



Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting
Thursday, December 19, 2019
8:30 a.m.**

Golden Valley City Hall, Golden Valley MN

1. CALL TO ORDER and ROLL CALL

On Thursday, December 19, 2019 at 8:35 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Vice Chair Welch 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 | <i>Vacant Position</i> | <i>Absent</i> |
| Golden Valley | Stacy Harwell (Treasurer) | Jane McDonald Black | Jeff Oliver |
| Medicine Lake | <i>Absent</i> | Gary Holter | <i>Absent</i> |
| Minneapolis | Michael Welch (Vice Chair) | <i>Vacant Position</i> | Shahram Missaghi, Liz Stout, Lisa Goddard |
| Minnetonka | Mike Fruen | <i>Absent</i> | Sarah Schweiger |
| New Hope | <i>Absent</i> | Patrick Crough | Megan Hedstrom |
| Plymouth | Jim Prom (Chair) | Catherine Cesnik | Ben Scharenbroich |
| Robbinsdale | <i>Vacant Position</i> | <i>Absent</i> | Marta Roser, Richard McCoy |
| St. Louis Park | Jim de Lambert | <i>Absent</i> | Erick Francis |
| Administrator | Laura Jester, Keystone Waters | | |
| Engineer | Karen Chandler, Barr Engineering | | |
| Recorder | Dawn Pape, Lawn Chair Gardener | | |
| Legal Counsel | Dave Anderson, Kennedy & Graven | | |
| Presenters/ Guests/Public | Chris Meehan and Eileen Weigel, Wenck Associates Ryan Lunderby, Brady DeVore, and Casey Harris, Dominionium Sam Trebesch, Val Anderson, and Mike St. Martin, Loucks McKenzie Erickson, Minneapolis Resident | | |

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No comments.

3. APPROVAL OF AGENDA

Administrator Jester requested the addition of an agenda item: 5E Approval to Amend Agreement with Met Council for Work Related to Blue Line LRT. [Chair Prom arrives.]

MOTION: Commissioner de Lambert moved to approve the agenda as amended. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 8-0, with the City of Robbinsdale absent from the vote.

4. CONSENT AGENDA

The following items were approved as part of the consent agenda: November 20, 2019 Commission meeting minutes, December 2019 financial report, payment of invoices, approval of City of Plymouth reimbursement request for Plymouth Restoration Project, approval of grant agreement with MPCA for Sweeney Lake Water Quality Improvement Project, approval to amend educational services contract with Lawn Chair Gardener Creative Services, approval of single-family home redevelopment in Medicine Lake, and approval to direct commission engineer to submit flood control inspection report to cities, MN DNR, and U.S. Army Corps of Engineers.

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

| | |
|---|-------------------|
| Checking Account Balance | \$ 444,464.33 |
| <hr/> | |
| TOTAL GENERAL FUND BALANCE | \$ 444,464.33 |
| <hr/> | |
| TOTAL CASH & INVESTMENTS ON-HAND (12/19/19) | \$4,900,393.15 |
| <hr/> | |
| CIP Projects Levied – Budget Remaining | \$ (6,791,968.15) |
| <hr/> | |
| Closed Projects Remaining Balance | \$ (376,903.12) |
| <hr/> | |
| 2012-2017 Anticipated Tax Levy Revenue | \$ 8,547.78 |
| <hr/> | |
| 2018 Anticipated Tax Levy Revenue | \$ 10,861.11 |
| <hr/> | |
| Anticipated Closed Project Balance | \$ (357,494.23) |
| <hr/> | |

MOTION: Commissioner Welch moved to approve the consent agenda. Commissioner de Lambert seconded the motion. Upon a vote, the motion carried 8-0, with the City of Robbinsdale absent from the vote.

5. BUSINESS

A. Consider Approval of Final Bassett Creek Valley Study Report

Administrator Jester introduced Chris Meehan from Wenck Associates who explained that some minor changes were made to the report since the Commission reviewed the draft report last month. He went through cost adjustments, made comparisons to similar regional projects, and explained why the final draft only discusses the third option presented in the BCWMC’s Bryn Mawr Meadows Water Quality Improvement Project feasibility study, as the BCWMC decided this was the most viable option to pursue. Mr. Meehan noted the next steps in the process are to work with the Minneapolis Park and Recreation Board (MPRB) on Bryn Mawr Meadows Park redevelopment and Luce Line projects, work with permitting agencies, and complete sediment testing in the city’s west impound lot.

