 400 pounds removed in order to reach the water quality goals in Northwood Lake, meaning that the Four Seasons Mall project would be roughly 25% of the loading that would need to be reduced. He noted that a TMDL would provide precise numbers, but he sees that this Four Seasons project would provide a big chunk of the overall phosphorous reduction that will be needed. Mr. Asche also clarified that not all of the phosphorous loading into Northwood Lake is coming from Plymouth.

Chair Black said that she walked the project site yesterday and looked at the zone that would be impacted by this project. She said that they looked at how trees could be preserved and the City also has marked some of those trees that could be saved and those trees that could be trimmed so that the plantings would have enough light to grow. Chair Black provided an explanation of TMDLs. Mr. Asche noted that since the Minnesota Pollution Control Agency (MPCA) has moved to a watershed-wide model for TMDLs and only moves through so many watersheds per year, the Northwood Lake would be part of a TMDL in 2020. There was commissioner discussion of the estimated goal of removing 350 to 400 pounds of phosphorous from entering Northwood Lake and questions to Mr. Asche about projects that could help accomplish that goal.

Commissioner Mueller asked Mr. Asche questions about the tree removal proposed in the project and asked him to describe in more detail the proposed ravine improvements. Mr. Asche described the proposed removal of 214 trees in the ponding area, 192 trees in the center channel, and 593 trees in the left and right channels combined and explained that for this project trees were defined as trees four inches in diameter or larger. He also described the current plan for the ravine improvement. There was discussion of the tree inventory and the species identified.

Commissioner Welch said that he hears Mr. Asche saying that there aren't a lot of big value capital project opportunities for Northwood Lake. Mr. Asche responded that the feasibility study eliminated many options for this water quality project. He reminded the Commission that the feasibility study outlined two options, one of which was the alum treatment station. Mr. Asche reminded the Commission that the alum treatment station is an expensive project and would need more long-term maintenance and at the time of its discussion on the feasibility study, the Commission decided to do the pond and stream restoration project. He concluded that something has to change to improve the water quality of Northwood Lake and this project would get to that goal.

Commissioner Welch asked for the Commission Engineer to provide an overview of the project. Engineer Chandler made a brief presentation and highlighted the remaining project concerns that the Commission Engineer would like to see addressed. She said that the Commission Engineer also would like to see the revised plans again for review prior to the City submitting them to the Plymouth City Council, and therefore she recommended that the Commission grant conditional approval of the project subject to administrative review, unless the Commission would like to see the plans again. There was discussion of the concerns raised by Engineer Chandler and questions about how to balance the need for getting big equipment in to do the work to access the channels with the desire to utilize hand work in order to save trees. Commissioner Welch commented that he didn't think it would be cost effective for people with no training to redesign projects but it is the people's job to raise questions.

Members of the public raised their questions and concerns about the project. Resident John O'Hara voiced his

concern about how this project would damage the woods and affect the wildlife. He said that the issues could be fixed in a more minor way than the proposed project. He also raised his concern about the flooding of his street and the U.S. Bank parking lot. Mr. O'Hara read from the Plymouth city code and relayed information he had gathered from an attorney.

Resident Erich Schroeder thanked Mr. Asche for his work to answer questions about the project, but said that he found out about this project pretty late in the process and said a lot of the information he found out only by his own investigation until the article in the *Star Tribune*. He asked the Commission to re-evaluate other possible projects for accomplishing the phosphorous reduction goals. Mr. Schroeder noted that the mitigation of the wetlands were not pursued because it was going to cost approximately \$1,000,000, but he said that the new cost estimates of this project is \$1,000,000, so now maybe the Commission would be willing to do some mitigation of those wetlands. He also pointed out that there are two or three open lots on the other side of Highway 169 just before the culvert empties into the lake, which might be available space for a project. Mr. Schroeder remarked that he thinks the project would result in a significant decrease in his property value because there would be more noise filtering through from roads and the highway, would be less attractive, and would offer less privacy. He said that mature forests are valuable and should be protected and not cut.

Resident Jerry Thelen said that he walked the creek yesterday and saw that a lot could be improved just by cleaning it up and removing downed trees. He said that he thinks that the problem of phosphorous going into Northwood Lake could be improved by focusing on the immediate area around Northwood Lake and by educating the homeowners around the lake about yard care, leaf removal, and grass clippings removal.

