



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting October 15, 2015 Golden Valley City Hall, 8:30 a.m.

Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Robbinsdale	Alternate Commissioner Michael Scanlan
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	Commissioner Jim de Lambert, Chair
Medicine Lake	Commissioner Clint Carlson	Administrator	Laura Jester
Minneapolis	Commissioner Michael Welch	Attorney	Kyle Hartnett, Kennedy & Graven
Minnetonka	Commissioner Jacob Millner, Secretary	Engineer	Karen Chandler, Barr Engineering
New Hope	Alternate Commissioner Pat Crough	Recorder	Amy Herbert
Plymouth	Commissioner Ginny Black		

Technical Advisory Committee (TAC) Members/ Other Attendees Present:

Lois Eberhart, TAC, City of Minneapolis	Alexandra Prash, citizen
Dan Fetter, Barr Engineering Company	Mark Ray, TAC, City of Crystal
Erick Francis, TAC, City of St. Louis Park	Ben Scharenbroich, City of Plymouth
Richard McCoy, TAC, City of Robbinsdale	Liz Stout, TAC, City of Minneapolis
Jeff Oliver, TAC, City of Golden Valley	David Tobelmann, Alternate Commissioner, City of Plymouth
Bob Paschke, TAC, City of New Hope	Wayne Sicora, Commissioner, City of Robbinsdale

1. CALL TO ORDER AND ROLL CALL

On Thursday, October 15, 2015, at 8:34 a.m. in the Council Conference room at Golden Valley City Hall, Chair de Lambert called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken [Cities of Medicine Lake and Minneapolis absent from roll call].

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No issues raised.

3. AGENDA

Commissioner Mueller moved to approve the agenda as presented. Commissioner Hoschka seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Medicine Lake and Minneapolis absent from vote.]

[Commissioner Carlson, City of Medicine Lake, arrived].

4. CONSENT AGENDA

Alternate Commissioner Scanlan moved to approve the Consent Agenda as presented. Commissioner Black seconded the motion. Upon a vote, the motion carried 8-0 [City of Minneapolis absent from vote].

[The following items were approved as part of the Consent Agenda: the September 17, 2015, BCWMC meeting minutes, the October 2015 financial report, the payment of invoices, Approval to Set Technical Advisory Meeting for November 5, 2015, Approval of City of Minneapolis Reimbursement Request for CR2012 Main Stem Restoration Project, Approval of Residential Project in Golden Valley, Approval of User Agreement with Hennepin County for Use of Pictometry Data.]

The general and construction account balances reported in the Fiscal Year 2015 Financial Report prepared for the October 15, 2015, meeting are as follows:

Checking Account Balance	\$580,260.54
TOTAL GENERAL FUND BALANCE	\$580,260.54
TOTAL CASH & INVESTMENTS ON-HAND (9/9/15)	\$3,296,350.04
CIP Projects Levied – Budget Remaining	(\$3,459,234.37)
Closed Projects Remaining Balance	\$162,884.33
2012-2014 Anticipated Tax Levy Revenue	\$5,585.36
2015 Anticipated Tax Levy Revenue	\$495,084.26
Anticipated Closed Project Balance	\$337,785.29

5. BUSINESS

A. Receive Financial Accounting of Watershed Management Plan Development

Administrator Jester pointed out that the meeting packet contains a memo and a spreadsheet detailing the financial accounting of the development of the watershed management plan. She reminded the Commission that the process was very involved, and she pointed out that the Commission hadn't originally budgeted for a very involved process but had budgeted for a plan update. Administrator Jester stated that as the plan process proceeded, the BCWMC had a very robust public input process and also the Plan Steering Committee, TAC Committee, and Commission heavily discussed and debated policies as part of the plan process.

[Commissioner Welch, City of Minneapolis, arrived].

Administrator Jester said that the Commission had set its original plan budget in February 2013 at an amount of \$95,485. She said that this budget was set before the Commission understood how complicated the plan discussions were going to be. Administrator Jester reminded the Commission that in subsequent years, the Commission budgeted additional funds for the plan development, for a total plan development budget of \$150,000 over four years. She reported that the Commission spent \$148,120 on plan development over the four years. Administrator Jester noted that the amount spent does not include Administrator Jester's time spent on the plan, which totaled \$21,000.

Several Commissioners offered comments on the plan development process. Chair de Lambert noted the Plan process was good and he thought the total price was fair and in line with outcomes. Commissioner Black remarked that not included in the plan development cost accounting is the XP-SWMM and P8 model updating, which the Commission did alongside of the plan update and which she considers as part of the plan development process. She said that the cost of the XP-SWMM and P8 model updates brings the cost of the plan update much higher. Commissioner Black said that the models are good tools but will need maintenance that should be budgeted in future years along with other long-term costs to the Commission.

