



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting
Thursday May 18, 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, Vice Chair | <i>Absent</i> | Mark Ray |
| Golden Valley | Stacy Harwell, treasurer (voting member 1 st ½) | Jane McDonald Black (voting member 2nd ½) | Jeff Oliver |
| Medicine Lake | <i>Absent</i> | <i>Absent</i> | Susan Wiese |
| Minneapolis | Michael Welch | NA | Liz Stout |
| Minnetonka | Mike Fruen | <i>Absent</i> | Tom Dietrich |
| New Hope | <i>Absent</i> | Pat Crough | Megan Albert, Chris Long |
| Plymouth | Jim Prom (voting member for agenda items 5 & 6C) | John Byrnes (voting member on all other items) | Derek Asche |
| Robbinsdale | Michael Scanlan, Secretary | <i>Absent</i> | Richard McCoy, Marta Roser |
| St. Louis Park | Jim de Lambert, Chair | <i>Absent</i> | Erick Francis |

Staff and Others Present:

| | |
|---------------------------------|---|
| Administrator | Laura Jester, Keystone Waters |
| Engineer | Karen Chandler, Barr Engineering |
| Recorder | Dawn Pape, Lawn Chair Gardener |
| Legal Counsel | Troy Gilchrist, Kennedy & Graven |
| Presenters/Guests/Public | Steve Christopher (Board of Water and Soil Resources) |

1. CALL TO ORDER AND ROLL CALL

On Thursday May 18, 2017 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. Medicine Lake was absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

None. Chair de Lambert introduced a new TAC member from Robbinsdale, Marta Roser.

3. APPROVAL OF AGENDA

Administrator Jester requested moving the item 6C to top of the business agenda. She also requested the addition of item 6F for authorization to enter a cooperative purchasing agreement with the Minnesota Department of Administration.

MOTION: Commission Harwell moved to approve the agenda as amended. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0. [City of Medicine Lake was absent from the vote.]

4. CONSENT AGENDA

Administrator Jester, Commissioners Harwell, Byrnes and Mueller requested some changes to the minutes. Commission Engineer Chandler noted a correction in the memo in 4D. She reported the memo should read the proposed but not yet adopted floodplain elevation at the Theodore Wirth Park inundation areas is 826.5 feet (not 226.5 feet). The April meeting minutes were taken out of the consent agenda and will be revised and brought to the next meeting.

MOTION: Alternative Commissioner Byrnes moved to approve the consent agenda as amended. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0. [City of Medicine Lake was absent from the vote.]

The following items were approved as part of the consent agenda: the May 2017 Financial Report, the payment of invoices, the BNSF bridge 1.7 project in Minneapolis, the Golden Valley-Minneapolis interceptor rehabilitation project, the 10th Avenue North culvert replacement project in Golden Valley, and the 2016 BCWMC annual report.

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

| | |
|--|------------------|
| Checking Account Balance | \$743,269.90 |
| <hr/> | |
| TOTAL GENERAL FUND BALANCE | \$743,269.90 |
| <hr/> | |
| TOTAL CASH & INVESTMENTS ON-HAND (5/10/17) | \$2,358,869.26 |
| <hr/> | |
| CIP Projects Levied – Budget Remaining | (\$4,493,368.14) |
| <hr/> | |
| Closed Projects Remaining Balance | (\$2,134,498.88) |
| <hr/> | |
| 2012-2016 Anticipated Tax Levy Revenue | \$9,476.76 |
| <hr/> | |
| 2017 Anticipated Tax Levy Revenue | \$1,303,600.00 |
| <hr/> | |
| Anticipated Closed Project Balance | (\$821,422.12) |
| <hr/> | |

5. PUBLIC HEARING

- A. Receive Comments from Member Cities and the Public on Proposed Minor Amendment to 2015 Bassett Creek Watershed Management Plan**
- i. Receive Comments from Review Agencies**
 - ii. Consider Extending Comment Period to June 28, 2017 per Hennepin County Request**

[Derek Asche and Commissioner Prom arrive]

The public hearing was opened by Chair de Lambert at 8:37 a.m. Administer Jester reminded the Commission that this hearing is to receive comments on the proposed minor plan amendment to update the CIP with the changes approved in March including revising the Lakeview Park Pond project. This project, once slated as a water quality project in Golden Valley, is proposed to be changed to a flood reduction project. Some additions to the CIP include: two projects in Plymouth, one in Medicine Lake, revising and adding to the large flood reduction mitigation project in the cities of New Hope, Golden Valley, and Crystal to implement the Medicine Lake Road and Winnetka Avenue long-term flood mitigation plan, and to remove the Wirth Park area water quality improvement project from the CIP because the work will be done by the Met Council with the construction of the Blue Line LRT.

