



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting January 21, 2016 Plymouth City Hall, 8:30 a.m.

Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Plymouth	Alternate Commissioner David Tobelmann
Golden Valley	Commissioner Stacy Hoschka, Treasurer	Robbinsdale	Alternate Commissioner Michael Scanlan
Medicine Lake	Commissioner Clint Carlson	St. Louis Park	Commissioner Jim de Lambert, Chair
Minneapolis	Commissioner Michael Welch	Administrator	Laura Jester
Minnetonka	Alternate Commissioner Patty Acomb	Attorney	Troy Gilchrist, Kennedy & Graven
New Hope	Commissioner John Elder	Engineer	Karen Chandler, Barr Engineering
		Recording Secretary	Amy Herbert

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	Patrick Noon, Alternate Commissioner, City of St. Louis Park
Bruce Kelii, Hennepin County Emergency Management	Jeff Oliver, TAC, City of Golden Valley
Richard McCoy, TAC, City of Robbinsdale	Liz Stout, TAC, City of Minneapolis

1. CALL TO ORDER AND ROLL CALL

On Thursday, January 21, 2016, at 8:32 a.m. in the Medicine Lake Room at Plymouth City Hall, 3400 Plymouth Boulevard, Chair de Lambert called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken [City of Minneapolis and City of Plymouth absent from roll call].

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No issues raised.

3. AGENDA

Chair de Lambert requested a reordering of the agenda to move 5C – Consider Approval to Submit Commission Projects for Inclusion in Hennepin County All-Hazard Mitigation Plan – ahead in the agenda to precede item 5A.

Commissioner Mueller moved to approve the agenda as amended. Commissioner Elder seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Plymouth absent from vote].

4. CONSENT AGENDA

Commissioner Mueller moved to approve the Consent Agenda as presented. Commissioner Elder seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minneapolis and Plymouth absent from vote].

[The following items were approved as part of the Consent Agenda: the December 17, 2015, Commission Meeting Minutes, the January 2016 financial report, the payment of invoices, Setting the February 5 and March 3, 2016, TAC meetings, Approval of Amended Contract with Recording Secretary, Approval of Proposal from MMKR to Perform 2015-2016 Financial Audit, Approval of Final Financial Report on 2012 Main Stem Restoration Project for Clean Water Fund Grant, Approval of Commissioner Request for Reimbursement of Registration Fee for Road Salt Symposium, Approval of Resolution to Transfer Funds from CIP Account to Administrative Account, and Approval of Resolution to Transfer Funds from Administrative Account to Channel Maintenance Fund and Long-Term Maintenance Fund].

The general and construction account balances reported in the Fiscal Year 2015 Financial Report prepared for the January 21, 2016, meeting are as follows:

Checking Account Balance	\$585,012.65
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TOTAL GENERAL FUND BALANCE	\$585,012.65
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TOTAL CASH & INVESTMENTS ON-HAND (1/12/16)	\$3,626,334.61
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CIP Projects Levied – Budget Remaining	(\$3,361,369.08)
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Closed Projects Remaining Balance	\$264,965.53
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2012-2014 Anticipated Tax Levy Revenue	\$7,123.77
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2015 Anticipated Tax Levy Revenue	\$5,157.95
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Anticipated Closed Project Balance	\$277,247.25
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5. BUSINESS

C. Consider Approval to Submit Commission Projects for Inclusion in Hennepin County All-Hazard Mitigation Plan

Administrator Jester introduced Bruce Kelii of the Hennepin County Emergency Management Division to discuss the idea of adding the Bassett Creek Watershed Management Commission into the All-Hazard Mitigation Plan for the County. She explained that the plan is multi-jurisdictional, so all of the cities are already included in the plan and the County has recently been reaching out to watershed management

organizations and watershed districts about including projects in the plan.

[Commissioner Welch of Minneapolis and Commissioner Tobelmann of Plymouth arrived.]

Mr. Kelii stated that the All-Hazard Multi-Jurisdiction Mitigation Plan originated from a specific set of federal documents that brought the plan to the point it is at today. He said that Section 322 out of Federal Act DMA2000 allows the County to place mitigation strategies and plans into the County's local document. Mr. Kelii explained that a document submitted to the County by Mark Ray with the City of Crystal indicated that the BCWMC had worked on or had approved a Flood Damage Grant Reduction Assistance Program application. He said that the document triggered the County to connect with the BCWMC because it was taking steps in such projects. Mr. Kelii stated that such projects connect the County to the Department of Natural Resources (DNR). He added that with the DNR grant program, there is a specific statement about being able to leverage hazard mitigation funding from FEMA, which is where the County steps in due to Section 322. Mr. Kelii explained that the Section 322 says the County should go to folks who are asking for partner grants and to get them into the All-Hazard Multi-Jurisdiction Mitigation Plan in order to support the idea that the watershed is working toward natural resources improvements.

