



## Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting  
Thursday, January 17, 2019  
8:30 a.m.**

**Golden Valley City Hall, Golden Valley MN**

### 1. CALL TO ORDER and ROLL CALL

On Thursday, January 17, 2019 at 8:32 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair de Lambert 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>	Mark Ray
Golden Valley	Stacy Harwell	<i>Absent</i>	Drew Chirpich
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	<i>Vacant Position</i>	Liz Stout
Minnetonka	Mike Fruen	<i>Absent</i>	Chris LaBounty and Sarah Schweiger
New Hope	<i>Absent</i>	Pat Crough	<i>Absent</i>
Plymouth	<i>Absent</i>	John Byrnes	Ben Scharenbroich
Robbinsdale	Michael Scanlan	<i>Absent</i>	Richard McCoy and Marta Roser
St. Louis Park	Jim de Lambert	<i>Absent</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters		
<b>Engineer</b>	Karen Chandler, Jim Herbert, and Michelle Kimble, Barr Engineering		
<b>Recorder</b>	Dawn Pape, Lawn Chair Gardener Creative Services		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Guests/Public</b>	None		

Introduction of Dave Anderson, who is taking over from Troy Gilchrist as Commission Legal Counsel as Mr. Anderson does not represent any member cities.

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

No citizens present.

**3. APPROVAL OF AGENDA**

**MOTION:** Alternate Commissioner Byrnes moved to approve the agenda. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 9-0.

**4. CONSENT AGENDA**

The following items were approved as part of the consent agenda: December 20, 2018 Commission meeting minutes, acceptance of the January 2019 financial report, payment of invoices, approval to resolution 19-01 to transfer funds from CIP account to administrative account, approval of resolution 19-02 to transfer funds from administrative account to channel maintenance fund and long-term maintenance fund, approval of contracts with Lawn Chair Gardener, Keystone Waters LLC, and Wenck Associates, approval for administrator to attend Road Salt Symposium, approval to reimburse Commissioner Scanlan for Road Salt Symposium registration, approval of proposal from MMKR to perform 2018 financial audit.

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

Checking Account Balance	\$ 458,691.79
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$ 458,691.79</b>
<b>TOTAL CASH &amp; INVESTMENTS ON-HAND (01/09/19)</b>	<b>\$3,751,697.23</b>
CIP Projects Levied – Budget Remaining	(\$3,959,872.88)
Closed Projects Remaining Balance	(\$208,175.65)
2012-2016 Anticipated Tax Levy Revenue	\$ 4,038.75
2017 Anticipated Tax Levy Revenue	\$ 3,219.59
Anticipated Closed Project Balance	(\$200,917.31)

**MOTION:** Commissioner Welch moved to approve the consent agenda. Alt. Commissioner Byrnes seconded the motion. Upon a vote, the motion carried 9-0.

**5. BUSINESS**

**A. Consider Approval of Final Feasibility Study for Bryn Mawr Meadows Water Quality Improvement Project**

At the October 2018 meeting the Commission reviewed and discussed the draft feasibility study. Since then, staff discussed maintenance of the MnDOT ponds with MnDOT and Minneapolis Park and Rec Board (MPRB) staff.

Commission Engineer Chandler introduced Commission Engineer Kimble. Ms. Kimble presented the final feasibility study and described various concepts, pointing out that the concepts have not changed since the study was first presented in October. She noted that three concepts are being considered for treating water quality in conjunction with MPRB reconstruction of the park. She reported the park is located on an old wetland, so infiltration is not possible and that this project would provide treatment above and beyond the stormwater treatment needed for the park reconstruction project. She reported that Concept #1 captures runoff from only a small piece of an adjacent neighborhood; that Concept #2 would capture and treat the first flush of the neighborhood runoff along with some water that comes through MnDOT’s Penn Pond; and that Concept #3 combines the first two concepts.

Engineer Kimble noted that Penn Pond is currently not performing well and needs significant maintenance. MnDOT agrees that maintenance is needed and has agreed to perform the maintenance during the park reconstruction project when access is easier. The CIP project modeling assumes that Penn Pond is functioning as designed (i.e., maintenance has been performed).