Administrator Jester reported that a letter was received from the DNR in support of the proposed minor amendment. A letter was also received from the Metropolitan Council stating that the changes were consistent with their policies and the Commission's plan, however they did recommend that the changes to the Lakeview Park Pond Project be added to the CIP list. The Board of Water and Soil Resources and the Department of Agriculture had no comments. There also weren't any comments from any of the member cities or the public. Administrator Jester noted there was a request by Hennepin County to extend the comment period to June 28, 2017.

The public hearing was closed by Chair de Lambert at 9:42 a.m.

MOTION: Commissioner Scanlan moved to extend the comment period to June 28, 2017 as per Hennepin County request. Alt. Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0. [City of Medicine Lake was absent from the vote.]

Commissioner Welch requested that staff review background materials for the proposed changes to the Lakeview Park Pond Project with the goal of better explaining how the project does not result in the Commission providing funding to a project that must be done by Golden Valley to meet water quality treatment requirements. Further, Commissioner Welch requested that at the July meeting, the Lakeview Park Pond Project request for action be separate from the request for action on the rest of the plan amendment.

6. BUSINESS

- C. Review Recommendations from Technical Advisory Committee**
- i. Consider Approval of Final XP-SWMM Phase II Report**
 - ii. Consider Adoption of New Floodplain Elevations**
 - iii. Consider Revising Water Quality Requirements for Linear Projects**

TAC member Erick Francis gave an overview of the TAC meeting items. Commission Engineer Chandler reported that Barr staff held individual meetings with six of the nine BCWMC cities to review the XP-SWMM model results and that minor adjustments were made based on feedback from the cities. Engineer Chandler feels confident in the model results. She reviewed the following recommendations from the TAC memo:

1. The TAC recommends that the Commission approve the XP-SWMM Phase II model and final report.
2. The TAC recommends that the Commission adopt the new floodplain elevations within its floodplain jurisdiction, which lies along the BCWMC Trunk System, and begin reviewing development/redevelopment

projects against these new elevations.

3. The TAC recommends that the Commission should not, at this time, begin the process of requesting an official map revision with the Federal Emergency Management Administration (FEMA).
4. The TAC recommends that the Commission allow only member cities to request the model on behalf of themselves and other entities working in the city.
5. The TAC recommends that the Commission develop a user agreement for entities that wish to use the model.
6. The TAC recommends that in order to maintain the integrity of the model, only the Commission Engineer be authorized to revise and update the model.

Alt. Commissioner Byrnes asked whether models can only be used by cities and Ms. Chandler responded that they can be used by others, but they can only be requested by the cities. Attorney Gilchrist clarified that if a data practices act request was made, the data would need to be provided regardless of whether or not the request came through a city.

Engineer Chandler clarified that the Commission should have restrictions on the model's use as noted in numbers 4,5,6 (above) to ensure that the Commission maintains the final, most up-to-date model. Engineer Chandler further described that the model is broken up into three pieces so developers (and others) can more easily run the model to figure out what is needed for their development/project or to find out how the work would affect flood levels. Only the Commission would be able to officially revise the model, and that would typically be done on an annual basis. To ensure that extra expenses are not incurred, Derek Asche suggested that the user agreement include language indicating that Barr Engineering does not provide technical support for the model. Engineer Chandler replied that using the model itself should not require guidance. Typically, those requesting to use the model can do so without asking for assistance. Sometimes users don't have enough XP-SWMM licenses so the model needs to be broken into smaller pieces, but this would be a minimal expense in the Engineer's time. Engineer Chandler commented that the biggest issue is with accurate inputs and outputs from the model.

Administrator Jester noted that the member cities must adopt Commission-adopted elevations within the city where the Commission has jurisdiction.

