



## Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting  
Thursday, June 21, 2018  
8:30 a.m.**

**Golden Valley City Hall, Golden Valley MN**

### 1. CALL TO ORDER and ROLL CALL

On Thursday, June 21, 2018 at 8:31 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.

#### Commissioners and city staff present:

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	NA	NA	Mark Ray
Golden Valley	Stacy Harwell	Absent	Eric Eckman
Medicine Lake	Clint Carlson	Gary Holter	Absent
Minneapolis	Michael Welch	NA	Absent
Minnetonka	Mike Fruen*	Absent	Tom Dietrich
New Hope	Absent	Pat Crough	Megan Albert
Plymouth	Absent	John Byrnes	Derek Asche
Robbinsdale	Michael Scanlan*	Absent	Marta Roser
St. Louis Park	Jim de Lambert	Patrick Noon	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters		
<b>Engineer</b>	Karen Chandler, Jim Herbert, and Patrick Brockamp, Barr Engineering		
<b>Recorder</b>	Dawn Pape, Lawn Chair Gardener		
<b>Legal Counsel</b>	Troy Gilchrist, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	Chuck Schmidt, New Hope resident; Christopher Gise, Golden Valley resident; Dave Anderson, Crystal resident		

\*Arrived after business started

**2. CITIZEN FORUM ON NON-AGENDA ITEMS**

None.

**3. APPROVAL OF AGENDA**

Chair de Lambert requested to approve the agenda. There was a request to add agenda item 6F Consider Approval of Blue Line LRT WCA Notice of Decision.

**MOTION:** Commissioner Carlson moved to approve the amended agenda. Alt. Commissioner Crough seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Minnetonka, Robbinsdale, and Crystal absent from the vote.]

**4. CONSENT AGENDA**

There was a request to remove 4H Approval to Submit Comments on Golden Valley Surface Water Management Plan from the consent agenda and add that item to the meeting agenda as 6G.

**MOTION:** Alt. Commissioner Byrnes moved to approve the amended consent agenda. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 6-0. [Cities of Minnetonka, Robbinsdale, and Crystal absent from the vote.]

[Commissioner Fruen arrives.]

The following items were approved as part of the consent agenda: May 2018 commission meeting minutes, June 2018 financial report, payment of invoices, approval to reimburse the City of Plymouth for Plymouth Creek Restoration Project (2017CR-P), approval to reimburse the City of New Hope for Northwood Lake Improvement Project (NL-1), approval to reimburse Commissioner Scanlan for Workshop on the Water Registration, and set public hearing on 2019 Capital Improvement Projects for August 16, 2018

The general and construction account balances reported in the June 2018 Financial Report are as follows:

Checking Account Balance	\$ 688,977.64
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TOTAL GENERAL FUND BALANCE	\$ 688,977.64
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TOTAL CASH & INVESTMENTS ON-HAND (6/13/18)	\$ 2,555,805.06
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CIP Projects Levied – Budget Remaining	(\$ 4,117,153.27)
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Closed Projects Remaining Balance	(\$ 1,561,348.21)
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2012-2016 Anticipated Tax Levy Revenue	\$ 3,721.01
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2017 Anticipated Tax Levy Revenue	\$ 1,771.12
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Anticipated Closed Project Balance	(\$ 1,555,856.08)
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**5. Public Hearing**

**A. Receive Comments from Cities and Public on Proposed Minor Plan Amendment**

Chair de Lambert opened the public meeting at 8:35 a.m. Administrator Jester reminded commissioners that at the April meeting, the Commission approved a 5-year Capital Improvement Program (CIP) and directed staff to begin a

minor plan amendment process to incorporate new projects into the CIP. She gave an overview of the proposed minor plan amendment and reported that the Commission received correspondence from the MnDNR, BWSR, and Met Council that they had no comments on the proposed amendment. Chair de Lambert asked if any commissioners, TAC members, or members of the audience had questions or comments on the proposed amendments. There were none. Chair de Lambert closed the public hearing at 8:40.

