



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting November 18, 2015 Golden Valley City Hall, 8:30 a.m.

Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Plymouth	Commissioner Ginny Black
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	Alternate Commissioner Lisa Goddard	Administrator	Laura Jester
Minnetonka	Commissioner Jacob Millner, Secretary	Attorney	Troy Gilchrist, Kennedy & Graven
New Hope	Alternate Commissioner Pat Crough	Engineer	Karen Chandler, Barr Engineering
		Recorder	Amy Herbert

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

Sandy Bainey, Friends of Northwood Lake	Jane McDonald Black, Alternate Commissioner, City of Golden Valley
John Elder, Commissioner, City of New Hope	Jake Newhall, WSB & Associates
Erick Francis, TAC, City of St. Louis Park	Jeff Oliver, TAC, City of Golden Valley
Jere Gwin-Lenth, Friends of Northwood Lake	Liz Stout, TAC, City of Minneapolis
Mary Gwin-Lenth, Friends of Northwood Lake	David Tobelmann, Alternate Commissioner, City of Plymouth
Chris Long, TAC, City of New Hope	Robert White, Friends of Northwood Lake
Richard McCoy, TAC, City of Robbinsdale	Pete Willenbring, WSB & Associates
Derek Asche, TAC, City of Plymouth	

1. CALL TO ORDER AND ROLL CALL

On Wednesday, November 18, 2015, at 8:35 a.m. in the Council Conference room 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 [City of Robbinsdale absent from roll call].

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No items raised.

3. AGENDA

Commissioner Hoschka moved to approve the agenda as presented. Commissioner Millner seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote.]

4. CONSENT AGENDA

Commissioner Mueller moved to approve the Consent Agenda as presented. Alternate Commissioner Goddard seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

[The following items were approved as part of the Consent Agenda: the October 15, 2015, Commission Meeting Minutes, the November 2015 financial report, the payment of invoices, Approval of MDNR Flood Reduction Grant Contract, Approval of Project at 239 Peninsula Road in Medicine Lake, Approval of Project at 1130 Angelo Drive in Golden Valley]

The general and construction account balances reported in the Fiscal Year 2015 Financial Report prepared for the November 18, 2015, meeting are as follows:

Checking Account Balance	\$576,772.50
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TOTAL GENERAL FUND BALANCE	\$576,772.50
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TOTAL CASH & INVESTMENTS ON-HAND (11/10/15)	\$3,186,966.92
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CIP Projects Levied – Budget Remaining	(\$3,362,065.08)
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Closed Projects Remaining Balance	\$175,098.16
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2012-2014 Anticipated Tax Levy Revenue	\$5,585.36
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2015 Anticipated Tax Levy Revenue	\$495,084.26
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Anticipated Closed Project Balance	\$325,571.46
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5. BUSINESS

A. Receive Final Report on CR2012 Main Stem Restoration Project Through Wirth Park

Administrator Jester pointed out that the final report, prepared by the City of Minneapolis, is in the meeting packet. She reminded the Commission that at its September meeting Andrea Weber, representing the Minneapolis Park and Recreation Board, gave the Commission a presentation on the project. Administrator Jester said that this report will be posted to the project's page on the Commission's website. There were no questions regarding the report; a few Commissioners indicated their appreciation for the report's format and content.

[Alternate Commissioner Scanlan, City of Robbinsdale, arrived].

B. Consider Approval of City of Minneapolis Reimbursement Request for CR2012 Main Stem Restoration Project Through Wirth Park

Administrator Jester said that this is the final reimbursement request from the City of Minneapolis and will close out the project. She noted that there will not be funds going to the BCWMC's Closed Project Account from this project as all funds are expended. She explained that there are grant reporting tasks to complete for this project. Administrator Jester recommended approving the reimbursement. She fielded questions about whether there was a funding shortfall, and she clarified that the financial report shows a \$369 shortfall, which is due to grant reporting tasks that took place by BCWMC staff after staff had communicated to the City of Minneapolis the project fund balance. She said that staff will have some grant reporting tasks to finish, but she recommends reimbursing the City of Minneapolis for the amount requested. She explained that the requested funds will come from the BCWMC's CIP budget for this project and from the Commission's Channel Maintenance Funds as directed by the Commission in January 2014. Administrator Jester stated that the funds for the grant reporting tasks will come from the Commission's Closed Account Fund.