B. Consider Ordering Feasibility Study for Bassett Creek Main Stem Restoration Project, Minneapolis (2017CR-M)

Administrator Jester reminded the Commission that at its September meeting it reviewed a proposal for a feasibility study for the Main Stem project in Minneapolis. She said that at that time the City of Minneapolis was proposing to do the feasibility study and the Commission had a motion on the floor to proceed with parts of that feasibility study and that motion is still on the table. Administrator Jester announced that in the time since last month's meeting, the City of Minneapolis has requested that the Commission do the feasibility study rather than entering into an agreement for the City to perform the study. She noted that this is the process that the Commission is following for the Plymouth Creek feasibility study.

Administrator Jester said that the proposal has been revised since the last meeting and also has been revised since the version included in the meeting packet, which is why a new proposal was emailed to the Commission last night and distributed at the meeting.

Engineer Chandler introduced Dan Fetter from Barr Engineering Company and said that he is very familiar with Phase 2 work and can provide more information on that proposed work. Engineer Chandler highlighted the changes in the most recent proposal, including that the changes resulted in changes to the proposed cost and proposed schedule. She said that the first change addresses the concern that the Commission needs to obtain not only access to private property in order to gather soil samples but also needs to obtain indemnification from the property owners. Engineer Chandler said that the second change is that the proposal now includes the step of sending the Minnesota Pollution Control Agency (MPCA) the Phase 2 work plan and asking for MPCA approval of the work plan, after the work plan comes to the Commission, likely at the Commission's December meeting. She said that the third change adds a consideration of naturalizing creek sections that have invasive species and including this work in the feasibility study's prioritization list. Engineer Chandler said that the additional scope increased the estimated cost by \$8,500, so the estimated total cost of the study is \$95,300 for all three reaches.

There was a short discussion on whether or not contamination would be found. Commissioner Hoschka said that it would be valuable to know what lessons were learned from the City's previous work in this project area. Commissioner Black was glad to see additional soil investigation work proposed. Mr. Fetter talked about the MPCA's newest guidelines regarding what can be labeled clean soils, and he explained that the purpose of the Phase 2 investigation is to examine soils that would be removed from the site.

Commissioner Welch stated that residents and stakeholders are already asking about the project, including the hope for significant changes to the valley and stream re-meandering. He noted that while those are good plans that they would most likely come with significant redevelopment in the area and are out of the scope of this project. He recommended that the Commission do restoration without getting into areas in which the project would require a lot of soil export, which is really expensive. Commissioner Welch said that an important project component will be managing expectations of the residents due to the limited scope of the project.

Commissioner Black said that she assumes an option explored in the feasibility study would be the option of not removing contaminated soils and she would be interested in seeing that option. She said she would be interested in exploring options for dealing with contaminated soils onsite, such as using composting to remediate metals.

Ms. Eberhart said that in project sites like this where the soils are composed of a lot of fill, instead of touching all of the soil with soil borings, one can also work with the MPCA on what is called a response action plan. She said that with the response action plan, if something during the construction phase is discovered that could be contamination, the action is already laid out in the response action plan. She said it is good to do borings in key strategic locations.

Chair de Lambert asked if he is correct in assuming that it is likely that the project will take part in the Voluntary Investigation Cleanup program (VIC). Ms. Eberhart said that the private property owner would need to be the VIC applicant. Mr. Fetter said that the VIC program could be a project component. He said that if the Commission proposes to get access to another person's property and do investigations and clean up actions, the Commission could seek technical review through the VIC program, which would give the Commission the comfort that the VIC program is in agreement with the Commission's proposed approach. Mr. Fetter said that doing the Phase 1 and Phase 2 review in the feasibility study phase positions the Commission to move to the response action plan that Ms. Eberhart mentioned and to be able to apply for grants to assist in the cost of clean-up. Mr. Fetter noted that collecting the samples also would reveal if there are areas the project should avoid.

Commissioner Welch moved to remove the motion from last month from the table. Alternate Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 9-0.

Chair de Lambert called for a vote on the motion made by Alternate Commissioner Scanlan at last month's meeting [*the motion was to approve going forward with the feasibility study for Reach 1, Cedar Lake Road to Irving Avenue, as identified in the proposal and to include proposed Reach 2, Irving Avenue to the entrance to the Old Bassett Creek Tunnel.*] Upon a vote, the motion failed 0-9.

Commissioner Black moved to approve staff recommendations 1, 2, and 3 in the October 14, 2015, Engineer Memo. Commissioner Welch seconded the motion. Upon a vote, the motion carried 9-0.

C. Receive Update on XP-SWMM Phase II Project

Engineer Chandler said that the update in the meeting packet is an update on the 2015 scope of the development of the model for Plymouth Creek and Medicine Lake watersheds. Engineer Chandler thanked the member cities for all of the assistance they have provided on this model update. Engineer Chandler said that for the 2015 portion of the project, just under \$42,000 has been spent out of the \$103,000 budgeted.

Engineer Chandler reported that the DNR has offered the Commission a grant for \$93,000 from the Flood Damage Reduction Grant fund for work on this project in 2016. She added that there is a plan to revisit the grant program in 2016 to see if additional funds are available.

