



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting March 17, 2016 Plymouth City Hall, 8:30 a.m.

#### Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Plymouth	Alternate Commissioner David Tobelmann
Golden Valley	Commissioner Stacy Hoschka, Treasurer	Robbinsdale	<i>Not represented</i>
Medicine Lake	<i>Not represented</i>	St. Louis Park	Alternate Commissioner Patrick Noon
Minneapolis	Commissioner Michael Welch	Administrator	Laura Jester
Minnetonka	Alternate Commissioner Patty Acomb	Attorney	Troy Gilchrist, Kennedy & Graven
New Hope	Alternate Commissioner Pat Crough	Engineer	Karen Chandler, Barr Engineering

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

Derek Asche, TAC, City of Plymouth	Liz Stout, TAC, City of Minneapolis
Erick Francis, TAC, City of St. Louis Park	Bob Paschke and Chris Long, TAC, City of New Hope
Jeff Oliver and Tom Hoffman, TAC, City of Golden Valley	Peggy Knapp, Freshwater Society
Richard McCoy, TAC, City of Robbinsdale	Paul Hudalla, City of Minneapolis
Tom Dietrich, TAC, City of Minnetonka	Bojan Misic and Brady Busselman, Southwest LRT Project Office and Consultant Sambatek (respectively)

#### **1. CALL TO ORDER AND ROLL CALL**

On Thursday, March 17, 2016, at 8:36 a.m. in the Medicine Lake Room at Plymouth City Hall, 3400 Plymouth Boulevard, Vice Chair Mueller (in Chair de Lambert's absence) called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken [Cities of New Hope, Medicine Lake, and Robbinsdale absent from roll call].

#### **2. CITIZEN FORUM ON NON-AGENDA ITEMS**

There were no comments from citizens.

**3. AGENDA**

Administrator Jester asked to add the liability coverage waiver form to the agenda before 5A.

There was consensus to proceed with the revised agenda.

**4. CONSENT AGENDA**

**MOTION:** Alternate Commissioner Tobelmann moved to approve the consent agenda. Commissioner Welch seconded the motion. Upon a vote, the motion carried 6-0 [Cities of New Hope, Medicine Lake, and Robbinsdale absent from vote].

- A. [The following items were approved as part of the consent agenda: the February 18, 2016, Commission Meeting Minutes, the March 2016 Financial Report, the payment of invoices, setting a Technical Advisory Committee Meeting for May 5, approval of Reimbursement Request from City of New Hope for Development of Northwood Lake Improvement Project Feasibility Study (NL-1), approval of Three Rivers Park District Regional Trail Improvement Project in New Hope and Crystal, and receipt of the Final Feasibility Study for Plymouth Creek Restoration Project (2017CR-P)].

The general and construction account balances reported in the March 2016 are as follows:

Checking Account Balance	\$813,323.60
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$813,323.60</b>
<b>TOTAL CASH &amp; INVESTMENTS ON-HAND (3/9/16)</b>	<b>\$3,201,822.29</b>
CIP Projects Levied – Budget Remaining	(\$4,593,577.00)
Closed Projects Remaining Balance	(\$1,391,754.71)
2012-2014 Anticipated Tax Levy Revenue	\$6,668.33
2015 Anticipated Tax Levy Revenue	\$1,499.07
Anticipated Closed Project Balance	(\$1,383,587.31)

**5. BUSINESS**

**5a. Limited Liability Waiver Form** (added agenda item)

Administrator Jester reminded the Commission about this annual action to not waive monetary limits on municipal tort liability.

**MOTION:** Alternate Commissioner Noon moved that the Commission not waive monetary limits on municipal tort liability established by Minnesota Statutes Section 466.04. Seconded by Commissioner Welch. Upon a vote the motion carried 6 – 0. [Cities of New Hope, Medicine Lake, and Robbinsdale absent from vote].

