



Item 4A.
BCWMC 3-16-17

Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting
Thursday February 16, 2017
8:30 a.m.
Golden Valley City Hall, Golden Valley MN

Commissioners and city staff present:

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	<i>Absent</i>	NA	
Golden Valley	Stacy Harwell, Secretary/Treasurer	Jane McDonald Black	Jeff Oliver
Medicine Lake	<i>Absent</i>	Gary Holter	Susan Wiese
Minneapolis	Michael Welch	<i>Absent</i>	Liz Stout
Minnetonka	Mike Fruen	<i>Absent</i>	Tom Dietrich
New Hope	<i>Absent</i>	Pat Crough	Chris Long
Plymouth	Jim Prom	John Byrnes	Derek Asche
St. Louis Park	Jim de Lambert	Patrick Noon	Erick Francis
Robbinsdale	<i>Absent</i>	Wayne Sicora	

Staff and Others Present:

Administrator	Laura Jester, Keystone Waters
Engineer	Karen Chandler and Meg Rattei, Barr Engineering
Legal Counsel	Troy Gilchrist, Kennedy & Graven
Presenters/ Guests/Public	Nathan Warner, Steve Gebauer, and John Hink (Solution Blue); Niraz Patel (Rock Hill Management); Dawn Pape (Lawn Chair Gardener)

1. CALL TO ORDER AND ROLL CALL

On Thursday February 16, 2017 at 8:35 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair de Lambert called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken. The city of Crystal was absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No comments from citizens.

3. APPROVAL OF AGENDA

Administrator Jester requested the addition of item 6Aiii – Consider Agreement with City of Plymouth Regarding Agora Development Project.

MOTION: Commissioner Welch moved to approve the agenda as amended. Commissioner Prom seconded the motion. Upon a vote, the motion carried 8-0. [City of Crystal was absent from the vote.]

4. CONSENT AGENDA

MOTION: Commissioner Prom moved to approve the consent agenda. Alt. Commissioner Holter seconded the motion. Upon a vote, the motion carried 8-0. [City of Crystal was absent from the vote.]

The following items were approved as part of the consent agenda: the January 19, 2017 Commission Meeting Minutes, the February 2017 Financial Report, the payment of invoices, resolution 17-03 designating depositories for BCWMC funds; designation of *Finance and Commerce* of the official new publication of the BCWMC; reimbursement to the City of New Hope for Northwood Lake Improvement Project Expenses; contract with HDR, Inc. for website hosting and assistance; French Regional Park Street Improvement Project; contract with Wenck Associates for 2017 lake monitoring; and setting a March 2nd Technical Advisory Committee meeting.

The general and construction account balances reported in the February 2017 Financial Report are as follows:

Checking Account Balance	\$568,263.42
TOTAL GENERAL FUND BALANCE	\$568,263.42
TOTAL CASH & INVESTMENTS ON-HAND (2/8/17)	\$2,206,833.18
CIP Projects Levied – Budget Remaining	(\$2,768,007.26)
Closed Projects Remaining Balance	(\$561,174.08)
2011-2015 Anticipated Tax Levy Revenue	\$11,653.66
2016 Anticipated Tax Levy Revenue	\$11,043.54
Anticipated Closed Project Balance	(\$538,476.88)

5. ORGANIZATIONAL MEETING

A. Introduce New Commissioners

Chair de Lambert introduced Jim Prom, the new primary Commissioner representing the City of Plymouth, John Byrnes, the new Alternate Commissioner representing the City of Plymouth, and noted that Wayne Sicora was in

attendance representing the City of Robbinsdale, now as the Alternate Commissioner.

B. Elect Officers

Administrator Jester noted that although they are absent from the meeting, Commissioner Mueller had expressed interest in remaining as vice chair and Commissioner Scanlan had expressed interest in holding either the secretary or vice chair positions. Chair de Lambert reported he was willing to remain as chair but noted that if any other commissioners wanted the chair position, he was also willing to step down.

MOTION: Commissioner Welch moved to elect the following slate of officers: Commissioner de Lambert as chair, Commissioner Mueller as vice chair, Commissioner Scanlan as secretary, and Commissioner Harwell as treasurer. Alt. Commissioner Holter seconded the motion. Upon a vote the motion was carried 8-0. [City of Crystal was absent from the vote.]