The next discussion revolved around flood insurance requirements. Commissioner Welch wondered if these new elevations will impact property owners; i.e. will property owners need to get flood insurance? Engineer Chandler responded that flood insurance is required only for properties within FEMA floodplains, but cities can and should share the new flood elevations with residents. Commissioner Harwell added that FEMA information is out of date, these model results are more current, and that it is the obligation of BCWMC to let residents and developers know if they are in a floodplain so they can get insurance if desired. There was also discussion that communication of these results needs to be developed by the TAC, cities, and Commission. Another point of discussion was that it will likely be frustrating for homeowners because the flood elevations from the city and FEMA will be different. Mr. Oliver explained that Golden Valley is already working directly with landowners sharing the new data. Commissioner Harwell agreed with Engineer Chandler that since BCWMC has this new information, it should be adopted so the public can be informed in a timely manner.

Commissioner Prom asked whether other watersheds are updating elevation levels through FEMA. Engineer Chandler replied that other watersheds have developed new models and are managing to new levels. She is not sure whether other watersheds are working through FEMA, but she considers it unlikely. There was further discussion on the high costs and long timeframe needed to go through an official map revision with FEMA. It was also noted that it is not unusual for the BCWMC to have different floodplain elevations than FEMA. Engineer Chandler stated that the Commission needs to follow up with the DNR on possible funding to go through the FEMA map revision process. The TAC also indicated it would make sense to adopt and use these elevations first before starting the long process of changing the FEMA numbers. Engineer Chandler reported that she would bring back more information about the FEMA process including possible funding.

MOTION: Commissioner Welch moved to approve the TAC recommendations for the XP-SWMM model (numbers 1-6 as noted above) including approving the XP-SWMM final report and adopting the new floodplain elevations in BCWMC jurisdictions. Commissioner Prom seconded. Upon a vote, the motion carried 8-0. [City of Medicine Lake was absent from the vote.]

Francis gave an overview of item #2 on the TAC memo, reporting that the TAC recommends that the Commission revise its water quality performance standards for linear projects with the following:

1. Trails and sidewalks are exempt from BCWMC water quality performance standards, and that buffers be provided where possible.
2. For projects that create less than 1 acre of net new impervious surface, the project must include the installation/construction of best reasonable technologies to improve water quality conditions and reduce stormwater runoff.
3. Net new impervious surface calculations will be based on the street surface from back of curb to back of curb; trails/sidewalks (as noted above) and driveways are not included in the net new impervious surface calculations.
4. For linear projects that create 1 acre or more of net new impervious surface, the project must capture and retain 0.55 inches of runoff off of the net new impervious area.
5. The project must use the MIDS flexible treatment options for the net new impervious area if it is not possible to capture and retain 0.55 inches of runoff from these areas.

Commission Engineer Chandler commented that the TAC was presented with and discussed a very complicated table with various triggers and different standards. She noted that while the TAC-recommended trigger is reasonable, the treatment requirement is far less than required by other watersheds. Engineer Chandler's recommendation is to have a one-acre net new impervious trigger, but with a requirement to capture and retain 1.1 inches of runoff off the net new impervious (rather than the 0.55 inches recommended by the TAC). Commissioner Mueller asked if there is consistency between what we require from private developers and cities. Mr. Oliver and Mr. Dietrich replied that there are big differences between typical private developments and roads with limited space and multiple challenges.

After reviewing Table 1 of the TAC memo, Commissioner Welch pointed out the Commission will be losing many possible water quality treatments that have been realized with current standards. He further added that policy makers and engineers really need to strike the right balance for decision makers. He suggested that this should be brought back with more information showing different scenarios.

Mr. Oliver told the Commission that the City of Golden Valley can accept a requirement for capturing 1.1 inches off net new impervious with a one-acre net new impervious trigger, if trails and sidewalks are exempt. Mr. Long agreed that that would also work for the City of New Hope. Ms. Stout also agreed with Mr. Oliver and added that if creating more than one acre of net new imperviousness, it would be a major transportation project with more room to mitigate stormwater runoff. Mr. Oliver discussed the difficulty of getting infiltration/buffers along sidewalks. Commissioner Mueller thought that one acre of net new impervious seemed like a high trigger. Commissioner Prom added that if the numbers are different for developers and public entities, there would be increased animosity and noted that the Met Council is looking for higher residential density.

Commissioner Harwell brought up adding water quality to the table especially noting the impacts of chloride and running it through a MIDS calculator. Engineer Chandler pointed out that private development uses more salt than cities (on a per-acre basis). Commissioner Mueller asked whether "best possible technologies" can be coordinated between city engineers and the Commission Engineer. Engineer Chandler remarked that the 2004 Plan had that standard and the Commission Engineer did discuss with city staff about possibilities. She said the Engineer could develop checklists for cities to use. Engineer Chandler noted she could analyze and add the 1.1-inch retention requirement to the table with lower triggers and bring results to a future meeting.