Administrator Jester also reported that Hennepin County requested an extension to the comment period to July 25, 2018.

**MOTION: Commissioner Welch moved to extend the comment period on the proposed minor plan amendment until July 25, 2018. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Robbinsdale and Crystal absent from the vote.]**

## 6. Business

[Business items were taken out of order to accommodate staff schedules.]

### C. Discuss Interest and Logistics of Inviting Commissioners to Participate in Bassett Creek Deep Tunnel Inspection

Engineer Chandler introduced Commission Engineer Jim Herbert. Engineer Herbert gave an overview of the Bassett Creek deep tunnel and noted it is slated for inspection this year if the Army Corps of Engineers (ACOE) will allow the Mississippi River pool to be lowered. He noted this presents an opportunity for commissioners/TAC members to enter and observe portions of the tunnel. He said if the Commissioners/TAC members are interested in participating in a tour, there are several logistical items regarding planning, safety, equipment, etc. to be considered and planned. Engineer Herbert walked through various options for the tour and noted costs are difficult to estimate with so many variables. He also noted a short (30-minute) confined space training will be required for tour participants.

[Commissioner Scanlan arrives.]

Attorney Gilchrist noted that there is risk involved and that a liability waiver will be needed.

Commissioner Fruen asked what the purpose of the tour would be. Staff noted that this would be informational and educational for commissioners to see a significant structure that is discussed often by the commission and which performs such an important role to the flood control in the watershed. There was a suggestion that a video of the tunnel tour might be a good idea.

Through a show of hands, 17 people at the meeting expressed interest in a short tour. Several members were also interested in a longer tour, but they were concerned about incurring expenses to pay for the tour. Administrator Jester reminded the Commission that watershed tours have been done every other year in the past, so spending \$1,000-2,000 on a tour isn't unprecedented.

Engineer Herbert closed by laying out a timeline. They would need a variance from ACOE and Xcel Energy needs to turn off turbines so this tour would likely happen in October or November. Barr will come back with details and an updated cost estimate at a future meeting.

### A. Consider Approval of 90% Design Plans for Bassett Creek Park Phase I Dredging Project: Winnetka Pond (BCP-2)

Engineer Chandler reminded commissioners that 50% plans for this project were approved at the April meeting. She gave a presentation on the changes since the presentation of the 50% plans. She reported on the May 24, 2018 open house feedback, noting that the four attendees were in support of the project, especially the native buffer, although there was concern about the damage rabbits may do to young plants. She noted the NPDES Phase II permit is not triggered even though the project is an acre in size because the grading will not exceed one acre. She also reviewed the project costs, noting they had been refined and were lower than at 50% design estimates. However, she noted that since 75% of the costs are from dredging, that even a slight change in unit cost for that work would have a large impact on the overall project cost.

Engineer Chandler recommended requested that the Commission approve the plans and authorize the city to proceed with final plans, contract documents, and permitting. She also asked the Commission to consider the request from the city for reimbursement of easement development and acquisition costs of approximately \$3,000.

Commissioner Welch asked if there were any changes in the effectiveness of the project between the 50% plans and 90% plans. Engineer Chandler replied no. The only things that might change effectiveness are: if the MnDNR would not allow dredging to 6 feet or if construction costs are higher than expected. It was also noted that dump trucks will not be driving through any neighborhoods and will not access the project area through the apartment driveway.

**MOTION:** Commissioner Welch moved to approve the 90% Design Plans for Bassett Creek Park Phase I Dredging Project: Winnetka Pond (BCP-2), authorize the city to proceed with final plans, contract documents, and permitting; and not to reimburse the city for easement development and acquisition costs. Commissioner Carlson seconded the motion.

**Discussion:** Commissioner Carlson asked for clarification on the easement. Mr. Ray (Crystal TAC member) informed the Commission that it would be a permanent easement from the apartment owners and that the easement itself is being offered at no cost. Administrator Jester offered some context noting that approving this easement cost does not mean future easements will be reimbursed because the Watershed Plan states that easement costs will be considered an eligible project cost on a case-by-case basis.

