



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting

December 17, 2015

Plymouth City Hall, 8:30 a.m.

Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Plymouth	Commissioner Ginny Black
Golden Valley	Alternate Commissioner Jane McDonald Black	Robbinsdale	Commissioner Wayne Sicora
Medicine Lake	Alternate Commissioner Gary Holter	St. Louis Park	Commissioner Jim de Lambert, Chair
Minneapolis	Commissioner Michael Welch	Administrator	Laura Jester
Minnetonka	Commissioner Jacob Millner, Secretary	Attorney	Troy Gilchrist, Kennedy & Graven
New Hope	Alternate Commissioner Pat Crough	Engineer	Karen Chandler and Dan Fetter, Barr Engineering
		Recorder	Amy Herbert

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

Derek Asche and Ben Scharenbroich, TAC, City of Plymouth	Mark Ray, TAC, City of Crystal
Erick Francis, TAC, City of St. Louis Park	Pete Willenbring, WSB & Associates
Chris Long, , TAC, City of New Hope	Yolanda Burckhardt, Metropolitan Council
Richard McCoy, TAC, City of Robbinsdale	Michael Scanlan, Alternate Commissioner, City of Robbinsdale
Jeff Oliver, TAC, City of Golden Valley	David Tobelmann, Alternate Commissioner, City of Plymouth
Liz Stout, TAC, City of Minneapolis	Becky Rice, Metro Blooms

1. CALL TO ORDER AND ROLL CALL

On Thursday, December 17, 2015, at 8:34 a.m. in the Medicine Lake Room at Plymouth City Hall, 3400 Plymouth Boulevard, 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 Minneapolis absent from roll call].

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No issues raised.

3. AGENDA

Chair de Lambert requested a reordering of the agenda to move 5C – Phase II Environmental Site Assessment Work Plan for 2017CR-M: Bassett Creek Main Stem Erosion Repair Project – ahead to immediately follow 5A and to move item 5F – Consider Approval of Request from Metro Blooms to Act as Fiscal Agent for Metropolitan Council Grant – to immediately follow 5C. He clarified that the new Business Agenda order would be: 5A, 5C, 5F, 5B, 5D, 5E.

Commissioner Black moved to approve the agenda as amended. Alternate Commissioner McDonald Black seconded the motion. Upon a vote, the motion carried 8-0 [City of Minneapolis absent from vote.]

4. CONSENT AGENDA

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

[The following items were approved as part of the Consent Agenda: the November 18, 2015, Commission Meeting Minutes, the December 2015 financial report, the payment of invoices, Setting the January 7, 2016, TAC meeting, Authorizing the Commission Engineer to Submit Flood Control Project Inspection Report to Cities, MDNR, ACOE, and Approval of Contract with Wenck Associates for Operation of WOMP Station in 2016.]

The general and construction account balances reported in the Fiscal Year 2015 Financial Report prepared for the December 17, 2015, meeting are as follows:

Checking Account Balance	\$542,963.77
TOTAL GENERAL FUND BALANCE	\$542,963.77
TOTAL CASH & INVESTMENTS ON-HAND (12/09/15)	\$3,648,531.25
CIP Projects Levied – Budget Remaining	(\$3,361,594.08)
Closed Projects Remaining Balance	\$286,937.17
2012-2014 Anticipated Tax Levy Revenue	\$7,123.77
2015 Anticipated Tax Levy Revenue	\$5,157.95
Anticipated Closed Project Balance	\$299,218.89

5. BUSINESS

A. Consider Approval of Douglas Drive Project, Golden Valley

Engineer Chandler reminded the Commission that this project is reconstruction of Douglas Drive from Highway 55 to Medicine Lake Road. She said that the project also includes replacement of a box culvert that carries Bassett Creek under Douglas Drive and includes an underground infiltration system in addition to other work. Engineer Chandler also reminded the Commission that this project is being done in conjunction with the Commission’s Honeywell Pond Expansion project. She noted that almost 33 acres will be graded as

part of these two projects and there will be an increase in impervious surface of 2.26 acres. Engineer Chandler stated that the Commission discussed this project at its November meeting and decided that the project should be reviewed under the Commission's new Requirements document, using the MIDS flow chart to discern how the project would or would not meet the new development standards.

