



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting
Thursday July 20, 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	Absent	Mark Ray
Golden Valley	Absent	Jane McDonald Black	Tom Hoffman
Medicine Lake	Clint Carlson	Gary Holter	Absent
Minneapolis	Michael Welch	NA (vacant)	Liz Stout
Minnetonka	Mike Fruen	Absent	Tom Dietrich
New Hope	Absent	Absent	Megan Albert
Plymouth	Jim Prom	John Byrnes	Derek Asche
Robbinsdale	Absent	Wayne Sicora	Richard McCoy, Marta Roser
St. Louis Park	Absent	Patrick Noon	Erick Francis
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	Lucius Jonett and Ed Matthiesen (Wenck Associates), John and Jeanne Starr (Plymouth residents), John and Mary Ephardt (Plymouth residents)		

1. CALL TO ORDER AND ROLL CALL

On Thursday July 20, 2017 at 8:31 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Vice-Chair Mueller called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

Administrator Jester requested adding item 5F to consider adopting a resolution authorizing the Commission’s engineer to execute conditional licensing agreement.

MOTION: Alternative Commissioner Jane McDonald Black moved to approve the agenda as amended. Commissioner Fruen seconded the motion. Upon a vote, the motion carried 6-0 [Cities of New Hope, Minneapolis and Robbinsdale absent from vote].

4. CONSENT AGENDA

No discussion.

MOTION: Alternative Commission Jane McDonald Black moved to approve the consent agenda and Commissioner Fruen seconded the motion. Upon a vote, the motion carried 6-0 [New Hope, Minneapolis and Robbinsdale absent from vote].

The following items were approved as part of the consent agenda: the June 15, 2017 Commission meeting minutes, the July 2017 financial report, the payment of invoices, setting the Technical Advisory Committee meeting for Aug. 4, 2017, setting a public hearing on the 2018 CIP project for Sept 21, 2017, and a project at 1820 Major Dr. N, Golden Valley.

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

Checking Account Balance	\$630,985.56
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TOTAL GENERAL FUND BALANCE	\$630,985.56
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TOTAL CASH & INVESTMENTS ON-HAND (7/12/17)	\$3,460,793.47
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CIP Projects Levied – Budget Remaining	(\$4,473,990.33)
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Closed Projects Remaining Balance	(\$1,013,196.86)
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2012-2016 Anticipated Tax Levy Revenue	\$10,014.74
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2017 Anticipated Tax Levy Revenue	\$643,220.55
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Anticipated Closed Project Balance	(\$359,961.57)
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[Commissioner Welch arrives.]

5. BUSINESS

A. Consider Approval of 90% Design Plans for Plymouth Creek Restoration Project (CIP 2017CR-P)

Engineer Chandler noted that this is the second time the Commission has seen these restoration project plans

made by the City of Plymouth's engineering consultant, Wenck Associates. The Commission conditionally approved the 60% design plans at the June meeting.

The Commission Engineer's comment letter on the 60% plans requested additional information about some issues. Engineer Chandler said she was pleased with the way Wenck addressed most of the comments. She walked through the following comments and responses from Wenck.

- An increase in the flood elevation had not yet been addressed by Wenck. Mr. Matthiesen (Wenck) noted that cross vanes will be removed from the design. Engineer Chandler noted she was much more comfortable with that situation.
- Regarding estimated pollutant removals, the Commission Engineer concurred with Wenck's response that the total reduction in pollutant loading as a result of the project is estimated as 90,800 pounds per year total suspended sediment and 52.2 pounds per year total phosphorus, as estimated in the feasibility study.
- Regarding educational signage in the park/disc golf course, Engineer Chandler pointed out that depending on a scout or volunteer to complete the signage for the Plymouth Creek restoration project might result in a significant lag in getting the sign installed, since there is currently no one lined up to take on this project.
- At the last meeting, there was a discussion about a need for a table/graphic showing disc golf course-related project components and costs versus other restoration features and costs. Wenck included a breakdown of disc golf course-related project costs versus stream restoration costs with the 90% plans.
- More information was provided regarding the tree survey and tree removals: 57 larger-diameter trees (10-inch diameter or larger) are needed for the project (for use in restoration measures); 53 of the 83 trees slated for removal fit this criterion, so an additional four trees will need to be removed for use in the project. The four trees would be selected from the "harvest if needed" trees in the tree survey.
- There was an open house about the project on June 26, 2017 with seven people in attendance. Five attendees were from the Park Place Apartments and they had questions pertaining to the water level of the wetland upstream of the project. Two attendees, John and Jeanne Starr (3450 Fernbrook Ln N.), also attended the open house. The Starrs have concerns about the steep slope of their property that leads into the creek, and whether the project would address the overall slope stability as well as the conservation area on an adjacent property and whether that prevents removal of trees.
- The Commission Engineer noted that several trees slated for removal in a particular area downstream of Fernbrook (reach 3) likely don't need to be removed because the trees are not located in an actively eroding area, the trees are located in a conservation area, and the stream restoration measures in this area may not require additional sunlight.
- The Commission Engineer recommended approval of the 90% plans with several comments as shown in the Engineer's memo.

