



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting August 15, 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	Alternate Commissioner Justin Riss
Medicine Lake	Alternate Commissioner, John O'Toole	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	Linda Loomis, BCWMC Next Generation Plan Steering Committee Chair
Scott Eastman, Golden Valley Resident	Tom Mathisen, TAC, City of Crystal
Joe Fox, TAC, City of Golden Valley	Richard McCoy, TAC, City of Robbinsdale
Chris Gise, Golden Valley Resident	Jeff Oliver, TAC, City of Golden Valley
David Hanson, Alternate Commissioner, City of Golden Valley	Mike Payne, City of Plymouth
Ted Hoshal, Medicine Lake Resident	Liz Stout, TAC, City of Minnetonka

1. CALL TO ORDER AND ROLL CALL

On Thursday, August 15, 2013, at 8:30 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 Minneapolis and Robbinsdale were absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input.

3. AGENDA

Commissioner Hoschka moved to approve the agenda. Commissioner Millner seconded the motion. The motion carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote].

4. CONSENT AGENDA

Commissioner Millner moved to approve the Consent Agenda. Alternate Commissioner Mueller seconded the motion. The motion carried 7-0 [Cities of Minneapolis and Robbinsdale absent from vote]. [The following items were approved as part of the Consent Agenda: the July 18, 2013, BCWMC meeting minutes, the July 18, 2013, Commission Workshop minutes, the monthly financial report, payment of the invoices, and the approval of Development at 1400 Spring Valley Road, Golden Valley.]

The general and construction account balances reported in the Financial Report prepared for the August 15, 2013, meeting are as follows:

Checking Account Balance	\$622,381.97
TOTAL GENERAL FUND BALANCE	\$622,381.97
TOTAL CASH & INVESTMENTS ON-HAND (8/7/13)	\$2,941,560.69
CIP Projects Levied – Budget Remaining	(\$3,056,309.04)
Closed Projects Remaining Balance	(\$114,748.35)
2013 Anticipated Tax Levy Revenue	\$494,829.94
Anticipated Closed Project Balance	\$380,081.59

5. NEW BUSINESS

A. Review of Four Seasons Mall Water Quality Project (CIP NL-2) 50% Development Plans.

Derek Asche provided an overview of the project, which addresses an impairment of Northwood Lake. He reminded the Commission of its review of the feasibility study and mentioned the project options examined in the study. He described the project option selected by the Commission and mentioned the Commission's levy request for the project's funding. Mr. Asche presented the Commission with the 50% plan set as included in the Commission's online meeting packet and said that changes to the plans can be made based on Commission comments. He explained that the final plans will come back in front of the Commission. Mr. Asche highlighted the City of Plymouth's project timeline and said that the City is on track for constructing the project this winter.

[Commissioner Michael Welch arrives.]

Mr. Asche requested that the Commission consider also constructing the Lancaster Lane storm sewer project in the Northwood Lake subwatershed [CIP project NL-3], which is on the Commission's CIP for 2019, at the same time as the Four Seasons Mall Water Quality Project as there would be cost savings in constructing both projects at the same time. There was discussion of this idea.

Engineer Chandler described the Commission Engineer's review of the 50% plans and explained the engineer's recommendations. She noted that the engineer has discussed the comments with the City of Plymouth. Engineer Chandler reported that the engineer's recommendation is that the Commission grants conditional approval of the 50% plans and authorize the City of Plymouth to proceed with final plans and contract documents.

Mr. Asche introduced Mike Payne of the City of Plymouth, who is the project's design engineer. There was discussion of project details, estimated pounds of phosphorous per year that would be removed due to the project, the projected cost of the Lancaster Lane project, and the process that would need to be undertaken by the Commission if it wanted to consider moving the 2019 CIP Lancaster Lane project to 2014. Commissioner Welch asked Mr. Payne what the project will provide in terms of the average annual pounds as a percentage of removal out of the subwatershed that drains to this facility. Mr. Payne didn't have that data. Engineer Chandler indicated she probably had that information and could forward to Commissioner. Chair Black and Mr. Asche brought up other options that the City of Plymouth could pursue regarding the Lancaster Lane project.

