



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting February 20, 2014 Golden Valley City Hall, 8:30 a.m.

#### Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller (incoming Vice Chair)	Robbinsdale	<i>Not represented</i>
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	Commissioner Jim de Lambert, Vice Chair (incoming Chair)
Medicine Lake	Commissioner Clint Carlson	Administrator	Laura Jester, Keystone Waters LLC
Minneapolis	Commissioner Michael Welch	Attorney	Charlie LeFevere, Kennedy & Graven
Minnetonka	Commissioner Jacob Millner, Secretary	Engineer	Karen Chandler, Barr Engineering Co.
New Hope	Alternate Commissioner Pat Crough	Recorder	Amy Herbert
Plymouth	Alternate Commissioner David Tobelmann		

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

Derek Asche, TAC, City of Plymouth	Tom Mathisen, TAC, City of Crystal
Phil Elkin, TAC, City of St. Louis Park	Jeff Oliver, TAC, City of Golden Valley
Joe Fox, TAC, City of Golden Valley	Liz Stout, TAC, City of Minnetonka
Christopher Gise, Golden Valley Resident	Peter Tiede, Murnane Law Firm
Linda Loomis, Chair, Plan Steering Committee	Jim Prom, Plymouth City Council
Shawn Markham, City of New Hope	

### 1. CALL TO ORDER AND ROLL CALL

On Thursday, February 20, 2014, at 8:34 a.m. in the Council Chambers at Golden Valley City Hall, Vice Chair deLambert called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken. The city of Robbinsdale was absent from the roll call.

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

No citizen input.

### 3. AGENDA

Commissioner Welch moved to approve the agenda. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

### 4. CONSENT AGENDA

Commissioner Welch requested the removal of 4I –Approval to Set TAC Meeting and Agenda for 3/6/14. Chair de Lambert said that the item could be addressed as part of 7A . Alternate Commissioner Crough moved to approve the Consent Agenda as amended. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

[The following items were approved as part of the Consent Agenda: the January 16, 2014, BCWMC meeting minutes, the fiscal year-end report through January 31, 2014, the monthly financial report, payment of the invoices, Resolution 14-03 designating depositories for Bassett Creek Watershed Management Commission funds, Approval to designate *Finance & Commerce* as the official news publication of the BCWMC, Approval of Agreement with the Shingle Creek Watershed Management Commission for Participation with West Metro Watershed Alliance (WMWA), Approval of Golden Valley Golf Course and Country Club Pedestrian Bridge Replacement, and Approval of Golden Valley 2014 Pavement Management Plan ]

The general and construction account balances reported in the Financial Report prepared for the February 20, 2014, meeting are as follows:

Checking Account Balance	\$389,456.00
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TOTAL GENERAL FUND BALANCE	\$389,456.00
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TOTAL CASH & INVESTMENTS ON-HAND (1/31/14)	\$2,635,630.28
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CIP Projects Levied – Budget Remaining	(\$2,885,936.73)
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Closed Projects Remaining Balance	(\$250,306.45)
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2013 Anticipated Tax Levy Revenue	\$9,662.09
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2014 Anticipated Tax Levy Revenue	\$895,000.00
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Anticipated Closed Project Balance	\$654,355.64
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## 5. ORGANIZATIONAL MEETING

There was a short discussion on the procedure of the organizational meeting.

### A. Appoint BCWMC Officers

- i. Chair:** Commissioner Welch nominated Commissioner Jim de Lambert to the position of Chair. Vice Chair de Lambert called for additional nominations. Upon hearing none, Vice Chair de Lambert closed nominations. Commissioner Welch moved to approve the appointment of Jim de Lambert to the position of BCWMC Chair. Commissioner Hoschka seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].
- ii. Vice Chair:** Commissioner Hoschka nominated Commissioner Ginny Black to the position of Vice Chair. Commissioner Welch nominated Commissioner Guy Mueller. There was discussion of the duties of the Vice Chair. Upon hearing no additional nominations, Commissioner Welch moved to close nominations. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote]. Chair de Lambert called for a vote to appoint the Vice Chair. Upon a vote, Commissioner Black received 3 votes in favor and Commissioner Mueller received 4 votes in favor [Commissioner Mueller abstained from the vote; City of Robbinsdale was absent from the vote]. Commissioner Mueller was appointed Vice Chair.  
  