Mr. Kelii explained that by getting the watershed's projects into the plan, the watershed could use Section 322 in the event that disaster strikes the communities and watershed projects are affected. He said that in the case of disaster on those lands where the BCWMC has done projects, the watershed might look for some type of recovery of habitat, erosion measures, and other items. Mr. Kelii continued by saying that these types of items are considered replaceable recovery items when it comes to disaster mitigation dollars. He noted that the BCWMC can be part of the plan through city projects, but that it makes sense for the BCWMC also to be an independent special jurisdiction within the plan and to self-identify projects that may or may not be impacted by disaster in the future.

Mr. Kelii described the template included in the meeting packet and talked further about the seven goals listed in the template. He talked about the process and the timeline, saying that his department would like to get the plan submitted to the Hennepin County Board of Commissioners by March or April.

Administrator Jester said that it is her understanding that the BCWMC doesn't need to include an exhaustive list of its future projects and that by the BCWMC being identified as a special jurisdiction it could become eligible for disaster funding. Mr. Kelii recommended prioritizing but said that the more projects the BCWMC includes in the document, the better. He stated that if the priority changes, a revision can be entered into the plan. He added that with the plan's timeline there is a rush now to get the BCWMC included, but the process can continue to grow over the next few years. He explained that the plan is reviewed and corrected every five years and that revisions to the plan can be brought to the County Board even more frequently if needed.

Mr. Kelii responded to questions, including about more information on the Open Declaration of Funding process and the level to which the BCWMC needs to identify projects. Engineer Chandler said that she sees an opportunity here for the Flood Control Project components regarding funding for emergencies.

Administrator Jester said the costs to the Commission include only her time and that of the Commission Engineers' to finalize the submission to the County.

Commissioner Welch moved to authorize the Administrator to continue working with the County on the All-Hazard Mitigation Plan. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 9-0.

A. Blue Line LRT Process for Wetland Conservation Act (WCA Decisions): Consider Approval of Blue Line LRT Wetland Boundaries and Types; Discuss Future WCA Decision Points Regarding Blue Line LRT Project

Engineer Chandler stated that this agenda item deals with Wetland Conservation Act (WCA) decisions for the Blue Line Light Rail Transit (LRT) but also deals with future WCA decisions the Commission may need to make for different projects in the future. She said that the BCWMC is the Local Governmental Unit (LGU) responsible for administering the WCA in the cities of Robbinsdale, Medicine Lake, and St. Louis Park. She reported that the Blue Line LRT is going through Robbinsdale and the project also could be affecting wetlands in Minneapolis and Golden Valley. She explained that although the Commission is assisting with WCA administration for the Blue Line LRT in Minneapolis and Golden Valley, those cities retain their LGU authority. The BCWMC only needs to act on the Notice of Decision on behalf of the City of Robbinsdale.

Engineer Chandler said that she recommends approval of the Notice of Decision on the wetland delineation (boundaries and types) included in the meeting materials. She added that there will be future decisions that the Commission will need to make, such as a no-loss type of decision, requests for approval of sequencing, and a wetland replacement plan. Engineer Chandler told the Commission that it would be helpful to know if the Commission wishes to retain all of the decision-making authority for those decisions or if the Commission would like to delegate some of those decisions to staff. She said that for example with the decision in front of the Commission today, she believes that the Commission would be comfortable with Commission staff having the authority to make the decision along with having decision-making authority for no-loss and exemption and other highly technical decisions. Engineer Chandler said that for decisions regarding sequencing, replacement plans, and mitigation plans, the Commission may prefer to have the decision-making authority rather than delegating that to staff.

Commissioner Welch moved to approve the Notice of Decision for Blue Line LRT Wetland Boundaries and Types. Alternate Commissioner Scanlan seconded the motion. Commissioner Tobelmann asked for a brief explanation of the process for determining the wetland boundaries. Engineer Chandler and Chair de Lambert provided that information. Upon a vote, the motion carried 9-0.

