



## Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting  
Thursday, August 15, 2019  
8:30 a.m.**

**Golden Valley City Hall, Golden Valley MN**

### 1. CALL TO ORDER and ROLL CALL

On Thursday, August 15, 2019 at 8:33 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair Prom called the meeting of the Bassett Creek Watershed Management Commission (BCWMC) to order.

#### Commissioners and city staff present:

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	<i>Vacant Position</i>	<i>Absent</i>
Golden Valley	Stacy Harwell (Treasurer)	Jane McDonald Black	Eric Eckman
Medicine Lake	Clint Carlson	Gary Holter	Susan Wiese
Minneapolis	Michael Welch (Vice Chair)	<i>Vacant Position</i>	<i>Absent</i>
Minnetonka	Mike Fruen	<i>Absent</i>	<i>Absent</i>
New Hope	<i>Absent</i>	Pat Crough	Megan Hedstrom
Plymouth	Jim Prom (Chair)	Catherine Cesnik	Ben Scharenbroich
Robbinsdale	<i>Vacant</i>	<i>Absent</i>	Marta Roser, Richard McCoy
St. Louis Park	Jim de Lambert (Secretary)	<i>Absent</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters		
<b>Engineer</b>	Karen Chandler, Barr Engineering		
<b>Recorder</b>	Absent		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>			

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

No citizens present.

**3. APPROVAL OF AGENDA**

MOTION: Commissioner de Lambert moved to approve the agenda. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale was absent from the vote.]

**4. CONSENT AGENDA**

The following items were approved as part of the consent agenda: July 18, 2019 Commission meeting minutes, acceptance of the August 2019 financial report, payment of invoices

The general and construction account balances reported in the August 2019 Financial Report are as follows:

Checking Account Balance	\$ 628,988.23
<hr/>	
TOTAL GENERAL FUND BALANCE	\$ 628,988.23
<hr/>	
TOTAL CASH & INVESTMENTS ON-HAND (08/07/19)	\$ 4,301,843.44
<hr/>	
CIP Projects Levied – Budget Remaining	\$ (4,634,246.12)
<hr/>	
Closed Projects Remaining Balance	\$371,977.55
<hr/>	
2012-2017 Anticipated Tax Levy Revenue	\$7,330.29
<hr/>	
2018 Anticipated Tax Levy Revenue	\$8,770.47
<hr/>	
Anticipated Closed Project Balance	\$388,078.31
<hr/>	

MOTION: Commissioner de Lambert moved to approve the consent agenda. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale was absent from the vote.]

**5. BUSINESS**

**A. Consider Approval of Proposal to Prepare Feasibility Study for Mt. Olivet Stream Stabilization Project and Parkers Lake Drainage Improvement Project (2021 CIP Projects ML20 & PL-7)**

Commission Engineer Chandler reminded commissioners that the 5-year CIP approved in April includes three projects scheduled to start in 2021 including the Parkers Lake Drainage Improvement Project and the Mt. Olivet Stream Restoration Project. She noted that feasibility studies for these projects should begin this fall. Ben Scharenbroich, from the City of Plymouth, noted that both of these projects are in Plymouth and that they are both identified as city CIP projects for implementation in 2021/2022. He noted the projects will address water quality as well as flooding concerns.

Commissioner Welch asked if there is a change in protocol. Scharenbroich replied no. Engineer Chandler added that both projects have stream restoration components. Specifically, she noted the Mt. Olivet project is straightforward, although it may have considerable impact on trees. She noted the Parkers Lake project also looks beyond drainage improvement to reducing chlorides, improving ponds and/or using stormwater reuse. She noted there are more options to research with the Parkers Lake project. Engineer Chandler also reported that chloride levels are very high in Parkers Lake and that there is significant loading from the subwatershed where this project will take place.

Engineer Chandler walked through the proposal to develop the feasibility study, noting it would include: wetland delineations, a desktop environmental review, a stream survey, topography and utility surveys, and a tree survey.

There was discussion about how the Mt. Olivet project has some private property in the project area and that an easement would be needed and that there is already a partial easement for drainage and utility. It was noted the Mt. Olivet project is in Chair Prom's city council ward.

Staff noted that separate public meetings and open houses would be held for each project. Mr. Scharenbroich stated that the city plans to get a lot of input from residents early in the process and will include before and after pictures of the Plymouth Creek and the Elm Creek Restoration Projects.

[Alternate Commissioner McDonald Black arrives.]