TAC member Liz Stout added that the City of Minneapolis recognizes that the completion of this study is a first step because partners and funding still need to be identified.

Commission Engineer Chandler mentioned that the report could clarify next steps because the report currently implies that construction is the next step. Since it is a collaborative process, there is a need to keep looking at regional solutions. She noted she would also like to further discussion about how this project would complement the Commission's Bryn Mawr Meadows CIP project.

Commissioner Welch stated that the report does a nice job of laying out the issues and finding viable solutions. He noted that the MPRB needs to be aware of the results of the sediment testing in the impound lot and asked that results be provided to commissioners as well.

MOTION: Commissioner Welch moved to approve the final Bassett Creek Valley Floodplain and Stormwater Management Study report. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 8-0, with the City of Robbinsdale absent from the vote.

B. Receive Presentation and Discuss Dominion Project Plans and Agreements for Four Seasons Area Mall Redevelopment

Administrator Jester reminded commissioners that a local developer, Dominion, plans to redevelop the Four Seasons Mall Site in Plymouth and to incorporate water quality treatment that exceeds the Commission's redevelopment requirements. She noted that BCWMC staff have been working with Dominion staff on structuring an agreement to reimburse Dominion up to \$824,000 in CIP funds for the "above and beyond" stormwater treatment, and to review the stormwater analyses for both the redevelopment site and the CIP project.

Ryan Lunderby with Dominion introduced the project and reported that Dominion is under contract with Walmart for redevelopment in this location. They are planning to develop 418 apartments in 3 buildings that include senior living and affordable housing with 4 retail spaces and a park and ride. He reported the project received PUD approval from the City of Plymouth and that they are working toward closing in June 2020.

Sam Trebesch with Dominion's consulting engineering firm, Loucks, presented more information on the proposed site plan which is situated adjacent to the North Branch of Bassett Creek and also near public and private wetlands. He gave an overview of the stormwater management components of the redevelopment project noting a mix of ponds and underground treatment. For the "above and beyond" treatment, they propose a new stormwater pond in the northwest corner of the property, a new pond located within the wetland area to the south, routing of the creek through the new pond for additional treatment, and restoring the remaining southern wetland to provide additional treatment. Ben Scharenbroich (city of Plymouth), noted a forebay would also be installed in the southern wetland to help treat stormwater flowing from the neighborhood to the west.

Mr. Trebesch noted the project will remove approximately 136.2 pounds of phosphorus which is 123.6 pounds above the minimum 12.6 required by BCWMC stormwater rules. Commissioner Harwell asked whether there will be filtration benches in the stormwater pond. Mr. Trebesch responded that there will be and that infiltration is not possible because of clay soils. He noted that iron enhanced sand will likely be used in the stormwater pond's bench to capture more phosphorus.

Commission Engineer Chandler noted that data gathered by the city of Plymouth shows pollution concentrations in the creek are even higher than known during the Agora Project development and that the P8 model was updated with this new information. She reported that this design captures a significant amount of pollution but also noted that due to P8 model changes, this project captures a lower percentage of overall pollution as compared to the Agora redevelopment project.

Commissioner Harwell asked that the agreement with Dominion include a requirement for chloride management similar to the original agreement for the Agora Project.

Commission Attorney Anderson reported that he has been negotiating terms of the agreement with Dominium, noting this agreement will be directly with the private developer. He mentioned that Dominium had hoped to structure the agreement as a loan to be forgiven at some point in the future, rather than a “grant” as it was structured for the Agora Project. He noted that a loan arrangement does not appear to be permissible by law.

There was further discussion about the amount of total phosphorus removals, city of Plymouth’s ongoing review and comments on the project, and further modeling needed before project plans are complete. Engineer Chandler also noted the need for Dominium to discuss the project with the MDNR as a permit may be needed to work in the creek.

Alternate Commissioner McDonald Black stated that the Agora Project included an educational component. Attorney Anderson replied that the current draft agreement does include an educational component requirement.

Administrator Jester asked about timing of the project and agreements moving forward. Mr. Lunderby noted that a formal commitment on funding from the Commission is necessary in the near future in order to apply for affordable housing funds. He noted that if costs for the “above and beyond” treatment are higher than the CIP funds available, then it may not make sense to do the project. He noted that loaned funding doesn’t have a tax burden like granted funds. Attorney Anderson said he appreciated Dominium’s concerns, but that the Commission cannot be put at risk legally; that the Commission only has so much statutory authority for use of CIP funds.