At the request of Commissioner Welch, Commission Legal Counsel Gilchrist provided information about the conservation agreement or covenant between two property owners (including the Starrs) and St. Paul Companies. He noted it is not unusual for private developers to have agreements with adjacent landowners and that this agreement seeks to preserve vegetation, including trees, and limits the developer's ability to build on the site. He noted the city's drainage and utility easement along the creek allows the city to perform the type of work proposed in this project.

[Alternate Commissioner Sicora arrives.]

Plymouth resident John Ebhardt voiced his concerns about plans for an access road in front of his house. Mr. Asche clarified that the access road is a temporary, dirt road that will be replanted with shrubs but may be

utilized again in the future to maintain the project.

Another resident, John Starr, added that he is concerned about the conservation area and honoring the agreement that's in place. He voiced concerns about not having enough documentation about the project, about how the proposed tree removal may significantly alter the natural area, and how the big woods habitat for foxes and owls may be destroyed. Mr. Asche explained that the City of Plymouth does want to respect the conservation area and that saving trees from unnecessary removal is a priority. There was some discussion about the process used for removing trees and possible damage to the understory. Engineers from Wenck explained the situation, noting that it's better for water quality if some trees are taken out in order to establish grasses to control erosion. There was further discussion about tree removals and whether or not some trees may be near the end of their lifecycle.

Commissioner Welch requested that staff extend every courtesy to adjacent landowners in understanding and addressing their concerns about the project, and to work towards a design that satisfies everyone. He noted that the primary driver of the project should be to improve water quality with consideration for riparian health.

There was discussion about the costs of various project components, including the costs of disc golf course improvements to enhance and protect stream restoration measures vs. stream stabilization measures themselves. Mr. Asche noted that various measures are needed to control golf course traffic away from streambanks. There was also a discussion about the disc stop poles and their high cost and some discussion about other techniques that could be used to protect trees. Commissioners asked that the City of Plymouth consider their ability to share in the costs of items that may be more related to improving/protecting the park or upland trees as opposed to items that directly improve water quality or protect stream restoration features.

Commissioners asked that the 90% plans be brought back to the August meeting with any revisions resulting from conversations with landowners.

B. Receive Update on Proposed Revisions to Lakeview Park Pond CIP Project

Administrator Jester reported that at the April Commission meeting a plan amendment was proposed to utilize funds originally slated for a water quality improvement project in Lakeview Park to instead purchase flood-prone homes. She reported that the City of Golden Valley received additional DNR funding to acquire homes and that the CIP funds are no longer needed to purchase homes. Further, she reported that in the future, these CIP funds may be requested if the stormwater pond slated for this area can remove more pollutants than required to meet the road reconstruction project pollutant removals (above and beyond).

C. Consider Adoption of Minor Plan Amendment to Update Capital Improvement Program

Administrator Jester explained that at the April meeting, the Commission submitted a minor plan amendment to review agencies to update the CIP table in the plan. She reminded Commissioners that the Metropolitan Council, Department of Natural Resources (DNR), Department of Agriculture, and Board of Water and Soil Resources (BWSR) had no comments. At the April meeting, the Commission extended the comment period until June 28, 2017 to accommodate Hennepin County's timeline. The Hennepin County Commissioners approved the minor plan amendment in June.

