



Bassett Creek Watershed Management Commission

Minutes of the Regular Meeting

June 20, 2013

Golden Valley City Hall, 11:30 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	<i>Not represented</i>
Medicine Lake	Commissioner Ted Hoshal, Secretary	Administrator	Laura Jester, Keystone Waters LLC
Minneapolis	Commissioner Michael Welch	Attorney	Charlie LeFevere, Kennedy & Graven
Minnetonka	<i>Not represented</i>	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 Ashe, TAC, City of Plymouth	Linda Loomis, BCWMC Next Generation Plan Steering Committee Chair
Jeannine Clancy, TAC, City of Golden Valley	Richard McCoy, TAC, City of Robbinsdale
Lois Eberhart, TAC, City of Minneapolis	John O'Toole, Alternate Commissioner, City of Medicine Lake
Perry Edman, TAC, City of St. Louis Park	Liz Stout, TAC, City of Minnetonka
Christopher Gise, Resident, City of Golden Valley	Dave Tobelmann, Alternate Commissioner, City of Plymouth
David Hanson, Alternate Commissioner, City of Golden Valley	

1. CALL TO ORDER AND ROLL CALL

On Thursday, June 20, 2013, at 11:34 a.m., 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 Minnetonka, Robbinsdale, and St. Louis Park were absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input.

3. AGENDA

Chair Black requested that item 7D – Approval to Submit Major Plan Amendment for 90-day Review – be moved up in the agenda to item 5B under Public Hearing. She requested the addition to the agenda item 6C – Approval for the Administrator to exceed \$5,000 for the month of June. Chair Black also requested the deletion of item 7E – Reimbursement to Meadowbrook Elementary for 2010 Project – and said that the item will be placed on the Commission’s July agenda. Commissioner Welch moved to approve the agenda as amended. Alternate Commissioner Mueller seconded the motion. The motion carried unanimously 6-0 [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

4. CONSENT AGENDA

Commissioner Welch moved to approve the Consent Agenda. Commissioner Hoshal seconded the motion. The motion carried unanimously 6-0 [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

[The following items were approved as part of the Consent Agenda: the May 16, 2013, BCWMC meeting minutes, the monthly Financial Report, payment of the invoices, and approval of the Roles and Responsibilities document.]

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

Checking Account Balance	\$637,783.21
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TOTAL GENERAL FUND BALANCE	\$637,783.21
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TOTAL CASH & INVESTMENTS ON-HAND (6/1213)	\$2,453,923.18
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CIP Projects Levied – Budget Remaining	(\$3,058,546.26)
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Closed Projects Remaining Balance	(\$604,623.08)
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2013 Anticipated Tax Levy Revenue	\$986,000.00
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Anticipated Closed Project Balance	\$381,376.92
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5. PUBLIC HEARING

- A. Public Hearing.** Chair Black stated that the Public Hearing was opened at the May 16th Commission meeting and continued through to today. She called for comments.

Mr. Christopher Gise, resident of Golden Valley, thanked Administrator Jester and the Commission for the response to his inquiry about the proposed Twin Lake alum treatment. Commissioner Hoshal brought up comments he received from a resident regarding the aquatic invasive species called the gizzard shad that the resident has seen in Sweeney Lake. Commissioner Hoshal described the problems that the gizzard shad could pose to the alum treatment if the fish was also in Twin Lake. He said that the Commission needs to find out the status of that fish in Twin Lake. Commissioner Hoshal said that he would like the Commission to learn more information about this issue before it takes action on the project. The Commission discussed the possibility of undertaking a fish survey or further investigating to see if recent fish survey data exists. There was discussion of carp in Twin Lake. Engineer Chandler commented that the presence of gizzard shad or carp in the lake would not preclude the use of alum treatment but may affect the dosage required.

Chair Black closed the public hearing at 11:57 a.m. Chair Black said that further discussion could continue as part of the next agenda item.

- B. Approval to Submit Major Plan Amendment for 90-day Review.**

Administrator Jester suggested that she and the Commission Engineer gather more information about a fish survey on Sweeney and Twin Lakes and bring the information in front of the Commission at the July meeting. Commissioner Hoschka recommended a cost-benefit analysis on conducting a fish survey. Attorney LeFevre noted the schedule of the CIP [Capital Improvement Program] process and said that if the Commission wants this project on its 2014 CIP, then at its July meeting the Commission would need to set the public hearing date for the project. Chair Black noted that the Commission isn't tied into conducting this project even if the Commission moves ahead today with approval of submitting the Major Plan Amendment to BWSR [Minnesota Board of Water and Soil Resources] for the 90-day review. Attorney LeFevre responded to questions about the funding of CIP projects and project feasibility reports and about the expending of funds. Engineer Chandler remarked that if the Commission spends money toward a project and wants to be reimbursed for those costs, the Commission would need to include those costs as part of its total project cost calculation and either include that cost in its levy request or decide that those costs would come from the Commission's closed project account.

