



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting February 18, 2016 Plymouth City Hall, 8:30 a.m.

#### Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Plymouth	Alternate Commissioner David Tobelmann
Golden Valley	Commissioner Stacy Hoschka, Treasurer	Robbinsdale	Alternate Commissioner Michael Scanlan
Medicine Lake	Alternate Commissioner Gary Holter	St. Louis Park	<i>Not represented</i>
Minneapolis	Commissioner Michael Welch	Administrator	Laura Jester
Minnetonka	Commissioner Jacob Millner	Attorney	Troy Gilchrist, Kennedy & Graven
New Hope	Commissioner John Elder	Engineer	Karen Chandler and Jeff Weiss, Barr Engineering

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

Derek Asche, TAC, City of Plymouth	Jane McDonald Black, Alternate Commissioner, City of Golden Valley
Erick Francis, TAC, City of St. Louis Park	Pat Crough, Alternate Commissioner, City of New Hope
Jeff Oliver, TAC, City of Golden Valley	Bob Paschke and Chris Long, TAC, City of New Hope
Richard McCoy, TAC, City of Robbinsdale	Tom Mathisen, Resident, City of Minnetonka
Tom Dietrich, TAC, City of Minnetonka	Robert White, Jere and Mary Gwen Lenth, Friends of Northwood Lake

### 1. CALL TO ORDER AND ROLL CALL

On Thursday, February 18, 2016, at 8:35 a.m. in the Medicine Lake Room at Plymouth City Hall, 3400 Plymouth Boulevard, Vice Chair Mueller (in Chair de Lambert's absence) called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken [City of St. Louis Park absent from roll call].

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

There were no comments from citizens attending the meeting. Vice Chair Mueller noted that since the Commission had last met, former legal counsel to the Commission, Charlie LeFevere, had passed away. Several Commissioners and staff offered remembrances about Mr. LeFevere.

**3. AGENDA**

**MOTION:** Commissioner Elder moved to approve the agenda. Alt. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0 [City of St. Louis Park absent from vote].

**4. CONSENT AGENDA**

Commissioner Welch asked that item 4F *Approval to Designate Finance and Commerce as the Official News Publication of the BCWMC* be removed from the consent agenda.

**MOTION:** Commissioner Welch moved to approve the consent agenda as amended. Commissioner Elder seconded the motion. Upon a vote, the motion carried 8-0 [City of St. Louis Park absent from vote].

[The following items were approved as part of the consent agenda: the January 21, 2016, Commission Meeting Minutes, the FY2015 Year End Financial Report, the February 2016 Financial Report, the payment of invoices, Resolution 16-03 Designating Depositories for Bassett Creek Watershed Management Commission Funds, Request for Reimbursement from City of New Hope for Northwood Lake Water Quality Improvement Project (NL-1), Agreement with Metropolitan Council for 2016- 2017 Watershed Outlet Monitoring Program, 2016 Northwood Lake Improvements, New Hope, Agreement with Hennepin County for 2016 River Watch Program].

The general and construction account balances reported in the Fiscal Year 2015 Year End Financial Report are as follows:

Checking Account Balance	\$629,992.43
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$629,992.43</b>
<b>TOTAL CASH &amp; INVESTMENTS ON-HAND (2/10/16)</b>	<b>\$3,493,496.41</b>
CIP Projects Levied – Budget Remaining	(\$3,335,710.58)
Closed Projects Remaining Balance	\$157,785.83
2012-2014 Anticipated Tax Levy Revenue	\$6,668.33
2015 Anticipated Tax Levy Revenue	\$1,499.07
Anticipated Closed Project Balance	\$165,953.23

**5. ORGANIZATIONAL MEETING**

**A. Appoint Officers**

Vice Chair Mueller asked if any Commissioners were interested in holding a Commission office. He noted that he was willing to remain as Vice Chair and that at the January meeting, Chair de Lambert expressed interest in remaining as Chair (if there were no other Commissioners interested in the position). Commissioner Hoschka noted she was willing to remain as Treasurer. Commissioner Millner advised the group that he would be leaving the Commission when the City of Minnetonka can find a replacement for him.

He noted given that information, he should not be elected as Secretary. Administrator Jester reminded the group that the positions of Secretary and Treasurer can be combined into one position per the Commission bylaws.

Commissioner Welch nominated Commissioner Hoschka as Secretary/Treasurer. Commissioner Hoschka accepted the nomination. Vice Chair Mueller called for additional nominations of officers.

