



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting March 20, 2014 Golden Valley City Hall, 8:30 a.m.

Commissioners and Staff Present:

Crystal	<i>Not represented</i>	Robbinsdale	Commissioner Wayne Sicora
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
Mnettonka	Alternate Commissioner Patty Acomb	Engineer	Karen Chandler, Barr Engineering Co.
New Hope	Alternate Commissioner Pat Crough	Recorder	Amy Herbert
Plymouth	Commissioner Ginny Black		

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

Derek Asche, TAC, City of Plymouth	Jane McDonald Black, Alternate Commissioner, City of Golden Valley
Steve Christopher, Minnesota Board of Water and Soil Resources (BWSR)	Jeff Oliver, TAC, City of Golden Valley
Phillip Elkin, TAC, City of St. Louis Park	Jim Prom, Plymouth City Council
Joe Fox, TAC, City of Golden Valley	Liz Stout, TAC, City of Minnetonka
Christopher Gise, Golden Valley Resident	Peter Tiede, Murnane Law Firm
Tom Mathisen, TAC, City of Crystal	
Jane McDonald Black, Alternate Commissioner, Golden Valley	Lois Eberhart, TAC, City of Minneapolis
Erick Francis, WSB & Associates (Partial attendance)	David Tobelmann, Alternate Commissioner, City of Plymouth

1. CALL TO ORDER AND ROLL CALL

On Thursday, March 20, 2014, at 8:34 a.m. in the Council Chambers 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 City of Crystal was absent from the roll call. Administrator Jester made a few announcements about general administrative matters.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

Peter Tiede introduced himself as an attorney representing Caroline Amplatz, a resident on Sweeney Lake. He raised the topic of aeration on Sweeney Lake and mentioned the periods in which the aeration on the lake was turned off as part of the Sweeney Lake TMDL study. Mr. Tiede stated that since the study, aeration has continued. He reported that on behalf of his client, he is developing a challenge to the Department of Natural Resource's (DNR) permit for the aeration. He said that he will keep the Commission updated and may even ask for Commission support. Mr. Tiede mentioned that sometime later in the year there may be a hearing at the DNR regarding whether the aeration should be turned off for a couple of years to see if that improves the lake quality. Commissioner Black asked who holds the permit. Mr. Tiede responded that the Sweeney Lake Association does.

3. AGENDA

Chair de Lambert requested to move ahead in the agenda item 6A – Review 90% Plans for Main Stem Restoration Project Golden Valley Road to Irving Avenue (CIP 2012CR) – so that it becomes item 5Ai. Commissioner Welch moved to approve the agenda as amended. Commissioner Black seconded the motion. Upon a vote, the motion carried 8-0 [City of Crystal absent from vote].

4. CONSENT AGENDA

Commissioner Black moved to approve the Consent Agenda. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0 [City of Crystal absent from vote].

[The following items were approved as part of the Consent Agenda: the February 20, 2014, BCWMC meeting minutes, the monthly financial report, and the payment of the invoices]The general and construction account balances reported in the Financial Report prepared for the March 20, 2014, meeting are as follows:

Checking Account Balance	\$812,304.07
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TOTAL GENERAL FUND BALANCE	\$812,304.07
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TOTAL CASH & INVESTMENTS ON-HAND (3/12/14)	\$2,628,517.52
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CIP Projects Levied – Budget Remaining	(\$2,879,336.23)
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Closed Projects Remaining Balance	(\$250,818.71)
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2013 Anticipated Tax Levy Revenue	\$9,662.09
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2014 Anticipated Tax Levy Revenue	\$895,000.00
Anticipated Closed Project Balance	\$653,843.38

5. NEW BUSINESS

A. Review 50% Plans for Briarwood/ Dawnview Water Quality Project in Golden Valley

Joe Fox described the project and indicated on maps where the project is located. He noted the planned removal of approximately 200 trees. Mr. Fox talked about the recent neighborhood meeting where there were four attendees, and he said that they were receptive to the project as proposed.

Erick Francis of WSB and Associates spoke about the continuing work to reach out to residents of the neighborhood. He noted that one property owner has indicated a desire for more space between his property and the pond. Mr. Francis explained that in order for WSB to avoid duplicating efforts, they are waiting until all resident feedback is gathered before defining the final limits of the pond, including surface area, depth, and ensuring that the iron-sand filter is proportionate to the pond in order to maximize the effectiveness.

