



Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting
Thursday, May 16, 2019
8:30 a.m.**

Golden Valley City Hall, Golden Valley MN

1. CALL TO ORDER and ROLL CALL

On Thursday, May 16, 2019 at 8:31 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair Prom called the meeting of the Bassett Creek Watershed Management Commission (BCWMC) to order.

Commissioners and city staff present:

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	Vacant Position	Absent
Golden Valley	Stacy Harwell	Jane McDonald Black	Drew Chirpich
Medicine Lake	Clint Carlson	Gary Holter	Absent
Minneapolis	Michael Welch	Vacant Position	Absent
Minnetonka	Mike Fruen	Absent	Sarah Schweiger
New Hope	Absent	Pat Crough	Megan Hedstrom
Plymouth	Jim Prom	Catherine Cesnik	Absent
Robbinsdale	Michael Scanlan	Absent	Marta Roser, Richard McCoy
St. Louis Park	Jim de Lambert	Absent	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener Creative Services		
Legal Counsel	David Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Jake Newhall, WSB; Erik Miller, Sambatek; Cody Dietrich, Doran Companies; Emily Javens, MAWD		

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizens present.

3. APPROVAL OF AGENDA

MOTION: Commissioner Harwell moved to approve the agenda. Commissioner Welch seconded the motion. Upon a vote, the motion carried 9-0.

4. CONSENT AGENDA

The following items were approved as part of the consent agenda: April 18, 2019 Commission meeting minutes, acceptance of the May 2019 financial report, payment of invoices, Acceptance of Fiscal Year 2018 Financial Audit Report, approval of 2018 Annual Activity Report, approval of Ridgedale Drive Reconstruction Project, approval of Reimbursement Request for Schaper Pond Diversion Project.

The general and construction account balances reported in the May 2019 Financial Report are as follows:

Checking Account Balance	\$ 741,249.83
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TOTAL GENERAL FUND BALANCE	\$ 741,249.83
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TOTAL CASH & INVESTMENTS ON-HAND (05/08/19)	\$ 3,567,058.78
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CIP Projects Levied – Budget Remaining	\$ (4,639,837.10)
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Closed Projects Remaining Balance	\$363,221.68
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2012-2017 Anticipated Tax Levy Revenue	\$7,045.36
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2018 Anticipated Tax Levy Revenue	\$10,316.57
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Anticipated Closed Project Balance	\$380,583.61
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MOTION: Commissioner de Lambert moved to approve the consent agenda. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 9-0.

5. BUSINESS

A. Receive Presentation from Minnesota Association of Watershed Districts (MAWD)

Emily Javens, the Executive Director of MAWD, applauded the BCWMC for such a high level of engagement. She then provided an overview of the organization, its work, and its benefits to members. MAWD performs a number of functions including lobbying with the State legislature or with state agencies. They provide education and training for commissioners/managers and staff, organize the summer tour and a large annual meeting. The annual meeting has technical sessions and a resolution process. Ms. Javens noted that MAWD members will get a resolutions packet in June or July to help set priorities.

Ms. Javens talked about the legislative platform and noted some of the things that were worked on this year: carp management to allow local governments to use different fishermen; updating watershed districts’ per diem limits; coordinating local water management plans to reduce duplication of activities and streamline planning. Ms. Javens also

mentioned that the limited liability bill to reduce salt use is still in the 2019 environmental omnibus bill. She stated that every legislator knows that over application of salt is a problem. She also mentioned that networking at different MAWD events is very useful.

Ms. Javens noted that the dues structure is changing for 2020 and that the current cap is \$7,500. She noted MAWD is exploring using different metrics including annual budgets or TMV (taxable market value), and they are open to any and all ideas. She welcomes someone from BCWMC to be on the finance committee.

There was a discussion about a new organization formed to lobby against the ability for watersheds to impose development requirements. Ms. Javens noted that a developer from Duluth formed a coalition of developers and she is meeting with them to correct misconceptions. She noted this coalition is portraying the One Watershed One Plan as onerous. The group currently has a proposed amendment to State Statutes to strike the ability of watersheds to regulate. Commissioner Welch noted the new organization is not attempting to work in partnership with watersheds.