C. Review 2017 Commission Calendar and Areas of Work

Administrator Jester reviewed the Commission’s meeting calendar including business and actions that will come before the Commission throughout the year. She noted that this was not an exhaustive list, but rather a list of known business for the Commission. She also noted the various contracts the Commission has with contractors and others and she reviewed the Commission committees and their areas of work. Commissioner Welch noted that the timing of Commission business should be such that the Commission has more than one meeting to consider complicated items and asked staff to avoid bringing items to the Commission that need action at that same meeting. Commissioner Welch also noted that the 2018 Commission calendar should include a review of implementation of the 2015 Watershed Management Plan.

D. Appoint Committee Members

Chair de Lambert noted that committees perform important work for the Commission and encouraged Commissioners, Alternate Commissioners and others to be active on committees. Administrator Jester briefly reviewed the work and meeting schedule of the various committees including the Administrative Services Committee, Budget Committee, Education Committee, and the Aquatic Plant Management/Aquatic Invasive Species Committee. She also noted that there should be a liaison at the Technical Advisory Committee (TAC) meetings. The following commissioners volunteered for the following committees:

Administrative Services Committee: Commissioners Mueller, Prom, de Lambert, Harwell and Alternate Commissioner Crough.

Budget Committee: Commissioners Mueller, de Lambert, Prom, and Alternate Commissioner McDonald Black

Education Committee: Commissioner Scanlan and Alternate Commissioners Holter, Byrnes, and Noon

Aquatic Plant Management/Aquatic Invasive Species Committee: Commissioners Prom, Harwell, and Welch; Alternate Commissioners Holter, Byrnes, and McDonald Black; TAC members Tom Hoffman and Derek Asche

As for a commissioner liaison to the TAC meetings, a commissioner/alternate commissioner will be appointed when the TAC meeting is set. Commissioner Harwell indicated she would like to attend when possible. Commissioners agreed it is important to have commissioners represented at all TAC meetings.

MOTION: Commissioner Prom moved to approve the entire slate of committee members as shown above. Commissioner Welch seconded the motion. Upon a vote the motion carried 8-0. [City of Crystal was absent from the vote.]

E. Consider Approval of January Administrator Invoice

Administrator Jester reported that per her contract that expired at the end of January, she was limited to invoicing the Commission a total of \$5,150 per month. She noted that in months where she worked more than that amount, as was the case in January, she would carry over exceedances to a future month. However, she noted that because the end of January was the end of the Commission’s fiscal year, she didn’t think it was appropriate to carry over

exceedances to a future invoice and that payment of the invoice does not result in the Administrator's budget line being over budget. She noted that her current contract now has an annual not-to-exceed amount rather than a monthly limit.

MOTION: Commissioner Welch moved to approve payment of the Administrator's January invoice. Commissioner Prom seconded the motion. Upon a vote the motion carried 8-0. [City of Crystal was absent from the vote.]

F. Review and Consider Approval of Year End Financial Report

Administrator Jester reviewed the year-end financial statement of the Commission, noting that although some items were over budget, other items were under budget. She noted that although the budget appears to have a deficit of more than \$18,500, there was over \$41,000 of unbudgeted revenue due to the Met Council grant for the Harrison Neighborhood Project, and income from Met Council as reimbursement for Commission work on the SWLRT and Blue Line LRT. Consequently, the Commission ended the year with a \$22,725 surplus. Commission Engineer Chandler noted that it's difficult to predict and the Commission has no control over the number and complexity of development reviews. There was some discussion and question about whether or not the Commission's review fees are adequate to cover costs. Staff was directed to review the fee structure and make a report at a future meeting. Commissioner Harwell volunteered to help make the website and instructions for developers easy to understand in the hopes of minimizing pre-submittal discussions with developers.

MOTION: Commissioner Welch moved to accept the year-end financial statement and pay the invoices. Commissioner Prom seconded the motion. Upon a vote the motion carried 8-0. [City of Crystal was absent from the vote.]