Various Commissioners commended former Chair Ginny Black for her time and dedication to the position of Chair for the past several years.
- iii. Treasurer:** Commissioner Welch nominated Commissioner Hoschka for BCWMC Treasurer. Upon hearing no additional nominations, Commissioner Welch moved to close nominations. Alternate Commissioner Tobelmann seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote]. Commissioner Welch moved to approve the appointment of Commissioner Hoschka to the position of Treasurer. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].
- iv. Secretary:** Commissioner Welch nominated Jacob Millner for BCWMC Secretary. Upon hearing no additional nominations, Commissioner Welch moved to close nominations. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote]. Commissioner Welch moved to approve the appointment of Commissioner Millner to the position of BCWMC Secretary. Vice Chair Mueller seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

### B. Appoint Committee Members

- i. Administrative Committee Members:** The Commission appointed Guy Mueller, Ginny Black, Wayne Sicora, Jim de Lambert, Jacob Millner, Pat Crough, and Dave Tobelmann to the Administrative Committee.
- ii. Budget Committee:** The Commission appointed Jim de Lambert, Guy Mueller, Stacy Hoschka, Jacob Millner, Clint Carlson, and Ginny Black to the Budget Committee.
- iii. Education Committee:** The Commission maintained the current membership comprising Dave Tobelmann, Stacy Hoschka, Lisa Goddard, and Dan Johnson to the Education Committee.

**iv. Next Generation Plan Steering Committee:** The Commission maintained the current membership comprising Committee Chair Linda Loomis, Ginny Black, Michael Welch, Lisa Goddard, Justin Riss, Wayne Sicora, and ad hoc Clint Carlson, Dave Tobelmann, Derek Asche, Jeff Oliver, Joe Fox, Pat Crough, Guy Mueller, Karen Chandler and Laura Jester to the Next Generation Plan Steering Committee.

Administrator Jester noted that all committees will be meeting in the next couple of months due to pending business.

**C. Review Year-End 2013 Financial Status and 2014 Budget**

Administrator Jester summarized the BCWMC's 2013 fiscal year-end financial status, saying that the Commission ended the year well and in the black. She described the cost-savings measures that the Commission implemented during the year and noted the fund balance.

Administrator Jester provided a short overview of the Commission's 2014 budget. There was a discussion about the XP-SWMM project budget, which was tabled until the XP-SWMM item later in the agenda [see agenda item 7A].

**D. Order Preparation of 2013 Annual Report**

Commissioner Tobelmann moved to order the preparation of the annual report. Commissioner Millner seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

Commissioner Welch requested that the link to the annual report be featured prominently on the website and that there is a separate link to the Executive Summary piece.

**E. Discuss Holding Brief XP-SWMM Tutorial at Future Commission Meeting**

There was discussion on interest in holding a brief tutorial on XP-SWMM at a future Commission Meeting. Commissioner Carlson suggested that if the Commission receives a proposal from Barr Engineering for phase 2 of the XP-SWMM work, the tutorial and proposal review could be integrated into one meeting so the general questions and more specific process questions could be addressed at that time. Commissioner Welch commented that the current XP-SWMM model is an important product of the Commission. The January 14, 2014 XP-SWMM tutorial presentation will be posted on the Commission website. The Commission tabled the discussion until the XP-SWMM item later in the agenda [see agenda item 7A].

## 6. NEW BUSINESS

**A. Review Draft Feasibility Report for 2015 Bassett Creek Main Stem Restoration Project (2015CR)**

Administrator Jester explained that reviewing the draft feasibility study is the next step in the CIP process for this project. She said that the draft report was prepared by WSB and Associates for the City of Golden Valley for the stream restoration project on the Main Stem of Bassett Creek between 10<sup>th</sup> Avenue and Duluth Street. Administrator Jester pointed out that in the next agenda item the Commission is being asked to direct the Commission Engineer to review and comment on the draft feasibility study on behalf of the BCWMC and to work with the City of Golden Valley and WSB to address any issues or concerns.

Joe Fox described the project in detail, explaining that the project will address erosion, the hazardous conditions that the erosion is causing, total phosphorous, and total suspended solids. He summarized the

proposed solutions including reshaping and stabilizing the slopes using bioengineering methods like vegetated reinforced slope stabilization (VRSS) and hard armoring like rock vanes and fieldstone boulders. Mr. Fox noted that the draft report states that if only bioengineering methods are used in the project then approximately 800 trees would need to be removed and if hard armoring is using along the entire reach then approximately 400 trees would need to be removed.

He said that the cost estimate of the project is \$1,300,000 to \$1,600,000. There was a question about the timing of the construction. Mr. Fox said that he would clarify the construction date.

Mr. Fox said that the first priorities in this project are stabilizing areas on public property and stabilizing storm sewer outlets, and that a big issue in this project will be getting access to private property since much of the erosion is on private property. Mr. Oliver said that the City has not yet had a public meeting on the project, but the City will hold a large group meeting and then will discuss the project with individual property owners and will get feedback from them regarding what techniques they would like to see used on their property.