This was an informational item only at this point. Staff was directed to continue working with Dominium on the project plans and the agreement and to bring refined plans to a future meeting.

C. Receive Report on MN Association of Watershed District (MAWD) Annual Meeting

Chair Prom and Vice Chair Welch attended the MAWD annual meeting in Alexandria as delegates of the BCWMC. Administrator Jester also attended. Chair Prom reported he believes it’s beneficial for the Commission to be a MAWD member and that it was beneficial to network with others, and that there is a significant amount of institutional knowledge that can be valuable to the Commission. Commissioner Welch said that hopes more Commissioners will attend future MAWD conferences. He also noted that the quarterly Metro MAWD meetings are beneficial. Commissioner Fruen also added support for being a MAWD member noting that when he attended the MAWD meeting in 2018, he found value in the peer conversations.

Administrator Jester noted the BCWMC was recognized for its 50th anniversary at the Friday night banquet.

D. Receive Update on October/November TAC Meetings and Assign January TAC Meeting Liaison

The TAC met on October 4th and November 25th to discuss a variety of topics, but mostly to review the BCWMC water monitoring program. A TAC recommendation regarding the water monitoring program is expected at the January Commission meeting. The Commission appointed Commissioner de Lambert as the liaison for the January 10th TAC meeting.

E. Amend the agreement with the Met Council to extend the term of the agreement related to work on the Blue Line LRT until Dec. 31, 2020

MOTION: Commissioner Welch moved the amendment to the agreement. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0, with the City of Robbinsdale absent from the vote.

6. COMMUNICATIONS

A. Administrator’s Report

- i. Update on BSWR Watershed-Based Funding. Administrator Jester attended an informational meeting and reported (similar to earlier reports) that the watershed groups on the west side of the Mississippi River will work together to determine projects for watershed based funds based on targeted, prioritized, and

measurable goals. She noted that meetings convening the watershed groups will include representatives from two cities and will be led by BWSR staff.

- ii. Update on MTDs Discussion. Administrator Jester noted that the MPCA is working to set up a meeting of staff with watersheds interested in this topic so progress continues.
- iii. Administrator Jester reminded commissioners to complete the State Campaign and Finance Board's required paperwork and that it's different from the conflict of interest form she will distribute next month.

B. Chair

- i. Update on Staff Evaluations. Chair Prom noted that most comments have been received from TAC members and that he is still looking for Commissioners to respond. Commissioner Welch noted that Chair Prom should have discretion on whether or not to call an Administrative Services Committee meeting to review the evaluations. Chair Prom noted that he will likely simply compile the results and bring to the January meeting.

C. Commissioners

- i. Commissioner Welch talked about chloride legislation noting that the Minnesota Nursery and Landscape Association is not going to lobby for the bill again this year. Commissioner Welch thinks BCWMC needs to communicate with MAWD requesting that they spearhead an effort to get the legislation passed. Administrator Jester will forward the Hennepin Chloride work/presentation to the Commission. Ms. Pape stated that the state efforts of training applicators are going well, but some applicators are still over applying because there is still a demand from consumers to over apply. She noted we need a top-down and bottom-up education approach. BCWMC "Salt Smart" education campaign is a start in changing cultural norms of over salting, but we need active participants (like Commissioners) to help distribute information cards.

Administrator Jester was directed to draft a letter to MAWD regarding support of the legislation and bring to January meeting.

D. TAC Members

- i. Upcoming meeting 1/10
- ii. **Committees** - No reports

E. Education Consultant

- i. Volunteers needed at the Mid-winter Lions Convention January 10th and 11th – Commissioners Welch, Noon (via email), and Holter stepped forward to volunteer

F. Legal Counsel - No report

G. Engineer

- i. Update on Sewer Line Crossing Bassett Creek and WOMP Station
Engineer Chandler reported that the sewer line crossing at Irving Ave will impact the WOMP station and that through their work on the project, the city found petroleum contamination in Bryn Mawr Meadows Park at the location where the ponds for the Commission's CIP project are slated.

7. INFORMATION ONLY (Information online only)

- A. Administrative Calendar
- B. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- C. Grant Tracking Summary and Spreadsheet
- D. WMWA November Meeting Minutes
- E. Hennepin Co. AIS Prevention Grant Report
- F. WCA Notices of Decision, Plymouth
- G. WCA Notices of Application and Decision, Medicine Lake
- H. WCA Notice of Application and Decision, Luce Line Trail

8. ADJOURNMENT - The meeting adjourned at 10:02 a.m.