



Item 4A.
BCWMC 5-18-17

Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting
Thursday April 20, 2017
8:30 a.m.
Golden Valley City Hall, Golden Valley MN

Commissioners and city staff present:

| City | Commissioner | Alternate Commissioner | Technical Advisory Committee Members (City Staff) |
|----------------|---|--|---|
| Crystal | Guy Mueller | Tim Wodarski | Mark Ray |
| Golden Valley | Stacy Harwell (voting member second ½) | Jane McDonald Black (voting member first ½) | Tom Hoffman |
| Medicine Lake | Clint Carlson | Absent | Absent |
| Minneapolis | Michael Welch | NA | Absent |
| Minnetonka | Mike Fruen | Absent | Tom Dietrich |
| New Hope | Absent | Pat Crough | Megan Albert |
| Plymouth | Jim Prom | John Byrnes (voting member) | Derek Asche |
| Robbinsdale | Michael Scanlan | Absent | Richard McCoy |
| St. Louis Park | Jim de Lambert | Absent | Erick Francis |

Staff and Others Present:

| | |
|--------------------------------------|---|
| Administrator | Laura Jester, Keystone Waters |
| Engineer | Karen Engineer Chandler, Barr Engineering |
| Recorder | Dawn Pape, Lawn Chair Gardener |
| Legal Counsel | Troy Gilchrist, Kennedy & Graven |
| Presenters/ Guests/Public | Chuck Schmidt, Crystal resident |

1. CALL TO ORDER AND ROLL CALL

On Thursday April 20, 2017 at 8:30 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair de Lambert called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken. No cities were absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

None

3. APPROVAL OF AGENDA

Administrator Jester requested the addition of item 5D, the Citizen Assisted Monitoring Program (CAMP) Agreement with Met Council.

MOTION: Alt. Commission McDonald Black moved to approve the agenda as amended. Commissioner Welch seconded the motion. Upon a vote, the motion carried 9-0.

4. CONSENT AGENDA

MOTION: Commissioner Welch moved to approve the consent agenda. Alt. Commissioner McDonald Black seconded the motion. Upon a vote, the motion carried 9-0.

The following items were approved as part of the consent agenda: the March 16, 2017 Commission Meeting Minutes, the April 2017 Financial Report, the payment of invoices, approval not to waive monetary limits on municipal tort liability, and acceptance of the BCWMC fiscal year 2016 financial audit.

The general and construction account balances reported in the April 2017 Financial Report are as follows:

| | |
|---|-----------------------|
| Checking Account Balance | \$794,358.18 |
| TOTAL GENERAL FUND BALANCE | \$794,358.18 |
| TOTAL CASH & INVESTMENTS ON-HAND (4/12/17) | \$2,366,729.55 |
| CIP Projects Levied – Budget Remaining | (\$4,494,990.84) |
| Closed Projects Remaining Balance | (\$2,128,261.29) |
| 2012-2016 Anticipated Tax Levy Revenue | \$9,476.76 |
| 2017 Anticipated Tax Levy Revenue | \$1,303,600.00 |
| Anticipated Closed Project Balance | (\$815,184.53) |

Before the business of the meeting got underway, Chair de Lambert introduced the new alternate commissioner from the City of Crystal, Tim Wodarski, and Dawn Pape, who will be taking on some administrative duties such as taking minutes during meetings.

5. BUSINESS

A. Receive Presentation and Discuss Draft Feasibility Study for Bassett Creek Park Pond/Winnetka Pond Dredging Project (BCP-2)

[Commissioner Prom arrives.]

Commission Engineer Chandler presented the draft feasibility study for the Bassett Creek Park Pond/Winnetka Pond Dredging Project (BCP-2), slated for construction in 2018. She reported that the Commission ordered this study in July 2016. She noted that both ponds are located in the City of Crystal and both ponds are on the North Branch of Bassett Creek, so they are both “online” treatment ponds. Engineer Chandler noted that analysis of sediment in Bassett Creek Park Pond indicates that some of the sediment is contaminated and will require landfilling, which adds to the cost of the project. She noted that Winnetka Pond was probably only designed to be 2-ft. deep. She reminded the Commission that Winnetka Pond is on the trunk system and was identified as part of the flood control system, but is not technically part of the official BCWMC Flood Control Project.