Resident Robert White explained that the watershed for Northwood Lake is 1,300 acres, which is a huge watershed for a 15-acre lake, and he noted that 60% of the watershed is in Plymouth and the rest is in New Hope. He explained that he is the volunteer water quality sampler for Northwood Lake through the Metropolitan Council's CAMP program (Citizen-Assisted Monitoring Program). Mr. White said that he doesn't like having trees cut down, but Northwood Lake does need help, and he and the residents around Northwood Lake appreciate the Commission undertaking this project.

Resident JoAnn Atkins said that her family moved to this house in 1990 because of the green space. She said that she can't understand working to improve the quality of life elsewhere when it destroys the quality of life in her neighborhood. Ms. Atkins said that the green space is so important and is worth saving. She noted that the creek is dry almost all year except after snow melt or a torrential rain.

There was a discussion of the project and the decision to move away from constructing pond NB-07. Mr. Asche answered questions from the residents and the Commission. Various possible alternatives were discussed including using the treatment of multiple ponds and burying the stream section in an underground pipe. Mr. Asche reminded the group that wetland mitigation may be required with some alternatives and that is very expensive and that burying a stream likely would not be palatable with regulatory agencies.

Commissioner Mueller moved that the Commission postpone taking action on this project in order for the Commission to consider the project further. There was no second on the motion.

Commissioner Hoschka moved to approve the 90% plans. Commissioner Millner seconded the motion. Commissioner Mueller asked how the Commission is going to take into account all of the concerns raised and said that the Commission needs time to rethink the project. The Commission discussed possibilities including a tree removal plan, the timeline of the project, and what information could come back in front of the Commission.

Commissioner Mueller moved to amend the motion to include that the revegetation plans would come in front of the Commission for review and there would be another look at shade species while putting together that plan. Commissioner Carlson seconded the amendment.

Commissioner Welch remarked that the approval by Hennepin County does not mean that this project is a foregone conclusion because the Commission needs to get several steps to line up in order to make a project happen. He also stated that the Commission needs to look at its notice provisions because it is getting comments at the 90% plan stage and is hearing that residents had not known of the project. Commissioner Welch said that he is not in favor of a delay unless the Commission is very specific with what it wants to see and when it is going to come back. He commented that he is hesitant to go back to it, but there is the idea of the alum injection system at the mouth that could potentially provide a similar benefit without losing the trees.

There was discussion of the amendments to the motion. Commissioner Mueller reworded his amendment request to be that a tree removal plan and revegetation plan get brought back in front of the Commission.

There was further discussion on the motion, the amendment, and what the Commission would review again. Administrator Jester noted that the amendment includes taking into consideration for the final plans the concerns voiced at today's meeting.

Upon a vote, the motion to approve the amendment to the motion carried 8-0 [City of Robbinsdale absent from vote].

Commissioner Welch requested that the Commission amend the motion to include that the final plans be submitted to the Commission for review along with a brief treatment of the alum injection system as an alternative to the proposed project and a brief treatment of other alternatives in the area. Commissioner Muller seconded the amendment. Commissioner Welch amended his amendment to add that it will be left to the discretion of the Engineer that if any of the comments brought forward today raise any significant new opportunities the Engineer and staff believe should be brought to the Commission's attention, the Engineer is authorized to bring them to the Commission. Upon a vote, the motion to amend the motion carried 8-0 [City of Robbinsdale absent from vote].

Upon a vote, the amended motion carried 7-1 [City of Crystal voted against the motion; City of Robbinsdale absent from vote].

Engineer Chandler clarified that the Engineer's memo included recommendations to approve the 90% plans and authorize the City of Plymouth to move forward with preparation of final plans and contract documents and construction of the project. She said that she wants to be clear on whether the Commission authorized the City of Plymouth to move forward with construction at this time or not. Chair Black said that the Commission approved having the final plans brought back in front of the Commission.

Lancaster Lane Diversion Project Update

Engineer Chandler recommended that the Commission remove the Lancaster Lane diversion project as a BCWMC CIP (Capital Improvement Program) project. Engineer Chandler explained (with a map in the memo provided) that when the project was put into the BCWMC's CIP, it was thought that the water coming down Lancaster Lane went east, and the idea behind the CIP diversion project was to move the water coming down Lancaster Lane and have it flow west. However, after further investigation, it is now known that the water actually already flows west and into the wetland. Therefore, the diversion project is not necessary. Engineer Chandler explained what the City of Plymouth would be doing at Lancaster Lane within the Four Seasons Mall project and described how the work would change the location of where the water flows into the

wetland so that there is better treatment.

Commissioner Welch moved to remove the Lancaster Lane Diversion project from the BCWMC's CIP. Commissioner Millner seconded the motion. Upon a vote, the motion carried 7-0 [City of New Hope abstained; City of Robbinsdale absent from vote].