**MOTION:** Commissioner Welch moved to elect the slate of officers including de Lambert as Chair, Mueller as Vice Chair, and Hoschka as Secretary/Treasurer. Alt. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 7-0. [City of St. Louis Park absent from vote]

**B. Review 2016 Commission Calendar and Areas of Work**

Administrator Jester reviewed the Commission calendar, noting that it was not an exhaustive list of items the Commission will be considering this year, but included items that would come before the Commission over the course of the year. She also reviewed the various Commission committees and the work they would be concentrating on this year and approximate timing of meetings. There was some discussion about if a certain committee should discuss water quality monitoring activities of the Commission. It was noted that would be included as a discussion item during the presentation of 2015 monitoring results at the March meeting and would also be considered by the budget committee.

**C. Appoint Committee Members**

The following Commissioners and others volunteered for the various Commission committees (noted below). Administrator Jester noted that committees could add and subtract members over the course of the year. She noted the Aquatic Plant Management/Aquatic Invasive Species (APM/AIS) committee would likely meet monthly during the year.

Administrative Services Committee: Commissioners/Alt. Commissioners de Lambert, Mueller, Hoschka, Crough, Black, Tobelmann

Budget Committee: Commissioners/Alt. Commissioners de Lambert, Mueller, McDonald Black, Black

Education Committee: Commissioners/Alt. Commissioners Hoschka, Black, Tobelmann, and former Commissioner Dan Johnson

APM/AIS Committee: Commissioners/Alt. Commissioners Hoschka, Carlson, Welch, Black, Tobelmann, TAC members Tom Hoffman (Golden Valley), Derek Asche (Plymouth), Commission Engineers

**D. Review Year End Financial Status (Fiscal Year 2015)**

Administrator Jester reported that the year-end financial statement (found in Item 4B) shows some areas to be over budget and others to be under budget. She noted that in addition to the \$5,114 remaining in the operating budget account, another approximately \$18,000 will be reimbursed to the Commission for work done in 2015 with regards to the Blue Line and Southwest Light Rail Transit lines and the modeling of the tunnel (to be partially paid by the City of Minneapolis). Administrator Jester listed some items and issues that pushed the water quality monitoring budget well over budget including unanticipated meetings and review of the bacteria and chloride TMDLs, the new species of plant found in Westwood Lake, and the development of water quality content and graphs for the new website.

There was some discussion about why the Commission does not include a contingency line item and how the “surveys and studies” line item is used for unanticipated tasks similarly to a contingency fund.

**E. Review Open Meeting Law**

Administrator Jester and Legal Counsel Gilchrist briefly reviewed the general provisions of the open meeting law, reminding Commissioners, in particular, not to get involved in a discussion via email. Legal Counsel Gilchrist recommended that Commission committees follow the open meeting law including being properly noticed. He also noted that comments via social media are not considered to be covered by open meeting law, unless a discussion is occurring via private messaging.

**6. BUSINESS****4F. (from consent agenda) Approval to Designate *Finance and Commerce* as the Official News Publication of the Bassett Creek Watershed Management Commission**

Commissioner Welch noted that the Finance and Commerce publication is not used by regular citizens to find information about upcoming meetings or other items. He suggested that the Commission research alternatives including the Star Tribune which is expensive but covers the entire watershed. Staff was directed to bring options back to the March Commission meeting.

**A. Review Draft Feasibility Study for Plymouth Creek Restoration Project (2017CR-P)**

Commission Engineer Weiss provided an overview of the feasibility study for this project through a PowerPoint presentation. He reported that several site visits had been conducted, resulting in the identification of 21 sites in need of repair or restoration. He noted that many different groups provided input to the study including residents, Plymouth Water Resources and Parks staff, the MDNR, the U.S. Army Corps of Engineers, and the Commission Administrator. Commission Engineer Weiss described the three different reaches within the project area, reported on the recommended restoration techniques within each reach, and noted the estimated pollutant load reductions of 52.2 lbs of total phosphorus and 90,800 lb of total suspended sediment per year. He reported the estimated design and construction cost (including contingencies) is \$766,000. He noted the cost estimate is about \$275/linear foot which is within the range of recent past projects.

There was much discussion about how to improve conditions within the disc golf course in Reach 1. Commission Engineer Weiss and Commissioners noted it would be advantageous if a vegetated buffer could be established along the creek but they also recognized the difficulty in keeping disc golfers from trampling newly planted areas. Mr. Asche noted that the Plymouth Parks Department is open to realigning some golf fairways or pins to help keep players away from the stream. There was further discussion about whether or not Commission funding should be used for buffers that ultimately won't stay in place. It was noted the high potential for education of citizens in the park due to high park user numbers. It was suggested that perhaps one location along the stream could include a buffer as a demonstration area to see if the buffer strategy works over time. There was also a suggestion to work with the disc golf association and scouts or other groups for building and maintaining structures to keep golfers out of vegetation. There was also discussion about reducing the amount of runoff from the park parking lot to the stream, which Mr. Asche said might be accomplished in the future with park redevelopment.

