



Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting
 Thursday March 16, 2017
 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 | NA | |
| Golden Valley | Stacy Harwell, Treasurer | <i>Absent</i> | Jeff Oliver |
| Medicine Lake | Clint Carlson | <i>Absent</i> | Susan Wiese |
| Minneapolis | Michael Welch | NA | <i>Absent</i> |
| Minnetonka | <i>Absent</i> | <i>Absent</i> | Tom Dietrich |
| New Hope | John Elder | Pat Crough | Chris Long |
| Plymouth | Jim Prom | John Byrnes | Derek Asche |
| St. Louis Park | Jim de Lambert | <i>Absent</i> | Erick Francis |
| Robbinsdale | Michael Scanlan | Wayne Sicora* | Richard McCoy |

Staff and Others Present:

| | |
|--------------------------------------|--|
| Administrator | Laura Jester, Keystone Waters |
| Engineer | Karen Chandler, Barr Engineering |
| Legal Counsel | Troy Gilchrist, Kennedy & Graven |
| Presenters/ Guests/Public | Former Alternate Commissioner Lisa Goodard |

*Denotes partial attendance

1. CALL TO ORDER AND ROLL CALL

On Thursday March 16, 2017 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. CITIZEN FORUM ON NON-AGENDA ITEMS

No comments from citizens.

3. APPROVAL OF AGENDA

Administrator Jester requested the addition of item 5J – Consider Agreement with Hennepin County for 2017 River Watch Program. Commissioner Welch requested that item 5D be moved ahead of 5C.

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

4. CONSENT AGENDA

MOTION: Commissioner Prom moved to approve the consent agenda. Commissioner Mueller 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 February 16, 2017 Commission Meeting Minutes, the March 2017 Financial Report, the payment of invoices, CenterPoint Energy 2017 MBLC Replacement Project, agreement with Hennepin County Environmental Response Fund Grant for Main Stem Erosion Repair CIP Project, Clean Water Fund Grant agreement for Plymouth Creek Restoration CIP Project and Harrison Neighborhood Project, agreement with Hennepin County for Opportunity Grant for Plymouth Creek Restoration CIP Project, development and execution of sub-grant agreements with City of Plymouth, Metro Blooms, and the City of Minneapolis.

The general and construction account balances reported in the February 2017 Financial Report are as follows:

| | |
|--|-----------------------|
| Checking Account Balance | \$805,484.90 |
| TOTAL GENERAL FUND BALANCE | \$805,484.90 |
| TOTAL CASH & INVESTMENTS ON-HAND (3/8/17) | \$2,374,618.24 |
| CIP Projects Levied – Budget Remaining | (\$2,749,156.26) |
| Closed Projects Remaining Balance | (\$374,538.02) |
| 2011-2015 Anticipated Tax Levy Revenue | \$4,509.13 |
| 2016 Anticipated Tax Levy Revenue | \$4,967.63 |
| Anticipated Closed Project Balance | (\$365,061.26) |

[Alternate Commissioner Sicora departs the meeting.]

5. BUSINESS

A. Consider Approval of Resolution of Appreciation for Alternate Commissioner Lisa Goddard

Chair de Lambert announced that Minneapolis Alternate Commissioner Lisa Goddard had changed jobs and now works for the City of Minneapolis. As such, she is no longer eligible to serve as a Commissioner from Minneapolis. Chair de Lambert read a resolution of appreciation for Lisa Goddard's work over 13 years on the Commission.

MOTION: Commissioner Welch moved adoption of the resolution of appreciation. Commissioner Mueller seconded the motion.

Commissioner Welch praised Ms. Goddard's commitment to the Commission and noted the Commission benefitted from her technical insights. Commissioner Mueller noted that Ms. Goddard brought a nice blend of talents including technical savvy and sensitivity to residents.

Upon a vote the motion carried 8-0. [City of Minnetonka was absent from the vote.]

[Former Alternate Commissioner Goddard departs the meeting.]

B. Consider Approval to Set May 4 Technical Advisory Committee Meeting and Assign Liaison

MOTION: Commissioner Welch moved to approve setting a May 4th Technical Advisory Committee meeting and appointing Commissioner Harwell as liaison at the meeting. Commissioner Scanlan seconded the motion. Upon a vote the motion carried 8-0. [City of Minnetonka was absent from the vote.]