Alternate Commissioner Tobelmann commented that the original information on the project estimated achieving a reduction of 94 pounds of phosphorous per year but the most recent information indicates that the reduction will be two-thirds of that estimate. He asked what it would take to get that greater level of phosphorous removal. Mr. Francis said that they are looking at maximizing the iron-sand filter. He said that they are finalizing the plans and ensuring there is adequate safety for children, addressing residents' concerns, etc. He provided information about water main depths and storm sewer depths in the area, which impact the size of the pond and the capacity that it will be able to handle. Mr. Francis explained that due to site constraints, the pond will not be as big as they would like it to be and that it will handle a 1-inch rain event as opposed to a 2.5-inch rain event.

Mr. Oliver added that to the south of the project location is wetland, so to expand the pond south would mean wetland mitigation.

Engineer Chandler said that in the latest plans Mr. Francis provided to the Commission Engineer, the estimated total phosphorous removal was 47 to 69 pounds. She wanted to know if when Mr. Francis spoke about maximizing the iron-sand filter he was indicating that doing so would achieve the 47 to 69 pounds of total phosphorous removal or would it achieve a greater removal. Mr. Francis said that ideally the project will achieve the 94 pounds of total phosphorous removal and that he believes that the project can achieve a higher removal than the recent estimate of 47 to 69 pounds.

There was a short discussion about the possibility of including pre-treatment as part of this project via incorporating a SAFL Baffle. Mr. Oliver said that the City and WSB are investigating the possibility.

Engineer Chandler recommended the Commission move forward and conditionally approve the 50% plans and authorize the City to proceed with final plans and contract documents. She said that the project design is in flux, which is why the Commission Engineer is requesting for updated P8 water quality models to be able to see what the project will achieve. She summarized the other conditions outlined by the Commission Engineer in its memo including that the project consider pretreatment, the outlet pipe orientation be changed, and other details. Commissioner Welch asked if she means that the Commission Engineer wants to see the

90% plans. Engineer Chandler said yes, and even the revised plans prior to the 90% plans if possible.

Commissioner Welch moved to approve the 50% plans with the Commission Engineer's recommendations, including the clarification that the Commission Engineer would like to see the 90% plans and if possible, revised plans prior to the 90% plans. Commissioner Black seconded the motion. Upon a vote, the motion carried 8-0 [City of Crystal absent from vote].

A1. Review 90% Plans for Main Stem Restoration Project Golden Valley Road to Irving Avenue (CIP 2012CR)

Lois Eberhart introduced herself and described the project as a great opportunity for bank stabilization along the creek. She explained that most of the project is on Minneapolis Park and Recreation land with some of the project located on private property in the City of Golden Valley. Ms. Eberhart said that the City of Minneapolis is acting as the pass-through for the funding and hired the Minneapolis Park and Recreation Board to do the design, construction, and construction oversight. She described the recent public meeting held on the project.

Ms. Eberhart reported that the project schedule is moving along and that one of the biggest hold ups is the State Historic Preservation Office approval regarding an existing wall on the project site. She explained that the project was allocated CIP project funds in the amount of \$860,000 with additional BCWMC Channel Maintenance Funds in the amount of \$25,000.

There was a discussion of the Fruen Mill site within the project site.

Erick Francis of WSB introduced the 90% plans and gave an overview of the project, which stretches from Golden Valley Road to Irving Avenue. He said that the project plan is fairly consistent with the project's feasibility study and uses a variety of stabilization practices. Mr. Francis described some of the stabilization practices that will be implemented, mentioned a draw-down of the lagoon for a minimum of three months to try to eliminate invasive species around the pond and promote native species. Mr. Francis reported that a few areas within the project have been added since the feasibility study. He said that the project is still in the permitting process with the State Historical Preservation Office and that all materials have been submitted to that office. Mr. Francis said that he does anticipate comments from the Office specifically on particular wall remnants within the project area. Mr. Francis provided more details on the project.

Commissioner Welch asked if the Fruen Mill site of the project will be done as a bid alternate because of the possibility that the easement won't be in place. Ms. Eberhart said it is a good idea. Mr. Francis said it is a good question and said that once the comments on the 90% plan set are received, the project sites will be prioritized. Commissioner Welch said that the Fruen Mill site is a high priority. Commissioner Sicora asked what the project will do in terms of sediment removal. Mr. Francis said there will be no sediment removal as part of the project. There was some discussion of invasive species that will be removed as part of the project.

Commissioner Welch moved approval of the plans with the Commission Engineer's recommendations. Commissioner Black seconded the motion. Upon a vote, the motion carried 8-0 [City of Crystal absent from vote].