Engineer Chandler reported that the project does meet the MIDS development standards through the flow chart's flexible treatment option No. 2. She explained that this outcome relies on giving the City of Golden Valley credit for its share of the treatment being provided by the Honeywell Pond. She said that by going through the flow chart, the City needed to be able to show that the City is removing 60% of the phosphorous coming off of the project. Engineer Chandler explained that the City can show this through claiming credit for the City's share of the phosphorous removal from the Honeywell Pond project.

Engineer Chandler pointed out that the City's contribution to the Honeywell Pond project is \$795,000 of the total estimated project cost of \$1.6 million, meaning that the City is contributing 49.5% of the Honeywell Pond project cost.

She pointed out that the project's new crossing does not increase the flood elevation and the Commission Engineer does not see any flood plain issues with the project. Engineer Chandler noted that the Commission Engineer has only minimal comments on this project and recommended approval of the project with the comments on page 4 of the memo. She summarized those Commission Engineer comments.

Commissioner Black commented that it feels like the Commission is losing storm water treatment in Honeywell Pond by allowing the City to take some treatment credit and that precedence is being set. Engineer Chandler responded that the amount of treatment in the Pond is the same, but she understands Commissioner Black's comment. She said that if the Commission was providing all of the funding for the Honeywell Pond project, then the treatment being provided by the Honeywell Pond project should not be available to be taken into account as part of the MIDS review for the Douglas Drive project. Engineer Chandler said that because the City of Golden Valley is putting in a significant share of the cost of the Honeywell Pond project, the Commission Engineer believes that the City should be able to take credit for that portion of the treatment being provided by the Pond.

Commissioner Black asked if the Commission has a policy about this regarding the ability for a city to claim part of the treatment for a project. Engineer Chandler responded no. Commissioner Black commented that the Commission would be setting a precedent with the decision on this project. There was discussion. Administrator Jester agreed that this decision would set a precedent and acknowledged that the Commission has not "shared the cost" of a CIP project with a city in the past. She remarked that the Commission should follow the same procedure for the Northwood Lake project in New Hope because New Hope is putting funding into that project as well. She added that she believes it is an appropriate practice for the Commission to collaborate with cities on CIP projects because it can result in larger, more significant projects and ultimately improved water quality.

There was more discussion. Mr. Asche clarified that the Douglas Drive project enhances the Honeywell Pond project. Mr. Oliver agreed and noted that without the City of Golden Valley's contribution to the Honeywell Pond project, there would not be a project. Mr. Asche said that from his standpoint as a city staff person, this approach seems positive because it is taking advantage of the projects and practices going on now and enhancing them. He said that with the Douglas Drive project, the Honeywell Pond project is enhanced and the result is an improved system along with the street reconstruction project and in his view this is positive.

Commissioner Black commented that it seems that the Commission set precedent by adopting MIDS, which has flexible treatment options. She said that by default, the Commission adopted more flexibility.

[Commissioner Welch, City of Minneapolis, arrived].

Commissioner Black moved to approve staff's recommendation on this project [approval of the project with the comments on page 4 of the memo]. Alternate Commissioner Jane McDonald Black seconded the motion. Upon a vote, the motion carried 8-0 [City of Minneapolis abstained from the vote.]

C. Phase II Environmental Site Assessment Work Plan for 2016CR-M: Bassett Creek Main Stem Erosion Repair Project

i. Consider Authorizing Submittal of Work Plan to MPCA

Engineer Chandler reminded the Commission that it requested to see the work plan for review and approval prior to it being sent to the Minnesota Pollution Control Agency (MPCA) for its review and approval. She said that the work plan is in the meeting packet. Engineer Chandler reported that the work plan was based on the completed Phase I assessment. She noted that once the MPCA reviews and approves the Phase II work plan, and assuming that all of the access agreements will be in place, the soil sampling work can start.

Engineer Chandler summarized the work plan and noted it includes maps showing the location of the proposed sample sites. She added that a preliminary draft of the work plan went out to Administrator Jester, Commissioner Welch, Alternate Commissioner Goddard, and City of Minneapolis staff for their review. Engineer Chandler explained that their comments are included in this work plan.

