



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting June 19, 2014 Golden Valley City Hall, 8:30 a.m.

Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Robbinsdale	<i>Not represented</i>
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	Commissioner Jim de Lambert, Chair
Medicine Lake	Commissioner Clint Carlson	Administrator	Laura Jester, Keystone Waters LLC
Minneapolis	Commissioner Michael Welch	Attorney	Charlie LeFevere, Kennedy & Graven
Minnetonka	Commissioner Jacob Millner, Secretary	Engineer	Karen Chandler, Barr Engineering Co.
New Hope	Alternate Commissioner Pat Crough	Recorder	Amy Herbert
Plymouth	Alternate Commissioner David Tobelmann		

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	Jeff Oliver, TAC, City of Golden Valley
Christopher Gise, Golden Valley Resident	John O'Toole, Alternate Commissioner, City of Medicine Lake
Chantell Knauss, City of Golden Valley	Bob Paschke, TAC, City of New Hope
Chris Long, TAC, City of New Hope	Jim Prom, Plymouth City Council
Shawn Markham, City of New Hope	Liz Stout, TAC, City of Minnetonka
Liz Thornton, Plymouth Resident	Peter Tiede, St. Paul
Peter Willenbring, WSB & Assoc.	
Tom Mathisen, TAC, City of Crystal	
Richard McCoy, TAC, City of Robbinsdale	

1. CALL TO ORDER AND ROLL CALL

On Thursday, June 19, 2014, at 8:35 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. The Cities of Minnetonka and Robbinsdale were absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No items were brought forward.

3. AGENDA

Commissioner Tobelmann moved to approve the agenda. Commissioner Welch seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

[Commissioner Millner arrives.]

4. CONSENT AGENDA

Commissioner Welch offered praise to Ms. Herbert for the press release on Wirth Lake delisting and noted the importance of the lake being removed from the Impaired Waters List. He then moved to approve the Consent Agenda. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

[The following items were approved as part of the Consent Agenda: the May 15, 2014, Commission Meeting minutes, the monthly financial report, the payment of the invoices, approval to submit press release on Wirth Lake delisting to media outlets; and, approval of proposed 2015 operating budget and order submittal to cities for review and comment.]

The general and construction account balances reported in the Financial Report prepared for the June 19, 2014, meeting are as follows:

Checking Account Balance	\$687,369.60
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TOTAL GENERAL FUND BALANCE	\$687,369.60
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TOTAL CASH & INVESTMENTS ON-HAND (5/7/14)	\$2,610,132.45
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CIP Projects Levied – Budget Remaining	(\$2,872,218.23)
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Closed Projects Remaining Balance	(\$262,085.78)
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2013 Anticipated Tax Levy Revenue	\$9,662.09
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2014 Anticipated Tax Levy Revenue	\$895,000.00
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Anticipated Closed Project Balance

\$642,576.31

5. PUBLIC HEARING

- A. Consider Comments from Public on Major Plan Amendment:** The Amendment proposes to add to the Capital Improvement Program (CIP) a project for 2015 (CR2015) to restore approximately 1.8 miles of the Main Stem of Bassett Creek from 10th Avenue to Duluth Street in the City of Golden Valley.

Chair de Lambert opened the public hearing. Ms. Chandler provided a brief overview of the project and the feasibility study. Chair de Lambert called for comments. Upon hearing no comments, Chair de Lambert closed the public hearing.

6. BUSINESS

- A. Consider Approval of Final Feasibility Study for 2015 Main Stem Restoration Project, Golden Valley (CR2015)**

Engineer Chandler reported that all of the Commission Engineer's comment and concerns had been addressed by the City of Golden Valley and its contractor for the project, WSB and Associates, so there are no suggested changes to the feasibility study.

There was discussion about how WSB and Associates reached the estimate that the project would remove 30 pounds of phosphorous per year over the life of the project. Mr. Willenbring explained that the project would remove an estimated 60 to 100 pounds at implementation and an estimated 0 pounds per year at year 30. He said that given this information, WSB estimated that over the life of the project the annual phosphorous removal would be 30 pounds. Mr. Willenbring provided further details on the cost-benefit analysis process for erosion projects and for this specific project. He responded to questions about what would cause the degradation of the project. He addressed the degradation of soft armoring techniques such as planted vegetation due to the development over time of the canopy, which eventually shades out some of the project's vegetation.

Commissioner Mueller said that he would like more study done on the vegetation used in the soft armoring. Chair de Lambert remarked that the project will go through a design process in which the Commission will have opportunity to provide input.

Mr. Oliver gave an explanation of the City's process for reaching out to the property owners and summarized the feedback received to-date by some of the property owners affected by this proposed project. He said that almost exclusively the property owners are supportive of the project and are open to the techniques proposed by the project.