Commissioner Tobelmann said that the Commission needs to think about positioning and public relations for the project. Mr. Oliver said that the City has been working on this aspect of the project and is being very proactive to be the first and best source of information. Administrator Jester stated that the pollutant removal numbers on pages 6 and 18 of the report are different. Mr. Fox said that he would clarify the correct numbers with WSB and would let her know.

Commissioner Welch commented that this feasibility study didn't clearly identify the erosive force thresholds that the different armoring techniques can withstand or identify the level of erosion forces that the proposed restoration sites are facing, which makes it difficult for him to understand from the report which stabilization techniques would be successful in the proposed restoration sites. He said he thinks this lack of information could cause conflict if the property owners are given various options to choose from but aren't clearly informed from the start about what stabilization techniques would be successful on the restoration sites on their property. There was discussion on this topic, public participation, value of the project in terms of cost per pound of phosphorous removed, and easements.

Engineer Chandler stated that the Commission will need to discuss how it will levy for this project, and since the Commission's procedure has been to levy \$1,000,000 each year, it may want to consider breaking up the cost into more than one year's levy request.

Commissioner Welch recommended that the proposed restoration sites be prioritized and as the project moves forward, the BCWMC's Administrator could do some outreach with the property owners of the high priority sites.

Administrator Jester highlighted the Commission's CIP process and the timeline for this project and said that the final feasibility report will come back to the Commission in June.

## **B. Approval of Commission Engineer to Formally Review and Comment on Feasibility Studies of Commission Projects**

Administrator Jester requested that the Commission Engineer be directed to review all draft feasibility studies of Commission projects and to provide comments to the Commission, pertinent city staff and the city's consultant that prepared the report. She explained that the costs of the Commission Engineer's review of the draft feasibility studies could be built into the cost of the CIP project. Commissioner Welch moved to approve taking the action described by Administrator Jester with the recommendation that the draft feasibility study

first come to the Commission at which time the Commission will direct the Commission Engineer to review the feasibility report.

Mr. Oliver remarked that the Commission has a pool of engineers that it used for preparing feasibility studies of Commission projects. He said that he has no issues with the concept of the Commission Engineer's review of draft feasibility reports but noted that if those costs are included in the project costs, then there are fewer dollars available for actual construction of the project. Vice Chair Muller seconded the motion. Upon a vote, the motion carried 8-0 [City of Robbinsdale absent from vote].

*[Commissioner Millner departs the meeting]*

**C. Order Submittal of Major Plan Amendment to BWSR**

Administrator Jester said that the draft documents were in the meeting packet and with Commission direction, they will be finalized and sent to the Minnesota Board of Water and Soil Resources (BWSR) and the Metro-Area Plan Reviewers for review and comment. Mr. LeFevere recommended one addition. Commissioner Welch moved to approve staff making the addition recommended by Mr. LeFevere and finalizing and distributing the Major Plan Amendment request to BWSR and the necessary parties. Commissioner Tobelmann seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

**D. Decide on Participation in 2014 Education and Outreach Events**

There was discussion about upcoming events and possible participation. Administrator Jester asked the Commission about what level they would like her to participate in preparing for and participating in the education events, and she said that she would like to participate in this type of work. The Commission agreed to participate in the City of Plymouth's Yard and Garden Expo, to have Administrator Jester send around a sign up for upcoming events, and for the Education Committee to discuss upcoming events and educational materials at its next meeting and bring information back to the Commission.

**E. Discuss Recognition of Volunteers**

Administrator Jester presented some options on ways that the Commission could recognize its volunteers and recommended that the Education Committee discuss the options further and bring information back to the Commission. The Commission agreed.

**F. Consider Participating in 2014 West Metro Region Watersheds NEMO (Non-Point Education for Municipal Officials) Program**

Administrator Jester gave an overview of the program and the request received by the BCWMC to participate financially and by helping recruit officials in the watershed to attend the programs. Commissioner Welch moved to authorize Administrator Jester to expend up to 10 hours of her BCWMC time to help with the program and recruiting and to authorize the expenditure of up to \$500 toward the NEMO program contingent on Attorney LeFevere's approval of the agreement between the BCWMC and the University of Minnesota, and to authorize Administrator Jester to execute the agreement in the case that Attorney LeFevere approves the agreement. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

**G. Consider Request for Financial Support of Annual Children's Water Festival**

Administrator Jester described the request and the program and recommended that the Commission contribute \$350 out of its 2014 education budget. Attorney LeFevere noted that a grant agreement would be put in place. Commissioner Tobelmann moved to approve participating in this year's Children's Water Festival at an

amount not to exceed \$350. Vice Chair Mueller seconded the motion. Upon a vote, the motion carried 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

## 7. OLD BUSINESS

### A. Consider Funding Options for XP-SWMM Phase II

Engineer Chandler summarized the memo included in the meeting packet and corrected two numbers from the memo, explaining that the 2015 total should say \$82,000 and the 3-year total should say \$246,000. She said that the Commission should discuss if it wants to move forward with the XP-SWMM Phase II. She summarized the possible options, including work in 2014, and noted that the work should be performed in a particular order starting with Plymouth Creek and continuing downstream.