B. Consider Changing CIP Process to Include Final Project Report to Commission

Engineer Chandler reminded the Commission that at its January meeting it asked the Commission Engineer to do a final project report on the Bassett Creek Main Stem project. She said the Commission's intent was to get information on what went well and what didn't go well in order to better inform the next project. Engineer

Chandler explained that the cities have been responsible for all of the construction work and the Commission Engineer did not have oversight. She recommended that for the Bassett Creek Main Stem project, the Commission request the final project report from the City instead of the Commission Engineer. She reported that going forward if the Commission would like to have more involvement during the construction process, the Commission could consider the options presented in the Engineer's Memo on this topic. Engineer Chandler described the options discussed in the memo regarding ways that the Commission Engineer could participate. She noted that the memo recommends that the cities prepare the post-construction reports including information on the elements described in the memo and also prepare and provide interim reports to the Commission during construction.

Commissioners offered comments. Commissioner Welch indicated he believes it's valuable to get another engineer's perspective on project outcomes and that the Commission Engineer is very knowledgeable about the Watershed Plan and CIP Program. Ms. Eberhart commented that she thinks the TAC should comment on this topic and on the ideas presented in the Engineer's Memo and to bring comments back to the Commission. Mr. Oliver noted that the City of Golden Valley does weekly project reporting and does not see this type of construction reporting being discussed as being a huge burden. He added that he doesn't feel it's necessary to include the Commission Engineer's participation in pre-construction conferences and during construction. Mr. Oliver expressed his concern about increasing costs that take away from funding available to actually construct the project.

Commissioner Black said she would like to know if there have been problems with past projects in which input from the Commission's Engineer would have been a benefit. She raised the opinion that it seems like a trust issue is being raised. Commissioner Welch responded that he does not want this to be treated as a trust issue but instead to be a responsibility issue because the Commission is levying money each year and has a responsibility to integrate that work into its Watershed Management Plan and to understand how the projects achieve the goals of the Plan. He said that the Commission must collaborate with the cities on these projects and in order for the Commission to be a good and effective partner, it cannot simply hand over the projects to the cities because that is not good government.

Alternate Commissioner Tobelmann said it would be helpful to know what information the Commissioners would want to receive regarding the construction projects and to devise a method to get that information presented in a one-page summary format.

Ms. Eberhart pointed out that the Commission is the cities and the cities are accountable. She said she thinks the reporting is a great idea and it is appropriate for city staff and TAC members to make these reports. Ms. Eberhart remarked that she does not think it is a good use of funds to take away from in-the-ground project money to have the Commission Engineer spend as much time as it would take for the Commission Engineer to have the same level of understanding about each construction project as do the cities. Mr. Mathisen stated that it would not be difficult to create a standard reporting format for the cities to fill in.

Engineer Chandler explained that because the Commission Engineer is not in charge of construction and is not assigned with doing day-to-day inspections, the Commission Engineer would have to duplicate the work of the contractor in order to have the level of information that it seems that the Commission is asking for. She said that the Commission Engineer could do that, but it would be expensive.

Commissioner Hoschka moved to authorize the TAC and Administrator Jester to work together and develop a draft standardized reporting format. Commissioner Black seconded the motion. There was discussion. Commissioner Black requested an amendment to the motion to include that the entire concept about the CIP

process is forwarded to the TAC for discussion and recommendations back to the Commission on how the Commission and cities can be more responsive and responsible to each other and the taxpayers. Commissioner Hoschka agreed to Commissioner Black's friendly amendment. Upon a vote, the motion carried 8-0 [City of Crystal absent from vote].

Ms. Eberhart requested that Administrator Jester guide the TAC as to what the Commission perceives as broken in the process, if anything, so that the TAC understands what to specifically address and that she also share with the TAC concerns about particular past projects, again if there are any, so that the TAC has the information it needs to make recommendations per the Commission's direction.

C. Discuss BWSR's Biennial Budget Request

Administrator Jester gave background on BWSR's Biennial Budget Request (BBR) program and asked if the Commission wants staff to complete and submit a BBR and if so, what projects the Commission wants to include in it. She also asked if the Commission wants to encourage member cities to complete and submit their own BBR. The Commission discussed the issue. Steve Christopher of BWSR provided some information and said that it is helpful for the list to be aggressive and inclusive. The Commission indicated consensus for staff to complete and submit the BBR and to encourage the member cities to do likewise.

D. TAC Recommendations

i. 2016 – 2020 CIP List

Joe Fox described the 2016-2020 list and announced a few updates to it. He said that the City of Golden Valley added to the list the Medley Park Pond Project for 2020 and at a ballpark cost of \$500,000. Commissioner Welch asked for more details on the project, which Mr. Fox provided. Commissioner Welch requested a different name for the project, and the Commission agreed to call the project Medley Park Stormwater Treatment Facility. Mr. Asche noted that this area drains to Medicine Lake so it would apply to the TMDL for Medicine Lake.

