

REPORT / RECOMMENDATION



To: Mayor and City Council

Agenda Item #: IV. F.

From: Laura Adler, Water Resources Coordinator

Action

Discussion

Date: August 20, 2013

Information

Subject: Order Minor Plan Amendment to the Comprehensive Water Resources Management Plan

Action Requested:

Order Minor Plan Amendment to the Comprehensive Water Resources Management Plan

Information / Background:

History

The city has provided services for a number of lakes and ponds for many years. Some of the lakes are treated to reduce aquatic vegetation and algae at the city's expense; some are managed more aggressively with the costs assessed to surrounding homeowners. There are currently 39 lakes and ponds treated at the city's expense. The number of lakes treated has increased throughout the years, and as a result there is no standard service level. In addition to the aquatic vegetation management we provide, some lakes also have aerators, pumps to add water to the lake when levels are low, pumps to take water out of the lake when levels are high, and are stocked with fish. In late 2012, the Engineering Department took over contract management for these services and has identified the following issues:

Varying Level of Service

Some lakeshore owners want a higher level of service than the city typically provides for aquatic vegetation management. These lakeshore owners have come to the city and asked us to manage aquatic vegetation contracts, and then special assess the cost back to them. There are currently three lakes that go through the special assessment process: Arrowhead Lake, Indianhead Lake, and Mill Pond.

In some cases, lakeshore owners have differing desires for lakes. This is an issue with Melody Lake. The City operates a pump that is used to lower the level of the lake to reduce the risk of flooding. Staff often receives conflicting requests from lakeshore owners; some want the lake level lower, and some want it higher. With no clear policy guiding staff, and no official representation from the lakeshore owners, staff are placed in the difficult position of trying to balance the needs and wants of the lakeshore owners. Lake level is one type of conflict, other potential conflicts include; prioritization of type, location and surface area of the treatment, and the use and timing of aquatic herbicides application.

Ecosystem Balance

Lakes and ponds are complex systems. They include living components, such as plants, animals, and microorganisms, and their growth are driven by environmental factors such as sunlight, water temperature, wind, and chemical interactions. Each lake and pond has its own balance between these components. Changes in any of them can have major impacts on the lake's ecosystem, causing excess plant growth or fish

die-off. When changes are introduced into the system, whether through urbanization, a desire for a specific type of look, or creating recreational opportunities (like boating or fishing), the ecosystem is changed. Under current practices, only one or two aspects of the lake are evaluated and managed for. This can have unintended and undesired consequences on other aspects of the lake's ecosystem. The current practice is to manage most water bodies exclusively for a range of aquatic plants. This approach has the potential to sacrifice other management outcomes such as fishery productivity, water clarity, or waterfowl habitat.

Contract Management, Transparency and Public Process

The process to manage the service contracts for these lakes has problems. There is no set way that a new group of lakeshore owners could set up a similar service for their lake. On the lakes that are already special assessed, staff have generally worked with a single contact from the lakeshore owners, but that contact does not have any authority to actually speak for the rest of the lakeshore owners. Prior to this year, quotes were not regularly requested, as is now required by the city's purchasing policy. Staff requested quotes this year, and due to the prices that came in, contracted with a company that was not the residents' first choice. There was no method in place to make the choice for a more expensive company, since there was no official representation for the lakeshore owners. This contract process also brought to light the uneven and undefined service expectation.

Public Purpose and Prioritization

For new service requests, no criteria exist to determine which lakes and ponds are eligible, and for what types of treatment. For lakes and ponds with existing service, staff judgment is unguided by policy when balancing how public money is spent and how to prioritize public benefits. Consider Lake Pamela: this is a 17 acre lake, with public access, and approximately half of it is bordered by a large park. The public clearly benefits from the treatment of this lake. Compare that to a pond such as St. John's Pond (near 56th Street and St. John's Avenue): this is a small pond, approximately 1/3 acre, surrounded by a small number of private residences. There is no public access, and while the neighboring residents benefit from the pond's treatment, the general public does not. However, the city pays for similar treatment on both waterbodies. There are many other lakes and ponds within the city of similar size and condition to St. John's Pond that receive no treatment at all.

Overall, the current process for managing lakes and ponds lacks transparency, policy direction, and cohesiveness. Establishing a clear policy to guide the management of lakes and ponds would be a way to resolve these issues.

Proposed Solution/Process

Staff recommends formalizing lake and pond service policy by creating a minor plan amendment to the city's Comprehensive Water Resources Management Plan. The policy would create a framework for determining public benefit of waterbodies, setting service levels, prioritizing treatment, and ensuring that public money is efficiently spent for public benefit. Other cities which provide aquatic plant management services establish the public benefit, service levels, and prioritization based on a number of criteria. These criteria include the size of the water body, public access, or the ability of the lake to sustain fish. Determining a set of criteria for evaluating the water bodies will allow staff to provide consistent treatment.

In cases where riparian owners want a higher service level than the city provides or wish to take part prioritizing and determining service level, the policy would lay out a path to follow to organize with neighbors, and request that the city contract for the services and special assess the cost to the benefitting properties. Including the policy in the CWRMP will ensure that the process is transparent to all stakeholders, including residents, watershed organizations, and state agencies.

Public Process

A minor amendment to the CWRMP requires, at a minimum, that the Council approve the draft amendment. The draft amendment is then sent to Minnehaha Creek Watershed District and Nine Mile Creek Watershed District for a 60 day review. At the same time, the draft amendment is sent to the Met Council for a 45 day review. If all agencies approve the draft amendment, it comes back to the city for official adoption by the Council.

In addition to required public process, staff proposes a stakeholder process as a part of drafting the amendment. Stakeholders include riparian owners, with existing special assessments and without, watershed management organizations, state agencies, and park and water body users. This would allow staff to engage stakeholders in the process, increasing buy-in and addressing concerns in the amendment. If the Council elects to order this amendment to the CWRMP, Staff will gather input from stakeholders, draft the minor amendment, share the draft with stakeholders, iterate changes and submit the final consensus for council review.