

**Bassett Creek Watershed Management Commission
Minutes of the Meeting of December 20, 2012**

Commissioners and Staff Present:

Crystal	Commissioner Dan Johnson	Robbinsdale	Commissioner Wayne Sicora
Golden Valley	Alternate Commissioner Dave Hanson	St. Louis Park	Commissioner Jim de Lambert, Vice Chair
Medicine Lake	Commissioner Ted Hoshal, Secretary	Counsel	Charlie LeFevere
Minneapolis	Commissioner Michael Welch	Engineer	Karen Chandler
New Hope	Alternate Commissioner Pat Crough	Recorder	Amy Herbert
Plymouth	Commissioner Ginny Black, Chair	<i>Note:</i>	<i>City of Minnetonka was not represented</i>

Technical Advisory Committee (TAC) Members and other Attendees Present:

Laura Adler, TAC, City of St. Louis Park	Tom Mathisen, TAC, City of Crystal
Derek Asche, TAC, City of Plymouth	Richard McCoy, TAC, City of Robbinsdale
Pat Byrne, TAC, City of Minneapolis	Guy Mueller, Alternate Commissioner, City of Crystal
Christopher Gise, Golden Valley Resident	Jeff Oliver, TAC, City of Golden Valley
Laura Jester, Keystone Waters LLC	Liz Stout, TAC, City of Minnetonka
Linda Loomis, Golden Valley resident	

1. CALL TO ORDER AND ROLL CALL

On Thursday, December 20, 2012, at 11:30 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. Cities of Minneapolis and Minnetonka were absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input

3. AGENDA

Commissioner Johnson moved to approve the agenda. Commissioner de Lambert seconded the motion. The motion carried unanimously 7-0 with seven votes in favor [Cities of Minneapolis and Minnetonka absent from vote].

4. CONSENT AGENDA

Commissioner de Lambert moved to approve the Consent Agenda. Alternate Commissioner Hanson seconded the motion. The motion carried unanimously 7-0 with seven votes in favor [Cities of Minneapolis and Minnetonka absent from vote]. [The following items were approved as part of the Consent Agenda: the November 14, 2012, BCWMC meeting minutes, the December Financial Report, payment of the invoices, Legal Counsel Communications, Education Committee participation in Plymouth Yard and Garden Expo in April, Resolution 12-10 approving reimbursement to BCWMC of 2.5% of 2011 tax request to the County for CIP admin expenses, Resolution 12-11 approving transfer of 2012 funds of \$25,000 each from the Admin account to the Erosion/Sediment account and Long-term Maintenance account, Approving the terms of engagement agreement with MMKR for annual auditor services, Approving the Channel Maintenance Fund reimbursement request from the City of Golden Valley in the amount of \$17,900, Approving the Turtle Lake Drainage Improvement project in the City of Plymouth, Approving the 45th and Nathan Lane Drainage Improvement project in the City of Plymouth, and Authorizing the final closeout work for the 2010 BWSR Clean Water Grant.]

The general and construction account balances reported in the December 2012 Financial Report are as follows:

Checking Account Balance	\$528,593.14
TOTAL GENERAL FUND BALANCE	\$528,593.14
TOTAL CASH & INVESTMENTS ON-HAND (12/12/12)	\$3,125,686.83
CIP Projects Levied – Budget Remaining	(\$2,681,853.29)
Closed Projects Remaining Balance	\$443,833.54
2012 Anticipated Tax Levy Revenue	\$12,041.65
Anticipated Closed Project Balance	\$455,875.19
2013 Proposed & Future CIP Project Amount to be Levied	\$196,000.00

5. NEW BUSINESS

A. 2014 CIP Update. Ms. Chandler explained the schedule she prepared and included in the meeting packet. She said it outlines the CIP process that will facilitate the 2014 CIP projects getting ordered by September. She reviewed with the Commission the three projects that the Commission had

previously approved adding to its 2014 CIP:

- Schaper Pond diversion project, Golden Valley (BCWMC project SL-3) – estimated cost \$550,000
- Briarwood/ Dawnview water quality project, Golden Valley (BCWMC project BC-7) – estimated cost \$200,000
- Twin Lake in-lake alum treatment, Golden Valley (BCWMC project TW-2) – estimated cost \$100,000

Ms. Chandler said that the schedule is based on the assumption that the Twin Lake project would require a Major Plan Amendment since there is not a Twin Lake project in the Commission's *Watershed Management Plan*. She said that the other two projects likely would require just the Minor Plan Amendment but it would make sense to combine the three projects into one plan amendment. She noted that if the items listed in the schedule that are slated to come in front of the Commission at its February meeting aren't ready then there is the possibility of some projects not being able to go forward in 2014 and would instead need to wait for 2015.