Engineer Chandler asked the Commission to authorize the submittal of this work plan to the MPCA and noted that Dan Fetter of Barr Engineering is here to answer any questions about Phase II studies.

Chair de Lambert clarified that the work plan as provided reflects the additional work anticipated for the Phase II assessment, which is the topic of the next agenda item. Engineer Chandler confirmed that the work plan includes the additional work.

Commissioner Black asked what the \$9,000 cost increase for the Phase II covers. Engineer Chandler responded that at the time the feasibility study was prepared, it wasn't known what would need to be done for a Phase II, since that work was dependent on the results of the Phase I assessment. She explained that the original estimate for the Phase II was a best estimate based on what was known at that time. She continued, saying that the Phase I assessment has been completed and staff determined where samples will need to be collected. She added that the proposed sample sites include some private property sites. Engineer Chandler stated that the Phase II budget now includes scope for greater stakeholder involvement, including budget for a public meeting.

Administrator Jester pointed out that the Commission previously approved the feasibility study budget and scope, which stated that the scope and cost of the Phase II assessment was dependent on the Phase I results.

Mr. Fetter reported on results of the Phase I assessment and went into detail about the Phase II work plan. He reminded the Commission that the work plan should be reviewed through the MPCA Brownfield Program. Mr. Fetter and Engineer Chandler responded to questions. Mr. Fetter went into more detail about the MPCA's technical review of the work plan. He went through the timeline, noting that if the Commission approves the submittal of the work plan today, it could be submitted this week and typically the review takes about 30 days. Mr. Fetter anticipated field work starting in late January.

Commissioner Black moved to approve submitting the work plan. Commissioner Welch seconded the motion. Upon a vote, the motion carried 9-0.

Engineer Chandler asked for clarification that the Commission is agrees that staff can start the process of getting access agreements in place, even before the MPCA completes its review of the work plan.

Commissioner Welch moved to authorize the Administrator to work with the Commission Engineer, Legal Counsel, and the City of Minneapolis to begin negotiating access and use agreements with property owners before the MPCA completes its review of the Phase II work plan. Commissioner Black seconded the motion. Upon a vote, the motion carried 9-0.

ii. Consider Approval of Increase to Phase II Budget

Commissioner Welch moved to approve the addition of \$9,300 for the Phase II work plan budget for the Bassett Creek Main Stem Erosion Repair Project. Commissioner Black seconded the motion. Upon a vote, the motion carried 9-0.

F. Consider Approval of Request from Metro Blooms to Act as Fiscal Agent for Metropolitan Council Grant

Deferred to later in the meeting because the presenter had not yet arrived.

B. Consider Approval of Revised Channel Maintenance Fund Policy

Administrator Jester said that the Commission started discussing the revisions to the Channel Maintenance Fund policy at its November meeting, but then it became apparent that more information was needed. She said that she prepared the information in the memo in this month's meeting packet. She reminded the Commission that the TAC discussed proposed changes to the policy at two TAC meetings.

Administrator Jester walked the Commission through the memo and went into detail about the current way the Channel Maintenance funds are used. She talked in detail about the column labeled Unallocated Funds Remaining and defined these funds as the accumulated funds minus any funds that have been reimbursed and minus any funds that were requested and approved but not yet spent and reimbursed. She noted that staff will continue refining the data in the table.

Administrator Jester described the proposed changes to the Channel Maintenance Fund Policy, pointed out that the proposed revised policy No. 15 under "Strategies to Implement Policy," addresses the Commission's request that the Channel Maintenance Fund balance will be reviewed by the Commission. She read aloud strategy No. 15, "The balance of unallocated funds for each city will be reviewed by the Commission once every three years to ensure that total funding accumulated is not unreasonably high."

There was discussion about the policy and the proposed revisions.

Commissioner Black moved to approve the policy as presented. Commissioner Mueller seconded the motion. Commissioner Welch commented that he doesn't think this policy reflects the way the Commission should operate this fund because it divorces the Commission from spending the money. He added that with that being said, he supports the motion but would like to amend the motion. Upon Attorney Gilchrist's recommendation that the Commission take action to amend the motion, Commissioner Welch moved to amend the motion that the allocation as described in No. 15 in the policy returns to the Commission next year at its December meeting. Alternate Commissioner Scanlan seconded the motion to amend. Upon a vote to amend the motion, the motion carried 9-0 [Alternate Commissioner Scanlan voted on behalf of the City of Robbinsdale].