**A. Receive Presentation on Metro Watershed Partners Clean Water Minnesota Media Campaign**

Administrator Jester reported that the BCWMC Education Committee asked for a brief presentation on the Metro Watershed Partner's Clean Water Minnesota Media Campaign since the Commission provides \$3,500 in funding towards this campaign every year. She introduced Peggy Knapp with the Freshwater Society and a member of the Metro Watershed Partner's Steering Committee. Ms. Knapp gave a presentation on the Watershed Partner's new, focused communications plan which has consistent messages and strategies that member organizations (such as the BCWMC) can use in outreach work. The new plan has three components (implemented over three years) including developing a communications calendar with seasonal messages, promotion of fall leaf clean ups, and development of an adopt-a-drain program. Member organizations can use the messages and online traffic will be measured by the Watershed Partners, giving organizations real metrics to report. The Commission thanked Ms. Knapp for the information. Administrator Jester noted the Commission would be discussing education and outreach programs later in the agenda.

[Alternate Commissioner Pat Crough arrives.]

**B. Receive Overview and Update on Southwest LRT Project**

Administrator Jester introduced Bojan Misic with the Southwest LRT Project Office and Brady Busselman with Met Council's consultant, Sambatek. Mr. Misic gave a presentation on Southwest LRT Project in general, and provided, more specifically, information on the light rail alignment and the Bryn Mawr and Bassett Creek stations within the Bassett Creek Watershed and stormwater management features in these areas. He reported that the alignment is still considered "proposed" because the Environmental Impact Statement has not yet been approved. He reported that the Project Office, Minneapolis city staff and BCWMC Administrator and Engineers had been coordinating for several months on stormwater management and a possible connection to the Bassett Creek Tunnel. He stressed that cooperation would continue between the Project Office, the Commission, and the City throughout the design and construction of the Project. He noted that draft permit applications would be sent to watershed organizations and local governments at the end of March and final applications at the end of April. He reported since there are no parking lots and only "drop off areas" at the two stations in the watershed, the Project is considered "linear" throughout the Bassett Creek Watershed.

Commissioner Welch noted that the Southwest LRT Project is a significant public works undertaking and he appreciated the Met Council working with local entities throughout the Project's development.

**C. Consider Request from City of Minneapolis to Allow Southwest LRT Project to Make a New Connection to Bassett Creek Tunnel**

Commission Engineer Chandler reported that at this time, the Commission is being asked to allow a connection to the Bassett Creek Tunnel and that this is different from a review of the project plans which will happen in the near future. She noted that a request for a tunnel connection is uncommon (the only other request was for the building of the Twins Stadium in 2007), that certain conditions must be met in order to allow a connection, and that allowing a connection takes action by the Commission. She reviewed the memo in the meeting packet including the modeling that occurred to assess the connection's effects on the tunnel and that relative changes were modeled rather than absolute numbers. She reported that the modeling indicates no increase in the flood elevation at the inlet to the tunnel, no increases in expected peak discharges at the tunnel inlet, and no increase in the pressurization of the tunnel as a result of the proposed tunnel connection. Commission Engineer Chandler recommended approval of the tunnel connection request with conditions outlined in the Commission Engineer's memo. She noted that if the design changes as plans are finalized, the Commission Engineer will work with the Project Office to ensure that conditions are still met.

There was discussion about the contaminated soils and high groundwater in much of the area, preventing infiltration practices. Commissioner Welch noted that as presented, the resolution in the meeting packet doesn't include the conditions noted in the Engineer's memo. Commission Legal Counsel, Troy Gilchrist,

suggested the resolution be revised to include the conditions in the Commission Engineer's memo. Commissioner Welch recommended striking condition #2 requiring that the connection must also be approved by MnDOT, noting that the Commission does not have jurisdiction in MnDOT's requirements.

**MOTION:** Commissioner Welch moved to approve the resolution approving a direct connection to the New Bassett Creek Tunnel as part of the Southwest Light Rail Transit Project with the addition of conditions 1, 3 and 4 as outlined in the Commission Engineer's memo. Seconded by Alternate Commissioner Noon. Upon a vote, the motion carried 7-0. [Cities of Medicine Lake and Robbinsdale absent from vote.]