G. Review Open Meeting Law

Legal Counsel Gilchrist briefly reviewed the open meeting law provisions and reminded commissioners not to "reply all" on emails in order to avoid a substantive discussion outside of a public meeting. Commissioner Prom asked to be blind copied on emails to the whole commission.

6. BUSINESS

A. Agora Development

i. Consider Approval of Development Plans

Commission Engineer Chandler reviewed the Agora project review memo, beginning with an overview of previous Commission action. She noted this review summary addresses the development requirements on the Agora development site only, not the wetland restoration planned for on the city parcel south of the Agora site and part of the CIP project. She reported the Agora project includes full demolition and reconstruction of the Four Seasons Mall site and that redevelopment will include nine (9) individual buildings, parking, drives, stormwater features, etc. She reported the proposed project includes approximately 17.1 acres of grading and results in an increase of impervious surface by 0.13 acres. She noted that although staff has multiple recommendations and needs further information for some project components, she feels comfortable with the plans and recommends conditional approval with comments in the attached engineer's memo.

Engineer Chandler noted there are several stormwater management practices within the development including infiltration, filtration basins, stormwater pond, wetland walk, and permeable pavers. She reported that the stormwater pond on the south end of the site includes an iron-enhanced bench and meets all of the pollutant removal required for the Agora development and that other BMPs go "above and beyond" pollutant removal requirements. She reported that the developer was given the new XP-SWMM model for use in hydrologic modeling and informed about the higher flood elevations resulting from the model. She also reported that the developer used "flexible treatment option #2" within the MIDS flowchart because soil conditions wouldn't allow enough infiltration.

Noting that there were numerous concerns with the development, the Commission Engineer walked through the comments and conditions in the engineer's memo. She indicated that she felt comfortable with the

design because despite the numerous comments, it was nearly fully designed. She noted that the Commission could require that revised plans come to a future Commission meeting or could be approved administratively once all conditions are met. Administrator Jester noted that the agreement with Rock Hill Management to receive CIP funding was predicated on complete design plans for the Agora development and the wetland restoration project that show at least 100 pounds of phosphorus will be removed "above and beyond" the 14.88 pounds of phosphorus removal required for the Agora development.

There was discussion about the importance of on-going maintenance. Commissioner Welch noted that the requirement for only 10 years of maintenance in the draft agreement between the Commission and Rock Hill Management is too low. Mr. Asche with the City of Plymouth noted that maintenance enforcement is the responsibility of the city and that maintenance on the property into perpetuity will be stipulated in the developer's agreement and recorded with the County to follow land ownership. Mr. Asche also reported that a detailed operations and maintenance manual will be needed from the developer due to non-typical practices being used. Further, Mr. Asche noted that on-going maintenance of the wetland restoration portion of the project would be carried out by the city, typical to other Commission CIP projects.

Commissioner Welch requested the addition of a condition requiring the Commission Engineer to receive a copy of any DNR permits issued for the project.

There was discussion about the importance of an appropriate chloride management plan and when that plan should be submitted. There was also discussion regarding wetland buffers and the wetland restoration project (which is being considered through the CIP process and is not part of the Agora development plans). Mr. Hink with Solution Blue reported that the wetland restoration plans are approximately 80% complete and that buffer requirements will be followed. There were further assurances from the Commission Engineer that the plans submitted were very close to being 90% complete. She indicated that if significant concerns arose she would bring the plans back to the Commission.

Although it was agreed the submission of a chloride management plan should not hold up the approval of the development plans, Commissioner Harwell requested that a condition for approval be added indicating that the developer is strongly encouraged to develop a chloride management plan.

MOTION: Commissioner Welch moved to approve the Agora development with conditions as presented in the Commission Engineer's memo and with the added condition of strongly recommending development of a chloride management plan and the added condition that the Commission Engineer receive a copy of any DNR permits issued for the project and that there is documented ownership of the property by the developer. Commissioner Prom seconded the motion. Upon a vote the motion carried 8-0. [City of Crystal was absent from the vote.]

ii. Consider Agreement with Rock Hill Management

Commission Legal Counsel Gilchrist walked through several provisions of the agreement and noted that it had been through several iterations. He noted that a separate agreement was developed with the City of Plymouth to ensure development of the wetland restoration piece of the CIP project (see item 6Aiii below).