Commissioner Harwell asked about changes at the federal level regarding “waters of the United States.” Ms. Javens said MAWD is studying the impacts but Commissioner Welch offered that there is no significant impact on Minnesota waters due to existing State protections. He also noted that joining MAWD now is good timing because of the new executive director and better communications. Alt. Commissioner McDonald Black commented that the dues will have budget implications for BCWMC and will be discussed later in the meeting.

B. Consider Approval of Crane Lake Improvement Project 90% Plans

Administrator Jester noted that at the March 21, 2019 meeting, the Commission approved the City of Minnetonka’s feasibility study and approved moving forward with Option 3 – constructing an underground treatment system beneath a proposed park just east of Ridgedale Drive to act as pre-treatment before being pumped to a sand infiltration/filtration system in the Crane Preserve Park. She noted this project is ahead of a typical CIP schedule in order to stay in line with Ridgedale Drive reconstruction.

Jake Newhall, with WSB, explained that 13.5 acres currently drain to Crane Lake without treatment and that this project includes a treatment gallery within the new park including 12,250 cubic feet of storage. The project also provides filtration/infiltration treatment, sediment removal and an educational kiosk. Construction of Ridgedale Drive is starting this June and the CIP project construction would start early next year.

Commission Engineer Chandler recommended approval of the 90% plans with the following changes to the recommendations in the engineer’s memo: revise recommendation A to read “Approval of 90% drawings”, no change to recommendation B, and delete “after modifications have been completed” from recommendation C.

Commissioner Welch stated that this project is a good example of new and better engagement with the Commission and a good process. Alt. Commissioner McDonald Black noted that the cost per pound of phosphorus removal was much lower than other recent projects.

There was a brief discussion about the Met Council’s continued consideration of a pilot project to accept chloride-laden water in the sanitary sewer system. Mr. Newhall noted that chloride education on the sign would be appropriate.

MOTION: Commissioner Fruen moved to approve the 90% design plans and the engineer’s recommendations (as revised) for the Crane Lake Improvement Project. Commissioner de Lambert seconded the motion. Upon a vote, the motion carried 9-0.

C. Set 2020 Maximum Levy Amount for Collection by Hennepin County

Administrator Jester explained that a maximum 2020 levy amount for collection by Hennepin County on behalf of the Commission must be set at this meeting. She recommended a levy of \$1.5M for the remainder of the DeCola Ponds Project, and several other projects slated to start in 2020 including water quality improvements in Bryn Mawr Meadows (BC-5),

Stormwater Pond in Jevne Park to alleviate flooding/improve water quality (ML-21), Crane Lake Improvement Project via Ridgedale Drive (CL-3), and Sweeney Lake Water Quality Improvement Project (alum + carp management) (SL-8). She noted the Commission can lower the levy request when it submits its final levy amount in September of this year, but it cannot request more at that time.

MOTION: Commissioner Scanlan moved to approve \$1,500,000 as the 2020 maximum levy for collection by Hennepin County. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 9-0.

D. Review Budget Committee Recommendations for 2020 Operating Budget

Administrator Jester reviewed the Budget Committee meeting notes. The Budget Committee met on April 22, 2019 and May 8, 2019 to discuss and develop the proposed 2020 operating budget for the Commission. The committee is seeking feedback from commissioners and TAC members on the proposed budget that includes a 3% increase in city assessments over 2019 levels. Administrator Jester walked through changes in the budget and measures to reduce costs. Jester reminded the Commission that the final proposed budget should be approved no later than the June meeting and is due to cities by July 1st to receive their input.

Alt. Commissioner McDonald Black brought up concerns about the budget. Specifically, she stated that actual costs for the development of the next Watershed Management Plan should be incorporated into this budget at a higher amount. She believes the BCWMC should be saving more each year for planning rather than putting off these costs. She noted that at current levels, there would be a huge increase during planning years. She also cautioned the Commission to be careful with percentages as they can be misleading. Commissioner Harwell asked what her recommendation would be. Alt. Commissioner McDonald Black doesn't know if being a MAWD member is worth the money. She further stated that if MAWD is important, assessments should be increased.

Administrator Jester said the last plan was expensive to develop because a lot of changes were made, like adopting MIDS and developing buffer standards. She noted that several issues have been addressed since the plan was adopted including a CIP prioritization process and the Flood Control Project policies. She noted that the next plan should not be as expensive to develop. Alt. Commissioner McDonald Black stated that BCWMC needs to have at least \$15,000 in the 2020 budget to set aside for the plan. She re-stated that this budget needs to reflect this actual cost.

