



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting July 16, 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	Charlie LeFevere, Kennedy & Graven
Minnetonka	Commissioner Jacob Millner, Secretary	Engineer	Karen Chandler, Barr Engineering
New Hope	Alternate Commissioner Pat Crough		
Plymouth	Commissioner Ginny Black		

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

Derek Asche, TAC, City of Plymouth	Richard McCoy, TAC, City of Robbinsdale
Erick Francis, TAC, City of St. Louis Park	Patrick Noon, Alternate Commissioner, City of St. Louis Park
Gary Holter, Alternate Commissioner, Medicine Lake	Jeff Oliver, TAC, City of Golden Valley
Chris Long, TAC, City of New Hope	John O'Toole, Medicine Lake Resident
Linda Loomis, Plan Steering Cmtte Chair	Liz Stout, TAC, City of Minnetonka
Jane McDonald Black, Alternate Commissioner, City of Golden Valley	David Tobelmann, Alternate Commissioner, City of Plymouth

#### 1. CALL TO ORDER AND ROLL CALL

On Thursday, July 16, 2015, at 8:33 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 [City of Minneapolis absent from roll call].

#### 2. CITIZEN FORUM ON NON-AGENDA ITEMS

No items were raised.

### 3. AGENDA

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

### 4. CONSENT AGENDA

Commissioner Black requested the removal of item 4B – July Financial Report – from the Consent Agenda. Chair de Lambert said the item would become agenda item 5Ai. Commissioner Black moved to approve the Consent Agenda as amended. Commissioner Mueller 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 June 18, 2015, Commission Meeting minutes, the payment of invoices, Approval to Reimburse the City of Golden Valley for the Bassett Creek Main Stem Restoration Project (CR2015).

The general and construction account balances reported in the Fiscal Year 2015 Financial Report prepared for the July 16, 2015, meeting are as follows:

Checking Account Balance	\$686,224.00
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TOTAL GENERAL FUND BALANCE	\$686,224.00
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TOTAL CASH & INVESTMENTS ON-HAND (7/08/15)	\$3,794,833.26
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CIP Projects Levied – Budget Remaining	(\$4,015,111.53)
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Closed Projects Remaining Balance	\$220,278.27
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2012-2014 Anticipated Tax Levy Revenue	\$5,585.36
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2015 Anticipated Tax Levy Revenue	\$495,084.26
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Anticipated Closed Project Balance	\$280,391.35
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### 5. BUSINESS

#### A.

#### i. July 2015 Financial Report

Commissioner Black remarked that it looks like the Commission has already spent year-to-date approximately \$486,000 of a \$490,000 budget. Administrator Jester pointed out that the section of the financial report that Commissioner Black is referring to is the revenues from city assessments, not expenditures. She added that next month the Commission will see the recent assessment payment received from the City of Medicine Lake reflected in that column. Commissioner Black moved to approve the July 2015 Financial Report as presented.

Alternate Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0 [City of Minneapolis absent from vote].

*[Commissioner Welch, Minneapolis, arrives.]*

**A.**

**ii. Consider Resolution of Appreciation for Services of John O’Toole to the Bassett Creek Watershed Management Commission**

Commissioner Black moved to adopt the Resolution of Appreciation for Services of John O’Toole to the Bassett Creek Watershed Management Commission. Commissioner Welch seconded the motion Commissioners and Mr. O’Toole offered comments. Upon a vote, the motion carried 9-0.

**B. Review Evaluations of Two Past CIP Projects by MN Department of Natural Resources and MN Board of Water and Soil Resources**

Administrator Jester explained that in 2011 the state legislature directed the Minnesota Department of Natural Resources (DNR) and the Minnesota Board of Water and Soil Resources (BWSR) to start evaluating restoration projects that were completed under the Clean Water Land and Legacy Funds. She said that the Commission had two projects that were partially funded by those funds in 2010: a Bassett Creek Main Stem Restoration project and a Plymouth Creek Restoration project.

Administrator Jester reported that in October 2013 she was contacted by Wade Johnson of the DNR, the project manager of this evaluation program. She explained that Mr. Johnson and another DNR staff member came out and looked at the projects. She said that she and City staff accompanied the DNR staff on the project sites visit. Administrator Jester explained that the DNR staff completed evaluation forms, but the BCWMC did not receive a copy of them until January 2015.

Administrator Jester stated that there were concerns about the outcomes of the evaluations, so BCWMC and City staff met with DNR and BWSR staff to go through the evaluations. She said there was great two-way discussion and the DNR and BWSR staff learned about more about limitations of working in urban areas and City staff, the Commission Engineer, and Administrator learned about things that the DNR and BWSR hope for in future projects.