Chair Black called for a five minute recess. Following the recess, Chair Black called the meeting back to order at 10:50 a.m.

6. NEW BUSINESS

A. Review of Main Stem Restoration Project: Golden Valley Road to Irving Ave. N – 50% Development Plans

Pete Willenbring of WSB & Associates made a brief presentation of the project, its status, and its 50% development plans. Andrea Weber of the Minneapolis Park and Recreation Board stated that the MPRB is supportive of the project and has been working to help make it a successful project. Mr. Willenbring noted there were 21 locations in need of work which is more than those identified in the feasibility study. Some locations will include placement of rock for bank stabilization. Some tree removal is necessary along banks. Commissioner Welch noted that he is very concerned about the east side of the bank- the Fruen Mill portion of the project. He said that he thinks the project needs to keep moving forward even if the property issues there are not straightforward. Ms. Eberhart pointed out that when the feasibility study was done, additional sites to the east were identified but not proposed for this part of the project because of additional contamination issues. She stated that the project was split into two parts and the next part will come up in about 2017 and will address bank stabilization closer to downtown. Ms. Eberhart recommended that the project continues working with the property owner of Fruen Mill for that second part of the project and to do so sooner rather than later. She added that when she talked to the property owner several years ago, he was on board with it. Ms. Weber followed up with further details about the communications with the property owner and the decision not to include that section in this part of the project.

Commissioner Welch moved to approve the 50% development plans with the direction that the Commission Engineer's comments continue to be addressed. Alternate Commissioner Hanson seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

5. PUBLIC HEARING

A. Receive Comments from Public on Proposed 2014 Capital Improvement Program (CIP) Projects

Chair Black opened the public hearing. Engineer Chandler provided a brief description of the three projects. Resident Christopher Gise thanked the BCWMC for considering the alum project for Twin Lake. He noted that authorized or not, there is considerable use of the lake by the general public and he raised the concern of how the public will be notified of the alum treatment during the dosage period. Engineer Chandler said that the alum treatment is typically a fall project, which minimizes the use of the lake. Chair Black called for questions and comments. Hearing none, she closed the public hearing.

6. NEW BUSINESS (continued)

A. Adopt Major Plan Amendment to Include 2014 CIP Projects

Alternate Commissioner Hanson moved to approve Resolution 13-04 “Resolution Approving Watershed Plan Amendment.” Commissioner de Lambert seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

B. Resolution 13-05: Ordering 2014 Improvements, Designating Members Responsible for Construction, Making Findings, Certifying Costs to Hennepin County, and Approving Agreement with City of Golden Valley for Construction of Briarwood/ Dawnview Water Quality Improvement Project

Alternate Commissioner Hanson moved to approve Resolution 13-05. Commissioner Mueller seconded the motion. Commissioner Welch requested a change to the Cooperative Agreement, item 2 and asked that the language “subject for approval” be made clearer for both parties to the agreement about what that means. He requested that the language be revised to: plans and specifications will be approved by the Commission before contract documents are let for bids. Commissioner Welch said that Mr. LeFevere can revise the language using words that convey that meaning. Alternate Commissioner Hanson and Commissioner Mueller approved the friendly amendment. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

C. Schaper Pond Diversion Project

Administrator Jester provided a summary of the meeting with the MPCA [Minnesota Pollution Control Agency] and the DNR [Department of Natural Resources] to discuss the project. She explained that more information is needed to find out the project’s potential impacts on Schaper Pond. She reported that Engineer Chandler has estimated that the cost of researching and pulling together that information will be \$2,000, which will come out of the budget for the Schaper Pond CIP project. Administrator Jester said that staff needs direction from the Commission to move ahead with the work and reported that it is staff recommendation to move ahead with the work. Alternate Commissioner Hanson moved to authorize staff to move ahead a more detailed evaluation on impacts to Schaper Pond at a budget level of \$2,000. Alternate Commissioner Crough seconded the motion.

Commissioner Welch asked how the project could degrade the water quality of Schaper Pond. Engineer Chandler provided an explanation and described how the project will result in water sitting in the pond for a longer period of time, which raises the concern for the DNR and the MPCA that the water quality of the pond will be affected. She said that she thinks that Barr Engineering Company has good data from the feasibility study monitoring and will be able to answer that question readily. Engineer Chandler said that a wetland functions and values assessment will provide the other necessary information. There was discussion on when to bring the information back in front of the Commission before sending it on to the group. Chair Black asked a question about a possible change in the project’s design. Mr. Oliver responded and provided reasons on why that change would not be a feasible option.