Commissioner Black moved to accept the TAC's recommendations with the change to the Medley Park project name. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0 [City of Crystal absent from vote]. Commissioner Welch requested that a link to the CIP list and project descriptions be placed at a top level on the BCWMC's website.

ii. TAC Meeting Invitees

Commissioner Black moved to approve the list of TAC meeting invitees as recommended by the TAC. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0 [City of Crystal absent from vote].

iii. XP-SWMM Phase 2 Implementation and Funding

Mr. Fox provided a summary of the TAC's discussion about the XP-SWMM model. He reported that the TAC concluded that interested member cities would work with the Phase 1 XP-SWMM model for the time being and recommends that the Commission include \$65,000 in its 2015 budget as a placeholder in the event they wish to move forward with the project.

There was discussion about how to budget for Phase 2, concerns over assessing for it if the Commission isn't certain it will move forward with it, whether the source of the funding would be the Commission's Long-Term Maintenance Fund, how the Commission would re-establish funds drawn from the Long-Term Maintenance Fund, the idea of moving forward with Phase 2 in 2014 and taking the funds out of the Long-Term Maintenance Fund in 2014, applying the information discerned from

the Phase 2 XP-SWMM model to the issues being discussed about Medicine Lake, which member cities would use the model, whether the Commission would undergo a Request for Proposals (RFP) process for the Phase 2 work, interest in undertaking an RFP process in order to receive bids on the work, concerns about undertaking an RFP process because of its cost and the amount of effort and time it would take, concerns about different firms doing the Phase 1 work compared to doing the Phase 2 work and the cost of duplication of efforts between the different firms needing to verify the assumptions, interest by the City of Plymouth to work with the Phase 1 XP-SWMM model, and Commissioner Hoschka offering to assist the City of Plymouth in using Phase 1.

Mr. Mathisen indicated it was a matter of not “if” but “when” the Commission would develop a more detailed model. Alternate Commissioner Tobelmann asked Mr. LeFevere if the Commission does not include in its 2015 budget funds for the Phase 2 project, would the Commission be capable of moving the fund from the Commission’s Long-Term Maintenance Fund for the project. Mr. LeFevere responded that nothing would legally prevent the Commission from doing that, but he said that it would make sense to put into the Commission’s 2015 budget a transfer of those funds and then if the Commission decides not to proceed with the project then it would not make that transfer.

Commissioner Black moved to direct the Budget Committee to discuss the concept of the \$65,000 placeholder and to develop a recommendation for the Commission and to approve the TAC’s recommendation that the member cities, through their representatives, and the Commission Engineer should be the only ones to have access to the XP-SWMM model. Commissioner Sicora seconded the motion. There was discussion about amending the motion but the Commission decided that the amendment being discussed should be handled as a separate motion. Upon a vote, the motion on the table carried 8-0 [City of Crystal absent from vote].

Commissioner Carlson moved for the Commission to put out a Request For Proposals (RFP) to get proposals from multiple firms for the project. Alternate Commissioner Crough seconded the motion. Mr. LeFevere raised his concern about going forward with an RFP for work that the Commission hasn’t yet decided to do. Mr. Oliver explained that putting out an RFP for work that is this technical is time consuming and expensive both for the Commission and the respondents. He recommended that the Commission hold off on this discussion and have it at the appropriate time. There was a lengthy discussion, and Commissioner Carlson withdrew his motion and Alternate Commissioner Crough consented to the withdrawing of the motion.

[City of Minnetonka’s Alternate Commissioner Acomb departs the meeting.]

6. OLD BUSINESS

B. Update on Commission Engineer Review of Feasibility Study for 2015 Main Stem Restoration Project

Engineer Chandler announced that the Commission Engineer is in the process of reviewing the draft feasibility study, hopes to have preliminary comments to the City next week, and the Commission Engineer’s report will come to the Commission when the final feasibility report comes to the Commission at its June meeting. The Commission indicated consent of that process.

C. Results of Study of Long-Term Maintenance and Replacement Needs for Flood Control Project

Engineer Chandler reminded the group that the Commission requested this study due to the importance of this issue and its impact on the Next Generation Watershed Management Plan. She noted there are significant costs associated with repair and replacement of the flood control project components and its unclear which

entity is responsible for certain tasks. Mr. LeFevere asked if there is any more information needed by the Commission other than that provided in the memos. He said if more information is not needed, then the Commission should decide what it would like to do regarding this issue. He said that the Commission could provide the information to the TAC or the Plan Steering Committee for review and discussion. Commissioner Black moved to add this item to the TAC's next meeting agenda and to also direct the Plan Steering Committee to discuss it. Commissioner Sicora seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Crystal and Minnetonka absent from vote].