Commissioner Black commented that cost overruns should come from the Commission's Closed Project Account, but she isn't comfortable with using Channel Maintenance Funds for project overruns.

Administrator Jester said that the Commission approved using Channel Maintenance Funds to augment the CIP funding for the project, and she added that the Commission will be talking about the Channel Maintenance Fund program and its policies later in today's meeting. Commissioner Mueller asked how much additional funding the City of Minneapolis put into the project toward the cost overruns. Ms. Stout said that the City does not yet have those final numbers but is working with the MPRB to allocate what part of the cost overruns is the City's responsibility and what part is the MPRB's. She said that she can get those figures to the BCWMC once they are finalized.

Alternate Commissioner moved to approve reimbursement. Commissioner Hoschka seconded the motion. Upon a vote, the motion carried 9-0.

C. Consider Approval of 90% Plans for Northwood Lake Water Quality Improvement Project NL-1

Mr. Long reminded the Commission that the 50% design plans were presented to the Commission at its September meeting and that the city worked to address the Commission's comments on the 50% plans. Mr. Long noted that rain garden designs were slightly adjusted and the overall design was modified, but nothing major changed. Mr. Long stated that at this time the project will not include the UV treatment. He said that the City will put up signs that the water is non-potable and the irrigating will occur in the early morning hours. Mr. Long added that if in the future the MPCA requires the UV treatment, it will be installed at that time, which would incur additional project costs.

Engineer Chandler went through the Engineer's comments on the 90% design plans. She pointed out that the feasibility study estimated the project would remove 22 pounds of phosphorous but the latest design estimates that slightly more than 30 pounds of phosphorous will be removed annually. Engineer Chandler stated that the Commission Engineer recommends conditional approval of the 90% design based on the Engineer's comments and recommends the Commission authorize administrative approval of the modified plans.

Commissioner Mueller asked specific questions about the design of the rain gardens, and Mr. Long responded, explaining the reasoning behind the designed soil depth and drain tile. Engineer Chandler and Mr. Long provided more details about the underground storage design.

Mr. Gwin-Lenth of the Friends of Northwood Lake commented on the City's citizens committee that is dealing with the playground aspect of the Northwood Lake Park. He also stated that he was pleased at reading

in the Engineer's memo the number of items that were addressed in the 90% plans in response to the review comments of the 50% design plan. Mr. Gwin-Lenth added that he is happy to see the increase in the project's estimated phosphorous removal.

Alternate Commissioner Tobelmann asked about the reason for the increase in the estimated phosphorous removal. Ms. Chandler responded that the design now includes more dead storage in the pond than previously estimated. Commissioner Black asked if the City has seen the Commission Engineer's comments and conditions and whether the City is okay with them. Mr. Long responded yes and shared that the New Hope City Council plans to look at the plan and specs and authorize for bidding at the Council's December 14th meeting. Commissioner Elder responded yes, the City is fine with these conditions and comments.

Commissioner Black moved to approve the 90% design plans with the Engineer's recommendations. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 9-0.

D. Consider Approval of 90% Plans for Honeywell Pond Expansion Project BC-4

Mr. Oliver stated that the City isn't presenting on the information included with the meeting materials but the City and Pete Willenbring and Jake Newhall of WSB & Associates are here to answer any questions. Mr. Oliver noted that the City has seen the Engineer's comments and there is nothing in the comments that will be insurmountable.

Commissioner Engineer Chandler summarized the Engineer's comments on the 90% design plans. She said that she believes the plans are ready to be administratively approved by the Commission Engineer once the additional design information requested has been received. Mr. Oliver reported that the City will be bringing in another consultant to work with the City to control the irrigation system and the infiltration system coming from the Douglas Drive project and these details are still being worked out.

Alternate Commissioner Tobelmann asked if there is any concern about contamination at the construction site. Mr. Oliver responded that soil borings and environmental testing has been done and there is no contamination at this pond. Commissioner Black asked when the pond will be excavated. Mr. Oliver said that the pond excavation will be done in the winter of 2016-2017.