Commissioner Welch thanked the Budget Committee. He mentioned that every line item in the budget should be considered separately. He also noted that the Commission is still likely to run into some significant policy discussion during development of the next plan, particularly on the CIP. He also advocated for staying in MAWD so that the Commission continues to have a "seat at the table." Commissioner Harwell agreed with Alt. Commissioner McDonald Black that we need to factor in actual costs, but she, too, wanted to continue being a member of MAWD.

Commissioner de Lambert thought we should have a budget figure for development of the next plan and fund to that figure. He noted that Linda Loomis volunteered a lot of time to the last planning effort. He stated that what BCWMC is setting aside now is clearly not enough if we want to save for the entire plan costs. Administrator Jester noted it could be really difficult to know what the next plan would cost to develop because we don't know the issues that might arise between now and then. Commissioner Welch added that cities are used to paying higher assessments during planning years.

There was some discussion about the pros and cons to overfunding vs. underfunding the plan. Engineer Chandler echoed the Administrator's comments that plan costs are hard to determine at this point because there is no scope and many moving parts.

MOTION: Commissioner Welch moved to direct Administrator Jester and Engineer Chandler to develop a very preliminary plan budget estimate. Commissioner Scanlan seconded the motion.

Discussion: There was some discussion about the process of dialogue during the meeting, with some commissioners feeling their comments were cut off prematurely by Chair Prom. Commission Attorney Anderson clarified that it is up to the chair on

how they want to run the meeting, but said that in general, commissioners should not be cut off mid-sentence. Chair Prom apologized for cutting people off.

Commissioner de Lambert noted that he thought \$75,000 might be a good budget figure for the next plan. Commissioner Anderson said 3% increase in assessments is reasonable, that a budgeting process is really a priority setting exercise, and that he supports the budget as presented. Chair Prom noted that city councils routinely have to remove activities from budgets when a higher priority arises.

VOTE: Upon a vote the motion carried 9-0.

E. Consider Approval of Marsh Run Apartments Project

Commission Engineer Chandler reminded the Commission that they reviewed and conditionally approved this proposed project at the April meeting. She further explained that since the conditional approval, the applicant has worked with the BCWMC Engineer to address the conditions of approval, but has been unable to demonstrate compliance to the BCWMC water quality requirements using Contech Jellyfish filters as part of the stormwater treatment system. The applicant is proposing to replace the Contech Jellyfish filters with Contech StormFilters to meet the BCWMC water quality requirements and submitted revised plans. Staff recommended full approval and reconsideration of the monitoring requirements approved at the April meeting. She further noted that since the engineering memo in the meeting materials was sent out all conditions have been met. She noted that this seems to be a better device and is much more confident it will meet Commission requirements.

Erik Miller, from Sambatek, answered some questions about the StormFilter testing and performance. The testing was independent and he was confident that it will perform as modeled. Replacing the filters will be part of the maintenance agreement with the city, which will be recorded with the property.

Commissioner Welch brought up that the previous application needed monitoring because the Commission Engineer wasn't confident that device would work, but that is not the situation with this device.

Engineer Chandler replied that she would prefer if state agencies or some other statewide program tested the devices so they could be added to the MN Stormwater Manual.

MOTION: Commissioner Welch moved to approve the Marsh Run Apartments project without conditions and without monitoring. Commissioner de Lambert seconded the motion.

Discussion: There was some discussion about the life expectancy of the device. It was noted that it's a concrete structure with filters that will be changed regularly. There was discussion about the importance of maintenance and the city's responsibility in ensuring it's maintained properly.

VOTE: Upon a vote the motion carried 9-0.

F. Receive Update on 50th Anniversary Event

Administrator Jester gave an update about the anniversary event. She noted Mark Seeley has been secured as a keynote speaker and that a save the date email invitation was sent out and the formal invitation will go out next week. She also listed the projects that will toured.

6. COMMUNICATIONS

A. Administrator's Report

- i. Meeting with Hennepin County Commissioner Fernando on June 14th. The Commissioner has requested information ahead of time so they can have a "level 3" (in-depth) meeting.