Commissioner Welch moved to approve the 50% development plans with the staff recommendations as listed in the Engineer's Memo. Commissioner Hoschka seconded the motion. The motion carried 8-0 [City of Robbinsdale absent from vote]. Chair Black directed staff to continue working through the Lancaster Lane project issue and to bring a recommendation back in front of the Commission at its September meeting. The Commission authorized staff to prepare and send out the 45-day public hearing notice to member cities if necessary. Commissioner Welch said that the Commission should acknowledge that staff may need more leeway administratively to make decisions upon the Chair's approval between now and the next Commission meeting. The Commission agreed to the granting of that authority to staff.

B. Resignation and Recognition of Commissioner Hoshal.

Chair Black read aloud Resolution 13-03, A Resolution of Appreciation for Services of Ted Hoshal to the Bassett Creek Watershed Management Commission. She presented Ted Hoshal with a Certificate of Appreciation. Ted Hoshal thanked the

Commission and offered comments. Staff and Commission members offered their thoughts of appreciation for the work done by Ted Hoshal. Alternate Commissioner O’Toole moved to adopt resolution 13-03. Commissioner Welch seconded the motion. The motion carried 8-0 [City of Robbinsdale absent from vote].

Mr. Hoshal stated that he would be interested in submitting a proposal to the Commission for the creation of a watershed map. Chair Black said that if there is no objection, she would like him to submit the proposal and the Commission could look at it at the next Commission meeting.

- C. Appointment of Commission Secretary and Discussion of Committee Members.** Commissioner Welch moved to nominate Commissioner Millner as BCWMC Secretary. Commissioner Hoschka seconded the motion. The motion carried 8-0 [City of Robbinsdale absent from vote]. Administrator Jester said that the Administrative Committee needs more members. Alternate Commissioner Mueller volunteered. Mr. Mathisen reported that Mr. Mueller would be appointed as the primary BCWMC Commissioner from the City of Crystal at next week’s Crystal City Council meeting.

The Commission had a detailed discussion about the citizen interest in altering the Medicine Lake dam and possible processes for bringing together the citizens and the appropriate organizations. The Commission determined that staff would schedule a meeting of the DNR, Commission staff, the Administrative Services Committee, and interested commissioners to discuss a process that could be put in place to address the issues of the Medicine Lake dam and water levels.

- D. Mid-Year Budget Review.** Administrator Jester provided a brief overview of the purpose of the review and of the BCWMC’s mid-year budget status. She asked whether the Commission needs to use the \$10,000 budgeted for TMDL Studies for that purpose or if the budget could be used for other purposes and said it is something that she would like the Commission to consider. Engineer Chandler gave a summary of the information in the mid-year engineering budget review memo included in the meeting packet. Chair Black asked several questions about the engineering budget and said that she opposes taking money out of reserves to cover this type of budget overage. She stated that she was very disturbed that no money was moved out of the Plan budget into the Technical Services budget. Chair Black voiced her concerns and her dissatisfaction that potential issues with the technical services budget wasn’t brought to the Commission’s attention earlier.

There was a lengthy discussion of the engineering budget, the reason for the overruns, and the BCWMC’s lack of a contingency fund. The Commission directed the Budget Committee to discuss possible courses of action and bring recommendations to the September Commission meeting. Commissioner Millner volunteered to serve on the Budget Committee.

The Commission discussed its public communications budget and its public notice publication practice. The Commission decided to maintain its practice of publishing public notices in *Finance & Commerce*, *Sun Sailor*, and *Lakeshore Weekly News*.

E. TAC Recommendations:

- i. Development Review Fees.**

Mr. Oliver reported that the TAC [Technical Advisory Committee] recommends a 10% increase in all review fees and maintaining all existing categories that are on the current fee schedule. He explained that much of the TAC’s discussion focused on the add-on fees that the TAC is proposing for applications that are adjacent to and within the flood plain, alternate BMP proposals, and creek crossings. Mr. Oliver said that the TAC is recommending a fee of \$300 be added on to the base fees for each of those applications as they take more review time. He reported that the TAC recommends that the new fees take effect on

January 1, 2014. Engineer Chandler asked if the add-ons fees would apply to the single-family lot. Mr. Oliver said yes. She also noted that creek crossings are located in the flood-plain and asked if the TAC is recommending two add-ons for those projects. Mr. Oliver said yes. Engineer Chandler asked if the TAC wanted the category “Street/ Highway/ Trails/ Utility/ Public Agency Projects” remain labeled as it is. Mr. Oliver said that it is fine.