Commissioner Prom noted that he also planned to attend the TAC meeting.

D. Consider Golden Valley Request to Transfer CIP Funds from 2013 Lakeview Park Pond Project to Project to Purchase of Flood Prone Properties

Administrator Jester reported that the City of Golden Valley is requesting the use of \$184,410.50 of CIP funds previously slated for the 2013 Lakeview Park Pond Project to purchase three of four flood-prone homes near Lakeview Park in order to reduce flood damages. She noted that purchase and removal of the homes would make space for a water quality improvement project by the City. Administrator Jester reported that at their meeting in September 2012, the Commission entered an agreement with the City of Golden Valley to design and construct the Lakeview Park Pond Project based on the feasibility study developed in 2004 (and updated in 2011). The project was slated to improve the water quality of Medicine Lake by treating runoff from the immediate watershed. She further reported that at their meeting in April 2013, the Commission received information on various challenges with the site, its soils, and the possible effects of the project on the basements of homes in the vicinity of the park; and at their meeting in June 2013, the Commission received a letter from the City of Golden Valley indicating that after further analysis, the project was no longer considered feasible until flooding issues adjacent to the park are resolved. Administrator Jester reported there is a balance of \$184,410.50 in the CIP account for the Lakeview Park Pond Project.

Jeff Oliver with the City of Golden Valley reported that the city has already purchased one of four homes and has willing sellers for the last three homes that regularly experience flooding and property damage. He reported the City has another \$500,000 to use toward the purchase of the homes and requests a transfer of the \$184,410 from the Lakeview Park Pond Project to a flood reduction project in the same subwatershed of Medicine Lake. He noted these homes cannot be viably flood protected and reported that once the homes are removed, the city will have space for a water quality treatment project. He noted this is the only viable place for a water quality project in the Medicine Lake subwatershed within Golden Valley.

There was discussion about how the future water quality project would be constructed by the city (with city funds) and would allow the city to meet the Commission's water quality standards (MIDS) for their 2016 and 2017 pavement management programs (PMPs) in the same area (the 2017 PMP is the subject of agenda item 5C). Commissioner Welch noted this was a gray area for the Commission's action because while the use of CIP funds for

flood reduction projects is allowed, the fact remains that the homes must be acquired and removed in order for the city to meet water quality requirements for its own project. He indicated that there did not seem to be a clear definition between a proposed new CIP project and the city's required project. Other Commissioners agreed it was a gray area but noted it was a good use of public funds due because the timing of the projects resulted in an overall lowering of public costs.

There was further discussion about how the pollutant removal abilities of the future water quality treatment project are unknown and whether or not there would be any treatment beyond requirements for the city's PMPs. Further, Administrator Jester noted that unlike pollutant removal comparisons made between the original Four Seasons Mall Project and the Agora Project, there was not a similar comparison that could be made between the Lakeview Park Pond Project (a water quality improvement project) and the proposed flood reduction project.

Derek Asche with the City of Plymouth and Commissioner Prom asked if there was a different location in Golden Valley where the CIP funds could be spent rather than purchasing homes. They indicated concern about setting precedence with regard to purchasing property. Mr. Oliver noted that flood proofing of homes had been done by the Commission in the past. Administrator Jester noted that purchase of property was an eligible CIP project cost (to be considered on a project by project basis).

MOTION: Commissioner Scanlan moved to approve the transfer of CIP funds from the Lakeview Park Pond Project to a project to purchase flood-prone homes in the same subwatershed as the original project and to direct the Administrator to begin a Plan amendment process. Commissioner Carlson seconded the motion.

Asked if the City would come back to the Commission requesting additional CIP funds for projects in this area, Mr. Oliver replied, "no," and noted the future water quality improvement project developed for the site would be reviewed by the Commission. Commissioner Welch noted that while it's important not to miss opportunities for improvements in this highly-developed watershed, it is still unclear if the purchase of the properties (and use of CIP funds) would constitute the Commission paying for the City's regulatory compliance requirements for their PMPs.

The Commission also discussed the overlapping goals and issues among the City's need for space for water quality improvement projects in this area (even if PMPs weren't planned here), the need for flood damage reduction, and the Commission's goals to use CIP funds for the best possible project (without paying for compliance), and the difficulty in meeting MIDS in linear projects.