Commissioner Welch stated that there is no policy regarding easements so the Commission should not pay for easement costs without distinguishing criteria and a clearly articulated policy. He noted that considering costs on a case-by-case basis seems random and arbitrary.

Commissioner Carlson said that he considers the easement as part of the project cost because the project cannot be done without the easement. Mr. Ray added that this easement is needed for the ability to maintain the project.

There was consensus that a policy was needed to address this and similar issues regarding the need for criteria in determining eligible project costs. Administrator Jester noted the CIP Prioritization Committee might be able to address this.

**MOTION:** Commissioner Harwell moved to amend the motion to add the \$3,000 reimbursement for easement costs. Alt. Commissioner Crough seconded the motion. Upon a vote, the motion carried 5-3. [Welch, Byrnes and de Lambert voting against; City of Crystal was absent from the vote.]

**VOTE on original motion, as amended:** Upon a vote, the motion carried 8-0. [City of Crystal absent from the vote.]

**B. Consider Approval of Final Report and Reimbursement Request for Honeywell Pond Expansion Project (BC-4)**

Administrator Jester reminded commissioners that at the August 2015 meeting, the Commission approved an agreement with the City of Golden Valley to design and construct this project. She noted the project is complete and the city is presenting a final report and requesting final reimbursement.

Mr. Eckman (TAC member, Golden Valley) gave an overview of the project noting the project was completed in conjunction with Hennepin County's Douglas Drive Reconstruction Project. He reported the project expanded Honeywell pond from a surface area of 1.5 acres to 2.4 acres which also increased the flood storage and dead storage of the pond. A 48-inch low-flow diversion pipe was installed from Douglas Drive to maximize the volume of water to Honeywell Pond from low-flow events. A native buffer was also installed to provide habitat around much of the pond.

Mr. Eckman reported Honeywell Pond is also used as a source of irrigation water for the Sandburg athletic fields and is treated by an infiltration system that was installed along Douglas Drive. A pump system was installed along with a force main to allow the water to be pumped from the pond and run to the different sites. The pumps have automatic sensors that will not allow the pond to be pumped below a designated level. The project's 90% design plans estimated that 61 lbs. of total phosphorus per year will be removed by the pond after expansion, compared to

36 lbs./year prior to expansion. The irrigation and infiltration systems will remove an additional 15 lbs. of total phosphorus/year.

Commissioner Welch recalled that the Commission agreed to allow a portion of the pollutant removal from this project to be used as part of the water quality requirements for the Douglas Drive reconstruction project because the city was also putting funding towards the CIP project. Administrator Jester noted that city costs for the project were expected to be \$450,000 which is considerably more than the \$153,000 reported to have been actually spent by the city. Mr. Eckman told the Commission that the agreement between the city and Commission states total maximum reimbursable cost to the city and he acknowledged that the city's costs were less than expected, but that the agreement was followed.

**MOTION:** Commissioner Scanlan moved to approve the final report and reimbursement request for Honeywell Pond Expansion Project (BC-4). Alternate Commissioner Crough seconded the motion.

Discussion continued. It was noted the cooperative agreement does not address pollutant removal percentages.

**MOTION:** Commissioner Welch moved to amend the prior motion by adding direction to staff to review pollutant removals and funding expectations on this project and come back with additional information at a future meeting. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0. [City of Crystal absent from the vote.]

**VOTE on original motion, as amended:** Upon a vote, the motion carried 8-0. [City of Crystal absent from the vote.]

#### **D. Receive Report on Status of Twin Lake Alum Treatment and Consider Recommendations**

Commission Engineer Chandler reminded the Commission that Twin Lake received the first phase of an alum treatment in the spring of 2015 (CIP project TW-2). She noted that the first phase delivered half of the total dosage of aluminum to immobilize phosphorus in the lake sediments and reduce internal phosphorus loading, protecting the high water quality of the lake. She reported the split dosage minimizes the potential impacts on aquatic biota and improves the overall treatment efficiency and longevity of the alum treatment. She reported that the Commission Engineer recently analyzed Twin Lake's sediment and water quality data to determine when, or if, a second dose of alum is needed.