Commissioner Welch asked if the TAC members feel the need to weigh in. Mr. Asche provided comments and said that he thinks the TAC would appreciate weighing in again on this topic. He also said that the possible cost to the City of Plymouth for this work is \$100,000, and the City would like the Commission to go out with a Request for Proposals (RFP) for the work. Engineer Chandler responded to questions. Commissioner Carlson said that he is strongly in favor of sending this back to the TAC to discuss and to provide input from each city. Commissioner Tobelmann asked that the TAC also address the consequences of not upgrading the model.

There was discussion on the benefits of an upgraded model. Engineer Chandler said that she could bring to the next TAC meeting information about the assumptions that were used to develop the cost estimate for developing phase 2. Commissioner Hoschka requested maps as well. Commissioner Welch asked if the model is available now for use and brought up the fact that the Commission needs to have a policy on who gets the model and under what terms. He said that he will forward some information about terms to Administrator Jester, Engineer Chandler, and Attorney LeFevere. Engineer Chandler said that she can forward the model now to the BCWMC cities that are interested in receiving it. There was further discussion of details of the model. Commissioner Hoschka, Mr. Fox and Mr. Asche requested a meeting with Commission Engineer Rita Weaver to review the XP-SWMM. Engineer Chandler indicated such a meeting could be arranged.

Chair de Lambert asked if the TAC is comfortable with the direction from the Commission on this issue, and the TAC indicated yes. The March 6, 2014 TAC meeting agenda will include this item.

### B. Update on Next Generation Plan Development

Administrator Jester noted that the minutes from the Plan Steering Committee's January 27<sup>th</sup> meeting are in the packet, and she provided an update on the Committee's progress. She said that the Plan Steering Committee is still discussing policies and there will need to be a Commission workshop in April to discuss draft policies.

### C. Update on Medicine Lake Water Level Issue

#### i. Guest Column in 1/30/14 Plymouth *Sun Sailor*

Administrator Jester reported on her guest column in the *Sun Sailor* on January 30<sup>th</sup>.

#### ii. Draft Agenda for 3/4/14 Stakeholder Meeting

Administrator Jester distributed a revised draft agenda. She provided background on the person who will be facilitating the meeting and walked the Commission through the draft agenda. Commissioner Welch suggested that Chair de Lambert do the welcome at the meeting. Engineer Chandler asked the Commission about Commissioners' role in this meeting because she noticed that the Commission is

not identified as a stakeholder. She asked if the Commission plans to participate in the small group breakouts or not. Administrator Jester said these are great questions that can be answered by the meeting facilitator. There was discussion about stakeholders and the meeting invitation list.

**D. Consider Distributing Joint Powers Agreement Amendment for Official Signatures**

There was discussion about distributing the Joint Powers Agreement (JPA) Amendment. The Commission decided to take no action and revisit it at the Commission's March meeting.

**E. Update on Watershed Map Project**

Administrator Jester gave an update on the project. She reported that Ted Hoshal will meet with her and Hedberg Maps next week, and she said that the BCWMC's Education Committee will also meet to discuss the map in the near future.

## 8. COMMUNICATIONS

**A. Administrator:**

- i. Administrator Jester said that her Administrator Report is in the meeting packet.

**B. Chair:** No Chair or Vice Chair Communications

**C. Commissioners:**

- i. Commissioner Welch announced that this Saturday, February 22 at 10:30 a.m. there will be an open house at the Wirth Pavilion regarding the 90% plans for the Bassett Creek Main Stem Restoration Project (Irving Avenue to Golden Valley Road).
- ii. Commissioner Hoschka reported on the City of Golden Valley's recognition of the contributions of Dave Hanson to the BCWMC.

**D. Committees:** No Committee Communications

**E. Legal Counsel:** No Legal Communications

**F. Engineer:**

- i. Engineer Chandler pointed out that there is information in the meeting packet about the closing out of the Wirth Lake Outlet project grant.
- ii. Engineer Chandler noted that handed out at today's meeting was the comment letter that was prepared and sent out regarding the impaired waters list.

## 9. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/Meetings/2014/2014-February/2014FebruaryMeetingPacket.htm>)

- A. 2013 River Watch Report
- B. Golden Valley City News – water articles pages 5 and 7
- C. WCA Notices, Plymouth
- D. Grant Tracking Summary and Spreadsheet