Alternate Commissioner Crough moved to adopt the fee schedule as proposed by the TAC. Alternate Commissioner Mueller seconded the motion.

Commissioner Welch commented that the Commission needs to clarify its role in the review process and whether the role is advisory or not. He asked that the role of the Commission review in each member city be added to the TAC agenda for a future meeting. He said he would like the result to be a brief summary that commissioners could understand.

The motion carried 8-0 [City of Robbinsdale absent from vote].

ii. XP-SWMM Model.

Mr. Oliver summarized the TAC’s discussion on the need for the XP-SWMM model to be updated and the importance of that to the member cities. He said that the TAC will review the draft memo prepared by Barr Engineering Company about the model and will discuss the memo at future TAC meetings.

iii. P8 Model Updates and Schedule.

Mr. Oliver reported that the TAC decided that if member cities have any project that would impact the model, they should be submitted to the Commission Engineer by the end of each calendar year. Chair Black commented that the Commission should include with its budget discussion how the Commission will line item the cost of the model updates. Engineer Chandler said that those costs were included in the Commission’s 2014 budget.

iv. Feasibility Study Process Improvement.

Mr. Oliver explained that the cities would like to maintain the ability to hire from among the Commission’s consultant pool. He said that the TAC is in favor of additional touch points during the feasibility report process as a way to get additional Commission review, input and recommendations. Mr. Oliver said that the TAC recommends that the TAC or the Commission set up some established criteria for the feasibility report.

Administrator Jester provided recommendations that she and Engineer Chandler put together regarding additional touch points that the Commission could add to its project timeline. There was a discussion of these points. Commissioner Welch remarked that there were some presumptions built into the TAC memo that he doesn’t agree with. He said that the authority rests with the Commission to order projects and that it is the responsibility of the Commission to understand the projects when it orders them. Commissioner Welch recommended the Commission revisit some of the fundamental premises of how projects are developed. Chair Black said that this seems like something that could be discussed as part of the plan process. Commissioner Welch said that however the feasibility process flows, it needs to follow the CIP [Capital Improvement Program] as stated in the Watershed Plan.

[Commissioner Millner departs the meeting.]

Administrator Jester asked what body the Commission would like to develop the feasibility study criteria. Chair Black recommended that the TAC draft the criteria. Mr. Oliver said that the TAC would like to

receive comments about the criteria and anyone who would like to be part of the conversation is welcome to join. Chair Black said that people can send their comments to Administrator Jester and she will get them to the TAC and added that the TAC meeting is open to all.

6. OLD BUSINESS

A. Receive Update on Next Generation Plan Development

i. Preliminary Approval of Final Goals.

Committee Chair Linda Loomis noted that everyone should have received the draft goals, and she reported that the Plan Steering Committee is now working on developing policies to meet those goals. Administrator Jester said that the Committee is looking for approval of the goals with a revision proposed by Alternate Commissioner Mueller. She described his proposed revision to the groundwater goal. Engineer Chandler commented on the proposed revision and suggested that the language be incorporated into the policies. The Commission agreed. Committee Chair Loomis remarked that the language of the ditch goal is still being worked on. Commissioner Welch said that he thinks the groundwater language should be taken up at the next Plan Steering Committee meeting.