Commissioner Black requested the addition of the word "accumulated" after the word "unallocated" in No. 15. There were no objections to Commissioner Black's request. Upon a vote to the amended original motion, the motion carried 9-0. [Commissioner Sicora voted on behalf of the City of Robbinsdale].

D. Receive Preview of New BCWMC Website

Administrator Jester displayed the new website on the conference room's screen, and she walked the Commission through various pages in the site. She responded to questions and comments. Administrator Jester reported that staff recommends launching the new site on February 1. The Commission indicated consent. Administrator Jester said that staff plans to create a communications plan about the new site launch. The Commission requested that Administrator Jester add the plan into her Administrator's report for the January BCWMC meeting. Commissioners requested the ability to gain a username and password to further review the site prior to its official launch. Administrator Jester said that was probably possible but noted that they wouldn't be able to change the site's functionality but could make changes to content over time.

F. Consider Approval of Request from Metro Blooms to Act as Fiscal Agent for Metropolitan Council Grant

Administrator Jester explained that Metro Blooms is working with the Metropolitan Council and the Harrison Neighborhood Association to pursue a partnership to engage neighborhood youth and residents and to install best management practices (BMPs), particularly in the alleyways of the Harrison neighborhood. She said the installed BMPs would directly benefit the runoff to Bassett Creek from that area. Administrator Jester said that beyond the water quality benefits, there are community engagement, youth involvement, and education components to the project.

Administrator Jester reported that multiple sources of grant funds are being sought. She explained that one source of grant funds is from Metropolitan Council Environmental Services; however those funds cannot be granted to non-profits, so Metro Blooms has requested that the BCWMC be the fiscal agent for these funds in 2016. Administrator Jester pointed out that the project also is applying for a YouthPrise grant, which requires matching funds and the Met Council grant is a promising source of those matching funds. She added that the application deadline for the YouthPrise grant is January 8, 2016.

Administrator Jester introduced Becky Rice from Metro Blooms to talk more about the proposed project in the Harrison neighborhood and the Metro Bloom's request to the BCWMC. Ms. Rice spoke about the proposed project and reminded the Commission that it has participated in the past with Metro Blooms through the rain garden workshop program. She described the Blooming Alleys program and showed examples of project designs and talked about other projects currently underway.

Commissioner Black asked for more information on what would be involved for the Commission to act as the fiscal manager. Administrator Jester said that she envisions that the BCWMC would be the grantee of the Metropolitan Council funds and the BCWMC would, in turn, have an agreement with Metro Blooms. Commissioner Black asked what action is being asked of the Commission today. Administrator Jester responded that her request is for the Commission to authorize her to continue working with the Metropolitan Council, Metro Blooms, and the BCWMC's Legal Counsel to develop the grant application to the Metropolitan Council and subsequent agreement with Metro Blooms. She anticipated bringing the draft grant application and agreement with Metro Blooms to the January Commission meeting. Administrator Jester stated that the Commission needs to approve acting as the fiscal agent for the grant.

Various Commissioners offered comments and support for the project and the Commission's involvement because this area is underserved and would benefit greatly from the community engagement and youth work aspects of the project. Alternate Commissioner McDonald Black encouraged the Commission to consider being a funding partner on this project.

Commissioner Mueller moved to approve that the BCWMC serve as the fiscal agent for the Metropolitan Council Grant. Alternate Commissioner Scanlan seconded the motion.

Commissioner Welch asked for more information on the funding table included in the Commission's meeting packet. Administrator Jester explained that the table is a preliminary look at how the funding could be put together. She stated that for 2016 the BCWMC has \$3,000 earmarked for Metro Blooms within the Commission's education budget. Administrator Jester pointed out that the table in the meeting packet does not include costs for her time spent administering this project, which would be a cost incurred by the Commission. She estimated that the work would not take more than 10 hours of her time.