Engineer Kimble noted that an error was discovered in the earlier draft of the study with pollutant load calculations. She reported that estimated pollutant load reductions are much lower than previously reported, resulting in an increase in the cost per pound of removal. The error in the draft study was due to reporting the TOTAL pounds removed for the entire model run over multiple years, rather than the ANNUAL pounds removed. She noted the revised numbers are more in line with what we typically see for water quality projects.

Engineer Kimble recommended approving the study and moving forward with Concepts 2 or 3. She noted that Concept 2 is the most cost effective for the pollutant removal and that Concept 3 is worthy of consideration because it's the only way to treat that runoff from that neighborhood.

Commissioner Welch noted that even though this is a simple concept, there are a lot of "moving parts." He mentioned that he was nervous about relying on MnDOT to maintain Penn Pond and relying on MPRB to actually reconstruct the park.

Engineer Chandler noted that the costs were based on the sediment being contaminated and that actual costs could be lower if the soils aren't contaminated, but that won't be known until the final design phase. Administrator Jester noted that there may be grant funds available to deal with contaminated soils.

Engineer Kimble reported that MnDOT staff verbally agreed to clean out Penn Pond during park reconstruction but that there isn't a commitment in writing. MPRB staff agreed it makes sense to allow access to the pond through the park during park reconstruction. It was noted that although stormwater management ponds aren't installed as often as they once were, there are no other cost effective options for treatment in this area due to poor soils and high groundwater.

Commissioner Welch wondered if the Commission would be criticized for installing a stormwater pond in a widely-used park for recreation. Administrator Jester said there's no indication that there is any backlash about the design from MPRB or the public or that MnDOT won't fulfill their obligations to maintain the pond. She noted an agreement with the City of Minneapolis to implement the CIP could be contingent on MPRB actually beginning design and MnDOT signing the agreement to actually maintain the pond.

Liz Stout, Minneapolis TAC, point out that this project presents a unique opportunity to treat the stormwater from this established neighborhood. Ms. Stout also said that she and the City of Minneapolis can help communicate and negotiate with MPRB and MnDOT.

Commissioner Carlson ask for confirmation that this project would not be impacted by possible redevelopment in the Bassett Creek Valley area. Engineer Kimble assured that it would not be impacted.

**MOTION:** Commissioner Welch moved to approve the Final Feasibility Study for Bryn Mawr Meadows Water Quality Improvement Project, to move forward with Concept 3, to engage MnDOT in signing an agreement to maintain Penn Pond, and talk with Hennepin County about soil investigation funds. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 9-0.

After the vote it was noted that education and aesthetics related to this project are important.

**B. Review Information and Consider Recommendations for Flood Control Project Deep Tunnel Inspection and Potential Tour**

At the meeting in June 2018, commissioners expressed interest in a tour for commissioners and TAC members of the deep tunnel during the routine inspection originally slated for last fall. Commission Engineer Chandler introduced Commission Engineer Herbert. Engineer Herbert reported that he was coordinating with the U.S. Army Corps of Engineers to schedule the deep tunnel inspection during early November 2018. However, the water control plan was not approved and the inspection was cancelled. Based on further coordination with the Corps, Engineer Herbert scheduled the Bassett Creek deep tunnel inspection for the week of February 25, 2019 to minimize navigation impacts and minimize disruptions to Xcel Energy's operation of the St. Anthony Falls hydropower dam.

Engineer Herbert explained that this inspection is a significant undertaking because the creek discharges below the water level of the Mississippi River, it is regulated by the Army Corps of Engineers, and there are many property owners along the River's middle pool. He noted there has been a significant amount of coordination with the Army Corps of Engineers and that a barge may need to be moved, so there are more details to be worked out. Engineer Herbert stated that the inspection is for observation only, not cleaning of sediment or other repairs.

Engineer Herbert walked through the recommendations that are outlined in the memo:

1. Authorize the Administrator to allocate up to \$15,000 from the Flood Control Project Long-Term Maintenance fund to address potential "last-minute" items that may require hiring a contractor or addressing other unforeseen issues that cannot be addressed by the U.S. Army Corps of Engineers or the City of Minneapolis.
2. Gather input regarding participation and an approximate head count of the Commissioners/TAC members that may be interested in a tunnel tour.
3. If there is enough interest in the tour(s), authorize up to \$5,000 from the 2019 Surveys and Studies Fund to pay for the planning, coordination, expenses and other costs associated with holding the tour(s).
4. Request assistance from member cities in providing safety equipment for their commissioners/TAC members participating in the tour.