Engineer Chandler walked through the results of the recent sediment and water testing, She reported that based on Barr's review of the data, the first phase of alum treatment was very successful at controlling internal phosphorus loading and they do not feel that it would be beneficial to conduct the second phase of the alum treatment now. She noted the floc is still near the top of the sediment (as shown by the sediment core) and there are very low phosphorus levels in the bottom waters of the lake. She noted a second dose is likely to be necessary in the future and that staff recommends holding the CIP funds (approximately \$71,000 remaining) until the second dose of alum treatment was needed.

There was consensus among commissioners that this was a logical way to proceed.

#### **E. Receive Update on Process and Timelines on CIP Projects**

Administrator Jester reported that there are several atypical CIP project schedules. She updated the Commission on the status of these projects.

*Construction is delayed for the 2017 Main Stem Bassett Creek Erosion Repair Project (2017CR-M) because in late April (2018), the US Army Corps of Engineers issued an unanticipated letter requiring a field-based cultural and historical survey of the project area. The field work and reporting will take about 6-8 weeks after city approval and then the Corps requires additional time to review the report. Engineer Chandler noted that they are working with ACOE to understand if this unexpected requirement will be needed for all future CIP projects. Due to an unrelated*

situation, Pioneer Paper, a business/landowner from whom construction access is necessary to complete much of the project, is requesting a delay in the project so they can manage their storage issues. Because of these situations, it is anticipated that construction will proceed in the winter or spring of 2019.

Construction is on schedule for winter of 2018-19 for the 2018 Bassett Creek Park Phase I Dredging Project: Winnetka Pond (BCP-2).

Construction for the 2019 DeCola Ponds Improvement Project is also on schedule with the county board considering levy requests this summer, MnDNR grant agreement and contract to be signed in August, public hearing at August 16<sup>th</sup> BCWMC board meeting and project design slated to start in the fall of 2018.

The 2019 Westwood Lake Improvement Project (WST-2) design is ahead of schedule. Design is ahead of schedule to coincide with design of the new nature center. 50% design plans are expected in July, even before the Commission officially orders the project and enters into an agreement with the city. Administrator Jester noted the city is aware of the slight financial risk they have to begin incurring costs on a project not yet ordered. 90% plans are expected at the August meeting. Construction is scheduled to begin in the spring of 2019.

2020 Crane Lake Improvement Project via Ridgedale Drive (CL-3) feasibility/design is also ahead of schedule and in a similar situation as Westwood Lake with the city incurring costs well before the BCWMC orders the project and enters into an agreement with the city. It's expected the BCWMC will review a feasibility study late summer or early fall and review 60% and 90% designs in September and November of this year. The BCWMC won't officially order the project until next summer.

2020 Bryn Mawr Meadows Improvement Project (BC-5) is ahead of schedule because it was recently moved from a 2019 project to a 2020 project. The Commission is expected to review the draft feasibility study in July and consider the final feasibility study and set the project budget for the 2020 levy late this summer. Next May the Commission will set the maximum levy for 2020. During the summer of 2019, the county board will consider the maximum levy request with BCWMC to hold a public hearing, order project, set the final levy, and enter into an agreement with the city to design and construct the project in the fall of 2019.

2020 Jevne Park Stormwater Pond (ML-21) is on typical schedule with a similar timeline as the above Bryn Mawr Meadows.

#### **F. Consider Approval of Blue Line LRT Wetland Conservation Act Notice of Decision**

Engineer Chandler told the Commission that the BCWMC is the local government unit (LGU) responsible for administering the Wetland Conservation Act (WCA) in the cities of Medicine Lake, Robbinsdale and St. Louis Park. The other member cities are the LGUs for WCA in BCWMC. She reminded commissioners that in 2016, the BCWMC delegated to BCWMC staff (Engineer and Administrator) the final decision-making authority for WCA exemption, no loss, and wetland boundary and type delineations.