Commissioner Welch encouraged Administrator Jester and Ms. Rice to talk to the Commission Engineer about the hydrology of the proposed project area and whether the location is a good one for this project because the Commission would want to feel confident that the proposed project would not increase the migration of soil contaminants to Bassett Creek. There was discussion. The motion carried 9-0 [Alternate Commissioner Scanlan voted on behalf of the City of Robbinsdale].

E. Receive Updates on Feasibility Studies for 2017: Plymouth Creek Restoration Project and Main Stem Erosion Repair Project

Administrator Jester announced that she gave a presentation regarding the Main Stem Erosion Repair Project, with help from the City of Minneapolis and the BCWMC Commissioners from Minneapolis, to the Bryn Mawr and Harrison neighborhood associations. She stated that both meetings were well attended and had very engaged community members present. Administrator Jester reported that feedback from both meetings included the request that the BCWMC consider the navigability of the creek and to keep in mind that the rock vanes in the creek do not provide for very good navigability. She said that in general there was a lot of support for the project. Administrator Jester announced that she might be presenting to the Redevelopment Oversight Committee in January but the details have not been confirmed.

Administrator Jester communicated that the feasibility study for the Plymouth Creek Restoration Project will be submitted to the City of Plymouth staff this month and should come to the Commission for approval at its January meeting. She reminded the Commission of the public meeting it held on this project and that the residents attending had no large concerns. Administrator Jester explained that the original plan had been to share the draft feasibility study at a second public meeting, but she said she is reconsidering the plan. She stated that instead, it might be more beneficial if the Commission seeks public input early in the design phase.

The Commission discussed the fact that at the first public meeting the Commission announced that it would provide the public with the opportunity to comment on the draft feasibility study. The Commission directed Administrator Jester to bring the draft feasibility study to the Commission at its January meeting, to let the residents know where the Commission is in the process, and to seek resident feedback early in the design process if Mr. Asche agrees with that approach as he was absent from the meeting during this discussion.

6. COMMUNICATIONS

A. Administrator:

- i.** Administrator Jester reported that the BCWMC has been awarded \$400,000 in Clean Water Fund grant money for the Northwood Lake project in New Hope. She said that staff will be developing a work plan, which should be ready for the Commission's February meeting. Administrator Jester said that the grant agreement will come to the Commission at its March meeting
- ii.** Administrator Jester updated the Commission on the Minnesota Association of Watershed Districts (MAWD) conference that she attended.
- iii.** Administrator Jester announced a change in recorder services effective February 1. She said that

the meetings will still be recorded, and she proposes that in the short term she prepare the meeting minutes. Administrator Jester suggested that the Administrative Services Committee set up a meeting for early in 2016 to consider options. She said that the current recorder has offered to continue other services to the BCWMC at a new rate effective February 1. Administrator Jester stated that these changes would require a contract change. Administrator Jester said that she will send out a Doodle poll to set up the Administrative Services meeting and an Education Committee meeting as well.

B. Chair:

- i. Chair de Lambert reminded the Commission that it will select officers at its February meeting.

C. Commissioners:

- i. Commissioner Mueller raised the topic of conducting the Administrator performance review and suggested that it be postponed. Chair de Lambert suggested that the Administrative Services Committee discuss this.
- ii. Commissioner Welch brought up the new buffer law and said that perhaps Administrator Jester or Attorney Gilchrist could present on the new law and its implications to the BCWMC at the Commission's January or February meeting.

D. TAC Members: No TAC Communications

E. Committees: No Committee Communications

F. Legal Counsel: No Legal Communications

G. Engineer:

- i. Engineer Chandler announced that the Schaper Pond Diversion project construction is complete and the baffle has been deployed. She said there will be a little restoration work occurring in spring 2016.
- ii. Engineer Chandler reported that Barr Engineering has moved to a new office location at: 4300 MarketPointe Drive, Suite 200, Minneapolis, MN 55435.
- iii. Engineer Chandler commended Commissioner Welch on his presentation on Data Practices at the MAWD meeting on behalf of Smith Partners.

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

- A. CIP Project Update Chart
- B. Grant Tracking Summary and Spreadsheet
- C. Letter of Support for Metro Blooms Project
- D. New West Metro Water Alliance Website: www.westmetroalliance.org

8. ADJOURNMENT

Chair de Lambert adjourned the meeting at 11:11 a.m.

Signature/Title

Date

Signature/Title

Date