There was consensus that the feasibility study should include a vegetated buffer within the golf course in order to budget an appropriate amount, acknowledging that as the project moves into the design phase, more conversations can be had with the Plymouth Parks Department and others about the true feasibility and placement of buffers.

There was some discussion about the use of toe wood as a restoration technique and its benefits to stream biological life. There was consensus that information should be included in the feasibility study.

**MOTION:** Commissioner Welch moved to approve the Feasibility Study for the Plymouth Creek Restoration Project with minor revisions noted during the discussion and direction to staff to bring a memo back to the Commission noting revisions made to the Study and access to the full and final Study online. Alternate Commissioner Scanlan seconded the motion. Upon a vote, motion carried passed 8-0. [City of St. Louis Park absent from vote]

**B. Consider Approval of Northwood South Area Infrastructure Improvements, New Hope**

- i. Commission Engineer Project Review Memo and Project Map
- ii. Letter from City of New Hope Regarding Treatment Options for Linear Projects

Commission Engineer Chandler described the proposed project in New Hope, noting that it is a street reconstruction project that also involves improvements to water, sanitary sewer, and storm sewer in an area that drains to Northwood Lake from the south. She reported that it is a linear project that proposes to reconstruct more than one acre of impervious surface, so the Commission’s new water quality requirements (MIDS) need to be met. Commission Engineer Chandler reported that due to the lack of space and clay soils, the infiltration requirement could not be met, leading the city to follow the MIDS flexible treatment options to improve water quality. The City is proposing to construct underground filtration trenches with iron enhanced media to provide water quality treatment. This practice will meet most of the MIDS flexible treatment option #2. She noted the City is requesting to use a portion of the pollutant removal capacity of the nearby Jordan Pond, part of the Commission’s Northwood Lake CIP project. She reminded the Commission that at the December meeting, a similar request came from the City of Golden Valley with regards to the Douglas Drive Project. Commission Engineer Chandler recommended approval of the Northwood South Area Infrastructure Improvement Project, with conditions noted in the Engineer’s memo and recommended the Commission allow the City to take credit for up to 21.1% of the pollutant removal capacity in Jordan Pond, the same percentage the City is contributing in funding to the CIP project.

Mr. Paschke reported that the City of New Hope recently purchased a new street sweeper and is increasing its frequency of sweeping in the neighborhood adjacent to Northwood Lake. He noted this activity is not captured in the pollutant removal calculations for the project. Commissioner Welch expressed his strong opposition to a change in the premise under which cities and the Commission partner on CIP projects. He indicated that, in his opinion, it is a mistake to use watershed-wide CIP funding to help cities meet water quality requirements. He noted that he would rather consider a variance to the requirements than approve this request.

Mr. Long described the burden that fully developed cities (with clay soils) have to meet MIDS on linear projects with little or no space. Mr. Oliver concurred. Mr. Long noted the letter provided in 6Bii lays out the issues and requested that the TAC discuss this issue at a future meeting.

There was further discussion between Administrator Jester and Commissioner Welch regarding the current precedent of allowing cities to take partial credit for CIP projects. They agreed to discuss the item further in the future.

**MOTION:** Commissioner Hoschka moved to approve the Northwood South Area Infrastructure Improvement Project with Commission Engineer’s comments. Commissioner Elder seconded the motion. A roll vote was taken.

Crystal	Aye
Golden Valley	Aye
Medicine Lake	Aye
Minneapolis	No
Minnetonka	Aye

New Hope	Aye
Plymouth	Aye
Robbinsdale	Aye
St. Louis Park	Absent

Upon the vote, the motion carried 7-1. [City of St. Louis Park absent from vote]

**C. Items Related to Northwood Lake Water Quality Improvement Project (NL-1)**

**i. Consider Approval of Clean Water Fund Grant Agreement for Northwood Lake Water Quality Improvement Project**

**MOTION:** Alternate Commissioner Scanlan moved to approve the Clean Water Fund grant agreement with the Minnesota Board of Water and Soil Resources for the Northwood Lake Water Quality Improvement Project. Alternate Commissioner Tobelmann seconded the motion. Upon a vote, the motion carried 8-0. [City of St. Louis Park absent from vote]

**ii. Direct Staff to Develop Subgrant Agreement with City of New Hope to Implement Clean Water Fund Grant**

Administrator Jester reported the Commission should enter into a subgrant agreement with the City of New Hope to implement the provisions of the Clean Water Fund grant (similar to the subgrant agreement approved for implementation of the 2015 Clean Water Partnership grant.)