**D. Consider Items Related to City of Golden Valley 2016 Pavement Management Program**  
**a. Consider Approval of Variance Request from City of Golden Valley**

Commission Engineer Chandler reviewed the City of Golden Valley's request for a variance from the BCWMC water quality standards (MIDS) for its 2016 Pavement Management Program (PMP). She indicated the PMP is primarily in the Medicine Lake direct subwatershed, includes grading 2.82 acres and results in a decrease of 0.17 acres of impervious surface. She reviewed the requirements for MIDS and reported that although the City cannot meet MIDS right now, they plan to implement a water quality treatment project in 2018, providing offsite treatment and mitigating the effects of this project at that time. Commission Engineer Chandler noted that the Commission rarely gets requests for variances and the last two requests were similar in that they were really "temporary" variance requests because a planned future project ultimately allowed the project to meet water quality standards. She recommended approval of the resolution to grant the variance.

Mr. Oliver noted that new information regarding DNR grant funds means the future water quality treatment project may not be implemented until 2019, rather than 2018. There were questions from Commissioners about why the offsite treatment cannot be met now. Mr. Oliver explained the situation and the constraints. He reported that city staff talked to residents about installing rain gardens, but they did not want to lose trees in order to install gardens. He noted that tree loss would be the result of several different practices along these streets. He noted that the future project requires the purchase of up to four homes that are consistently damaged by flooding. He noted that since property acquisition is so expensive, the City must partially rely on DNR grants in order to complete the project.

There was further discussion about how future PMPs are also likely to need offsite treatment and about the poor soils in the area of the current PMP and future water quality project. Commissioner Welch noted that variances are sometimes needed and that it seems compromises have been developed in this case. He also noted that there should not be an implication that the BCWMC's standard (which is flexible) is not non-productive or somehow hampers a project proposer's ability to contribute to public welfare.

There was discussion about the language in the resolution. A modification was made such that the last provision reads: *The City shall provide offsite treatment to meet the MIDS performance goals for the Project by the end of 2018 or as soon thereafter as is reasonably possible.*

**MOTION:** Commissioner Hoschka moved to approve the resolution, as amended, granting a variance from the water quality treatment requirements for the 2016 Golden Valley Pavement Management Program. Seconded by Alternate Commissioner Tobelmann. Upon a vote the motion carried 7-0. [Cities of Medicine Lake and Robbinsdale absent from vote.]

**b. Consider Approval of Project**

Commission Engineer Chandler recommended approval of the project with conditions included in the engineer's memo, and a revision to condition #1 to add "or as soon thereafter as reasonably possible" to

the end of the first sentence. There was discussion about the wetland buffers that might be required in the project area. Commission Engineer Chandler noted that cities are required to update their local controls within two years of Watershed Plan adoption (by September 2017) and that it would be a responsibility of the city to enforce buffer standards. Administrator Jester indicated she would remind cities about the local water management plan revision timeline.

**MOTION:** Alternate Commissioner Crough moved to approve the City of Golden Valley's 2016 Pavement Management Program with the Commission Engineer's conditions and the additional language from the previous resolution. Seconded by Commissioner Hoschka. Upon a vote the motion carried 7-0. [Cities of Medicine Lake and Robbinsdale absent from vote.]

#### **E. Consider Approval of Technical Advisory Committee Recommendations for 5-year Capital Improvement Program**

Administrator Jester reviewed the recommendations of the Technical Advisory Committee for the 2018 – 2022 Capital Improvement Program (CIP). She noted a few changes from the last 5-year CIP (2017 – 2021) including updating the finances for the 2016 and 2017 projects because of recent grants for the Northwood Lake Improvement Project and better estimates for the Plymouth Creek Restoration Project; moving project BC-3 that is in the vicinity of the Blue Line LRT to start in 2019 rather than 2018 to better coincide with construction of the LRT; adding BCP-2 dredging of Bassett Creek Park Pond to 2018; and adding a project in Westwood Nature Center in 2019 (which would require a Plan amendment to add to the CIP). She noted that the estimated tax levy amount, although higher than previous years, remains relatively stable over the years, reflecting current BCWMC financial policies.

There was discussion about two possible restoration projects on direct tributaries to Medicine Lake. Mr. Asche noted these could be included in the CIP in 2023. Commission Welch noted that the Commission should consider a policy whereby CIP projects would not be used for permit compliance. There was consensus that the TAC and Administrative Services Committee should discuss and make a recommendation to the Commission.