Administrator Jester recommended approval of the minor plan amendment with changes to Table 5-3 in the CIP program.

MOTION: Commissioner Welch moved to approve the minor plan amendment and Commissioner Prom seconded the motion. Upon a vote, the motion carried 8-0 [New Hope was absent from vote].

D. Consider Recommendations from Aquatic Plant Management/Aquatic Invasive (APM/AIS) Species Committee

Administrator Jester reported that the APM/AIS Committee had been working hard over the last year (eight

meetings) to discuss these issues. She noted the committee included participation from a variety of organizations and representatives of lakes including: DNR, Three Rivers Park District, Minneapolis Park and Recreation Board, Hennepin County, Metropolitan Council, Parkers Lake, Sweeney Lake, Medicine Lake, BCWMC Commissioners, Administrator Jester, and Commission Engineers Chandler and Rattei.

Administrator Jester provided background information about discussions and presentations during committee meetings and reviewed the types of projects the committee recommends for a Commission role. She noted that projects with a primary objective of improving water quality or aquatic habitat, or projects that protect the function of the BCWMC Flood Control Project should have Commission involvement. Projects with a primary objective of improving recreation or protecting human health and safety should have Commission involvement, but only as a partner with other organizations. She then walked through recommendations #1 – 5.

The first item reviewed was early detection training, which the committee identified as a high priority because of its high impact for little effort. The committee recommended that the Commission cooperate with other organizations to train groups or individuals on early detection of AIS in all water bodies. Possible Commission activities include advertising training sessions, helping to recruit participants, assisting with venue coordination, reimbursing registration costs for Commissioners and active volunteers, and providing some funding. Because training programs and curricula already exist, the Commission should not develop its own program.

The second item presented was early detection monitoring. The committee recommended that the Commission purchase \$600 worth of zebra mussel sampler plates (approximately 50 plates) with 2017 APM/AIS funds. These supplies would be used by Citizen Assisted Monitoring Program (CAMP) volunteers and lake residents who live on “Priority 1” lakes and CAMP lakes. Further, the Commission should cooperate with other organizations and/or actively recruit and train volunteers to detect zebra mussels on all Priority 1 lakes, aiming for at least one volunteer in each lake quadrant. Finally, the committee recommended that the Commission recruit one “AIS captain” per lake to field calls and questions from volunteers and to collect samples, as needed, to reduce time spent by the Commission administrator. It was noted this monitoring is also listed as a high priority because of the high impact for relatively little effort.

The third recommendation presented is the rapid response plan development. The committee recommends that the Commission begin developing a rapid response action plan for key species (including zebra mussels and starry stonewort) in Priority 1 lakes using the 2017 APM/AIS budget (up to \$15,000). The committee recommends that the Commission request a proposal from the Commission Engineer to develop lake-specific rapid response plans that considers infestation thresholds for action, considers experience and recommendations of the DNR and other organizations, assigns responsible parties, and lists possible funding partners for plan implementation. This recommendation is also a high priority so that the Commission, cities, and other organizations are poised to respond to infestations efficiently and effectively.

The fourth recommendation is the rapid response to new infestations. The committee recommends that the Commission consider following the rapid response plan guidance, once developed.

The fifth recommendation is regarding inventories and studies. It was noted that “inventories and studies” could include a detailed inventory of all AIS, an assessment of the proximity of AIS to BCWMC water bodies, an analysis of various pathways of AIS into the BCWMC, and an assessment of vulnerability of each water body to various AIS. The committee recommends that additional water quality parameters be added to routine BCWMC monitoring starting in 2018 to assess the vulnerability of water bodies to harboring AIS. It is estimated that this additional work will cost \$2,800 in 2018 and could be drawn from the APM/AIS budget.

MOTION: Alternative Commissioner McDonald Black moved to approve recommendations one through five from the Aquatic Plant Management/Aquatic Invasive Species Committee and Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0 [New Hope was absent from vote].