There was discussion about the WCA decision process and the process timeline. Commissioner Welch commented that he is comfortable with the decision process as laid out by Engineer Chandler and asked that the Commission also authorize the Administrator to extend the BCWMC's review time on these decisions as needed as provided for under MN Statute 1599. Administrator Jester clarified that the Commission would like staff to have authority for technical decisions such as wetland boundaries and types, no-loss, and exemption decisions and the Commission will retain authority for decisions on sequencing, replacement plans, and banking plans. Commissioner Welch said yes, and additionally that the Commission should extend the authority to the Administrator to extend the BCWMC's review time.

Engineer Chandler replied that staff will come back to the Commission with a resolution reflecting the decision-making authorizations as discussed. Commissioner Welch asked staff to include the Notice of Decisions in which the BCWMC is the LGU in the electronic monthly communications to the Commission.

Attorney Gilchrist agreed with Commissioner Welch's comment about Statute 1599 and pointed out that the rule that allows delegation of decision-making authority specifically says that regarding final decisions made by staff, the local government must establish a local appeals process. Attorney Gilchrist provided more information on this and recommended that the resolution includes a line to address that process. Administrator Jester said that staff will bring the resolution to the Commission's next meeting.

Commissioner Welch asked about information provided in the table in the delineation information in the

meeting packet. He said that the table seems to indicate that there are about a dozen good quality wetlands and if some of these are along the Blue Line LRT corridor, it would be good to know. Engineer Chandler said that she can find out more information about those wetlands.

B. Consider Approval of Agreement with Metropolitan Council for Reimbursement of Commission Tasks Related to Southwest LRT

Administrator Jester reminded the Commission that last year it entered into an agreement with the Metropolitan Council regarding tasks that the Commission Engineer was performing regarding the Blue Line LRT such as WCA tasks, reviews, and discussions on storm water impacts.

Administrator Jester explained that the Metropolitan Council's Southwest LRT is requesting a connection to the Bassett Creek Tunnel, which requires modeling to determine impacts. She stated that between August and December 2015 the BCWMC has spent \$12,000 for the Commission Engineer's time on these technical issues. She reported that she talked with staff at the Metropolitan Council's Southwest LRT and requested that the Metropolitan Council Southwest LRT reimburse the BCWMC for 50% of the \$12,000 already spent, 50% of modeling costs going forward, and actual costs of project review in the future. Administrator Jester added that the City of Minneapolis will be paying the other 50% of the modeling costs regarding the tunnel connection.

Administrator Jester announced that the agreement in front of the Commission today is not the final agreement due to further review at the Metropolitan Council. She asked the Commission to authorize the Chair to execute an agreement with review by Legal Counsel, herself, and the Chair when the agreement becomes available.

Alternate Commission Scanlan moved to authorize the Chair to execute the agreement with the Metropolitan Council as explained by Administrator Jester. Commissioner Hoschka seconded the motion. In response to a question from Commissioner Welch, Administrator Jester assured the Commission that the Southwest LRT design plans would be reviewed against the Commission's development standards. Upon a vote, the motion carried 9-0.

D. Receive Update on New BCWMC Website: Approval of Contract with HDR for Website Maintenance and Facilitating Website Hosting

Administrator Jester shared feedback that she had received from the Commission about its redesigned website. She pointed out the scope of services from HDR in the meeting packet. She described the scope of services, which is for continuing technical maintenance of the website by HDR at a cost not-to-exceed \$4,420. She explained that the work would include HDR's facilitation of the web hosting service provided by Blue Host and technical work on an as-needed basis. Administrator Jester reminded the Commission that it has \$3,500 budgeted for website maintenance for 2016. Administrator Jester asked for Commission approval of the contract with HDR.

Administrator Jester talked about the promotion plan for communicating the launch of the BCWMC's new website. Some Commissioners had additional suggestions for promoting the site. She said that if anyone has further thoughts or ideas about the promotion plan to please share them with her. There was a brief discussion of the draft email communication and proposed distribution list. Commissioner Scanlan moved to approve the contract with HDR. Commissioner Welch seconded the motion. Upon a vote, the motion carried 9-0.