MOTION: Commissioner Welch moved to approve the execution of a final agreement with Rock Hill Management with three provisions: 1) that the agreement secure permanent maintenance of the stormwater best management practices on the Agora development and the wetland restoration project; 2) that the plans and specifications in Exhibit C be at the 90% level and submitted to the Commission Engineer; and 3) that the Commission Legal Counsel and Administrator consider comments from himself prior to finalization of the agreement. Alternate Commissioner Sicora seconded the motion.

There was discussion on the motion: Commission staff noted that the condition requiring 90% plans for both the Agora development and the wetland restoration piece is likely to hold up execution of the agreement. It was reiterated that the reimbursement of CIP funds is contingent on the final plans showing removal of 100

pounds of phosphorus above and beyond the required pollutant removals for the site. Staff with Rock Hill Management noted that the signed agreement is crucial to the complex financing for the land purchase and development which has a closing date slated within the next few days. Staff with Solution Blue noted that the wetland restoration plans are nearing completion. Chair de Lambert noted that he was in meeting where the wetland restoration concept plans were presented and that he feels comfortable with the overall concept. Engineer Chandler noted that the Commission will still see the plans for the wetland restoration project just as 90% plans are presented for any other CIP project.

Commission Welch withdrew his second provision from his motion, Alternate Commissioner Sicora agreed with the change. Upon a vote the motion carried 8-0. [City of Crystal was absent from the vote.]

iii. Consider Agreement with City of Plymouth

Administrator Jester noted the draft agreement emailed to Commissioners earlier in the week was still considered draft and had not yet been reviewed by the City of Plymouth. Commission Legal Counsel Gilchrist reported that the major provisions of the agreement with Plymouth include allowing the Agora development a construction easement to the wetland site to construct the wetland restoration project; to allow Commission staff access for inspections; and requires the city to provide ongoing maintenance of the wetland restoration project.

MOTION: Commissioner Welch moved to approve the agreement with the City of Plymouth with the above provisions and an additional provision requiring that the City of Plymouth require ongoing maintenance of the stormwater best management practices on the Agora development site; and authorization for the Chair and the Secretary to execute such an agreement once it is in final form as approved by the Commission's Attorney and the City of Plymouth. Commissioner Harwell seconded the motion. Upon a vote the motion carried 8-0. City of Crystal was absent from the vote.]

[Commissioner Welch departs the meeting.]

B. Receive Presentation on 2016 Water Quality Monitoring Results

Commission Engineer Chandler introduced Meg Rattei with Barr Engineering who has been collecting and analyzing water quality data for the Commission for decades. Ms. Rattei gave a brief presentation on the 2016 monitoring results from Medicine Lake, Crane Lake and Northwood Lake. She reported that Medicine Lake does not meet water quality standards and that oxygen levels at the lake's bottom are very low which allows for the release of phosphorus from the sediment.

[Commissioner Harwell departs the meeting. Alt. Commissioner McDonald Black assumes Golden Valley representation.]

Ms. Rattei reported that Medicine Lake met the standard for chlorides, has a history of problems with high amounts of curlyleaf pondweed, and would not meet a standard for biological integrity.

Ms. Rattei reported that Crane Lake generally meets water quality standards although chloride levels are increasing and are well above the average chloride levels found in other Metro lakes. She also noted that zooplankton levels are declining, likely due to increasing chlorides.

Ms. Rattei reported that Northwood Lake does not meet water quality standards for total phosphorus, sometimes meets the standard for chlorophyll, and that its water clarity is declining at a statistically significant rate. She noted the lake did not meet chloride standards in April but that the aquatic plant community appears to be improving.

Administrator Jester noted the new water quality report format, developed by Barr Engineering. She indicated the new reports include easy to read graphs, and uses photos and language for a lay person.

C. Consider Recommendation from Aquatic Plant Management/Aquatic Invasive Species Committee

Administrator Jester reported that although there is still some work needed by the APM/AIS committee to refine and prioritize their complete recommendations for the Commission, at this time the committee recommends that the Commission partner with the City of Plymouth and Three Rivers Park District to perform herbicide treatments of curlyleaf pondweed (CLP) in Medicine Lake in 2017 and that the Commission contribute up to \$20,750 (not to exceed amount) from its APM/AIS Budget for the treatment. She noted that the committee felt comfortable with this recommendation because Medicine Lake has an approved total maximum daily load study identifying curlyleaf pondweed control as a phosphorus-reducing activity, and that the Commission has funding partners for the treatment. She noted the committee does not recommend that the Commission treat curlyleaf pondweed in lakes without an approved management plan or without funding partners.