The Commission directed staff to move ahead with the permitting process and to bring back the information at the Commission’s October meeting. Attorney LeFevere stated that staff will come back with a contract. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

[Commissioner Millner departs the meeting.]

D. Twin Lake In-lake Alum Treatment Project

Item deferred to future meeting.

E. Review of Main Stem Restoration Project: Golden Valley Road to Irving Ave. N – 50% Development Plans – [See discussion under agenda item 6A.]

F. Set TAC Meeting Date and Agenda

The Commission approved the TAC holding a meeting on October 7th to discuss the agenda items listed in the Administrator’s memo and as taken from previous Commission direction.

7. OLD BUSINESS (continued)

A. Four Seasons Mall Area Water Quality Project – [See discussion under agenda item 5.]

B. Receive Update on Next Generation Plan Development

Administrator Jester provided a brief update and reported that the Commission needs to set a Commission and TAC workshop in the near future, ideally in October. She reported that the Plan Steering Committee is seeking Commission approval of three Plan goals, as highlighted in the memo and included in the meeting packet. Plan Steering Committee Chair Linda Loomis mentioned discussions that the Committee had related to certain policies and said that the Commission needs to come to resolution on those topics. There was discussion about planning the workshop for October. The Commission decided to hold an abbreviated regular meeting for October with the workshop immediately following.

C. Budget Committee Recommendations.

Administrator Jester provided an overview of the memo on this topic in the meeting packet. She listed the staff recommendations, including using funds from under budget items, not moving the \$10,000 earmarked for TMDL studies from the Administrative Fund to the TMDL studies fund and suspending the erosion control inspections. There was discussion of the proposal to cancel the flood control inspections. Commissioner Welch moved to approve the recommendations as listed in the memo. Chair Black asked for a friendly amendment to defer making a decision on the flood control inspection cancellation until the BCWMC’s October meeting. Commissioner Welch accepted the friendly amendment. Commissioner de Lambert seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

D. Decide on BCWMC Meeting Time

There was discussion on the time of the BCWMC’s monthly meeting and what might work best for Commissioners, TAC members, and the public. The Commission decided to change its official meeting time to 8:30 a.m. and directed staff to make the change official.

E. Review of Clean Water Fund Grant Draft Applications

Mr. Oliver said that Golden Valley has a few comments. Chair Black said he should send them to the Commission Engineer. Commissioner Welch moved to approve staff submitting the applications. Engineer Chandler asked for the Commission direction on how much funding to request. The Commission agreed that the applications should ask for the maximum amount. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

[Commissioner Hoschka departs the meeting.]

F. Consider Grant Payment to Meadowbrook School for 2010 Water Quality Education Project

Alternate Commissioner Crough moved to approve payment of the full amount of \$992.08 to Meadowbrook Elementary. Commissioner de Lambert seconded the motion. Upon a vote, the motion carried 6-0 [Cities of Golden Valley, Minnetonka, and Robbinsdale absent from vote].

8. COMMUNICATIONS

A. Administrator: No Administrator Communications aside from written memo in packet

B. Chair: No Chair Communications

C. Commissioners: No Commissioner Communications

D. Committees:

i. **Administrative Services Committee**

Administrator Jester provided a short update of the Committee’s last meeting and the discussion of the Medicine Lake water level issue. She said that the recommendation for action that came out of that meeting is that she conducts a poll of the Medicine Lake stakeholders in order to identify issues. The Commission agreed with the recommendation.

E. Legal Counsel: No Legal Communications

F. Engineer: No Engineer Communications

9. INFORMATION ONLY (Available at

<http://www.bassettcreekwmo.org/Meetings/2013/2013-September/2013SeptemberMeetingPacket.htm>)

A. Grant Tracking Summary and Spreadsheet

B. Freshwater Society Report: MN’s Groundwater: Is Our Use Sustainable

C. October 8th Speaker on Asian Carp (Event Sponsored by Freshwater Society <http://freshwater.org/>)

D. Notice of WCA Applications for Berg Site and 11 Saratoga Lane in Plymouth

E. Construction Dewatering DNR Water Appropriation Permit for Hampton Inn, Minnetonka

F. West Metro Water Alliance –June Meeting Minutes

10. ADJOURNMENT

Chair Black adjourned the Bassett Creek Watershed Management Commission Special Meeting at 11:44 a.m.

Amy Herbert, Recorder Date

Secretary Date