Mr. Willenbring stated that the feasibility study could be revised to indicate a range of phosphorous removal instead of the estimated 30 pounds per year.

Commissioner Welch agreed that there will be opportunity to provide comments during the design phase, but he believes that the earlier that comments and direction are provided, the better. He raised his concern that his previous request that that the feasibility study prioritize the sites in terms of most severe erosion to less severe

was not addressed in the study. Commissioner Welch said that he also was looking for the feasibility study to include numerical data that showed the erosive forces at work at each of the proposed sites so that there would be data upon which to base the recommendation for the restoration techniques for each site. He also brought up the point that there needs to be a process for the Commission, through the City of Golden Valley, to communicate to the property owners the best methodology for stabilizing the bank for each particular site.

Commissioner Welch raised the issue that the feasibility study offers two options: hard armoring and soft armoring. He said the study presents the options as if one direction or the other needs to be taken, and if the soft armoring direction is taken then a lot of trees need to be removed. Commissioner Welch added that it seems like there is a hybrid option, but it is not discussed in the feasibility study.

Mr. Oliver responded that the City goes out and looks at each individual property and the solution for each site falls somewhere between the two options of hard armoring and soft armoring.

There was a lengthy discussion. Mr. Asche said that the cities need to provide the message that the project needs to work within specific parameters. Mr. Willenbring noted he understood the Commission would like the stream to be as natural as possible and most homeowners want the same. Mr. Oliver noted that when they talk with homeowners onsite, they start with a recommendation for stabilization techniques and go from there. There was additional discussion.

Commissioner Welch again raised the fact that the feasibility study doesn't include a summary of the erosive forces exerted at each of the sites nor a prioritization of the sites based on that data. Mr. Willenbring listed factors in addition to erosive forces that play a part in determining the methodologies for the sites. He mentioned access to the slope and considerations of how easy it would be to maintain the site post-build, how close any existing structures are to the site, the light exposure, and the direction the slope faced. He described the considerations of changes to the creek's flood stage and said that the project cannot raise the cross section and increase the flood stage.

The Commission continued its discussion.

Commissioner Welch moved to approve the feasibility study on the condition that the 50% design includes a prioritization of the sites and also includes the draft ideal design for each site and at the best level of detail possible. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Medicine Lake and Robbinsdale absent from vote].

B. Discuss Timeline and Status of 2016 Projects in Golden Valley, New Hope, and Minneapolis

Administrator Jester reported that the City of Minneapolis has communicated to the Commission that the Bryn Mawr water quality improvement project in Minneapolis slated for 2016 probably cannot move forward at this time for various reasons. She said that the City of Minneapolis would like to defer the project to a later year because of the upcoming Minneapolis Park and Recreation Board master planning process for the park. Administrator Jester said that the City of Minneapolis hopes to bring a new project to the TAC for its consideration for the Commission's 2017-2021 CIP.

Administrator Jester updated the Commission on the proposed Honeywell Pond Expansion project. She said that the project was intended to coincide with reconstruction of Douglas Drive in the area, which is a county/federal project. She indicated the water quality project needs to be designed by June 2015.

Administrator Jester explained that this timeline is well ahead of the Commission's normal CIP process for 2016 projects and the City of Golden Valley is requesting that the Commission allow an accelerated CIP process. She described the proposed accelerated timeline, which includes starting the Major Plan Amendment process this September.

There was discussion of what the project will include and if there would be any problems arising from accelerating the project.

Administrator Jester reported that the City of New Hope indicated it can match the timeline for completion of the feasibility study for their 2016 project so that only one Major Plan Amendment would be needed.

Commissioner Mueller moved to proceed in the manner described by Administrator Jester to accelerate the CIP process. Commissioner Millner seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Medicine Lake and Robbinsdale absent from vote].

C. Consider Agreement with City of Golden Valley for Development of Feasibility Study for Honeywell Pond Expansion Project

Administrator Jester presented the agreement. Commissioner Hoschka moved to approve the agreement with the City of Golden Valley. Commissioner Millner seconded the motion. Upon a vote, the motion carried 7-0 [City of Robbinsdale absent from vote. City of Minneapolis abstained from the vote.]

D. Update on Meeting with Medicine Lake City Council and Joint Powers Agreement Signatories

Administrator Jester reported that seven member cities have signed the Joint Powers Agreement (JPA) amendment. Commissioner Welch noted that he met with a member of the Minneapolis City Council to recommend that the City sign the 10-year JPA amendment, and the council member has directed its staff to write a recommendation to the same effect for the consideration of the Minneapolis City Council.