**MOTION:** Alternate Commission Tobelmann moved approval of the 2018 – 2022 Capital Improvement Program as presented. Seconded by Alternate Commission Noon. Upon a vote the motion carried 7-0. [Cities of Medicine Lake and Robbinsdale absent from vote.]

#### **F. Discuss BCWMC Education and Outreach Priorities for 2016**

Alternate Commissioner Tobelmann reviewed the Education Committee's ideas for areas of focus in 2016 and asked if there were other ideas from Commissioners. There was discussion from Commissioners and staff on the following possible topics: cooperating with Three Rivers Park District to install educational signage and/or creek crossings signs along the new Bassett Creek Trail and at the Northwood Lake kiosk; utilizing messages crafted and supplied by Clean Water MN media campaign; continuing with various chloride education pieces including possible informational signage at point-of-sale locations; posting the Commercial Property Guidebook on website.

There was further discussion about education on chloride use. Administrator Jester reported that she is participating on a Technical Advisory Panel for a study of chloride use on permeable pavements (along with TAC member Richard McCoy). She also reported that she has been meeting with MPCA staff and other watersheds on how to improve chloride education and the MPCA's database of certified applicators. Further, she noted that legislation (at least in the Minnesota House of Representatives) is being considered for a limited liability law similar to that in New Hampshire.

Administrator Jester also discussed the list of upcoming community events included in the packet. She noted the Commission is already committed to the Plymouth Expo and there are other events that would be good to participate in including the Bassett Creek Clean Up in Minneapolis and Duk Duk Daze in New Hope on

Northwood Lake. Mr. Paschke noted that missing from the list was New Hope's "City Day" on June 4<sup>th</sup>. Administrator Jester said she would send an email to Commissioners asking for volunteers for various events.

Administrator Jester also discussed the 2016 BCWMC tour, which will likely be held in late May or early June. Tour stop ideas she suggested included biotic index monitoring, Schaper Pond, Main Stem project in Golden Valley, Briarwood/Dawnview project in Golden Valley, and the Plymouth Creek restoration project site, especially the disc golf area. Commissioner Hoschka suggested a visit to a city public works site to learn about city management of chloride use.

[Alternate Commissioner Acomb departs the meeting.]

#### **G. Receive Final Report for Briarwood/Dawnview Water Quality Pond (BC-7)**

Tom Hoffman with the City of Golden Valley reported that the Briarwood/Dawnview Water Quality Pond Project was completed last fall. He reviewed the final report on the Project including project outcomes, budget, and lessons learned. He noted that although the feasibility study estimated annual pollutant removals of 35 pounds of total phosphorus and 21 tons of total suspended solids, modeling of the constructed project estimates that 40 pounds of total phosphorus and 23 tons of total suspended solids will be removed annually. There was discussion about ongoing vegetation management and other maintenance needs. Commissioner Welch said he found final project reports to be very valuable. Administrator Jester reminded Commissioners that each CIP project has its own webpage with all pertinent documents, including final reports, when completed.

#### **H. Consider Approval of Final Reimbursement Request from City of Golden Valley for Briarwood/Dawnview Water Quality Pond (BC-7)**

Administrator Jester noted this reimbursement request combined reimbursements for both the feasibility study development with the design and construction of the project even though those activities happened under two separate agreements. She reported that she had reviewed all of the documentation and recommended approval of the request.

**MOTION:** Commissioner Welch moved approval of the reimbursement to the City of Golden Valley for the requested amount of \$230,401.91. Seconded by Alternate Commissioner Tobelmann. Upon a vote the motion carried 6-0. [Cities of Medicine Lake, Minnetonka, and Robbinsdale absent from vote.]

#### **I. Designate Official News Publications of Bassett Creek Watershed Management Commission**

Administrator Jester reported that Amy Herbert had compiled information regarding the cost of printing a typical BCWMC official notice in various news outlets. Administrator Jester noted that she and Ms. Herbert recommended keeping Finance and Commerce as the Commission's officially designated publication as it covers all of Hennepin County. She noted that a further recommendation is to continue the practice of also printing notices in the Sun Post and Sun Sailor as they cover eight of the nine member cities; and ending the practice of publishing in the Lakeshore Weekly News, thereby saving printing costs. She noted another recommendation that would make notices more accessible to Minneapolis residents is to work with neighborhood associations in getting BCWMC notices into their newsletters or into their online calendars.