Commissioner Welch asked if there was any direct discharge to Bassett Creek Park Pond. Engineer Chandler replied affirmatively and that there may be more contamination near those outfalls.

There was also discussion about the ponds being designated as public water v. public water wetland. Engineer Chandler clarified that the water body is a “public water” but the whole pond area is delineated as a wetland. Engineer Chandler reported on a technical stakeholder meeting with the MN Department of Natural Resources, U.S. Army Corps of Engineers, Minnesota Pollution Control Agency, Commissioner Mueller, Administrator Jester, and city staff to discuss permitting constraints. She noted the DNR is focused on staying out of delineated wetlands. In the case of Bassett Creek Park Pond, the deep area is considered non-wetland so it can be made deeper.

[Derek Asche arrives.]

Engineer Chandler described different add-ons and alternatives for Bassett Creek Park Pond including creating a forebay to capture sediment as it first enters the pond, further deepening the deep part of the pond (up to 10-feet) in order to harbor fish, and installing a native buffer all around the pond. For Winnetka Pond she noted that ownership of the pond is split between the city and owner of the apartment buildings so there are fewer opportunities to install a buffer or implement different alternatives. However, she noted that one appealing alternative for Winnetka Pond is to dredge it deeper than originally designed, to a depth of 4.2 feet, which will increase its pollutant removal abilities.

Engineer Chandler reported that the P8 model does not do a good job of estimating pollutant removals of the projects because the ponds are on the creek itself and the model doesn’t include upstream bank erosion, nor scouring and re-suspension within the ponds themselves. However, she noted the Engineer analyzed flow velocities in Winnetka Pond and found that a large portion of sediment is susceptible to re-suspension. Engineer Chandler reported that the Engineer’s professional judgment is that the current pond is likely only achieving 20% of what the P8 model predicts under existing conditions, so the additional annual total phosphorus removal is more likely to be approximately 49.6 lbs per year if Alternative 2 (deepening pond to 4.2 ft) is implemented.

Engineer Chandler reported that her recommendation is for the Commission to implement Winnetka Pond East Alternative 2. She noted that with the high cost of dredging Bassett Creek Park Pond and the complicated issues there, it is recommended to set this project aside until after 2024. She noted that in the meantime, the Commission should collect data on the North Branch of Bassett Creek, which could be used to recalibrate the P8 model, and allow the city to finalize its Bassett Creek Park improvement planning.

Chair de Lambert asked if there would be a cost reduction if the sediment could be disposed on-site. Engineer Chandler indicated yes, there would be a savings. Mark Ray with the City of Crystal indicated that possibly some

Winnetka Pond sediment could be used in a project at Bassett Creek Park where fill is needed.

Engineer Chandler stated that dredging Winnetka Pond also makes sense now because it's located upstream of Bassett Creek Park Pond and that the pond is so full of sediment that it's nearly interfering with the pond's flood storage.

There was a question about the possibility of not dredging either pond and thus not having a CIP project in 2018. Engineer Chandler noted that both ponds need to be dredged and the longer the wait, the more expensive it will be because more sediment will need to be removed.

There was discussion about inquiring with the Winnetka Apartments property owner about installing a native buffer around the pond. Mr. Ray responded that the apartment owner had not been approached but that he/she can be asked about that possibility.

Commissioner Welch wondered about wetland impacts and permitting issues. Engineer Chandler answered there were no wetland regulations when Winnetka Pond was constructed in the 1960s. She noted that wetland permitting would be easier if the project involves dredging only the accumulated sediment to return the project to its design condition, and that dredging to 4.2 ft. would be considered impacting a wetland. She noted that obtaining a permit is possible, but more of a hurdle.

Asked for her input, Administrator Jester commented that she agreed with the Commission Engineer's recommendation. She noted a buffer along Winnetka Pond would be beneficial, that now it is mostly mown grass to the edge which attracts many geese. Commission Engineer Chandler and Mr. Ray noted that installation of a buffer along the north side of the pond would cost approximately \$45,000.

When asked for direction on action needed now, Engineer Chandler stated that this is a draft report and that she would add in the "professional judgment" numbers on pollutant removals in Winnetka Pond, add in the possibility of installing a buffer on the pond and investigate the savings resulting from the City of Crystal using excavated sediment in their Bassett Creek Park project.