MOTION: Commissioner Carlson moved to call the question on the original motion. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 8-0. [City of Minnetonka was absent from the vote.]

The original motion carried 6-2 upon by roll call:

City of Crystal: aye
 City of Golden Valley: aye
 City of Medicine Lake: aye
 City of Minneapolis: no
 City of Minnetonka: absent
 City of New Hope: aye
 City of Plymouth: no
 City of Robbinsdale: aye
 City of St. Louis Park: aye

C. Consider Approval of Golden Valley 2017 Pavement Management Plan and Request for Temporary Variance

Commission Engineer Chandler reviewed the project including the City of Golden Valley's request for a temporary variance, similar to the temporary variance granted to the City in March 2016 for that year's Pavement Management Program (PMP). She noted that the project will remove 0.62 acres of impervious surface but will not be able to meet performance standards (MIDS) until offsite mitigation is complete (through construction of the proposed project in the area where flood-prone homes are to be removed).

MOTION: Commissioner Harwell moved to approve Golden Valley's 2017 Pavement Management Program with Commission Engineer's comments and to adopt the resolution granting the temporary variance from performance standards. Commissioner Scanlan seconded the motion.

Commissioner Welch noted that he cannot support the motion due to involvement of Commission's CIP funds to purchase properties which provides space for the future water quality treatment project to allow the City to meet MIDS in the future.

Upon a vote the motion carried 6-2 with Commissioners Welch and Prom voting against the motion. [City of Minnetonka was absent from the vote.]

E. Consider Commission Engineer Recommendations on BCWMC Performance Standards for Linear Projects

Commission Engineer Chandler reminded the Commission that at their January meeting, the Commission heard recommendations from the TAC regarding proposed revisions to the water quality performance standards (MIDS) in linear projects. At that meeting, the Commission directed the Commission Engineer to further evaluate the issue and come to the Commission with their own recommendations.

Commission Engineer Chandler walked through the memo and noted the recommendations came from review of different watershed organizations' standards, also noting that the Commission is the only organization that adopted MIDS in full. She noted that many organizations only require treatment from new impervious surfaces, rather than from all reconstructed impervious surfaces. Engineer Chandler reported that she recommends using a cost cap per acre for linear projects so that project proposers have a "high end" cost for the project (a known expectation) and can plan for treatment up to that cost but not over. She recommended the cost cap be re-evaluated each year and adjusted as needed. She noted that more research and analysis would be needed to determine an appropriate initial cost cap and that that effort could cost between \$5,000 - \$10,000.

Commissioner Welch noted that reduction of impervious surface is a good goal and provided an idea for consideration: that the Commission Engineer provide an analysis with real examples of projects (including the Golden Valley PMP) to compare the Commission's water quality standard from 2004 (simply to improve conditions) to various scenarios such as using a tiered approach like requiring the old standards for projects that add less than 5,000 ft² of impervious, then requiring MIDS for projects that create more than 5,000 ft². Other Commissioners thought this was a good idea, particularly noting a TAC concern that in some cases there just isn't space for viable treatment practices. Commissioners also noted that the cost cap idea should be further analyzed, in conjunction with this new idea of a tiered approach to requirements.

MOTION: Commissioner Mueller moved to direct the Commission Engineer to spend up to \$5,000 to analyze the cost cap idea and the tiered approach with actual projects. Seconded by Commissioner Scanlan.

Engineer Chandler reported that she could bring some initial research results to the April Commission meeting but that TAC input might also be needed (the TAC meeting in early May). There was further discussion with TAC members and Commissioners providing support for Commissioner Welch's idea of a tiered approach, with TAC members noting that linear projects present unique challenges, that sensible opportunities to improve conditions within linear projects aren't being passed up, and that the money spent on water quality treatments in linear projects could likely be better spent on better projects with lower costs elsewhere in the watershed.

Commissioner Mueller withdrew his motion; Commissioner Scanlan agreed.

Commissioner Welch noted that the term "good faith effort" (as was used in the Commission's 2004 Standard) is problematic and wondered if the term "reasonable technology" might be easier to review a project against.