MOTION: Commissioner Prom moved approval for the Commission to partner with the City of Plymouth and Three Rivers Park District to perform herbicide treatments of curlyleaf pondweed in Medicine Lake in 2017 and that the Commission contribute up to \$20,750 from its APM/AIS Budget for the treatment. Alternate Commissioner McDonald Black seconded the motion. Upon a vote the motion carried 7-0. [Cities of Crystal and Minneapolis were absent from the vote.]

D. Receive Presentation of New Educational Displays

Administrator Jester introduced Dawn Pape and reminded Commissioners that at their meeting last July, the Commission entered into an agreement with Ms. Pape to develop new educational display materials for the Commission's use. Ms. Pape briefly described and presented some of the new materials and noted more were available to view outside the meeting room. Administrator Jester noted the new materials would be used for the upcoming Plymouth Home Expo.

E. Consider Contract with Dawn Pape for Administrative Services

Administrator Jester recommended that the Commission continue to partner with Dawn Pape on a variety of tasks that were previously performed by the Recording Secretary, Amy Herbert. She noted the agreement for administrative services, including taking meeting minutes, was reviewed by the Commission's Legal Counsel and would be funded through the Administrative Services budget line item.

MOTION: Commissioner Prom moved approval of the agreement with Dawn Pape for administrative services. Alternate Commissioner Sicora seconded the motion. Upon a vote the motion carried 7-0. [Cities of Crystal and Minneapolis were absent from the vote.]

F. Review Letters of Interest Proposals for Legal and Technical Services

Administrator Jester reported that in December, the Commission submitted a solicitation for proposals for legal and technical engineering services to comply with State Law. She reported the Commission received one proposal (from Kennedy Graven) for legal services and four proposals for engineering services from Barr Engineering, Northern Technologies LLC, Rani Engineering, and Cardno.

MOTION: Alternate Commissioner McDonald Black moved that the Commission continue contracting with Kennedy Graven for legal services and Barr Engineering for technical engineering services. Alternate Commissioner Sicora seconded the motion. Upon a vote the motion carried 7-0. [Cities of Crystal and Minneapolis were absent from the vote.]

7. COMMUNICATIONS

A. Administrator’s Report

Administrator Jester reported that the Road Salt Symposium provided good information on new technologies and she was glad she attended. She reported that only watershed districts and not watershed management organizations could opt to enforce the new state buffer law so the Commission had no decision to make in that regard. She also noted that Commissioners should watch for an email seeking volunteers for the Plymouth Home Expo and that she and Chris Long with the City of New Hope would be meeting with a BWSR representative for a reconciliation of the Northwood Lake Improvement Project Clean Water Fund grant.

B. Chair

Chair de Lambert reported that he took a new job with consulting firm Carlson McCain.

C. Commissioners

No report.

D. TAC Members

No report.

E. Committees

No report.

F. Legal Counsel

No report.

G. Engineer

Commission Engineer Chandler reported that the Sweeney Lake aeration study is likely to get underway as soon as ice is off the lake and that Sweeney Lake Association members seem supportive of turning off the aerators for the study. She also noted the public open house scheduled for that evening on the Bassett Creek Park Pond and Winnetka Pond Dredging Project and indicated a draft feasibility report would be presented at the April Commission meeting.

8. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/document/meeting-materials-minu/meeting-materials/thursday-february-16-2017>)

- A. CIP Project Updates: Now Available Online** <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet**
- C. Northwood Lake Improvement Project Grant Reports (2)**
- D. WMWA Winter Newsletter**
- E. WCA Notices of Decision, Plymouth**
- F. WCA Notice of Conditional Approval, Plymouth**

9. ADJOURNMENT – Chair de Lambert adjourned the meeting at 11:27 a.m.

Signature/Title	Date	Signature/Title	Date