Commissioner Hoshal moved to approve submitting to BWSR the Major Plan Amendment request for the 90-day review. Alternate Commissioner Crough seconded the motion. The motion carried unanimously 6-0 [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

Commissioner Welch moved to approve directing staff to obtain information and, if possible, a proposal for a fish survey on Sweeney and Twin Lakes and to bring the information to the Commission for consideration at its July meeting.

6. NEW BUSINESS

A. Discussion of Possible Commission Policy Regarding Feasibility Studies. Commissioner Welch opened the discussion as the request for consideration of a policy came from him. Engineer Chandler provided background on how the Commission has handled feasibility studies in the past. Chair Black commented that the Commission has followed a process but it does not have a policy in place regarding feasibility studies. Commissioner Welch described his position that he thinks it is critical that the Commission, as the entity that makes decisions that lead to and result in levying across all cities in the watershed, should be the entity to analyze options. He said that he thinks it is crucial that the Commission go through each project with a public process of considering the options before honing in and deciding to pursue an option. He said that he thinks it is a process that needs to happen very consistently in order for the Commission to exercise its due process to the taxpayers of the watershed before the Commission decides to impose costs on them to do a project in the watershed. There was extensive Commission discussion of the issue, with concerns raised about a new process adding a layer of complexity for the cities. Commissioner Hoschka noted that cities also answer to the taxpayers.

Ms. Clancy commented that the cities maintain the Commission projects and so at some point the cities need to be given some level of voice at the table on how the projects are maintained and about the responsibility of the project. She said that if the Commission doesn't listen to the cities' voice during the feasibility study, then it is a concern. Alternate Commissioner Tobelmann asked whether there is a consistent expectation of deliverables in terms of the feasibility study. Chair Black responded that there are no formal criteria and said that the Commission could look at creating two sets of criteria: one set about how the Commission selects the consultant to prepare the feasibility study and a set of criteria or specifications to be included in every feasibility study.

Commissioner Welch said that the discussion about the project options should take place here in this public forum in front of this public body. He also commented that often the Commission is presented with a final feasibility study at a meeting, after no previous review of the study and asked to decide at that meeting on the option to move forward. Commissioner Welch noted that TAC and city perspectives are always considered and part of the discussion.

The Commission continued its discussion about this issue. Chair Black summarized that some commissioners want the Commission involved earlier in the feasibility study process so that the Commission has input on what will be studied as part of the feasibility process. She said that she would like the June 11th memo regarding this subject from Administrator Jester that was included in the meeting packet to go to the TAC. Chair Black said that she would like the TAC to look at the CIP process and to discuss how the items in this memo could be incorporated into the Commission's CIP process. The Commission agreed to this direction. Commissioners Hoschka and Welch had comments about the Commission's feasibility study process and the need for transparency.

B. TAC Recommendations:

- i. **2014 Budget Items.** Mr. Asche said that this would be discussed later in the agenda during the Commission's budget discussion.
- ii. **Watershed-wide P8 and XP-SWMM Models.** Mr. Asche reported that the presentation on the models at the last TAC meeting was good and that the TAC was pleased with the models. He noted that the TAC memo lists four recommendations about the models for the Commission to consider.

The Commission discussed the recommendation about periodic updates to the XP-SWMM model. Mr. Asche said that the TAC is looking for Commission direction about how often the model should be updated.

Attorney LeFevere brought up an item for Commission discussion regarding whether costs of updating the model could be part of the Commission's permit fee structure or part of the capital project costs. Ms. Eberhart suggested the approach of updating the model annually before TMDL reporting, instead of episodic updating. A presentation of the completed models will come before the Commission at their July meeting.

Administrator Jester noted that Ms. Eberhart had some changes to the TAC memo included in the meeting packet. Ms. Eberhart described the changes. Administrator Jester said that she would incorporate the changes to the document.

- C. Approval to Exceed \$5,000 Monthly Administrator Budget for June.** Chair Black provided an explanation for the request. Commissioner Welch moved to approve up to \$6,000 for the Administrator costs for the month of June. Commissioner Hoshal seconded the motion. The motion carried unanimously 6-0 [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote].

7. OLD BUSINESS

- A. Consider Draft 2014 Commission Budget.** Chair Black went through the line items that have changed since the last Commission discussion of the 2014 budget. There was discussion of the budget and discussion of the Commission's annual practice of reimbursing 2.5% of its CIP levy amount to its administrative account. There was discussion of the Commission's fund balance, and Chair Black said that she would like the Budget Committee to discuss the Commission's procedure of how it rolls over funds from year to year and how it is documented. Commissioner Welch moved to adopt the 2014 budget as proposed. Commissioner Hoshal seconded the motion. The motion carried unanimously 6-0 [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from vote]. Commissioner Welch requested that the Commission's budget memo clearly state that the Commission's permit fees are for covering the costs of the Commission's permit review work and are not a revenue stream. Chair Black asked that the question of appropriate development review fees be discussed by the TAC.
- B. Receive Update on Next Generation Plan Development.** Administrator Jester and Plan Steering Committee Chair Linda Loomis provided a summary of the Commission's June 13th Watershed Summit and the Committee's recent work. Administrator Jester noted the new section about the Next Generation Plan on the Commission's website. She asked if the Commission was ready to take down the online survey. The Commission indicated yes. Administrator Jester reminded the Commission about its June 24th workshop planned for 4:30 – 6:30 (after the watershed tour) and that its July 18th meeting would be held at Plymouth City Hall and would start at 8:30 a.m. and may run until noon.