MOTION: Commissioner Welch moved to direct the Commission Engineer to prepare examples of tiered approaches to MIDS in linear projects for review by the Technical Advisory Committee at their May 4th meeting. Commissioner Mueller seconded the motion. Upon a vote the motion carried 8-0. [City of Minnetonka was absent from the vote.]

[Commissioner Harwell departs the meeting. Commissioner Elder departs the meeting.]

F. Consider Technical Advisory Committee Recommendations

TAC Chair, Erick Francis, reported that the TAC met on February 3rd and March 2nd to discuss several topics.

i. Channel Maintenance Funds and Request from City of New Hope

Mr. Francis provided an overview of the TAC's recommendation to allow the City of New Hope to use Channel Maintenance Funds for a project that was completed in 2016 to clean out accumulated sediment just downstream of the pipe that discharges into the west end of Northwood Lake. He noted that although BCWMC policies state the city should first enter into an agreement with the Commission for use of funds, the TAC took into consideration that the Commission approved the same project in 2010 but the city did not ultimately seek reimbursement for that work.

MOTION: Commissioner Prom moved to approve a reimbursement of \$29,240 of Channel Maintenance Funds to the City of New Hope for the 2016 project to clean out accumulated sediment at the west end of Northwood Lake. Commissioner Scanlan seconded the motion. Upon a vote the motion carried 6-0. City of Minneapolis abstained from the vote due to absence from the discussion. [Cities of Minnetonka and Golden Valley were absent from the vote.]

ii. 5-year CIP List and Project Fact Sheets

Mr. Francis and Administrator Jester provided an overview of the TAC's recommendation for the 5-year CIP (2019 – 2023). Administrator Jester reviewed the changes from the 2018 – 2022 CIP including a request from the City of Medicine Lake for a water quality improvement project within Jevne Park. She noted that although it is difficult to know the impact of the proposed project and/or if a project is permissible and feasible given existing wetlands and groundwater levels, the TAC felt the project warranted more review through a complete feasibility study and recommended that it be added to the CIP list.

Administrator Jester also reviewed the request from the City of Golden Valley to combine BC-2/8 and BC-3 into one large project to begin implementing components of the Medicine Lake Rd and Winnetka Ave (DeCola Ponds) Long Term Flood Mitigation Plan Project. She noted that the Commission received a presentation at their November 2016 meeting regarding this plan that included over \$20M in needed flood mitigation projects. Commissioners recommended that the BC-2,8,3 Project be combined with the BC-10 Project in the CIP list since they are all slated to implement the same flood mitigation plan, just in different years.

Administrator Jester also noted the addition of 2 projects in the City of Plymouth to benefit Medicine Lake and Parkers Lake and the shifting of two projects (SL-11 and 2021CR-M) to beyond 2023. She also noted that the TAC recommended that a future discussion should include a review of the overall process of CIP project implementation including a better method for prioritizing and scheduling CIP projects, and possibly adjusting the annual levy amount, and putting the amount in context with city budgets for other stormwater projects.

MOTION: Commissioner Prom moved approval of the 2019-2023 CIP as presented. Commissioner Mueller seconded the motion. Upon a vote the motion carried 7-0. [Cities of Minnetonka and Golden Valley were absent from the vote.]

iii. Update on Discussions of XP-SWMM Model

Mr. Francis noted that the TAC also discussed the technical aspects of the XP-SWMM model results and began discussing policy implications, communication needs, and areas within the watershed where the new flood elevations should be enforced. He noted that staff from most member cities will be meeting individually with the Commission Engineer to review technical questions related to their specific cities and that the TAC will continue to discuss the model at their next meeting.

G. Consider Adding Sediment Monitoring to Sweeney Lake Aeration Study

Commission Engineer Chandler reported that at a meeting with Golden Valley city staff, Commissioners Harwell and McDonald Black, a Sweeney Lake representative, and Administrator Jester regarding the study, a question was raised about the possible addition of sediment sampling in Sweeney Lake. She noted that confidence in the study results would be strengthened with sediment data, that sediment data could be utilized in future decisions about the lake, and would cost approximately \$3,000. She recommended using funding from the “survey and studies” budget line for the addition of sediment sampling for Sweeney Lake.

[Commissioner Prom departs the meeting; Alt. Commissioner Byrnes assumes representation for City of Plymouth.]