Alternate Commissioner Mueller moved to approve the goals as written except for the groundwater and the ditch goals, which are to be worked on by the Plan Steering Committee. Alternate Commissioner Crough seconded the motion. Commissioner Welch added that he would like to think more on goal 6: reduce flooding, so he asked that it not be approved at this time. Chair Black asked if Alternate Commissioners Mueller and Crough would accept the friendly amendment. They accepted the amendment to the motion. The motion carried 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

ii. Discuss Process for Policy Development

Administrator Jester provided a brief summary. Commissioner Welch suggested that the process follow the same process as the development of the goals. Chair Black clarified that the process would start with the Plan Steering Committee drafting policies and then there would be a workshop with the full Commission, TAC, state review agencies and other stakeholders to discuss them. Administrator Jester stated that this process assumes that the TAC and the state agencies would be involved at that Commission-level workshop rather than at separate meetings (such as TAC meetings). The Commission agreed. Committee Chair Loomis said that the Committee did look at a number of other plans that were organized differently than the Commission's and the Committee recommends that the Commission stick with the way its Plan is currently organized. The Commission indicated agreement. Chair Black noted that the Committee discussed having the Plan on the BCWMC's website in a way that would be more accessible and said that there will be further discussion on it.

B. Adopt Final 2014 BCWMC Budget. Administrator Jester reported that the BCWMC received no comments on its proposed 2014 budget from cities. Alternate Commissioner O'Toole moved to adopt the BCWMC's final 2014 budget. Alternate Commissioner Crough seconded the motion. The motion carried 7-0 [Cities of Minnetonka and Robbinsdale absent from vote.]

C. Update on Possible Electrofishing in Twin and Sweeney Lakes by the DNR. Engineer Chandler

reported that the Department of Natural Resources (DNR) has the electrofishing of Twin and Sweeney Lakes on its schedule for some time between now and the end of September. She said that it would be nice if the fish survey being done by Steve McComas and the electrofishing survey could be done as close together as possible. Administrator Jester noted that she is coordinating with the Hidden Lakes Homeowners Association regarding DNR access to the lake. The Commission requested that staff notify it about the electrofishing date and time once it is set and communicated by the DNR.

[Commissioner Welch departs the meeting.]

- D. Update on Possible Clean Water Fund Grant Applications for Commission Projects.** Engineer Chandler reported that the Clean Water grant fund application process is delayed this year, so the process won't start until early September. She said that the application process is shortened this year to one month instead of six weeks. Engineer Chandler described the information gathered from the Commission Engineer's meeting with Brad Wozney of BWSR [Minnesota Board of Water and Soil Resources] regarding the application process. She explained that if the Commission wants to move ahead with its application for the Schaper Pond project then it needs to make sure there won't be roadblocks with the project permitting. She said that Administrator Jester set up a meeting with the MPCA [Minnesota Pollution Control Agency], the DNR, the Commission Engineer, and Administrator Jester on September 9th to discuss this issue. The Commission directed staff to continue the work to prepare the draft applications for the Schaper Pond and Briarwood/Dawnview projects and to have them ready for the September Commission meeting.
- E. Reschedule Watershed Tour.** The Commission decided to postpone the tour until 2014 and suggested holding the tour in late spring.

7. COMMUNICATIONS

- A. Administrator:** Administrator Jester noted that her report is in the meeting packet and provided a few updates.
- B. Chair:**
- i. Chair Black reported on the meeting of the dispute resolution committee. She noted that another meeting of the committee will be scheduled and that a non-binding agreement likely will be brought in front of the Commission at its October meeting.
 - ii. Chair Black reported on her status with the Plymouth City Council.
- C. Commissioners:**
- i. Commissioner Hoschka asked the Commission to consider if it had any type of hands-on work that could be done by school children at a November 15th volunteer event at her childrens' school.
- D. Committees:** No Committee Communications
- E. Legal Counsel:** No Legal Communications
- F. Engineer:**
- i. Ms. Chandler provided an update on the responses to the letter that the Commission sent out under the Chair's signature to FEMA and said that she and Eric Eckman of the City of Golden

Valley will continue to work on the issue.

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

- A. Grant Tracking Summary and Spreadsheet
- B. Public Hearing Notice to Cities
- C. Clean Water Summit on September 12th at the University of Minnesota Landscape Arboretum
- D. Upcoming Events and Notices
- E. Links to Water-related News Articles

9. ADJOURNMENT

Chair Black adjourned the Bassett Creek Watershed Management Commission Meeting at 11:42 a.m.

Amy Herbert, Recorder Date

Secretary Date