Commissioner Welch added that this would be a good opportunity to engage and educate Mt. Olivet and adjacent apartments about chloride management. Mr. Scharenbroich agreed and added that it is standard practice for the city to talk about chlorides during projects like these.

Engineer Chandler clarified that chloride reduction options will be researched with the Parkers Lake project rather than the Mt. Olivet project. There was some discussion about possible capital projects to address chlorides, such as winter maintenance equipment. Commissioner Welch noted that it still makes sense to try to address chlorides near Mt. Olivet since the Commission will be working in the area.

**MOTION:** Alternate Commissioner Crough moved to approve the preparation of a feasibility study for the Mt. Olivet Stream Stabilization Project and Parkers Lake Drainage Improvement Project (2021 CIP Projects ML20 & PL-7). Commissioner Carlson seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale was absent from the vote.]

## **B. Review 2019 Operating Budget Status**

Administrator Jester reviewed current expenses and expected future expenses for the second half of the year, noting the Commission is in good financial standing and is likely to remain within the budget overall and within most budget lines. She noted the exception is work in the "non-fee/preliminary reviews" line item, which includes larger non-fee review projects such as Southwest LRT, Blue Line LRT, and when developers or cities request information or get questions answered about pending/possible development before an application and review fee is submitted. She noted that much of that budget line is offset by revenues from agreements with the Met Council for reimbursement on work regarding the light rail projects. It also includes the Commission Engineer's costs for the Bassett Creek Valley study, most of which will be reimbursed by the City of Minneapolis.

## **C. Set 2020 Operating Budget**

Administrator Jester noted that at the June meeting, the Commission approved a proposed 2020 operating budget of \$669,450 which included a 4.5% increase in city assessments over 2019 levels, assumed \$7,500 in MAWD dues, and included funds to fully fund development of the 2025 Watershed Plan over the next 6 years. She reported the proposed budget was sent to cities on June 21<sup>st</sup> for review and comment by August 1<sup>st</sup> and that no comments were received from cities. Administrator Jester reported that in July the MAWD Board set 2020 member dues for WMOs at \$500 rather than the anticipated \$7,500. She further reviewed her recommended revised 2020 budget noting that the total budget was reduced to \$662,450 and the "extra" \$7,000 was split by lowering total city assessments by \$3,500 (to 3.9% over 2019 levels) and lowering the amount of fund balance used by \$3,500.

**MOTION:** Commissioner Prom moved to approve the 2020 operating budget as presented. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale was absent from the vote.]

#### D. Consider 2020 Capital Improvement Implementation Options

Administrator Jester noted that typically, the Commission enters agreements with member cities for the implementation (design, construction, on-going maintenance) of its capital improvement projects after the Commission holds a public hearing and officially orders the project. She noted that as in typical years, the hearing will be held at the September meeting and then a resolution ordering the projects will be considered for approval. She reported that for three of the four 2020 CIP projects, the Commission is being asked to consider a few different circumstances regarding implementation:

**i. Bryn Mawr Meadows Water Quality Improvement Project: MPRB to Implement; Consider Applying for Clean Water Fund Grant**

Administrator Jester reported that the City of Minneapolis and the Minneapolis Park and Recreation Board (MPRB) believe that since there will be close coordination between this CIP project and the park's reconstruction project, the MPRB is the appropriate agency to enter into an agreement with BCWMC. She noted that the Commission's legal counsel agrees that the Joint Powers Agreement allows the Commission to enter into such an agreement. She further noted that the City and MPRB would enter into a separate agreement for the long-term operations and maintenance of the BCWMC's CIP project.

Administrator Jester recommended approval to proceed with agreement negotiations with the MPRB for this project.

Commissioner Welch remarked it is a good idea to contract with the MPRB, but the project may need more oversight of the design and construction and changes that may come up. He further added that the Commission's standard agreement may need to be bolstered to anticipate more engagement and oversight by the Commission during design and construction. Commissioner Welch further recommended that the maintenance agreement between the city and the MPRB clearly outline maintenance obligations and that the agreement should be secured before the BCWMC enters into an agreement with the MPRB. He noted that any change orders to construction plans should come to the commission engineer.

There was further discussion about language in the agreement regarding changes to the design or construction specifications. It was noted that perhaps the MPRB would not be reimbursed for work resulting from unapproved change orders and that the Commission's "eligible project costs" are already set in policy.