Administrator Jester said that the project evaluations were revised and the final evaluations are included in today’s meeting packet. She noted that the evaluations will go into a report to the Evaluations Panel in September and then a final report will go to the state legislature. She noted that BCWMC staff learned that the Commission should involve state agencies earlier in the CIP process to hear about the agencies’ desired outcomes of the projects. Administrator Jester emphasized that the evaluation is not a punitive action and instead its goal is to make future projects better. Administrator Jester said that a takeaway for the Commission is that it needs to get project information to the right agency staff people earlier in the process and now that is staff’s plan. She said that no action by the Board is required.

Commissioner Mueller commented that he sees two issues raised by the evaluation: first, how can future projects be designed better and second, how to ensure that during project construction the contractors follow the plans and specifications. Mr. Asche pointed out that regarding the rock vane described in the evaluation, the City of Plymouth knows it was installed correctly but over time moved out of place. He said that the City sees that as a long-term maintenance issue. Mr. Asche stated that the project was a very successful project and

meets a lot of the Commission's and City's goals, including flood protection, and that the effectiveness of the project is very high.

Commissioner Black remarked she thinks the Commission's Technical Advisory Committee (TAC) should discuss whether the Commission's process and procedures could be modified in light of the evaluation report and if so, how.

There was discussion about the evaluation criteria and the objectives that the projects were measured against. Commissioner Welch commented that he found this evaluation disturbing and asked if Engineer Chandler had takeaways from the evaluation and the meeting with the evaluators. Engineer Chandler said that there is not a lot of public land available for use in the BCWMC projects and because there is so much work in this type of constrained area, the projects have to utilize more structure in its projects. She also said that in order to affect change, the input such as provided by the DNR needs to happen earlier in the project.

Commissioner Welch said the evaluation brings up points such as incorrect installation, instability, the BCWMC should consider alternative methods that would have been constructed with appropriate geomorphology, and alternatives that work with natural stream processes rather than against them. He said that some of these points echo things he heard years ago from the Commission's Engineer. Commissioner Welch said that the Commission could have done something if the Commission had accountability in place for the constructed project matching the project plans the Commission approved. He said that this issue absolutely should go to the TAC, and he would like to hear what the TAC would like to do about this. He would like to know if the TAC thinks the Commission is setting the right objectives for the projects. Commissioner Welch agreed with the idea of getting agency input early on in the project process, but he said that in his experience it seems that agency staff may not have time to provide that input.

There was discussion about stormwater drainage and runoff in urban and developed areas, flood protection goals and initiatives, how urban streams are subject to unnatural conditions, and the need to be able to construct solutions that work with streams that are subject to unnatural conditions. There was discussion about the Plymouth Creek's project's beneficial results for Medicine Lake and how future Watershed Outlet Monitoring Program (WOMP) data should start indicating those positive results.

There was discussion about the positive outcomes of both evaluated projects, positive features of the projects that were not included in the evaluation report, the learning that the Commission can take away from the evaluation report, the possible additional project costs and additional time that would be incurred by involving state agency review into the Commission's project process timeline, how the Commission can learn in advance what state agency objectives the projects will be measured against, and what next steps the Commission could take, if any. Upon hearing many recommendations that the issue be sent to the TAC for discussion, Chair de Lambert directed the TAC to discuss the evaluation report and its implications for the Commission.

### **C. Discuss Development of Feasibility Studies for 2017 CIP Projects**

Administrator Jester explained that the Commission needs to move forward with ordering feasibility studies for the two 2017 CIP projects, which will start in 2017 and will span two years. She reported that the City of Minneapolis is hiring Barr Engineering to do the feasibility study for the Main Stem Channel Restoration project. Administrator Jester stated that the City of Minneapolis will review Barr Engineering's proposal for the feasibility study and then the proposal will come to the Commission for review at its August meeting at which time the Commission would consider entering into an agreement with the City of Minneapolis for the project.

Administrator Jester announced that the City of Plymouth requests that the Commission direct the feasibility

study for the Plymouth Creek restoration project instead of the Commission entering into an agreement with the City of Plymouth for the feasibility study. She explained that the Commission needs to consider if it wants to direct the feasibility study, and if it does, how to do so. She described three ways that the Commission could direct the feasibility study.

Administrator Jester recommended that the Commission handle authorize the Commission Engineer to do the feasibility study for the Plymouth Creek project.