Commissioner Black moved to approve the 90% design plans with the Engineer's recommendations. Alternate Commissioner Goddard seconded the motion. Upon a vote, the motion carried 9-0.

E. Consider Golden Valley's Request to Review Douglas Drive Project Using Former BCWMC Standards

Mr. Oliver explained that the Douglas Drive project development started in 2007. He said that the City utilized federal funding for part of the preliminary work and right-of-way acquisition. He noted that by utilizing federal funding, the project needed to follow a federal process, which included municipal consent. Mr. Oliver reported that within the federal process, the City of Golden Valley reviewed the project on November 15, 2011, and approved the project's preliminary design. He said that municipal consent essentially locks the design from that point forward and the major components of the project are locked in, including the water quality and storm water systems. He said that there is some latitude for minor changes but major changes are off the table and there can be no more right-of-way acquisition.

Mr. Oliver stated that throughout the development process starting in 2011 when the City entered final design, City staff, Hennepin County staff, and the project's consulting engineer WSB & Associates met several times with the Commission Engineer. Mr. Oliver said that the project was developed under the BCWMC's old standards, and under the old standards a linear project needed to meet "best efforts." He said that this project meets best efforts through the infiltration system, the sump manholes, and a number of other features within

the project.

Mr. Oliver noted that the BCWMC adopted the MIDS standards in September, and the City of Golden Valley was unable to make a submittal prior to that because the City had not finished with the plans. He explained that at the time of the Board packet, the City was requesting that the Commission review this project using the BCWMC's former standards. Mr. Oliver announced that since the time of the City's request, the City has gone through the MIDS flowchart and it appears that the project can meet the MIDS standards. He stated that whichever review path the BCWMC chooses to take, the City is seeking approval of the project.

Administrator Jester laid out the options in front of the Commission, including:

- The Commission could approve the original request from the City, which is to review the project under the Commission's former standards;
- The Commission could direct the Commission Engineer to review the project under the MIDS standards;
- If the project doesn't meet the MIDS standards, the City could request a variance from any portion of MIDS that can't be met and request project approval.

Administrator Jester reminded the Commission that it has a variance process in place.

Engineer Chandler talked about the results of the analysis of the project in terms of the MIDS flowchart. She discussed flexible treatment options and off-ramps. Engineer Chandler said that it looks like the project could meet the standards under flexible treatment option No. 2 by using treatment provided by the Commission's Honeywell Pond Expansion CIP Project, but there is a policy question to consider. She explained that the City in its letter to the Commission communicated that the additional water quality treatment provided by the pond expansion more than covers the pollutant removals that would be required by the City through MIDS. She pointed out that this concept might be a policy issue for the Commission because the CIP project was intended to provide additional water quality treatment for currently untreated runoff from past development and was not intended to provide the treatment for new development. Engineer Chandler noted that the City is putting in a significant amount of funding for the Honeywell Pond Expansion project, \$450,000 or about one third of the total project cost. Engineer Chandler said she thinks the City could show that the amount the City is contributing covers the runoff coming from the additional impervious area from this project.

Mr. Oliver pointed out that the MIDS flowchart did not take into account the irrigation at the soccer complex. He stated that the fact that the City is contributing one-third of the budget should be a strong factor in this and the project likely would not be able to be built solely with watershed funding. Mr. Oliver addressed the idea of setting a precedent for future developments, and he said that most development projects have a much shorter time span, usually a year, so he doesn't think that there is a parallel between the Douglas Drive project and future development projects.

Commissioner Black said that she understands that any one of the cities could have been in this position, and she thinks that best efforts should be made to meet the MIDS standards. Attorney Gilchrist stated that the notion of applying the old rules is problematic, because technically they don't exist anymore in this realm. He recommends that the Commission review the project under the new standards (MIDS), and if they cannot be met, then the Commission could adopt a resolution granting a variance and identifying the lesser standard. He said that the documentation could be prepared for the Commission's December meeting.

