



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting
Wednesday November 16, 2016
8:30 a.m.
Golden Valley City Hall, Golden Valley MN

Commissioners and city staff present:

| City | Commissioner | Alternate Commissioner | Technical Advisory Committee Members (City Staff) |
|-----------------------|------------------------------------|------------------------|---|
| Crystal | Guy Mueller, Vice Chair | NA | Mark Ray |
| Golden Valley | Stacy Hoschka, Secretary/Treasurer | Jane McDonald Black | Jeff Oliver |
| Medicine Lake | Clint Carlson | <i>Absent</i> | NA |
| Minneapolis | Michael Welch | Lisa Goddard | Lois Eberhart |
| Minnetonka | <i>Absent</i> | <i>Absent</i> | <i>Absent</i> |
| New Hope | John Elder | <i>Absent</i> | Megan Albert, Chris Long, Bob Paschke |
| Plymouth | Ginny Black | <i>Absent</i> | Derek Asche |
| St. Louis Park | Jim de Lambert, Chair | Patrick Noon | <i>Absent</i> |
| Robbinsdale | <i>Absent</i> | Michael Scanlan | Richard McCoy |

Staff and Others Present:

| | |
|----------------------|---|
| Administrator | Laura Jester, Keystone Waters |
| Engineer | Karen Chandler, Jim Herbert, Jen Koehler - Barr Engineering |
| Legal Counsel | Troy Gilchrist, Kennedy & Graven |
| Guests/Public | Linda Loomis, Peter Enck, Lee Gustafson, Ron Quanbeck, John O'Toole, Bill Spychalla, Pat Schutrop |

1. CALL TO ORDER AND ROLL CALL

On Wednesday November 16, 2016, at 8:35 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), 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 city of Minnetonka was absent from the roll call.

2. CELEBRATION OF SERVICE FOR LEN KREMER

Commission Engineer Chandler reported on Len’s history of service to the Commission, noting he served as the primary engineer from 1973 through 2011 and continues to serve in an advisory role. Several guests were in attendance at the meeting to help honor and recognize Mr. Kremer’s contributions to the Commission. Guests introduced themselves and Mr. Kremer gave a presentation with information about historical flooding conditions in the watershed and the Commission’s large projects over the decades including construction of the Bassett Creek Tunnel and other Flood Control Project structures.

Commissioners, city staff, and guests offered praise and tributes to Mr. Kremer and shared stories about him and his diligent work with the Commission. It was noted that Mr. Kremer not only gathered partners and funding to complete the \$40 million Flood Control Project, but also provided the foundation for and encouraged the progression of the BCWMC from a sole focus of flood protection to a broader mandate to improve water quality and actively conserve water resources.

MOTION: Commissioner Welch moved to approve a resolution of appreciation for Len Kremer. Commissioner Black seconded the motion. Upon a vote, the motion carried 8-0. [City of Minnetonka was absent from the vote.]

Mr. Kremer was presented with a certificate of appreciation and a book from the Commission. Photos with guests and past Commission chairs were taken.

3. CITIZEN FORUM ON NON-AGENDA ITEMS

No comments from citizens.

4. APPROVAL OF AGENDA

Administrator Jester noted that agenda items would be shifted to accommodate schedules of various Commissioners and guests. She suggested that item 6Biii come before item 6A and that item 6C be addressed when guests from The Blake School arrive at the meeting.

MOTION: Commissioner Black moved to approve the agenda as amended. Commissioner Elder seconded the motion. Upon a vote, the motion carried 8-0. [City of Minnetonka was absent from the vote.]

5. CONSENT AGENDA

Commissioner Welch requested that item 5E – Approval of Project at 226 Peninsula Road, Medicine Lake – be removed from the consent agenda.

MOTION: Commissioner Black moved to approve the consent agenda as amended. Commissioner Elder seconded the motion. Upon a vote, the motion carried 8-0. [City of Minnetonka was absent from the vote.]

The following items were approved as part of the consent agenda: the October 20, 2016, Commission Meeting Minutes, the November 2016 Financial Report, the payment of invoices, and the Highway 169 drainage improvement project in Plymouth.]

The general and construction account balances reported in the November 2016 Financial Report are as follows:

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|--|-----------------------|
| Checking Account Balance | \$517,080.61 |
| TOTAL GENERAL FUND BALANCE | \$517,080.61 |
| TOTAL CASH & INVESTMENTS ON-HAND (11/08/16) | \$2,848,460.40 |
| CIP Projects Levied – Budget Remaining | (\$3,966,977.19) |
| Closed Projects Remaining Balance | (\$1,118,516.79) |
| 2011-2015 Anticipated Tax Levy Revenue | \$6,710.47 |
| 2016 Anticipated Tax Levy Revenue | \$601,430.96 |
| Anticipated Closed Project Balance | (\$510,375.36) |

6. BUSINESS

Biii. Consider Administrative Services Committee Recommendation – Staff Performance Evaluation

Commissioner Mueller reported that the Administrative Services Committee met on November 4th. and that the committee requests that Commissioners, TAC members, and staff complete evaluations of Administrator Jester and Engineer Chandler such that feedback could be provided to these staff and improvements made, as needed. He noted that evaluations are due back to him via mail or email by November 30th. Administrator Jester indicated she would send the Word document version of the evaluation form to Commissioners and TAC members along with Commissioner Mueller’s mailing address.