**MOTION:** Commissioner Welch moved to designate Finance and Commerce as the BCWMC official publication and for staff to work with the City of Minneapolis to determine appropriate news outlets that cover all areas of the Commission within Minneapolis. Seconded by Alternate Commissioner Crough. Upon a vote the motion carried 6-0. [Cities of Medicine Lake, Minnetonka, and Robbinsdale absent from vote.]

#### **J. Receive Update on New BCWMC Website**

Administrator Jester reported that the website launch announcement was sent to all partnering organizations

and agencies of the Commission and that she had received a few favorable responses in return. There was discussion about whether or not to keep Commissioner home addresses on the website. It was noted it's not a requirement. There was consensus to remove all home addresses of Commissioners from the website. Administrator Jester encouraged Commissioners and TAC members to report any errors or glitches with the new website.

**K. Receive Responses from MPCA on Commission's Comments on Chloride Total Maximum Daily Load (TMDL) Study**

Administrator Jester reported that the MPCA had formally responded to BCWMC comments on the Chloride TMDL submitted last August and that the TMDL was approved by MPCA and is awaiting U.S. EPA approval.

**L. Receive Update on 2017 Main Stem Erosion Repair Project (2017CR-M)**

Administrator Jester reported that the draft feasibility report was recently sent to her and Minneapolis city staff for review and that a meeting is scheduled among herself, city staff, and the Commission Engineer to review and discuss. Commissioner Welch indicated he would like to review the current draft of the report. Administrator Jester indicated she would send a draft to Minneapolis Commissioners and could take comments ahead of the meeting if they did not wish to attend the meeting. She reported the report would be revised according to comments and would then be presented at the April Commission meeting.

Commissioner Welch reminded the Administrator to review Dave Stack's comments on the project.

## 7. COMMUNICATIONS

**A. Administrator:**

**i. Biennial Budget Request (BBR) Submittal to MN Board of Water and Soil Resources**

Administrator Jester noted that aside from her written report in the meeting packet, she and the Commission Engineer would be submitting the BCWMC 2018 and 2019 CIP projects to the BWSR for the biennial budget request and that she had encouraged cities to do the same.

She also noted that the Commission Engineer would be giving a presentation on the XP-SWMM Phase II Project at AMLAC's annual meeting in early May, at their request.

She also noted the BCWMC Budget Committee would be meeting March 31<sup>st</sup> at 3:30 p.m. in the Parkers Lake Room of Plymouth City Hall.

**B. Chair:** No comments

**C. Commissioners:** Commissioner Welch asked if the Commission Engineer or Administrator was involved with the major construction project planned for Hwy. 169 that will extend into the southern portion of the watershed. Staff indicated they would contact MnDOT to learn more about the project.

**D. TAC Members:** No comments

**E. Committees:**

**i. Education Committee (see agenda item 5F)**

**F. Legal Counsel:** No comments

**G. Engineer:** No comments

**7. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/document/meeting-materials-minu/meeting-materials/bcwmc-monthly-meeting> )**

- A. CIP Project Updates: Now Available Online <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet
- C. WMWA February 2016 Minutes
- D. 2016 Urban Waters Forum <http://www.arboretum.umn.edu/2016UrbanWaters.aspx>
- E. Bassett Creek Clean Up @ Bassett Creek Park, MPLS  
[https://www.minneapolisparcs.org/activities\\_events/events/earth\\_day\\_cleanup/#group\\_1\\_219258](https://www.minneapolisparcs.org/activities_events/events/earth_day_cleanup/#group_1_219258)
- F. Raingarden Workshops by Metro Blooms
- G. 2015 WMWA Annual Report

**8. ADJOURNMENT**

Vice Chair Mueller adjourned the meeting at 11:13 a.m.

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Signature/Title

Date

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Signature/Title

Date