Mr. Oliver said that the project doesn't have a lot of time given that the City plans to go out for a bid in January and the bid opening would be the first week of February. Mr. Oliver noted that typically when new

standards are adopted, there is a transition time of three to six months between when they are adopted and when they are effective. Mr. Gilchrist said that this is not the case for the Commission's new standards, but it might be something for the Commission to keep in mind for the future.

Alternate Commissioner Goddard asked how complete the design plans were in September. Mr. Oliver replied 75%-80%. Mr. Asche commented that these major road projects can take five or more years and odds are that road projects can overlap with the adoption of the Commission's 10-year plan. He said that if the Douglas Drive project doesn't meet the MIDS standards, then a variance would be a good direction to go. Mr. Asche stated that the City of Golden Valley already has put five to seven years of work into this project, which signifies hardship for the City if the project is not approved and also is unique, which signifies that the risk of setting a precedent by granting a variance is low.

Mr. Oliver remarked that the plan as designed provides better water quality treatment than currently exists, so the project will have a net positive gain. Commissioner Black remarked that she would like to see the project review documented well, including how close the project gets to meeting MIDS standards.

Commissioner Black moved for the Commission to evaluate the project based on the Commission's current standards and to return to the Commission in December with the Engineer's review and variance information, if needed. Alternate Commissioner Scanlan seconded the motion. Attorney Gilchrist clarified that it would be in the best interest of the Commission to have the appropriate documentation ready for the December meeting. Chair de Lambert agreed that the Commission should prepare the documents for the December meeting. Upon a vote, the motion carried 9-0. [Alternate Commissioner McDonald Black voted on behalf of the City of Golden Valley].

F. Consider Approval of Technical Advisory Committee Recommendations

i. Channel Maintenance Fund Policy

Erick Francis reported that the Technical Advisory Committee (TAC) met on September 8 and November 5 and discussed multiple topics. He said that at the September TAC meeting, Administrator Jester raised the issue of the discrepancies that she and Engineer Chandler have found among different BCWMC documents regarding policies and uses of the BCWMC's Channel Maintenance Fund. Administrator Jester said that there are discrepancies between the Commission's 2004 and 2015 Plans and the 2011 Policies and Procedures document as well as with the way that the funds have been applied in practice. She said that the meeting packet includes the TAC's recommended revisions to the BCWMC's Creek and Streambank Maintenance, Repair, and Sediment Removal Fund Policy (Channel Maintenance Fund), including the strategies to implement the policy and the agreement template for use of the funds. Administrator Jester summarized the recommended changes.

Commissioner Black moved to adopt the amended Channel Maintenance Fund policy and agreement. Commissioner Mueller seconded the motion.

Commissioner Mueller asked for a more detailed explanation of the changes. Administrator Jester went through the history of the Channel Maintenance Fund and gave a detailed explanation of the revised policy and agreement. Commissioner Mueller said that it would be helpful to the Commission to be able to see how much Channel Maintenance Funds are left and to include a chart. Administrator Jester said that information could be added.

Alternate Commissioner McDonald Black brought up the idea of a "use it or lose it" policy. There was discussion of this idea. Alternate Commissioner Tobelmann suggested that the Commission

review the Channel Maintenance Fund use over the next year or two to determine if accumulating funds is an issue rather than moving forward to develop such a policy now. Mr. Oliver commented that he would be very hesitant to limit the city's ability to use the funds. Commissioner Black said that the Commission could put into the policy a review clause that the Channel Maintenance Fund Policy will be reviewed every five years. The Commission indicated consent. Commissioner Black withdrew her motion so that staff can make modifications to the policy and bring back to the Commission next month.

ii. Request by City of Crystal for Use of Channel Maintenance Funds

Mr. Francis stated that the City of Crystal has requested use of Channel Maintenance Funds to repair an eroding section of the North Branch Bassett Creek in the area of a 2011 CIP project. He said that he, Mark Ray of the City of Crystal, Commission Engineer Weiss, and Administrator Jester visited the site and discussed stabilization options. Mr. Francis talked about the 2011 CIP project and the efforts at the time to save two large trees on the top of a steep bank, which has degraded and now has slope failures. He said that the City is requesting \$31,675 to implement one of the two options. Administrator Jester noted that the revised Channel Maintenance Fund Policy explicitly states that this is an appropriate use of the Channel Maintenance Funds, but the Commission didn't adopt the revised policy in the previous agenda item. She said that if the Commission agrees that the work proposed in this project is an approved use of the Commission's Channel Maintenance Funds then it should be okay to take action on the City of Crystal's request. Commissioner Mueller moved to approve the request. Alternate Commissioner Goddard seconded the motion. Upon a vote, the motion carried 9-0. [Commissioner Hoschka resumed voting on behalf of the City of Golden Valley].