C. Receive Presentation of The Blake School 360 Project

Administrator Jester introduced Will Bohrnsmen with the Blake School who then introduced teachers Lizz Buchanan, Elizabeth Flinsch, Lisa Sackreiter and student Emma Steffen. The group described their “360” project which included visiting and learning about four different BCWMC CIP projects with a group of photography and environmental sciences students. He reported that during a field trip in September, the students visited the projects and learned about them from city staff and Administrator Jester. Ms. Steffen described her experience, noting it was interesting to

learn about the projects. She reported that students did a significant amount of research on historical and environmental aspects of the sites and the watershed. Mr. Bohrsen reported that laminated cards with a QR code will be placed at each project location so that visitors can access the virtual tour on their mobile device. Administrator Jester reported the final “virtual tours” of the four projects are posted on the BCWMC website and that she is collaborating with the communications department at the Blake School to write a press release. She walked through the virtual tour of the Northwood Lake Project on the screen for Commissioners.

The Blake School staff thanked the Commission for partnering on this project. Commissioners indicated that this was a great project that could possibly be promoted with other schools. Administrator Jester was directed to submit the press release to cities for inclusion in their newsletters. Administrator Jester was encouraged to find additional ways to promote the use of the virtual tours by the public.

A. Receive Presentation on Medicine Lake Road and Winnetka Avenue Area (De Cola Ponds) Long-term Flood Mitigation Plan

Commission Engineer Chandler provided a brief overview of the project, noting that it was the outcome of several studies due to the long history of flooding in the area, including flooding at the low point on Medicine Lake Road east of Winnetka Avenue, and downstream in the DeCola Ponds system. She reported that the Cities of Golden Valley, New Hope, and Crystal recognized the magnitude of flooding, the potential public safety issues, and the need to address the flooding issues. She reported that the three Cities supported the development of the long-term flood mitigation plan. She noted that Barr Engineering completed the long-term flood mitigation plan in May 2016 and that it outlines critical flood mitigation projects and planning level costs that can be used to direct future efforts.

Mr. Oliver noted that flooding is still a reality in Golden Valley and New Hope and that flooding on Medicine Lake Road prevents emergency response in some areas. He noted a series of community meetings were held resulting in consensus that something needed to be done to address the issue, but that differences remain on ultimate solutions.

Jen Koehler with Barr Engineering presented the results of the flood mitigation plan, noting the study took place between 2014 – 2016 and used Atlas 14 data which resulted in a 23% increase in flood levels. She reported that 39 structures are at risk of flooding during a 100-year event including commercial property, single family homes, and multifamily properties. She reported that the study found more focus needs to be given to providing additional flood storage in the watershed.

[Commissioners Elder and Mueller depart the meeting.]

Mr. Oliver noted that the Liberty Crossing redevelopment project in Golden Valley is addressing some flooding issues by providing flood storage and that other projects are underway as well. He noted that flood reduction is at the top of Golden Valley’s legislative priorities for bonding in 2016 and 2017 and that the city has strong support from Minnesota Department of Natural Resources. Further, Mr. Oliver noted that improvements in water quality that are realized along with flood reductions also help improve the chance to receive funding. He noted that future BCWMC CIP projects (already on the 5-year CIP list and other projects in later years) will address flooding, along

with water quality.

There was some discussion about how potential flood reduction projects are prioritized. Ms. Koehler noted that the area is very complicated hydraulically, and that projects are prioritized according to property ownership, likelihood of implementation, and adjacency to flooding areas. Commissioner Carlson noted that several properties in the City of Medicine Lake are inundated with flood waters almost every year, preventing access to homes. Administrator Jester noted that the TAC and Commission will be considering a flood reduction CIP project in Medicine Lake in early 2017.

There was further discussion about ways to reduce flooding in Golden Valley and New Hope including wetland restoration, and subsurface storage. Mr. Oliver reported that the Liberty Crossing Project includes excavation of contaminated sediment and underground stormwater storage and treatment. He also noted that an area south of the SEA School may use subsurface storage and treatment as well as multiple projects in New Hope. Commissioner Hoschka noted that city councils and planning commissions need to be educated about Atlas 14 precipitation amounts and resulting flood elevations. Commissioner Black praised Golden Valley, New Hope, and Crystal for working together to find solutions.

[Commissioner Hoschka departs the meeting. Alt. Commissioner McDonald Black assumes Golden Valley representation.]

Bi. Consider Administrative Services Committee Recommendations – Policy Manual Updates

Administrator Jester reported that at their meeting on November 4th, the Administrative Services Committee discussed several policy-related items and that the committee forwards several recommendations to the Commission. She reported that the draft BCWMC Policy document included in the meeting packet includes an excerpt of the complete policy manual that has been a work in progress for several years. She noted that some sections were previously adopted and that others were never formally adopted. She walked through the policies recommended for approval by the committee including policies 2.1 – 2.11 (excluding 2.6), which cover internal governance policies.