MOTION: Commissioner Harwell moved to approve the TAC recommendations 1-5 above but modifying the treatment requirement from 0.55 inches to 1.1 inches in numbers 4 and 5. Commissioner Scanlan seconded the motion. The vote was taken by roll call: Crystal voted no, Golden Valley voted yes, Medicine Lake was absent, Minneapolis voted no, Minnetonka voted yes, New Hope voted yes, Plymouth voted yes, Robbinsdale voted yes, St. Louis Park voted no. Motion carried 5 to 3.

MOTION: Commissioner Mueller moved to direct the Commission Engineer to bring more analyses on the revised requirements to the Commission. Commissioner Welch seconded the motion. Upon a roll call vote, with all members voting yes, Golden Valley abstaining, and Medicine Lake absent, the motion carried 7-0.

There was a short discussion about how long it would take the Commission Engineer to put this information together and the Engineer Chandler estimated three hours.

[Commissioner Harwell departs and Alt. Commissioner McDonald Black becomes the voting member for Golden Valley.]

A. Consider Accepting Final Feasibility Report for Bassett Creek Park Pond/Winnetka Pond Dredging Project (BCP-2) and Choose Alternative to Implement

Commission Engineer Chandler gave an overview of the project and reported that her recommendation is for the Commission to complete the Winnetka Pond dredging and delay the Bassett Creek Park Pond dredging. She reported that she received updated dredging costs that lowered the estimated project costs. She also gave a PowerPoint presentation with site conditions and alternatives, particularly for Winnetka Pond, along with discussion about the native vegetated buffer and goose management options. As Engineer Chandler continued, she reviewed issues with the P8 model in estimating pollutant removals because it does not account for scour during rain events, among other potential sources. She then reviewed results of professional judgment analyses that indicate dredging Winnetka Pond to 6 feet (alternative 3) could reduce total phosphorus by 51.7 lbs/year (compared to 7.1 lbs/year predicted by the P8 model) and total suspended solids by 1,823 lbs/year. Further, Commission Engineer Chandler recommended adding a vegetated buffer and goose management to the project, although there may be possible maintenance issues to consider.

MOTION: Commissioner Scanlan moved to approve the Engineer's Recommendation to complete alternative 3 of the Winnetka Pond dredging project, including a native buffer and goose management and to delay the Bassett Creek Park Pond dredging. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 8-0. [The City of Medicine Lake was absent from the vote.]

There was discussion about goose management problems throughout the watershed. The question of whether it makes sense to manage geese on one site without managing them watershed-wide was raised. Commissioner Fruen stated that goose management should be considered as an inexpensive way to address pollution. Ms. Stout reported that the City of Minneapolis is doing intensive genetic bacteria studies. She noted that preliminary findings are showing the majority of bacteria are coming from avian sources. The City of New Hope reported they have been reducing goose populations in the Northwood Lake area by swapping real eggs for fake eggs so the geese don't lay more.

[Commission Prom departs.]

Mr. Asche requested that the TAC and Commission review the need for a 30% construction contingency and 30% engineering/design costs within project estimates.

Commissioner Welch indicated he is not confident that this is a great project, but it seems like it is necessary and also improves flood control. Administrator Jester stated she feels comfortable with the Engineer's recommendation because the pond is clearly in need of dredging, the project does reduce pollutants and creates flood storage. She also noted it is also well within the BCWMC policies and CIP program to perform this type of project.

B. Set 2018 Maximum Levy and Direct Staff to Submit to Hennepin County

Administrator Jester reported that a maximum 2018 levy amount for collection by Hennepin County on behalf of the Commission should be set at this meeting. She recommended a maximum levy of \$1,346,815 which includes 2nd year costs for the Plymouth Creek Restoration Project and the Main Stem Erosion Repair Project, along with the estimated cost of the Bassett Creek Park Pond Dredging Project. She noted the Commission can lower the levy

request when it submits its final levy amount in September of this year, but that it cannot request more than the maximum levy amount.