[Commissioner Welch arrives]

Chair Black noted that it would be helpful to receive with memos of this type a map showing the location of the projects. She asked if Twin Lake has a public access. Commissioner Welch and Ms. Loomis responded that there is not. Chair Black raised the question of whether the Commission as a public body should be paying for a project that only benefits private property owners. She said she thinks that the Commission should have a discussion on this topic as part of its Watershed Management Plan process and should decide how the Commission will handle those types of projects. Chair Black said that an alum treatment is a stop-gap measure and wouldn't help the lake in the long term. She said she is looking for projects that have a more long-term effect.

Alternate Commissioner Hanson asked if there is a formal report that has been presented about the alum treatment project for Twin Lake. Ms. Chandler said that there is not a feasibility report but the studies have been done and formally presented to the Commission. Commissioner Johnson asked for an explanation of the alum treatment. Ms. Chandler provided a summary of the process and the expected effects. She mentioned that the Commission's *Watershed Management Plan* states that that a goal of the BCWMC is to protect and maintain the high quality of Twin Lake's water. Commissioner Welch commented that he sees the kind of water quality work being done around the metro area and this type of project seems like the kind of project that was done a long time ago. He said that he is interested in the issue of revising the Commission's CIP over the long haul. There was a discussion of the reason why an alum treatment is recommended for Twin Lake. There was a discussion about the water quality industry's floating island wetland practice. Chair Black said that this discussion was informational and no action was needed.

B. Authorization to Proceed with Feasibility Report for 2014 CIP Project in Golden Valley: Twin Lake Alum Treatment. Ms. Chandler said that the information needed for the report has been

gathered but would need to be put into a feasibility report format. Chair Black brought up the balance of the surveys and studies budget. Ms. Chandler said that the work on feasibility reports is tracked under the specific CIP project. Commissioner Welch said that he will not support directing the Commission Engineer to do this feasibility study. He said that he is interested in having an objective analysis undertaken that would rely on the prior work that Barr Engineering has completed. He said that the Commission needs to put in place a process and a procedure for ordering feasibility studies. Chair Black provided the reasons why she will not support directing the Commission Engineer to do the feasibility study. Chair Black said one solution is to go out for a Request for Proposals for an evaluation of BMPs for Twin Lake and a recommendation of the best BMP. She said the Commission could direct the preparation of an RFP to come back in front of the Commission at its January meeting.

Commissioner Sicora said that by ordering the feasibility study the Commission is not authorizing the project. Chair Black said that he is correct. Commissioner Sicora said that he would like to see the feasibility study prepared. He moved to approve the feasibility study for the Twin Lake Alum Treatment CIP project being prepared by Barr Engineering Company. He said that he is not in favor of going out for an RFP for this work and he is not interested in engaging in a policy discussion at this time. Commissioner Johnson seconded the motion. Chair Black brought up her concerns about the Commission getting boxed into the Alum treatment and said she wants a fresh look at the options.

Mr. Oliver said that the alum treatment project proposal was the outcome of two Commission-directed studies of the water quality of Twin Lake and that the information that the Commission is saying today that it is looking for is included in those studies. He said that the feasibility report will pull together the information and will answer the Commission's questions so it seems that the most cost effective way to go about this is to direct the Commission Engineer to go forward with the report and the Commission can request the Engineer to conduct additional analysis if the Commission sees the need. Chair Welch said that he didn't want his comments to impugn the integrity of Barr Engineering's past work on this project. He said it is just that he has never met an engineer that can't criticize another engineer's work and that type of critique is helpful to the Commission.

By call of roll the motion carried 6-2 with six votes in favor (Cities of Crystal, Golden Valley, Medicine Lake, New Hope, St. Louis Park, and Robbinsdale), two votes against (Minneapolis and Plymouth) and one vote absent (City of Minnetonka). Commissioner Welch asked for the policy and procedure discussion regarding the assignment of feasibility studies to be added to a future agenda. Chair Black agreed.

