



Item 5B. Part 1  
BCWMC 7-18-13

June 18, 2013

Ginny Black, Chair  
Bassett Creek Watershed Management Commission  
3400 Plymouth Boulevard  
Plymouth, MN 55447

Subject: Request for Dispute Resolution

Dear Ms. Black:

In a letter dated August 22, 2012, attached, the city of New Hope, along with Golden Valley, requested the Bassett Creek Watershed Management Commission (BCWMC) provide mediation for dispute resolution for a storm water drainage issue involving the cities of Crystal, New Hope and Golden Valley. This dispute involves recurrent flooding on Terra Linda Drive, Medicine Lake Road, Rhode Island Avenue, and the DeCola Ponds area.

Subsequently both cities asked the BCWMC to place the mediation request on hold so additional discussions could occur between the three cities regarding this issue. Unfortunately, these discussions have been unsuccessful and no progress has been achieved regarding a second phase of the drainage study for the area.

As outlined in the August 22, 2012 letter, the dispute resolution process outlined in the BCWMC Watershed Management Plan calls for the chair or vice chair to appoint three commissioners or alternate commissioners from communities not involved in the dispute to provide mediation. The city of New Hope is therefore requesting the BCMWC begin the process of mediation with the intent of resolving this issue.

Please feel free to contact Chris Long, New Hope Consulting Engineer, Stantec Engineering, at 651-604-4808, or Guy Johnson, New Hope Director of Public Works 763-592-6766 if you have any questions regarding this matter. Additionally, I would appreciate it if you would keep me informed regarding the status of this request. Thank you for your cooperation and assistance.

Kirk McDonald  
City Manager

## CITY OF NEW HOPE

4401 Xylon Avenue North ♦ New Hope, Minnesota 55428-4898 ♦ [www.ci.new-hope.mn.us](http://www.ci.new-hope.mn.us)  
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cc: New Hope City Council  
Guy Johnson, Director of Public Works  
Tom Burt, City Manager, City of Golden Valley  
Jeannine Clancy, City of Golden Valley Director of Public Works  
Chris Long, PE, City Engineer  
Jeff Oliver, PE, City of Golden Valley City Engineer  
Pat Crough, City of New Hope BCWMC Alternate Commissioner  
Anne Norris, City Manager, City of Crystal  
Tom Mathisen, City Engineer, City of Crystal



August 22, 2012

Ginny Black, Chair  
Bassett Creek Watershed Management Commission  
3400 Plymouth Boulevard  
Plymouth, MN 55447

Subject: Request for Dispute Resolution

Dear Ms. Black:

Together the cities of New Hope and Golden Valley are requesting the assistance of the Bassett Creek Watershed Management Commission (BCWMC) in providing mediation services to help resolve a cost sharing disagreement with the city of Crystal. The city of New Hope approved a cooperative agreement that included cost sharing based on tributary watershed for a Phase 2 study of flooding in the areas of Terra Linda Drive and Rosalyn Court in New Hope; and the intersection of Rhode Island and Medicine Lake Road and DeCola Ponds in Golden Valley (see attached maps).

As you may be aware, flooding of these areas has been a concern since 1978 when the flooding first occurred as a result of a severe storm. These areas have been at risk for flooding since development of the two communities and have experienced flooding a number of times over the years. In 2006, in response to flooding in May of 2006, the city of New Hope developed a report of local flood improvements and installed an overland concrete swale to better control potential flood waters. This swale has improved, but not eliminated, the potential for flooding in the Terra Linda Drive area.

The Barr Engineering Company completed a flood mitigation (Phase 1) study of the DeCola Ponds area and the area adjacent to Medicine Lake Road for Golden Valley in 2012. Along with identifying a number of issues, the tributary watershed, and possible alternative measures to address flooding in these areas, the study also recommended additional study of these alternatives, including the overall benefit and cost effectiveness of each potential solution. The city of New Hope took part in several meetings with the cities of Golden Valley and Crystal to discuss the results of the Phase 1 study as well as to identify the scope of the recommended Phase 2 study and possible cost sharing distribution based upon each city's watershed contribution to the area. Based on those discussions and the percentage of tributary watershed, Golden Valley would be responsible for 50% of the anticipated \$100,000 cost and the cities of New Hope and Crystal would be responsible for 25% each.

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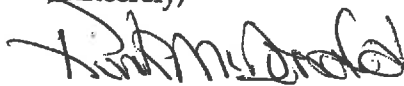
A meeting with the three City Councils occurred in the summer of 2012, where the Decola Pond flooding was discussed. After presenting and discussing the Phase 1 study and the proposed Phase 2 study at a three city joint Council meeting this past May, a cooperative agreement was developed outlining the scope of the Phase 2 study and the cost sharing. Unfortunately, the Crystal City Council voted not to enter into the cooperative agreement with the cities of New Hope and Golden Valley to conduct the Phase 2 study. At this time the city of Crystal believes they are not responsible for any portion of the Phase 2 study cost, or for any portion of potential projects in the future that may help alleviate the flooding issues in the four areas described.