E. Receive Information on 2018 Clean Water Fund Grant Request for Proposals

Administrator Jester reported that there is less funding available for Clean Water Fund grants this year and that two categories of grants were removed from the program this year. She reported that she and Commission Engineer Chandler do not recommend applying for grant funds for the 2018 Winnetka Pond Dredging Project

because the project is not likely to score well and the time involved in generating a grant application is considerable. The Commission agreed that no Clean Water Fund grant application be developed this year. Administrator Jester did note, however, that the native plant buffer on Winnetka Pond might be eligible for a Hennepin County Opportunity Grant.

F. XP-SWMM Model

Administrator Jester reported that the Commission Legal Counsel and Commission Engineer had developed a conditional use license agreement for use of the BCWMC XP-SWMM model. She requested that the Commission adopt a resolution allowing the Commission Engineer to be the signatory representing the Commission on the license agreement.

Commissioner Welch commented that deviations from the agreement should be considered by the Commission Legal Counsel. Alternate Commissioner Sicora asked for clarification about whether the model or a program is being shared. He advised that the language should be revised so it's clear that entities are being allowed to use the modeling data and that the Commission is not supplying the XP-SWMM software itself.

Commission Legal Counsel recommended changes to the resolution and agreement to reflect discussion above.

MOTION: Commissioner Welch moved to adopt the resolution, as amended and Commissioner Carlson seconded the motion. Upon a vote, the motion carried 8-0 [New Hope was absent from vote].

6. COMMUNICATIONS

A. Administrator's Report

i. Report on Invitation to Participate in Local Government Water Roundtable Workgroup

Administrator Jester reported that she has tentatively accepted (with Chair de Lambert's approval) BWSR's invitation to be one of two administrators representing watershed management organizations on the local government water roundtable workgroup for a limited time. She noted her attendance would be expected at no more than three day-long meetings to discuss the creation of a pilot program for a performance-based watershed implementation funding program.

MOTION: Commissioner Welch moved to approve Administrator expenditures up to \$2,500 for participation on the roundtable and Alternative Commissioner McDonald Black seconded the motion. Upon a vote, the motion carried 8-0 [New Hope was absent from vote].

Administrator Jester also encouraged participation in the Governor's 25% by 2025 town hall meetings and announced that registration is open for the Water Resources Conference.

B. Report from Chair

Vice Chair Mueller reported that Neill Elementary School in Crystal vastly improved the infiltration in their parking lot and should be commended by the Commission. Vice Chair Mueller also noted his written comments in item 7C (in "Information Only") regarding the Commission's recent decision to significantly revise the water quality requirements for linear projects.

C. Commissioners

i. Report on Minneapolis Park and Recreation Board Ecological Systems Plan Technical Advisory Committee

Commissioner Welch reported that he attended a meeting of this group in late June and that the Minneapolis Park and Recreation Board is developing an ecological management plan. He reported they have an ambitious schedule to finish the plan by end of year. He noted that although it is not a high priority for BCWMC, he felt BCWMC needed to be involved and that he would attend meetings as he's able.

D. TAC Members

i. Receive Update on City of Minnetonka Local Water Management Plan Development

Tom Dietrich with the City of Minnetonka reported that the city is developing its local water management plan using Barr Engineering as a consultant. Commissioner Welch noted that this puts the Commission Engineer in a tough position and that Barr shouldn't review its own work so an outside consultant may be needed. Administrator Jester noted that one option, to keep costs low, is for her to review as much of the Minnetonka and Golden Valley LWMPs as possible and to hire a different consulting firm "on retainer" to assist with reviewing more technical aspects of the plans. Commissioners liked this idea.

E. Committees

No reports.

F. Legal Counsel

- i. Commission Legal Counsel Gilchrist reported that the Commission will not be served in the registration action mentioned at last month's meeting as the matter is outside of the Commission's jurisdiction.

G. Engineer

- i. Commission Engineer Chandler reported that they were contacted by a doctoral student requesting data on aquatic plant surveys, which they supplied with little effort.

7. INFORMATION ONLY (Information online only)

- A. CIP Project Updates: Available Online <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet
- C. Comments from Commissioner Mueller on Application of MIDS in Linear Projects
- D. [Governor Dayton's 25% by 2025 Clean Water Initiative](#) – Town Hall Meetings
- E. WCA Notice of Application, Plymouth

8. ADJOURNMENT

The meeting was adjourned at 11:00 a.m.

Signature/Title Date

Signature/Title Date