Engineer Chandler noted that in the BCWMC, the Blue Line LRT is located in the cities of Minneapolis, Golden Valley, Robbinsdale, and Crystal. Within BCWMC, the Blue Line LRT project only affects wetlands in Minneapolis, Golden Valley and Robbinsdale. Even though the BCWMC is the LGU only for Robbinsdale, the other cities requested BCWMC to do WCA administration assistance for the wetlands, but the cities are retaining their decision-making authority.

Engineer Chandler reported that the Notice of Decision the BCWMC is being asked to approve covers three decisions in Robbinsdale: no loss, sequencing, and replacement plan. Because two of the decisions were not delegated to BCWMC staff, the Commission needs to make the final decision. A decision is needed by July 8<sup>th</sup>.

Engineer Chandler reported that the entire Blue Line LRT project will impact nearly 15 acres of wetland. About 6.7 acres are permanent impacts that require 2:1 replacement. As a result, the wetland replacement plan calls for the purchase of 13.3112 acres of wetland banking credits. 6.556 acres of these banking credits are required for impacts within Robbinsdale. There are other impacts within the BCWMC, but they are under the jurisdiction of Minneapolis

and Golden Valley. The Technical Evaluation Panel (TEP) recommended approval of the no loss activity, the wetland impact sequencing and the wetland replacement plan. The banking credits are to be purchased within Hennepin County and/or the watershed expanding to other counties within the U.S. Army Corps of Engineers' bank service area. The only condition on the approval is that the purchase agreements and withdrawal transaction forms be provided as soon as they are available. The TEP recommended approval of the three decisions including purchasing banking credits. Engineer Chandler also recommended that the Commission support this and authorize the Commission Chair to sign the Notice of Decision form.

**MOTION:** Commissioner Welch moved to approve the no loss, sequencing, and replacement plan for wetland impacted by the Blue Line LRT. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0. [City of Crystal absent from the vote.]

**G. Consider Approval to Submit Comments on Golden Valley Surface Water Management Plan (SWMP)**

Administrator Jester noted that since the meeting materials went out, staff learned that the 60-day comment period for local water management plans needs to include not only the review and preparation of a comment letter, but also the approval or disapproval of the LWMP. Since there is not enough time for those actions to take place, she is recommending the Commission request an extension from the City of Golden Valley.

**MOTION:** Commissioner Scanlan moved to request a 60-day extension and to submit comments on the Surface Water Management Plan to the City of Golden Valley. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0. [City of Crystal absent from the vote.]

Commissioner Welch stated that it would be good practice to approve local water management plans by resolution and to include a memo on how the city addressed comments and how ordinances were updated and/or incorporated into city code.

**7. COMMUNICATIONS**

**A. Administrator's Report**

- i. BCWMC is sponsoring a Smart Salt Training on September 26<sup>th</sup> with a focus on Level 1 for roads. She will distribute registration information soon.
- ii. The analysis of linear project requirements will be presented at the September Commission meeting.

**B. Chair**

Chair de Lambert gave a friendly reminder that the work of the committees is very important and that committee members should make efforts to attend committee meetings.

**C. Commissioners**

Commissioner Harwell reported that she attended a Metro GIS workshop on data collaboration and that attendees are looking for pilot study projects. She will bring more information to a future meeting. Commissioner Fruen noted that his niece works with the MnDNR on invasive plants in Lake Pepin and he found her work very interesting and applicable here. Commissioner Welch stated that the limited liability legislation for chloride didn't pass, but it wasn't likely due to political reasons.

**D. TAC Members**

Nothing to report

**E. Committees**

Commissioner Welch reported the CIP prioritization committee met and received a presentation from Minnehaha Creek Watershed District that should be given, in part, to commissioners at an upcoming meeting.

**F. Legal Counsel**

Nothing to report