- C. **Discussion about Commissioner Findings from their Cities regarding Proposed Water Governance Changes.** Chair Black said that if there is no objection by the Commission then this item can be permanently deleted. The Commission agreed to delete the item from the Commission's agenda.
- D. **TMDL Implementation Reporting.** Ms. Chandler said that she wanted to let the Commission know

that the Commission Engineer is looking into what would be required of the Commission in terms of TMDL implementation reporting. She said that the Commission Engineer is starting to have conversations with the MPCA and City Staff. Ms. Chandler provided background on the Commission's role as a TMDL categorical implementer. Chair Black said that this should be addressed in the plan process.

- E. **2012 Flood Control Projects.** Ms. Chandler noted that there were some minor structural things noted in the report. She said that the flood control project is aging and some parts of it are 30 years old. Ms. Chandler said that it is important to note that the aging structures will start needing more maintenance. She explained that the Plan Steering Committee had talked about how the Commission needs to make sure it has enough money to cover maintenance in the future. She said that the Commission Engineer is looking for authorization to send letters to the Member Cities about what needs to be done in terms of maintenance based on the Commission Engineer's 2012 inspection of the flood control projects.

Mr. Byrne asked if the information sent to the cities could identify those projects that are urgent and should be addressed as soon as possible and to label those as 2013 projects. He requested that those projects retain the 2013 designation going forward. Chair Black said that she likes the idea and suggested that Commissioners also get copies of all of the letters.

Commissioner Welch moved to accept the 2012 Flood Control Projects inspection report and for the Commission Engineer to provide copies to the Member Cities, Minnesota Department of Natural Resources, and the Army Corps of Engineers and include a cover letter that highlights for each governmental entity the top priority projects and requests that the entity address those projects as soon as possible. Commissioner Johnson seconded the motion. Commissioner Hoshal asked about the status of the rip rap at the Medicine Lake outlet structure. Ms. Chandler said that the issue is unresolved. Commissioner Hoshal commented that absent from the inspection report is the communication that there are no invasive species on any of the structures. Ms. Chandler said that the inspectors are not biologists but she hears that the Commission wants in the future for the inspectors to note if they do see invasive species, such as zebra mussels, on the structures. The motion carried unanimously 8-0 with eight votes in favor [City of Minnetonka absent from vote]. Commissioner Welch supported Commissioner Hoshal's request that future inspections of flood control structures should assess for invasive species.

6. OLD BUSINESS

- A. **Update on Contract Negotiations for Administrator Services.** Administrative Services Committee Chair Jim de Lambert reported on the process and said that a final proposed contract has been handed out for the Commission's review. He said that Laura Jester has obtained the insurance requested by the Commission and she has an electronic copy of the certificate, which she will forward to the Commission's legal counsel. Attorney LeFevere noted that the contract is between the Commission and Keystone Waters, LLC. He said that the Commission does not have the certificate

of insurance in hand but if the Commission wants to take action today it can do so and make it contingent on receiving the certificate. The Commission discussed details of the contract. Ms. Jester introduced herself. Commissioner Welch moved to enter into contract with Keystone Waters, LLC with a condition that paragraph 13 is amended to say that the Commission can authorize Ms. Jester in writing or by motion of the Commission. Commissioner de Lambert seconded the motion. The motion carried unanimously 8-0 with eight votes in favor [City of Minnetonka absent from vote]. Commissioner Welch stated that he was in favor of moving ahead with getting an Administrator on board quickly, the idea of working with Doug Snyder and the Mississippi Watershed Management Organization was put on the back burner for now but it is still an option that will be looked into further. Chair Black reported that the idea should be taken into consideration during the discussions of the 2014 budget. She also noted that the expense for advertising for the position in the Star Tribune should have come out of the 2012 Administrator budget but the financial report does not reflect that it was invoiced to that budget and asked staff to work with the Deputy Treasurer to make that change.