**MOTION:** Alternate Commissioner Scanlan moved to direct Commission staff to develop a subgrant agreement with the City of New Hope and to approve the execution of the agreement by Commission officers. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0. [City of St. Louis Park absent from vote]

**iii. Consider Amendment to Agreement with City of New Hope for Design and Construction of Project**

Administrator Jester reported that the City of New Hope had received bids for the Northwood Lake Improvement Project that were considerably higher than budgeted. She reported that since the meeting materials had gone out, she had revised her recommendation regarding this item and directed Commissioners to the materials distributed at the meeting. She walked through a table of figures showing the estimated costs and contributions for the Northwood Lake CIP project as they existed in August 2015 when the initial agreement with the City was approved compared to project costs and contributions as they exist now. (She noted the higher construction costs and the addition of the Clean Water Fund grant.) Administrator Jester recommended that the City and the Commission contribute additional funding to the project at the same pro-rated amount as initially approved, and that the City’s contribution be lowered by the same percentage due to the Clean Water Fund grant (as was a provision in the initial agreement). She reported the city contribution would total \$276,400 rather than the \$300,000 initially approved. She recommended an amendment to the agreement with the City of New Hope to reflect these changes.

**MOTION:** Alternate Commissioner Scanlan moved to approve the amendment to the cooperative agreement with the City of New Hope for the Northwood Lake Improvement Project. Commissioner Millner seconded the motion. There was discussion (below). Following discussion and upon a vote, the motion carried 7-1. [City of St. Louis Park absent from vote]

**DISCUSSION:** Commissioner Mueller suggested that the Administrative Services Committee

consider a policy to determine a consistent approach to handling CIP projects that are over budget. Mr. Long expressed concern that as written, the agreement doesn't allow the City to realize any financial benefit if the project ends up coming in under budget. Commissioner Welch indicated that future cooperative agreements should not allow cities to take credit for pollutant removals.

[Commissioners Elder, Hoschka, Millner depart the meeting. Alternate Commissioners Crough and McDonald Black assume voting positions for New Hope and Golden Valley, respectively.]

**D. Consider Approval of Resolution Delegating Wetland Conservation Act Decisions**

Commission Engineer Chandler reminded the Commission that at their meeting in January, the Commission reviewed options for Wetland Conservation Act (WCA) decisions for cities where the Commission has WCA authority. She reported that at that meeting, there was consensus that the Commission would delegate WCA authority for certain decisions to Commission staff and retain other authority for other decisions. She noted the resolution included with meeting materials formalizes that decision. Commissioner Welch requested that the phrase "or their respective designees" be removed from the resolution. Commission Legal Counsel Gilchrist agreed that was fine. The Commission Engineer noted two grammatical edits needed in the resolution.

**MOTION:** Commissioner Welch moved to approve Resolution 16-04 with revisions. Alternate Commissioner McDonald Black seconded the motion. Upon a vote, the motion carried 7-0. [Cities of St. Louis Park and Minnetonka absent from vote.]

**E. Receive Update on 2017 Main Stem Erosion Repair Project (2017CR-M)**

Administrator Jester reported that all four of the right of entry agreements needed to complete the Phase II environmental assessment were acquired. She also noted she would be giving a presentation on the project to the Redevelopment Oversight Committee on February 2<sup>nd</sup>. She indicated the draft feasibility report would likely come to the Commission at their April meeting.

**7. COMMUNICATIONS**

**A. Administrator:** No comments aside from written report in meeting packet.

**B. Chair:** No comments

**C. Commissioners:**

- i. Alternate Commissioner Scanlan reported on his attendance at the Road Salt Symposium.

**D. TAC Members:**

- i. Mr. Francis reported that the TAC met on February 5<sup>th</sup> to continue developing draft policies for the responsibilities and funding options for long term maintenance of the Flood Control Project and the 5-year CIP. He said that the TAC will continue to discuss this at its March 3 meeting.

**E. Committees:** No Committee Communications

**F. Legal Counsel:** Legal Counsel Gilchrist reported that Charlie LeFevere enjoyed working with the Commission.

**G. Engineer:**

- i. Engineer Chandler reported that work continues on the XP-SWMM model.

**7. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/Meetings/2016/2016-February/2016FebruaryMeetingPacket.htm>)**

- A. **CIP Project Update Chart**
- B. **Grant Tracking Summary and Spreadsheet**
- C. **Clean Water Partnership Grant – Interim Grant Report**
- D. **Hennepin County All-Hazard Mitigation Plan – BCWMC Input**
- E. **WMWA December 2015 Minutes**
- F. **2014 Report on Citizen Assisted Monitoring Program (available on [Met Council website](#))**
- G. **2015 River Watch Report**
- H. **Wetland Conservation Act Notice of Application – Plymouth City Flats, Plymouth**

**8. ADJOURNMENT**

Vice Chair Mueller adjourned the meeting at 11:15 a.m.

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Signature/Title

Date

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Signature/Title

Date