Commissioner Black moved to adopt the resolution presented at the meeting authorizing the Commission

Administrator to apply for funding and execute agreements, needed to accept the \$93,000 from the Department of Natural Resources. Commissioner Millner seconded the motion. Upon a vote, the motion carried 9-0.

D. Receive Update on Feasibility Study for 2017 Plymouth Creek Restoration Project (2017CR-P)

Administrator Jester reported that staff is well underway with the feasibility study for the Plymouth Creek Restoration project. Administrator Jester listed what has been completed to date (and noted this information is included in the Administrator's memo in the meeting materials), and she reported that the cultural and resources review has been initiated and staff has begun to develop concepts that will be presented to stakeholders. Administrator Jester stated that she has been working on getting public input and in the meeting packet is a letter that went out earlier this week to landowners in the vicinity of the project. She announced that the Commission is holding a public open house and input meeting on October 26 between 7:00-8:30 p.m. at Plymouth City Hall. She talked about the resources that will be available at the public open house, and she noted where the open house notices have been posted and published. Administrator Jester announced that there will be a technical stakeholder meeting on this project at 1:00 p.m. on October 26 at Plymouth Creek Park.

Engineer Chandler reported on the project timeline. Commissioner Welch remarked that the project web pages for both this project and the Main Stem Restoration project should go up on the Commission's website as soon as possible.

E. Receive Update on Website Redesign Project

Administrator Jester reported that HDR continues its work on the redesign and plans to meet the project deadline of the end of November. She announced that there are a lot of documents posted on the Commission's current website that need to be moved to the new site. She explained that HDR is saying that moving all of the content over to the new site would be out of the budget for the project and that it would be an additional 50 hours of work on top of the original estimate. Administrator Jester said that she will communicate with HDR about this information because the Commission's RFP included that a component of the project is that all of the current content would be moved to the new site and this task was included in HDR's approved project proposal. She said that if in the case that HDR doesn't move all of the content over under the current contract for services, she would like Commission direction on how she can get the work done. Administrator Jester offered ideas such as paying a high school student. The Commission offered ideas such as using an intern and using temporary staff.

Commissioner Welch moved to authorize the Administrator to spend up to \$2,000 from the website budget for technical administration of the website transfer. Commissioner Millner seconded the motion. Commissioner Mueller recommended that the Administrator prepare a memo to the Commission that documents the objective selection of the technical resource. Commissioner Black suggested that Administrator Jester include this information in the Administrator's memo instead of in a separate memo. Upon a vote, the motion carried 9-0.

F. Consider Administrator Request to Attend Minnesota Association of Watershed District's Annual Conference

Administrator Jester described her attendance at last year's Minnesota Association of Watershed District (MAWD) conference and requested approval from the Commission to attend this year's conference on the Commission's behalf. She said that there is a pre-conference workshop she would like to attend as well and she is requesting funds not to exceed \$545 to attend the conference. Administrator Jester said that this amount fits into her 2015 administrator budget. Commissioner Welch moved to approve the request. Commissioner

Mueller seconded the motion. Upon a vote, the motion carried 9-0.

6. COMMUNICATIONS

A. Administrator:

- i. Administrator Jester reminded the Commission that its November meeting will be held on the Wednesday the day before the third Thursday of the month (November 18th)
- ii. Administrator Jester gave an overview of NEMO's winter maintenance workshop held last week in Minnetonka.
- iii. Administrator Jester reported that she has started communications with the Metropolitan Council regarding the Commission's request that the SWLRT reimburse the Commission's expenses on the project.
- iv. Administrator Jester announced that this meeting room at Golden Valley City Hall will not be available from December – April, and she asked for suggestions for other meeting space. Administrator Jester took down the suggestions and said that she will follow up.

B. Chair:

- i. Chair de Lambert reported that he attended last week's Water Resources Conference, and he provided an update.

C. Commissioners:

- i. Commissioner Mueller provided an update on last week's Water Resources Conference.
- ii. Commissioner Hoschka provided an update on the Water Resources Conference and particularly the session on chloride and the concern about chloride entering ground water.
- iii. Commissioner Sicora provided an update on the Water Resources Conference and noted that both he and Alternate Commissioner Goddard are on the conference's planning committee.
- iv. Commissioner Welch reported on the Golden Valley Arts and Music Festival.
- v. Alternate Commissioner Scanlan reported on the Water Resources Conference and in particular the session on the Wirth Lake delisting.

D. TAC Members: No TAC Communications

E. Committees: No Committee Communications

F. Legal Counsel: No Legal Communications

G. Engineer:

- i. Engineer Chandler announced that the annual flood control project inspection happens this week and the member cities have been notified.

7. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/Meetings/2015/2015-October/2015OctoberMeetingPacket.htm>)

- A. CIP Project Update Chart
- B. Grant Tracking Summary and Spreadsheet

C. WMWA Water Links Newsletter

D. BCWMC Volunteer Appreciation Press Release

8. ADJOURNMENT

Chair de Lambert adjourned the meeting at 10:05 a.m.

Date

Date