Engineer Chandler communicated that construction change orders are typically minor—e.g., changes in quantities, and that big design changes should be caught by the 90% plan designs. She noted the Commission won't want to see every change order because it would just burden the process.

Alternate Commissioner Cesnik suggested that one way to address this may be to have skin in the game and contribute to cost sharing. For instance, Elm Creek Watershed Management Commission only covers 25% of project costs.

Administrator Jester understood there was consensus to move ahead with contracting with the MPRB and that staff, including legal counsel, should make changes to the agreement language regarding change orders. There was further discussion on various ideas for levels of change orders and the person(s) to sign off on changes, the language needed in the agreement, construction oversight, and the Commission's relationship with the MPRB.

Welch clarified that he agreed with Eckman. We don't have to review every change, the BCWMC just needs to make sure we get what we set out to build and pay for. This is public money and we need to be very careful.

**MOTION:** Commissioner Welch moved to enter into an agreement directly with the Minneapolis Park and Rec Board (MPRB) and engage with the City of Minneapolis on timing of the maintenance agreement with the MPRB and for the facilities to be constructed. Administrator Jester was directed to work with the BCWMC Attorney to add language for Commission oversight on materials and design changes. Commissioner Prom seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale was absent from the vote.]

BCWMC staff recommended that the BCWMC apply for Clean Water Fund grant money for this project because it will likely score well due to the partnerships involved, water quality improvements expected, a completed feasibility

study, and the educational opportunities. Grant application materials are attached. Grant applications are due September 9th. There was consensus to apply for the grant.

**ii. Sweeney Lake Water Quality Improvement Project: Request for Commission to Implement**

Administrator Jester noted that because this project doesn't include any structural components that would require long-term maintenance, and given the Commission Engineer's experience with the Schaper Pond carp study and the Twin Lake alum treatment, she and Golden Valley staff recommend that the Commission implement this project rather than entering into an agreement with the city.

**MOTION:** Commissioner Carlson moved that the Commission implement the Sweeney Lake Water Quality Improvement project. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale was absent from the vote.]

**iii. Jevne Park Water Quality Improvement Project: Requests from City of Medicine Lake**

Administrator Jester reported that she attended the August 5th Medicine Lake City Council meeting where the city's consultant gave an overview of the project (with the same slides and information as previously presented by the Commission Engineer to the council), and presented the concerns of the city's Public Works Superintendent, Chris Klar (a member of the CIP Project Team). She noted that residents attending the meeting also weighed in with their concerns about impacts of the project on roads and adjacent properties. She noted the council passed a motion to proceed with negotiation of the Jevne Park project contract with the BCWMC with the goal of having the project be "cost neutral" to the city (meaning no costs to the city, including buffer maintenance, for at least 10 years).

There was some discussion on timing of agreements. Administrator Jester reported that typically, the agreement is approved at the September Commission meeting, after the public hearing and along with officially ordering the project. Commissioner Welch noted that the project could still be ordered at the September meeting and an agreement approved later.

Commissioner Carlson commented that the Medicine Lake City Council voted 4-1 in favor of moving ahead with the project. There was discussion about discrepancies between the feasibility study estimates for buffer maintenance expenses and estimates calculated by Mr. Klar. Mr. Scharenbroich added that the City of Plymouth does a lot of contracting for vegetation maintenance and it's possible there could be a joint contract with the City of Medicine Lake to bring down costs. Mr. Eckman added that there are economies of scale with larger contracts and that Golden Valley pays about \$1,500/acre for vegetation maintenance.

Commissioner Welch remarked that it is fundamentally problematic to force a project onto a city and that representation from the city is needed to alleviate concerns. It was suggested that Commissioners Prom, Welch, and de Lambert, along with Mr. Scharenbroich could help with negotiations. Chair Prom had concerns about the Commission's liability and impacts to residents and he wished to better understand the city's concerns.

There was further discussion about buffer maintenance options. There was general consensus that maintenance for this project should not be considered differently than other Commission CIP projects.

Commission staff was directed to continue negotiating with the city.

**E. Discuss Request for Resolutions from Minnesota Association of Watershed Districts**

[Harwell departs. McDonald Black becomes Golden Valley voting member.]

Administrator Jester noted that at the July meeting, the Commission considered this request from MAWD for possible resolutions. The Commission asked for time to think about resolutions and for this item to be revisited at this meeting. Resolutions are due September 1st. Neither staff nor commissioners had recommended resolutions to submit.