MOTION: Commissioner Scanlan moved to conduct sediment sampling in Sweeney Lake in conjunction with the Sweeney Lake Aeration Study for a cost not to exceed \$3,000. Alt. Commissioner Byrnes seconded the motion. Upon a vote the motion carried 7-0. [Cities of Minnetonka and Golden Valley were absent from the vote.]

H. Consider Directing Staff to Begin Minor Plan Amendment Process for CIP Projects

Administrator Jester reported that an amendment from the 2015 BCWMC Watershed Management Plan must be proposed in order to update the CIP according to action taken in Items 5D and 5Fii above. She indicated she would seek BWSR’s approval to work through a minor amendment process rather than the general (major) plan amendment process. She recommended that the Commission set a public hearing date for May 18th, which would allow a 45-day notice to member cities about the hearing.

MOTION: Commissioner Crough moved to set a public hearing for May 18, 2017 during the Commission’s regular meeting and to begin the Plan amendment process. Commissioner Mueller seconded the motion. Upon a vote the motion carried 6-1. Commissioner Welch voted against the motion due to his opposition of the transfer of CIP funds from the Lakeview Park Pond Project. [Cities of Minnetonka and Golden Valley were absent from the vote.]

I. Consider Education Committee Recommendations on 2017 Education Budget and Work Plan

Administrator Jester reported that the Education Committee met on March 6th to discuss the budget and work plan for 2017. She reported that the Committee recommends expenditures shown in the table included with meeting materials and that many programs and expenditures are the same as previous years. She noted that there is \$5,327 in unallocated funds and that the committee will further discuss projects or programs for the use of those funds. She reported that the committee’s recommendation includes approval to reimburse Commissioner Prom and two CAMP volunteers for the \$175 registration fee to attend a DNR AIS Detection training and certification course.

MOTION: Alt. Commissioner Byrnes moved approval of the Education Committee’s recommendations. Commissioner Scanlan seconded the motion.

Discussion: Chair de Lambert expressed some concern about the use of funds slated for Commissioner training to reimburse non-Commissioners for attendance at programs because of the limited funds available and multiple opportunities for training and conferences in the coming year. Administrator Jester indicated that the action approving reimbursement to CAMP volunteers for AIS detection training is likely money well spent as these volunteers are on BCWMC lakes regularly. She noted that this situation of reimbursing non-Commissioners is likely a one-time request and would not become a regular practice.

Upon a vote a motion carried 7-0. [Cities of Minnetonka and Golden Valley were absent from the vote.]

J. Consider Agreement with Hennepin County for 2017 River Watch Program – added item

Administrator Jester reported that the agreement with Hennepin County for the River Watch Program was an annual agreement and usually on the consent agenda (but was received too late to get in the regular meeting packet). She reported the Commission Legal Counsel had reviewed the agreement and had one comment that was incorporated into the agreement.

MOTION: Commissioner Welch moved approval of the agreement with Hennepin County for the 2017 River Watch Program. Alt. Commissioner Byrnes seconded the motion. Upon a vote the motion carried 7-0. [Cities of Minnetonka

and Golden Valley were absent from the vote.]

6. COMMUNICATIONS

A. Administrator’s Report

Administrator Jester reported that volunteers are still needed for the Plymouth Home Expo and that she would send another email requesting volunteers. She also reported that the agreement with Rock Hill Management was signed by all parties but she wasn’t aware if the property was yet purchased by the developer and when development plans would be resubmitted for review.

B. Chair

No report.

C. Commissioners

No report.

D. TAC Members

No report.

E. Committees

Administrator Jester noted the upcoming Budget Committee Meeting on March 27th.

F. Legal Counsel

No report.

G. Engineer

No report.

7. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/document/meeting-materials-minu/meeting-materials/thursday-march-16-2017>)

A. CIP Project Updates: Now Available Online <http://www.bassettcreekwmo.org/projects>

B. Grant Tracking Summary and Spreadsheet

C. World Water Day Event, Harrison Neighborhood March 22

D. WCA Notice of Application and Delineation Report, Golden Valley

E. WCA Notice of Application, Plymouth Creek Restoration Project

8. ADJOURNMENT – Chair de Lambert adjourned the meeting at 11:05 a.m.

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