Administrator Jester provided an overview of the meeting with the Medicine Lake City Council. She reported that the City of Medicine Lake has agreed to sign a five-year JPA, and she read aloud the email to the Commission from Medicine Lake Mayor Gary Holter asking that the Commission request that the other eight cities agree to a 5-year JPA.

Plymouth City Council Member Jim Prom provided comments and said that he and the mayors of Golden Valley and New Hope are hoping to meet with members of the Medicine Lake City Council in the next few weeks to further discuss the matter of the JPA.

Attorney LeFevere recommended that the Commission decide how it will respond to the City of Medicine Lake's request. He provided a variety of options for the Commission to consider. There was lengthy discussion.

Commissioner Carlson moved that the other eight BCWMC commissioners present to their city councils the option of a five-year JPA. Commissioner Tobelmann seconded the motion, but upon his further understanding of the motion, he withdrew his second. The motion failed to get a second.

In response to the issues being discussed, Attorney LeFevere raised the option of the Commission writing two letters to the City of Medicine Lake. He said one letter could address the public policy issue of a five-year JPA versus a ten-year JPA, and the other letter could address the water level of Medicine Lake.

After further discussion, the Commission's final direction to staff was for Attorney LeFevere to prepare a letter in response to Medicine Lake's proposed 5-year JPA and to bring the letter back to the Commission for review and approval at the July BCWMC meeting. Commissioner Welch volunteered to assist staff in the preparation of the letter. The Commission directed Administrator Jester to communicate to the City of Medicine Lake that the Commission is taking the City of Medicine Lake's comments under consideration and the Commission's legal counsel is drafting a response for Commission review at its monthly meeting in July.

E. Discuss Steps Needed to Prepare for Possible Commission Dissolution

Mr. LeFevere explained that the JPA expires on December 31, 2014, and said this doesn't mean that an

agreement can't be reached after that date; however, doing so would be more complicated than reaching an agreement prior to the JPA expiration. He asked if the Commission wished to continue business as usual (including watershed management plan development). He said that the Commission also should address if it wants to direct staff, the Administrative Services Committee, or appoint another committee to begin planning for dissolution.

Mr. LeFevere addressed the idea that there may be some activities that the cities would want continued, at least until a watershed district is formed, such as monitoring and cooperative education efforts. He described the process for this (i.e., would require a new and separate JPA amongst the willing cities) and raised issues for the Commission's consideration in such a process.

There was discussion.

[Commissioner Millner departs the meeting.]

Commissioner Welch said that the Commission needs to take action in July and so the Commission needs action items and specific steps ready for consideration at the July meeting. Commissioner Welch said that next month the Commission needs to notify the member cities regarding the cities' legal responsibilities the Commission provides assistance with and that such assistance may not be available after December 31st. He continued by saying the Minnesota Board of Water and Soil Resources (BWSR) and Hennepin County should be informed as well. He recommended that the Commission direct its Engineer, Administrator, and Legal Counsel to prepare such notifications for consideration at the Commission's July meeting.

Administrator Jester said that staff would like direction on whether to continue business as usual.

Commissioner Welch recommended that the Commission continue business as usual. There was discussion.

Commissioner Hoschka moved to approve the Commission continuing business as usual. Commissioner Welch seconded the motion with the friendly amendment that Administrator Jester handles some more minor details such as number of watershed maps to print, etc. Commissioner Hoschka approved the friendly amendment. Upon a vote, the motion carried 7-0 [City of Minnetonka and Robbinsdale absent from vote].

Attorney LeFevere asked if the Commission wants staff and the Administrative Services Committee, or whichever group the Commission directs, to put together a letter, a game plan, a list of factors, recommendations, and guidelines to start the process. Chair de Lambert directed staff to prepare the information described by Attorney LeFevere. Chair de Lambert stated that if there is time, the Administrative Services Committee could meet with Attorney LeFevere and Administrator Jester prior to the July meeting to discuss the information.

F. Consider TAC Recommendations

i. Buffer Policies for Next Generation Watershed Management Plan

Mr. Ashe summarized that the TAC supports buffers and including buffers in the Next Generation Plan. He described the need for flexibility in applying buffers and explained that some additional details are needed. Administrator Jester added that the TAC's recommendation went to the Plan Steering Committee and is not in front of the Commission as an action item.