Section 12.1.1.3 Dispute Resolution Process from the BCWMC Management plan states: "If watershed management disputes should arise between the BCWMC member cities, these disputes may be referred to the BCWMC for resolution." As previously stated, we are requesting that the BCWMC mediate the proposed cost sharing for a Phase 2 study based upon the cities storm water contribution to the area. We request that three BCWMC commissioners or alternate commissioners not involved with the dispute, be appointed to evaluate the fairness of the cost sharing.

Based upon the results of the Phase 1 study which, hopefully, will be clarified if a Phase 2 study comes to fruition, the city of New Hope requests consideration of potential future projects aimed at helping alleviate the flooding potential in the DeCola Ponds area also be included in the BCWMC future capital improvement program.

Please feel free to contact Chris Long, New Hope Consulting Engineer, Stantec Engineering, at (651) 604-4808, or Guy Johnson, New Hope Director of Public Works (763) 592-6766 if you have any questions regarding this matter.

Sincerely,

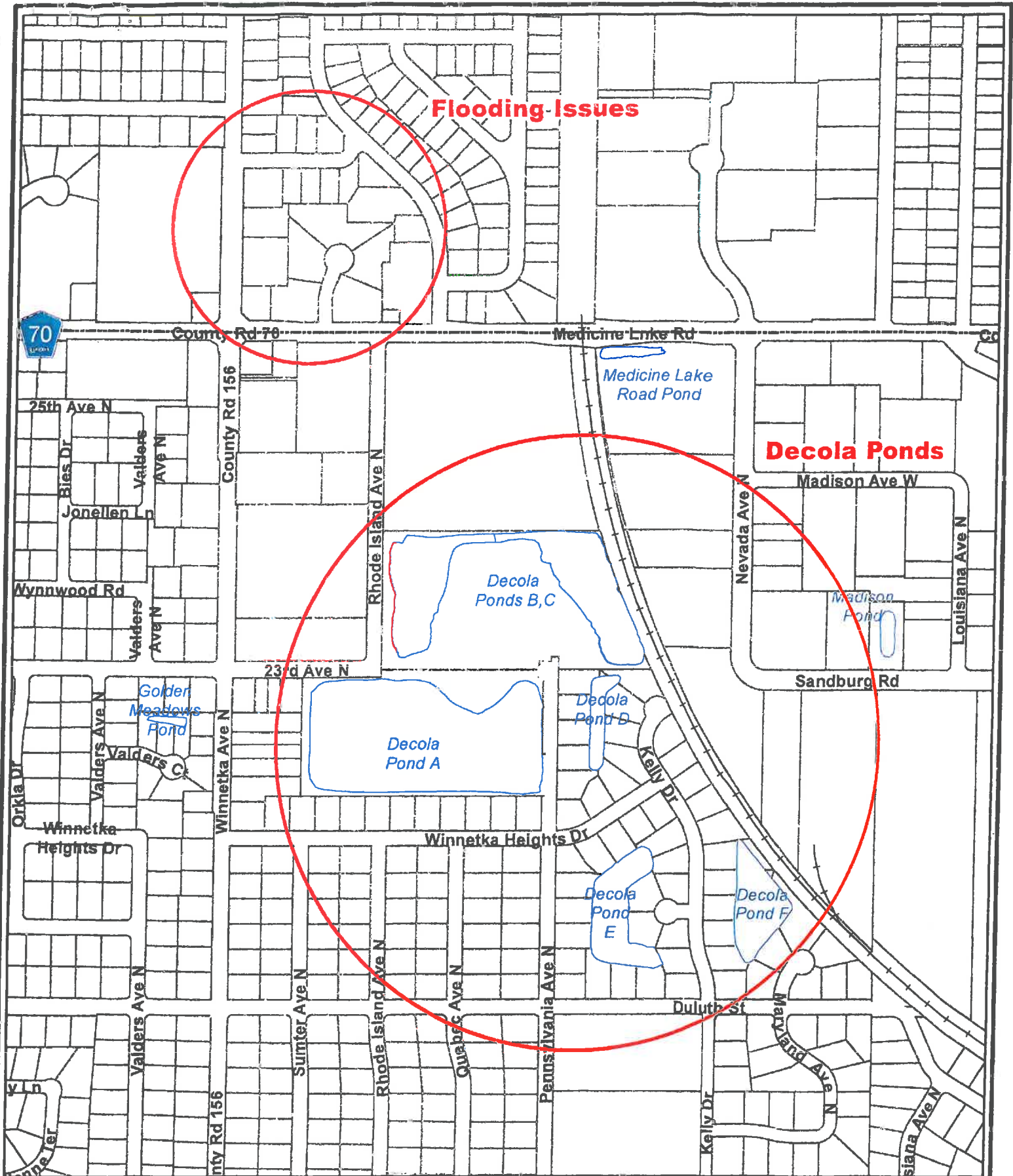


Kirk McDonald  
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Guy Johnson, Director of Public Works  
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Anne Norris, City Manager, City of Crystal  
Tom Mathisen, City Engineer, City of Crystal

**Flooding Issues**

**Decola Ponds**



## Decola Ponds Study Area

Print Date: 4/4/2012

Sources:  
Hennepin County Surveyors Office for  
Property Lines (2011).  
Markurd for 2-Foot Contours (2008).

0 280 560

1,120



Feet