E. Consider Directing Staff to Submit Grant Application to Minnesota Conservation Corps on Behalf of Metro Blooms for Harrison Neighborhood Project

Administrator Jester reminded the Commission that at last month's meeting, Becky Rice of Metro Blooms

presented information about a large project slated for the Harrison Neighborhood in Minneapolis. She said that the Commission took action to approve the BCWMC as the fiscal agent for a grant from the Metropolitan Council. Administrator Jester reported that the Metropolitan Council's grant application process is still in progress. She added that the YouthPrise grant application was submitted by Metro Blooms and is under review. Administrator Jester reported on another grant opportunity through the Conservation Corps of Minnesota. She noted that the grant is for work crew hours but cannot be awarded to non-profit organizations like Metro Blooms. She added that even though the application deadline has passed, typically there are hours left over after the completion of other projects and those hours become available to new applicants. She said that she is seeking approval to submit the completed grant application to the Conservation Corps of Minnesota on behalf of Metro Blooms. Alternate Commissioner Scanlan moved to approve the application submission to the Conservation Corps of Minnesota. Commissioner Elder seconded the motion. Upon a vote, the motion carried 9-0.

F. Receive Updates on Feasibility Studies for 2017 CIP Projects: Plymouth Creek Restoration Project and Main Stem Erosion Repair Project

Administrator Jester reported that for the draft feasibility study for the Plymouth Creek Restoration Project is being reviewed by City of Plymouth staff. She said that she and two Barr Engineering staff members will meet with City staff next week to review the draft study and get the City's feedback. She noted that the draft feasibility study likely will be presented to the Commission at its February meeting.

Administrator Jester stated that the feasibility study for the Main Stem Erosion Repair Project also is coming along. She reported that Commission Engineer Weiss met with the landowner of the Fruen Mill site and the landowner is very supportive of the project and has redevelopment of the site slated for 2017. Administrator Jester noted that the Commission Engineer put together a right-of-entry agreement and Administrator Jester will be contacting the other landowners to request rights-of-entry to perform soil analysis for the project's Phase II environmental assessment. She also reported that the concept designs and some of the cost estimates are in the process of being drafted.

6. COMMUNICATIONS

A. Administrator:

- i.** Administrator Jester pointed out that the Administrator's Report is in the meeting packet. She highlighted the nice map created by Eric Eckman showing the 2015 Bassett Creek Restoration Project Improvement Locations.
- ii.** Administrator Jester announced that Commissioners and Alternate Commissioners will be contacted by the Campaign Finance Committee to fill out the annual paperwork.
- iii.** Administrator Jester reminded the Commission that February 1 starts the Commission's new year and at the Commission's February meeting it will be appointing officers and committee members. She explained that the Commission will have a new committee this year, the Aquatic Plant Management and Aquatic Invasive Species Committee with the charge of helping the Commission determine its role in those areas.

B. Chair:

- i.** Chair de Lambert announced that he will not be attending the February meeting so Vice Chair Mueller will run the meeting. He also said that he was willing to remain Commission Chair.

C. Commissioners:

- i. Commissioner McDonald Black said that when she looked over today's meeting agenda, she was amazed at how proactive it is. She said she appreciates what a great job Administrator Jester and Engineer Chandler are doing. She thanked them for their leadership and proactive work.

D. TAC Members:

- i. Erick Francis reported that the TAC met on January 7th to continue developing draft policies for the responsibilities and funding options for long term maintenance of the Flood Control Project. He said that the TAC will continue to discuss this at its February 5 and March 3 meetings.

E. Committees: No Committee Communications

F. Legal Counsel: Legal Counsel Gilchrist reported that former Commission attorney, Charlie LeFevere is sick and in the hospital. He noted Charlie has a Caring Bridge website.

G. Engineer:

- i. Engineer Chandler reported that staff followed up on the concern raised last month by Commissioner Welch regarding possible contamination issues from infiltration practices in the Harrison Neighborhood. She stated that there is no action today for the Commission but recommended a canvassing of publically available information such as groundwater studies to see if there are potential problem areas. Engineer Chandler said the canvassing could be completed in a week at a cost of the low thousands of dollars if Metro Blooms is interested in pursuing this action. Engineer Chandler said that this recommendation has been provided to Metro Blooms. Commissioner Welch requested a copy of the email to Administrator Jester. Administrator Jester added that the Commission could consider providing this work as in-kind services to the Metro Blooms project in the Harrison Neighborhood.

7. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/Meetings/2016/2016-January/2016JanuaryMeetingPacket.htm>)

- A. CIP Project Update Chart
- B. Grant Tracking Summary and Spreadsheet
- C. Star Tribune Article: Possible Daylighting Old Bassett Creek Tunnel:
<http://www.startribune.com/downtown-minneapolis-park-ideas-bubbling-in-planning-for-next-25-years/361249421/>

8. ADJOURNMENT

Chair de Lambert adjourned the meeting at 10:22 a.m.