MOTION: Commissioner Scanlan moved to set the 2018 maximum levy amount at \$1,346,815 and to direct staff to submit the amount to Hennepin County. Alt. Commissioner McDonald Black seconded the motion. Upon a vote, the motion carried 8-0. [The City of Medicine Lake was absent from the vote.]

D. Discuss Recommendations from Budget Committee on 2018 Operating Budget and Consider Purchasing Monitoring Equipment in 2017

Alt. Commissioner McDonald Black reviewed a PowerPoint presentation with recommendations from the Budget Committee. She noted the committee is reviewing long-term expenses and looking for savings where feasible. She noted that the optimal fund balance is 50% of the annual operating costs but that the fund balance has been decreasing over the last few years because it is being used for the operating budget. She reported that suggestions from the committee to lower expenses in 2018 include: limiting water monitoring to minimal data collection, using partners to help with monitoring efforts, adjusting sampling to spread out monitoring over 6 years, and to purchase equipment with 2017 budget rather than purchasing in 2018.

Alt. Commissioner McDonald Black reported that the Budget Committee recommends increasing city assessments by 3% over 2017 levels and to purchase up to \$10,900 of water monitoring equipment with the 2017 Surveys and Studies funding. She noted if there are questions or other suggestions from the Commission or member cities, that adjusted budget numbers could be brought before the Commission in June.

Commissioner Welch thanked the committee and staff. Chair de Lambert remarked that it is nice to have an accountant's perspective on the budget. Mr. Asche added that spending \$10,900 on equipment now will save money long term. It was noted that Barr Engineering would house and maintain the equipment and thus the equipment would be insured by them.

MOTION: Commissioner Scanlan moved to approve the proposed 2018 operating budget as presented and to purchase up to \$10,900 of water monitoring equipment this year. Commissioner Fruen seconded the motion. Upon a vote, the motion carried 8-0. [The City of Medicine Lake was absent from the vote.]

E. Review Recommendations from Education Committee

- i. **Consider Approval of Additions to 2017 Education Work Plan and Budget**
- ii. **Consider Approval of Amended Contract with Dawn Pape**

Administrator Jester gave an overview of the proposed additions to the 2017 Education Work Plan and Budget as recommended by the Education Committee. Derek Asche commented that he would like to see the outreach spread among more cities as currently two of the projects are focusing on Golden Valley. Chair de Lambert wondered if the salt cup give-away might make people use more salt. Ms. Pape mentioned that the salt cup should say the first step is shoveling and using salt is a last resort. There was some discussion about the effectiveness of stream signs at road crossings and who would maintain the signs.

MOTION: Commissioner Mueller moved to approve the Education Committee recommendations. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0. [The City of Medicine Lake was absent from the vote.]

MOTION: Commissioner Welch moved to amend the contract with Dawn Pape to include education activities as recommended by the Education Committee. Alt. Commissioner Byrnes seconded the motion. Upon a vote, the motion carried 8-0. [The City of Medicine Lake was absent from the vote.]

F. Cooperative Purchasing Agreement with Minnesota Department of Administration

Administrator Jester explained that the agreement would result in cost-savings to the Commission because it's a cooperative agreement for purchasing items, including services such as herbicide treatments on Medicine Lake.

Commissioner Welch noted that Hennepin County might have a similar cooperative purchasing agreement.

MOTION: Commissioner Welch moved to approve the cooperative purchasing agreement. Alt. Commissioner McDonald Black seconded the motion. Upon a vote, the motion carried 8-0. [The City of Medicine Lake was absent from the vote.]

7. COMMUNICATIONS

A. Administrator’s Report

- i. Administrator Jester noted the need for volunteers for New Hope City Day and the Westwood Nature Center event on June 3rd.

B. Chair

- i. No comments.

C. Commissioners

- i. No comments.

D. TAC Members

- i. No comments.

E. Committees

- i. APM/AIS Committee – Upcoming Meeting 5/23/17

F. Legal Counsel

- i. No comments.

G. Engineer

- i. Engineer Chandler noted that the Commission Engineer reviewed the City of Crystal code, per city request.

8. INFORMATION ONLY (Information online only)

- A. CIP Project Updates: Now Available Online <http://www.bassettcreekwmo.org/projects>
- B. Medicine Lake Curly-leaf Pondweed Treatment Report
- C. WMWA March and April Meeting Minutes
- D. WCA Notice of Decision, Plymouth

9. ADJOURNMENT

Meeting concluded at 11:14 a.m.

Signature/Title Date

Signature/Title Date