For Policy 2.4 regarding city responsibilities, Administrator Jester noted that the committee recommends that the “strategies to implement” policy be removed from the document as they are restated in the 2015 Watershed Management Plan and in the BCWMC Roles and Responsibilities document (which will be Appendix A in the policy manual).

For Policy 2.7 regarding policies and procedures for public access to documents, Administrator Jester noted that it includes the approval of the Data Practices Procedure developed by the Commission’s legal counsel in Appendix C. There was some discussion of the costs that can or should be charged for gathering and providing documents under this policy. Commissioner Welch suggested giving the Administrator discretion regarding fees for providing electronic documents.

Administrator Jester noted that policy 2.8 would be revised to indicate that BCWMC consultants will be reimbursed mileage as specified in contracts and that Commissioners will not be allowed to be reimbursed for travel to and from regular BCWMC meetings.

MOTION: Commissioner Welch moved to approved Policies 2.1 – 2.11 (excluding 2.6) in the policy manual, as presented and directed staff to revise the data practices procedure to give the Administrator discretion in charging for actual costs of gathering and transmitting electronic documents. Seconded by Alt. Commissioner McDonald Black. Upon a vote the motion carried 6-0. [The cities of Minnetonka, New Hope, and Crystal were absent from the vote.]

Bii. Consider Administrative Services Committee Recommendations – Draft Policy for Cost Share of CIP Projects for Pollutant Removal Credit

Administrator Jester provided background on the proposed policy reminding Commissioners that in 2015, the Commission agreed to allow the cities of New Hope and Golden Valley to take partial credit for pollutant removals from BCWMC CIP projects for adjacent city projects in order to comply with the Commission's water quality standards or Minimal Impact Design Standards (MIDS) requirements for linear developments/projects. She reported that this was allowed because the cities were providing some funding for the CIP projects, but that no guidance existed to help the Commission's decision-making process. She walked through the policies proposed by the Administrative Services Committee. Commissioner Welch indicated that the policies may need to allow for more flexibility, need to address the MS4 credit, and that the CIP feasibility study stage may be too early to set credits and cost sharing.

Commissioners requested Commissioner Welch provide input on the draft policy and that the TAC review the revised policy for consideration at a future Commission meeting.

5E. Approval of Project at 226 Peninsula Road, Medicine Lake

(Previously on consent agenda.) Commissioner Welch asked about wetland impacts and whether or not a wetland buffer would be required. Commission Engineer Chandler reported that the BCWMC wetland buffer requirements are to be included in member city ordinances and enforced by cities. She noted that Commission Engineers do not review projects for buffers.

MOTION: Commissioner Carlson moved to approve the project with recommendations in the Engineer's memo. Seconded by Commissioner Welch.

Discussion: Commissioner Black indicated that she did not support that motion because other cities are implementing floodplain and wetland protections and that the city of Medicine Lake is not taking a proactive approach with projects in their city. Commissioner Carlson noted that the homeowner at 226 Peninsula Road had spent a considerable amount of money addressing the issue correctly and that many other homeowners are in the same position of needing more reliable access to their homes during high water. There was further discussion about wetland buffers, their implementation in Plymouth, and the previous opportunity the Commission had to enforce buffer requirements during development of the 2015 Watershed Plan.

Upon a vote, the motion carried 5-1. [Plymouth voted against the motion. The cities of Minnetonka, New Hope, and Crystal were absent from the vote.]

7. COMMUNICATIONS

A. Administrator’s Report

Administrator Jester reported that she will participate on a panel discussion regarding development of local water management plans at the Met Council’s “Plan It” conference December 13th. She noted she would send the conference announcement to TAC members.

B. Chair

No report.

C. Commissioners

No report.

D. TAC Members

No report.

E. Committees

Administrator Jester noted the upcoming APM/AIS and Administrative Services Committee meetings.

F. Legal Counsel

No report.

G. Engineer

Commission Engineer Chandler reported that the Highway 169 project will have no wetland impacts and clarified that MnDOT is the LGU for administering the Wetland Conservation Act on MnDOT projects.

8. INFORMATION ONLY (Available <http://www.bassettcreekwmo.org/document/meeting-materials-minu/meeting-materials/wednesday-november-16-2016>)

- A. CIP Project Updates: Now Available Online** <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet**
- C. ERF Grant Application for Main Stem Erosion Repair Project (2017CR-M)**
- D. Clean Water MN Campaign Updated Website:** <http://www.cleanwatermn.org/>
- E. [WCA Notice of Application Four Seasons Mall Redevelopment, Plymouth](#)**
- F. [WCA Notice of Application Nathan Property, Plymouth](#)**
- G. [Mississippi River Forum - State of the River Report:](https://www.nps.gov/miss/learn/nature/riverforum.htm)**
- H. 2016 Children’s Water Festival Certificate, Reports, Letters from Students**

9. ADJOURNMENT - Chair de Lambert adjourned the meeting at 11:40 a.m.

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| Signature/Title | Date | Signature/Title | Date |
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