Commissioner Harwell said she thinks \$5,000 for an adventure to see the tunnel is not wise use of Commission funds. She suggested the tour be videoed and shared with the Commission. Commissioners Fruen and Scanlan agreed.

Engineer Herbert noted that a different watershed district did something similar and the participants enjoyed the tour and found it very educational. Commissioner Harwell maintained there are other ways to see flood control projects that don't pose safety threats.

There was some discussion about the cost of the tunnel inspection without the tour, which is estimated at \$36,000.

Minneapolis TAC member Liz Stout that the city may fund a tour of the tunnel for city staff and a few elected officials. She noted it's critical to learn about this critical infrastructure and to educate state legislators, and other politicians.

**MOTION: Commissioner Welch moved to proceed with the inspection without a tour for commissioners and to follow-up with a video for the Commission. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 6-3. [Cities of Medicine Lake, Minneapolis, St. Louis Park voted against the motion.]**

**MOTION: Commissioner Welch moved to approve the use of contingency funds from the Flood Control Project Long-Term Maintenance, up to \$15,000 for the tunnel inspection. Alternate Commissioner John Byrnes seconded. Upon a vote, the motion carried 9-0.**

**C. Receive Update on Minnesota Association of Watershed Districts (MAWD) and Metro MAWD**

Administrator Jester provided more information on meetings and opportunities for the Commission's involvement in MAWD and Metro MAWD. The following items are updates and recommendations.

The next MAWD event is a legislative reception (afternoon/evening of Feb 20th), and Day at the Capitol (breakfast and all-day Feb 21st). Cost is \$100/participant (increases to \$125 after Feb 13th). These are costs that can be reimbursed. Commissioners Scanlan and Harwell expressed interest in attending. There was some discussion about Commissioners actively lobbying on behalf of the Commission, which would be a new activity that has been avoided in the past.

**MOTION:** Commissioner Welch moved to reimburse commissioners for the cost of registration to attend the MAWD Day at the Capitol events provided commissioners do not speak on behalf of BCWMC. Commissioner Fruen seconded the motion. Upon a vote, the motion carried 9-0.

Administrator Jester continued with MAWD updates, noting that MAWD appoints four watershed administrators to represent MAWD on the State's Local Government Water Roundtable's Workgroup (which is similar to an advisory committee). The MAWD Board of Directors is inviting the BCWMC Administrator to hold one of those positions in 2019. This would entail attending three to four meetings during the year, typically held in or near St Cloud. Administrator Jester noted this workgroup has been an influential group in the past, having been tasked with developing white papers to inform state policy on watershed planning, management, and funding.

**MOTION:** Commissioner Welch moved to approve Administrator Jester's participation in the State's Local Government Water Roundtable's Workgroup. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 9-0.

Administrator Jester explained that BCWMC Commissioners will be added to the Metro MAWD email list and can expect emails from its coordinator Mark Doneux. She noted the next Metro MAWD meeting is scheduled for Tuesday, January 29th at 7:00 p.m. in St. Paul. The meeting is geared for watershed managers and commissioners. Administrator Jester reported she plans to attend the meeting to learn more about the group.

Administrator Jester also reported that an invoice for 2019 MAWD member dues of \$500 will be on the February BCWMC agenda. She noted dues for 2020 are still unknown but are likely to be around \$5,000.

**6. COMMUNICATIONS**

**A. Administrator's Report**

Administrator Jester asked commissioners to complete the conflict of interest forms for the financial auditor and she reported that she recently submitted an application for a Hennepin County AIS Prevention grant totaling \$13,104.

**B. Chair**

Chair de Lambert noted that at next month's meeting the commission will elect officers and make committee appointments. He reported he is planning to step down from the position of Chair. Commissioner Welch urged him to remain in the position. Commissioner Carlson complimented Chair de Lambert on being impartial among other positive traits.

**C. Commissioners**

Commissioner Welch informed the Commission that the proposed legislation to limit liability for salt use is gaining traction at the Legislature.