D. Update on Next Generation Plan Development

Administrator Jester pointed out that the notes from the Plan Steering Committee's meeting on February 11th are in the meeting packet and that there will be a meeting this coming Monday. The Commission discussed scheduling a Plan Workshop and directed Administrator Jester to send out a Doodle poll about a few specific dates.

E. Update on Medicine Lake Water Level Issue

Administrator Jester reported that 36 people attended the March 4th Medicine Lake Stakeholder meeting, including 18 residents. She described the information in the meeting packet about the input received at the meeting and announced that the Commission's website now has a Medicine Lake page where all of the information is posted online. She said that no consensus was reached, and she offered some options on how the Commission could proceed.

There was a short discussion of the concerns for Medicine Lake identified at the stakeholder meeting. Commissioner Black brought up her concern that if the Joint Powers Agreement amendment isn't signed by all cities by the end of the year, then the Commission won't continue to operate and so the Commission needs to have a contingency plan. Administrator Jester agreed and said that the Commission could discuss this under the JPA agenda item. There was discussion about possible next steps by the Commission. The Commission agreed that the commissioners and alternate commissioners would go to their city councils to ask what the councils want the Commission to do and that upon request Administrator Jester could assist any commissioner or alternate commissioner with that process.

[City of Golden Valley's Commissioner Hoschka departs the meeting.]

Alternate Commissioner Tobelmann requested that this item be placed earlier in next month's agenda. The Commission directed Administrator Jester to communicate with AMLAC (Association of Medicine Lake Area Citizens). Mr. LeFevere asked for clarification on what the commissioners and alternate commissioners will be asking their cities. The Commission identified that it would like to know from the cities if they want the Commission to continue to move forward as a facilitator. Commissioner Sicora said he would be interested in hearing about the outcome of the meeting between the City of Plymouth and the City of Medicine Lake. Plymouth City Council Member Jim Prom said he would put together a summary memo of the meeting and would send it to Administrator Jester.

F. Update on Schaper Pond Project

Mr. Oliver provided background on the status of this project, explaining communications with the DNR and the Minnesota Pollution Control Agency (MPCA), and issues arising regarding project permits and a determination that the City of Golden Valley would not be able to take MS4 permit credit for this project. He described further problems with recent communications that the City of Golden Valley received from the MPCA and the involvement of other parties such as the Minnesota Cities Stormwater Coalition and the League of Minnesota Cities. Mr. Oliver said that the City is waiting for information and that there will need to

be some conversations with the Commission about next steps, whether this project should go forward and whether another project would need to be undertaken in order to achieve the phosphorous goals that were planned to be achieved by the Schaper Pond Project.

Administrator Jester said that more information will be coming to the Commission about this issue.

G. Update on Watershed Map Project

Administrator Jester provided a brief update and said that the project is moving forward.

H. Update on NEMO Workshops

Administrator Jester gave an update on her work and where the information about the workshops and dates has been distributed. She recommended that the Commissioners forward the information and workshop invitations on to their cities' planning and natural resources committees.

I. Consider Distributing Joint Powers Amendment for Official Signatures

There was discussion about the JPA amendment, and the consensus of the Commission was for Administrator Jester to send out, under the Chair's signature, the JPA amendment for official signature.

7. COMMUNICATIONS

A. Administrator:

- i. Administrator Jester said that her Administrator's Report is in the meeting packet.

B. Chair: No Chair Communications

C. Commissioners: No Commissioner Communications

D. Committees: No Committee Communications

E. Legal Counsel: No Legal Communications

F. Engineer: No Engineer Communications

8. INFORMATION ONLY (Available at

<http://www.bassettcreekwmo.org/Meetings/2014/2014-March/2014MarchMeetingPacket.htm>)

A. Grant Tracking Summary and Spreadsheet

B. Metro WaterShed Partners 2013 Annual Report <http://www.hamline.edu/education/cgee/wsp-membershipinfo/>

C. State of Water Conference <http://www.conservationminnesota.org/state-of-water-conference/>

D. WMWA February Meeting Minutes

E. Flood Safety Awareness Week, March 16 – 22, 2014

<http://www.nws.noaa.gov/com/weatherreadynation/flood.html#.UyDInfldVDA>

9. ADJOURNMENT

Chair de Lambert adjourned the Bassett Creek Watershed Management Commission Regular Meeting at 11:55 a.m.

Amy Herbert, Recorder

Date

Secretary

Date