Mr. Asche noted that the Commission invested heavily in the P8 model and it was developed for the purpose of comparing outcomes of projects. He noted that the study should include other benefits of the project, including pollinator habitat, increased dissolved oxygen, etc. There was discussion about the need for on-going maintenance, such as regular dredging of the pond like West Medicine Lake Pond, which is on Plymouth Creek. It was noted that maintenance is a city responsibility and the distinction between maintenance dredging and this larger CIP project should be identified in the feasibility report.

Commissioner Mueller stated his support for the Engineer's recommendation, but also noted that the Commission needs to look at different alternatives or it will become a dredging commission. He described the idea of a "grand bargain" in that during a future CIP project, the Commission dredges Bassett Creek Park Pond and installs a forebay that will be maintained by the city with regular dredging that should eliminate the need for a large CIP project to again dredge the pond in 30 years.

[Commissioner Stacy Harwell arrives and Alternative Commissioner Jane McDonald Black departs]

Commissioner Mueller continued, stating that he wonders whether the models are steering the Commission to something it cannot measure and that perhaps it's not the best way to compare projects. He noted that the model doesn't consider wetland functions and biological benefits and that controlling the source of the runoff (before it gets to ponds) should be considered. Commissioner Mueller recommended the creation of a task force to study the source of pollution that enters the ponds along the BCWMC Trunk System.

Commissioner Welch restated that cities are responsible for pond dredging and maintenance, not the Commission. He noted that these ponds are different in that they are part of the North Branch of Bassett Creek and part of the BCWMC Trunk System. He further noted that the 2015 BCWMC Watershed Management Plan

lays out studies, plans, and programs for reducing the source of pollution.

Mr. Asche inquired about impairments along the North Branch and indicated that the feasibility study and project focuses on phosphorus pollution but that there are other factors to consider including macroinvertebrate communities, dissolved oxygen levels, bacteria, etc. It was noted that the creek is only impaired for bacteria right now. Mr. Asche pointed out that he appreciates Commissioner Mueller's comments on looking at long-term ideas.

There was a discussion about removing geese around Winnetka Pond and how that might significantly reduce phosphorus and bacteria loads in the pond. Commissioner Prom mentioned how removing geese on Bass Lake improved water quality and was cost effective. Goose management should be added to feasibility study.

[Commissioner Welch departs.]

Chair de Lambert remarked that a good discussion was held and he was looking for a summary. He noted there seemed to be general consensus for the Engineer's recommendation.

Engineer Chandler recapped the discussion and noted that the following items would be added to the final feasibility study that would come to the Commission at their next meeting:

1. Include the professional judgement figures for pollutant removal from Winnetka Pond deepening
2. Work with City of Crystal on possibility of using dredged material on nearby park land
3. Inquire with the Winnetka Apartments owner/manager about installing a native buffer
4. Investigate the possibility and effects of goose management around Winnetka Pond
5. Consider wetland functions and additional benefits including pollinator habitat
6. Include distinction between this dredging project and city-maintained pond dredging projects and why this project is proposed as a Commission project

B. Receive Update on Curly-leaf Pondweed Control on Medicine Lake

i. Ratify Agreement with Three Rivers Park District for Cooperation of Curly-leaf Pondweed Control

ii. Ratify Contract with PLM Lake and Land Management for Curly-leaf Pondweed Treatment

Administrator Jester reported that she (with City of Plymouth's assistance) developed and disseminated a request for quotes from herbicide applicators and applied for a DNR herbicide application permit. She also coordinated with Three Rivers Park District to perform surveys of the curly-leaf pondweed before and after the herbicide treatment and to share in the cost of the treatment. She noted that since the treatment was needed before water temperatures reach 60 degrees, there wasn't time to get Commission approval of agreements with Three Rivers Park District and the contractor before work needed to be done. She requested Commission ratification of the executed agreements.

MOTION: Commissioner Carlson moved to ratify the agreement with Three Rivers Park District for cooperation of curly-leaf pondweed control and to ratify the contract with PLM Lake and Land Management for curly-leaf pondweed treatment. Commissioner Prom seconded the motion. Upon a vote, the motion carried 8-0. [The City of Minneapolis was absent from the vote.]

Commissioner Carlson inquired about historical curly-leaf pondweed control locations. Mr. Asche remarked that curly-leaf pondweed treatment locations are included in reports that are on the city's website. Commissioner Carlson commented that the City of Medicine Lake is appreciative of curly-leaf pondweed control.