Mr. Ashe provided more details on the buffer rules the TAC discussed. There was discussion. Administrator Jester said that this topic will be part of the Commission's next workshop on the plan.

ii. CIP Process Improvement

Mr. Ashe explained that the TAC suggests that project managers provide periodic updates to the Commission with regard to the Commission's CIP projects. He said that the content still needs to be

worked out. Mr. Asche said that the TAC also recommends a final report process for CIP projects. He said the TAC envisions a one- to two-page report with bullet points and maybe a few photos. He said the intent is to use the final report as a learning tool. Mr. Asche stated that every time there are steps added to the process it takes time and resources away from the project itself, whether that involves city staff or Commission staff. Mr. Asche added that it is important for the Commission to get the information it needs when it needs it, and it's important to keep the process succinct and continue moving forward.

[Commissioner Hoschka departs the meeting. Alternate Commissioner Jane McDonald Black assumes voting role for City of Golden Valley]

Commissioner Tobelmann asked if the TAC envisions a standard template for the final report. Mr. Asche responded yes. Commissioner Welch said that he takes umbrage at the idea that reporting on the projects takes away from the projects. He stated that the Commission is a public body that levies \$1,000,000 per year from the taxpayers. He said that the Commission has a giant responsibility to be accountable for those funds. There was discussion.

Mr. Asche and Mr. Oliver both made remarks regarding how the reporting process can be designed so that the cities take on the communication piece without putting the burden on the Commission staff. Commissioner Welch said that he can't think of a more important function for the Commission Engineer than to be involved in the Commission's capital projects. Mr. Oliver commented that if the process is designed to spend money on the engineering twice, then that process needs to be revisited.

Commissioner Tobelmann recommended that the Commission head down the path that the TAC is recommending for a year and then evaluate whether there are gaps and if there are, the Commission will address them at that time.

There was further discussion. Ms. Stout noted that the TAC's discussion didn't raise the idea of lessening the role of the Commission Engineer but focused on the construction phase of CIP projects and how the Commission's knowledge of the construction phase could be increased. She said that the cities have day-to-day knowledge of the construction phase, which is why the TAC believes it is a much more efficient structure for the member cities to report on the construction rather than the Commission Engineer spending additional time to be brought up to speed on the day-to-day status of the construction.

Vice Chair Mueller reminded the group that the Commission Engineer could be asked for input on a particular project at any point in the process. Chair de Lambert noted that these were steps in the right direction.

iii. Use of Channel Maintenance Funds by City of Golden Valley

Administrator Jester provided a summary of the City of Golden Valleys request for use of BCWMC Channel Maintenance Funds.

Commissioner McDonald Black moved to approve the TAC's recommendations as listed in the June 9, 2014, TAC memo, including the two recommendations for the CIP process improvement— reporting progress and outcomes to the Commission— and the recommendation that the Commission approve Channel Maintenance Funds of up to \$90,000 for the City of Golden Valley for streambank stabilization work on the Bassett Creek Main Stem. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 7-0 [City of Minnetonka and Robbinsdale absent from vote].

G. Update on Next Generation Watershed Management Plan Development

Administrator Jester reported on the recent and future meetings with the Plan Steering Committee as the committee continued to work on developing policies. Administrator Jester said that a Commission workshop hopefully will take place in August, and she believes that the plan will go out for comments in October as scheduled.

H. NEMO Workshop on the Water

Administrator Jester made an announcement about the July NEMO event on Lake Minnetonka and said that she would email the event details to the Commission.

I. Debrief on Watershed Tour

Administrator Jester summarized the May watershed tour. She reported that the Metropolitan Council has reported that the trend analysis on the WOMP station data indicates that over the last 14 years the level of phosphorus and sediment in the creek is decreasing. However, chlorides are on the rise and pose a significant water quality issue for the creek.

J. Update on Watershed Map

Administrator Jester showed a thumbnail example of the map and asked for comments. She said that she and Chair de Lambert will review the Commission's contract with Hedberg maps regarding printing and will discuss and decide on the number of maps that the Commission will order to be printed.

7. COMMUNICATIONS

A. Administrator:

- i. Administrator Jester noted that she's getting updates from member city staff on the status of the Commission's CIP projects and she will include updates in the Administrator's Reports.

B. Chair: No Chair Communications

C. Commissioners: No Commissioner Communications

D. TAC Members: No TAC Communications

E. Committees: No Committee Communications

F. Legal Counsel: No Legal Communications

G. Engineer: No Engineer Communications

8. INFORMATION ONLY (Available at

<http://www.bassettcreekwmo.org/Meetings/2014/2014-June/2014JuneMeetingPacket.htm>)

A. Grant Tracking Summary and Spreadsheet

B. WCA Notices, Plymouth

C. WMWA April and May Meeting Minutes

9. ADJOURNMENT

Chair de Lambert adjourned the Bassett Creek Watershed Management Commission Regular Meeting at noon.

Amy Herbert, Recorder

Date

Secretary

Date