iii. Agreement with City of Crystal for Use of Channel Maintenance Fund

Commissioner Black moved to approve the agreement with the City of Crystal. Alternate Commissioner Goddard seconded the motion. Upon a vote, the motion carried 9-0.

iv. Study of Roles and Responsibilities of Flood Control Project

Mr. Francis reported that the TAC is continuing to discuss the roles and responsibilities and possible funding mechanisms for long term maintenance, repair and replacement of the Flood Control Project structures.

G. Receive Update on Feasibility Studies for 2017 Projects

i. Plymouth Creek Restoration Project

Administrator Jester stated that a technical stakeholder meeting was held October 26. She reported on who attended, including representatives of the U.S. Army Corps of Engineers and the Minnesota Department of Natural Resources. She said the group walked the area and the staff received valuable feedback. Administrator Jester said that on the evening of October 26, the Commission held a public open house. She reported on who attended, including eight property owners. She noted that none of the property owners raised major concerns about the project.

Engineer Chandler reported that Jeff Weiss of Barr Engineering said that having the agency input so early on in the process is valuable and is shaping the design concepts. Commissioner Mueller said that he would be interested in learning about the historic natural channel of the creek. Mr. Asche and Engineer Chandler said that they have access to aerial photos and they could share the information with him.

ii. Main Stem Erosion Repair Project

Administrator Jester announced that the project has been renamed from a channel restoration project to an erosion repair project based on the actual scope of the project. She said that the meeting packet includes the public communication plan for this project. Administrator Jester reported that this week a postcard about the project was mailed to 2,500 residents in the Bryn Mawr and Harrison neighborhoods, and the postcard noted three public opportunities for people to come ask questions, including one this Saturday during the Harrison Neighborhood Arts Festival. She noted that the City of Minneapolis paid for the printing and postage for the postcards.

Engineer Chandler reported that the Phase I investigation is nearing completion. She said that progress is being made on the Phase II work plan, which hopefully will be ready for the Commission's December meeting packet.

6. COMMUNICATIONS

A. Administrator:

- i. Administrator Jester reported on the website redesign project. She noted that HDR did agree to move all of the content on the current website. She said that BCWMC staff is creating new content as well. Administrator Jester added that she hopes to be able to preview the website with the Commission at its next meeting.
- ii. Administrator Jester reminded the Commission that the monthly meetings from December 2015 to April or May 2016 will be held at Plymouth City Hall.

B. Chair: No Communications

C. Commissioners:

- i. Administrator Jester stated that Commissioner Mueller's report on the Water Resources Conference is in the Commission's meeting packet. Commissioner Mueller touched on some of the points in his report.

D. TAC Members: No TAC Communications

E. Committees: No Committee Communications

F. Legal Counsel: No Legal Communications

G. Engineer:

- i. Engineer Chandler provided an update on the Schaper Pond Diversion Project. She said that the contractor is on site but high flow due to recent rain is delaying construction. She reported that the baffle has been delivered but can't be installed with a lot of water flowing through the pond. Engineer Chandler said that once the installation is scheduled, she or Mr. Oliver will update the Commission with the details.

7. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/Meetings/2015/2015-November/2015NovemberMeetingPacket.htm>)

- A. CIP Project Update Chart
- B. Grant Tracking Summary and Spreadsheet

- C. 2015 Water Resources Conferences Abstracts at <https://www.wrc.umn.edu/waterconf>
- D. NEMO Workshop Summaries
- E. West Metro Water Alliance Fall Water Links Newsletter at <http://content.govdelivery.com/accounts/MNHENNE/bulletins/11fe9ea>

8. ADJOURNMENT

Chair de Lambert adjourned the meeting at 10:16 a.m.

Date

Date