- B. Update on Next Generation Watershed Management Plan and Review of Draft Gaps Analysis.** Plan Steering Committee Chair Linda Loomis reported that the Committee had reviewed the draft gaps analysis, made comments, and requested some changes, which were made for the version that the Commission received in its packet. She said that this morning prior to the meeting the Committee held the Visioning Workshop, which provided a lot of good information. Ms. Loomis said that the Committee will be contacting the Member Cities to set up meetings with them. She said that the Committee has a media contact list prepared and she is putting together a description of the Commission's public involvement process so that it can be provided to BWSR (the Minnesota Board of Water and Soil Resources). Ms. Loomis said that she will provide it to the Committee members for its review for the January 7th Committee meeting.

Commissioner Welch gave an update on the media piece being developed for publication in the watershed's local papers and said that if anyone with feedback about the scope of the article should provide it to him. The Commission discussed the timing of the article publication and the schedule of the Plan process. Ms. Loomis said that she would develop a timeline for the next Plan Steering Committee meeting. Chair Black said that the Commission would like to see the article at its next meeting.

Ms. Chandler provided a walk-through of the draft gaps analysis. She said that her plan is that she'd collect comments from the Commission and based on those comments, Barr Engineering would finalize the analysis. The Commission discussed the gaps analysis. Ms. Chandler commented that she discovered a gap not addressed in the document. She said an issue that can be added to the document as a new row in the water quality section is revisiting the Minnesota Pollution Control Agency's (MPCA) water quality criteria/ water classifications. Chair Black asked that it be added prior to the January 7th Plan Steering Committee meeting. Commissioner Welch suggested that the gaps analysis be available in an electronic format. He said that anyone who has comments on the gaps analysis should send them to Ms. Chandler. The Commission discussed how and when it wanted to review the gaps analysis. The Commission decided that the Plan Steering Committee

would decide and inform the Commission.

The Commission authorized Administrator Jester and Ms. Herbert to spend time training on BCWMC processes as needed by Administrator Jester.

- C. **Request from WMWA (West Metro Water Alliance) for Approval of Use of Administrative Funds for Education Initiative.** Commissioner Hoshal brought the request forward again from WMWA that it get authorization from the BCWMC to use the WMWA administrative funds for the proposed education market study in the watershed by two contractors and the request that the BCWMC carry over its unspent 2012 WMWA administrative and project budget into 2013 for WMWA to use on its proposed education project. The Commission discussed the request and asked Commissioner Hoshal to come back next month with clarification on the amount that WMWA is requesting from the Commission and asked staff to clarify with the Commission's Deputy Treasurer whether budget can be carried over into the next year.
- D. **Authorize Engineer to Perform Additional Work on the Watershed-wide Hydrologic and Hydraulic (XP-SWMM) Modeling Study.** Ms. Chandler provided an explanation of the proposed work and requested Commission authorization to do the work at an estimated cost of \$3,000 - \$5,000. She said the Commission Engineer recommends that the cost come from the BCWMC's Surveys and Studies budget. Commissioner Welch moved to authorize the Commission Engineer to undertake the work as described Ms. Chandler and in the Engineer memo. Commissioner Sicora seconded the motion. The motion carried unanimously 8-0 with eight votes in favor [City of Minnetonka absent from vote]. Ms. Chandler asked if 2012 budget could be used for this work. Chair Black said that staff will ask the Deputy Treasurer and will report back in January.

7. COMMUNICATIONS

Chair:

1. Chair Black thanked the caterer, D'amico & Sons/ ACE Catering for providing extra food at today's meeting.
2. Chair Black provided an update on the WOMP (Watershed Outlet Monitoring Program) contracts.
3. Chair Black announced that she will not be attending the Commission's February meeting and that Vice Chair Jim de Lambert will preside.

Commissioners:

1. Commissioner Welch said that he saw a great presentation by Claire Bleser and Kevin Bigalke on chloride and he recommends that the Commission invite them to do the presentation at a BCWMC meeting. The Commission agreed.

Committees: No Committee Communications.

Counsel Communications: No Counsel Communications.

Engineer Communications:

1. Ms. Chandler noted the grant tracking update that was e-mailed and posted with the online meeting packet and said that she will have an update each month.
2. Ms. Chandler reported on the Commission's lack of success in securing Clean Water Legacy fund grants from BWSR but noted that the City of Plymouth did receive a grant.

8. ADJOURNMENT

The meeting adjourned at 1:45 p.m.

Chair	Date	Amy Herbert, Recorder	Date
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Secretary	Date
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