[Commissioner Welch departs the meeting.]

- C. Letter from Golden Valley re: Lakeview Park Pond Project.** Ms. Clancy reported that it was determined that the Lakeview Park Pond project couldn't go forward as proposed due to the risks posed by the swamp deposits of the site and the risk of damage to homes adjacent to the project site. She said that the City would like to investigate other projects, such as a wet meadow with underlying drain tile - but no pond in the park, and requested that the Commission leave the project money in the CIP fund for a short period of

time while the City continues looking at other options. Ms. Clancy said that this project brings up the topic of Commission acquisition of easements or properties as part of flood control or water quality purposes. She requested that this topic be a future policy discussion for the Commission. Chair Black said that the Commission could discuss this topic as part of its plan process while the Commission talks about its flood policy.

- D. Approval to Submit Major Plan Amendment for 90-day Review.** See discussion under item 5B.
- E. Reimbursement to Meadowbrook Elementary for 2010 Project.** Item removed from agenda and placed on the Commission's July meeting agenda.
- F. Next Steps with JPA Amendment.** Administrator Jester provided an update and said that three member cities responded with no issues to the communication that the Commission sent out in March. Commissioner Hoshal said that the City of Medicine Lake is planning to submit comments. Administrator Jester asked if the Commission wanted to consider and propose changing its fiscal year to match the calendar year as part of this JPA amendment. The Commission discussed the idea and decided not to pursue such action. Administrator Jester said that the JPA amendment will be further discussed at a future meeting after it receives any further comments from the member cities.

8. COMMUNICATIONS

- A. Administrator:** No Administrator Communications aside from the Administrator Report in the meeting packet.
- B. Chair:**
 - i. Chair Black noted that there was an article in the *Sun Sailor* about the Commission's Watershed Summit. Administrator Jester noted that Channel 12 also covered the Watershed Summit, and she will distribute the link to the clip as soon as she receives it.
- C. Commissioners:**
 - i. Commissioner Hoschka reported that she has heard from a resident about confusion as to how to gain access to the Sweeney Lake public access. The Commission discussed the public access. Commissioner Hoschka requested that the Commission draft a letter to the resident that asked her about it. Administrator Jester said that she would write a letter and asked Commissioner Hoschka to forward the resident's address.
 - ii. Commissioner Hoshal brought up a Medicine Lake resident's public safety concern about not being able to get a fire and rescue boat into the lake during periods of low water. He said that there is a possibility that sediment has built up near the boat launch. Commissioner Hoshal asked who should be contacted about dredging in order to keep the launch as a deep water access point. Engineer Chandler said that the problem would need to be definitively determined, but she didn't know whose project it would be. Ms. Loomis said that perhaps the responsibility lies with the county, or whoever owns the fire and rescue craft. There was further discussion about the lake level of Medicine Lake. Chair Black said that this issue will be added to the discussion items for the Commission's upcoming Monday meeting to prioritize issues.

D. Committees:

- i. **Update on MPCA [Minnesota Pollution Control Agency] Chloride Project.** Mr. Asche reported that the MPCA is getting closer to completing its metro-wide chloride study. He said that there have been four TAC meetings on the study over the past three years. He said that the MPCA has been testing lakes to see what is and isn't impaired. Mr. Asche said that the feeling is that there are enough impaired lakes out there that the MPCA should be able to develop recommendations regarding salt storage, pre-wetting of roads, calibrating equipment, training, priorities, different software for tracking, and information on different products. Engineer Chandler said that the MPCA has identified in the Bassett Creek watershed water bodies that either exceed or are in risk of exceeding chloride levels and those water bodies include: Parkers Lake, Spring Lake, Medicine Lake, Sweeney Lake, and Wirth Lake. Mr. Asche said that it seems like by the end of this year, the MPCA will have recommendations.
- ii. **Next Generation Plan Steering Committee.** Administrator Jester announced that the next meeting will be held on Monday, July 1 from 4:30 p.m. to 6:30 p.m. at the Brookview Golf Course in Golden Valley.

E. Legal Counsel: No Legal Communications

F. Engineer:

- i. Ms. Chandler announced that she has the Hydrologic Conditions report from the DNR [Department of Natural Resources] and it states that the drought is over for most of the state.
- ii. Ms. Chandler reported that she has the MPCA's MS4 permit that the MPCA just renewed. She said that the big change is no increase in stormwater volume under average annual conditions for new development and a reduction in stormwater volume for redevelopment.

9. ADJOURNMENT

The meeting adjourned at 2:31 p.m.

Amy Herbert, Recorder Date

Secretary Date