C. Receive Correspondence from Former Commissioner Regarding Pending Environmental Bills.

Administrator Jester reported the Commission received an email from former Commissioner Stauner who is concerned about the Omnibus Environmental Bill that recently passed the Minnesota House of Representatives and the Minnesota State Senate. There was a lengthy discussion about whether the Commission should submit comments to the Governor before he acts on the bill and whether or not it was appropriate for the Commission to weigh in on political issues such as this. Some commissioners thought the Administrator should write a letter to the

Governor from the Commission while others indicated that the Commission should stay out of partisan politics and noted that individuals could contact politicians on their own without representing the Commission, specifically. There was further discussion on the particular provisions in the omnibus bill and whether or not they directly affected the Commission's work. Commissioners also discussed and considered sending a postcard rather than a letter and keeping the message non-political and simply in support of clean water.

MOTION: Commissioner Carlson moved to direct the Administrator to draft a simple, friendly, non-offensive, letter with history of Commission support of clean water. Commissioner Harwell seconded the motion. Upon a vote, the motion tied 4-4 and thus failed. [In favor: Commissioners Mueller, Harwell, Carlson, Crough. Opposed: Commissioners, Scanlon, Byrnes, de Lambert, Fruen. City of Minneapolis was absent from the vote.]

[Commissioner Crough departs.]

MOTION: Commissioner Carlson moved to direct the Administrator to draft a postcard in support of clean water without the Commission logo for use by individuals. There was no second.

D. Consider Approval of CAMP (Citizen Assisted Monitoring Program) Agreement with Met Council

Administrator Jester reported that this is an annual agreement with Met Council to participate in the Citizen Assisted Monitoring Program. She noted that there are 7 BCWMC lakes in the program this year.

MOTION: Commissioner Scanlan moved to approve the CAMP agreement with the Met Council. Commissioner Prom seconded the motion. Upon a vote, the motion passed 7-0. [The cities of Minneapolis and New Hope were absent from the vote.]

6. COMMUNICATIONS

a. Administrator's Report

i. Update on Minor Plan Amendment

Administrator Jester reported that the minor amendment process was underway, including the 30-day comment period for agencies. She noted the public hearing would be held on May 18th at the beginning of the Commission meeting. She also noted the upcoming Westwood Nature Center event with Great River Greening, a cleanup in Bassett Creek Park in Minneapolis on April 22, and two upcoming committee meetings.

b. Chair

Chair de Lambert noted that the Westwood Nature Center event last year was very enjoyable and hoped the Commission could be involved again this year.

c. Commissioners

Commissioner Harwell provided Commissioners with Governor Dayton's phone number so individuals could give comments on the omnibus environmental bill. Commissioner Mueller announced that there is also a cleanup at Bassett Creek Park in Crystal. Commissioner Carlson asked if the APM/AIS committee would be meeting in time to impact the 2018 budget. Commissioner Prom gave an update on the Agora development and noted that there is still no purchase agreement with Walmart. Engineer Chandler stated that Barr received a resubmittal of the Agora development plans in response to Commission comments. Mr. Ray reminded people that it is severe weather week with sirens planned for 1:45 p.m. and 6:45 p.m.

d. TAC Members - No comments

e. Committees

- i.** Report on March 27th Budget Committee Meeting – Committee is working through options and will present recommendations at the May Commission meeting
- ii.** Upcoming Education and Budget Committees Meetings – to be held also on April 24th at 1:00 p.m. and 8:00 a.m., respectively.

f. Legal Counsel

- i.** No comments.

g. Engineer

Engineer Chandler reported progress on the Schaper Pond project, noting the contractor reinstalled anchors and weights and the baffle is back in place. She noted that plants will be established this spring and that effectiveness monitoring will start next month.

7. INFORMATION ONLY (Information online only)

- a. CIP Project Updates: Now Available Online <http://www.bassettcreekwmo.org/projects>
- b. Grant Tracking Summary and Spreadsheet
- c. WMWA January and February Meeting Minutes
- d. Impacts of Salt in the News
 - i. Star Tribune Article
 - ii. Channel 12 News Clip
- e. WCA Notice of Decision, Golden Valley
- f. WCA Notice of Decision, Plymouth Creek Restoration Project

8. ADJOURNMENT – Chair de Lambert adjourned the meeting at 10:45 a.m.

Signature/Title Date _____
Signature/Title Date