There was discussion on how the Commission has done feasibility studies in the past. Commissioner Black noted that by streamlining the feasibility study process by having the Commission Engineer do the study, the step of having the Commission Engineer review is removed, which limits the amount of input about that study that the Commission is providing. She wondered if the Commission would want to address that limitation by getting an outside evaluation of the feasibility study. There was discussion on how such an evaluation could be cost effective.

Commissioner Welch noted that the Redevelopment Oversight Committee has been a working organization for many years and if it is still in operation it would need to be included in the public process for the Minneapolis project.

Alternate Commissioner Scanlan moved to have the Commission Engineer do the feasibility study for the Plymouth Creek project. Alternate Commissioner Crough seconded the motion.

Mr. Oliver commented that he is very comfortable with this direction, that the Commission built the flood control project using this model, and that the Commission has been very successful using this model. There was discussion about where in the project process the Commission will have the opportunity to review the draft feasibility report, approve the report, and review the draft plans. Mr. LeFevere pointed out that the Commission doesn't need to make a decision today about having a peer review of the feasibility study or the scope of the review.

Commissioner Welch moved to amend the motion on the table to include that the Commission will solicit input from the DNR at the appropriate time. Commissioner Black seconded the motion to amend. Upon a vote, the motion carried 9-0.

There was a short discussion on getting DNR input. Chair de Lambert called for a vote on the amended motion. Upon a vote, the motion carried 9-0.

#### **D. Consider Approval of Recommendations from Technical Advisory Committee**

Mr. Eckman introduced the project, described how previous Commission comments on the plans have been addressed, and talked about communicating with homeowners about the project. He reported that two construction access points are still needed, but staff feels confident that it will obtain these. Mr. Eckman provided more details on the project.

Upon a vote, the motion carried 7-0 [City of Minnetonka absent from vote. City of Minneapolis abstained from vote].

#### **E. Consider Applying for Clean Water Fund Grant**

Engineer Chandler

Upon a vote, the motion carried 7-0 [City of Minnetonka absent from vote. City of Plymouth abstained from vote].

**F. Receive Update on XP-SWMM Progress and Funding**

Administrator Jester

**G. Receive Update on Blue Line LRT Project**

Administrator Jester announced that

**H. Consider Reviewing and Providing Feedback on Hennepin County Draft Natural Resources Strategic Plan**

**6. COMMUNICATIONS**

**A. Administrator:**

- i. Administrator Jester announced that a detailed work plan for **grant** is due August 20. She said that she is working with the Minnesota Pollution Control Agency on the grant application. She asked for direction from staff on whether it wants to see the work plan at the BCWMC's August 20 meeting. The Board directed Ms. Jester to complete the work plan and include it in the August 20 meeting packet as an informational item. Administrator Jester said that the Commission can provide feedback on the work plan. Chair de Lambert volunteered to review the work plan before it is included in the August 20<sup>th</sup> meeting packet.
- ii. Administrator Jester announced the dates that she would be out of the office.
- iii. Administrator Jester reported that she did an interview yesterday with Channel 12 about the Schaper Pond project.
- iv. Administrator Jester stated that two important meetings will be held on August 4<sup>th</sup>, including the meeting of the Hennepin County Energy, **Environment, and** Committee and the Minnesota Board of Water and Soil Resources Committee. She described who would be attending these meetings on behalf of the Commission and the Commission's topics being addressed at each of the meetings.

**B. Chair:** No Chair Communications

**C. Commissioners:** No Commissioner Communications

**D. TAC Members:** No TAC Communications

**E. Committees:**

- i. Administrator Jester distributed copies of the draft design of the BCWMC's redesigned website.

**F. Legal Counsel:**

- i. Mr. LeFevere thanked the attendees of his retirement party held by Kennedy & Graven in his honor and noted his schedule for upcoming BCWMC meetings.

**G. Engineer:**

- i. Engineer Chandler talked about **sediment accumulation** in an area in Theodore Wirth Park.
- ii. Engineer Chandler reported on a rare plant discovered in Westwood Lake.
- iii. Engineer Chandler announced that on August 6<sup>th</sup> from 10 a.m. – 11:30 a.m. there is a webinar on

Clean Water grants.

- iv. Engineer Chandler said that BWSR will be sending out details about its public information sessions on the new 8010 Rules and that Barr Engineering will be hosting one of the sessions.

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

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

**8. ADJOURNMENT**

Chair de Lambert adjourned the meeting at 11:12 a.m.

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Recorder

Date

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Secretary

Date