



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting

Thursday, July 19, 2018

8:30 a.m.

Golden Valley City Hall, Golden Valley MN

1. CALL TO ORDER and ROLL CALL

On Thursday, July 19, 2018 at 8:33 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.

Commissioners and city staff present:

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	NA	NA	Mark Ray
Golden Valley	Stacy Harwell	Jane McDonald Black	Jeff Oliver
Medicine Lake	Clint Carlson	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch	NA	Liz Stout
Minnetonka	<i>Absent</i>	Bill Monk	<i>Absent</i>
New Hope	<i>Absent</i>	Pat Crough	Megan Albert
Plymouth	Jim Prom*	John Byrnes	Derek Asche
Robbinsdale	<i>Absent</i>	<i>Absent</i>	Marta Roser
St. Louis Park	Jim de Lambert	<i>Absent</i>	<i>Absent</i>
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler and Michelle Kimble, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener		
Legal Counsel	Troy Gilchrist, Kennedy & Graven		
Presenters/ Guests/Public	David Wellington, Wellington Management; Beth Grosen, City of Minneapolis; Kim Donat, Wellington Management; Steve Hegland, Wenck Associates; Becky Rice, Metro Blooms; Dave Anderson, Crystal Resident		

*Arrived after business started

2. CITIZEN FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Crystal and Robbinsdale absent from the vote.]

[Commissioner Prom arrives.]

4. CONSENT AGENDA

MOTION: Commissioner Prom moved to approve the consent agenda. Alternate Commissioner Carlson seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Crystal and Robbinsdale absent from the vote.]

The following items were approved as part of the consent agenda: June 21, 2018 Commission meeting minutes, July 2018 financial report, payment of invoices, reimbursement to the City of Plymouth for the Plymouth Creek Restoration Project.

The general and construction account balances reported in the July 2018 Financial Report are as follows:

Checking Account Balance	\$ 644,101.94
<hr/>	
TOTAL GENERAL FUND BALANCE	\$ 644,101.94
<hr/>	
TOTAL CASH & INVESTMENTS ON-HAND (7/11/18)	\$ 3,139,488.26
<hr/>	
CIP Projects Levied – Budget Remaining	(\$ 3,982,995.09)
<hr/>	
Closed Projects Remaining Balance	(\$ 843,506.83)
<hr/>	
2012-2016 Anticipated Tax Levy Revenue	\$ 4,537.93
<hr/>	
2017 Anticipated Tax Levy Revenue	\$ 3,895.88
<hr/>	
Anticipated Closed Project Balance	(\$ 835,073.02)
<hr/>	

5. Business

A. Presentation from Wellington Management on Potential Bassett Creek Valley Redevelopment

Administrator Jester introduced David Wellington, from Wellington Management Inc, and noted that she, Commission engineers, and Commissioner Welch had met with Wellington Management on two occasions to discuss possible redevelopment in the Bassett Creek Valley. She noted that Commissioners are likely interested in potential plans for this area and are likely to review redevelopment projects in the future. Mr. Wellington gave an overview of the company—it’s a family owned and operated company based in Saint Paul that currently owns and manages a \$400 million portfolio of more than 100 properties in 23 Twin Cities communities, totaling over four million square feet. Mr. Wellington noted the company takes a long-term view of property management and development work, usually developing and holding properties rather than developing and flipping properties. He noted they actively engage with leaders in the communities and work collaboratively to accomplish sound urban design.

He also introduced Beth Grosen with the City of Minneapolis, Kim Donat, legal counsel with Wellington Management, and Steve Hegland with Wenck Associates. He explained that Wellington Management is co-developing 100 acres in the Bassett Creek Valley along with the city and that they had recently redeveloped the “Leif Property” in the area with affordable housing and commercial space.

Mr. Wellington then went on to explain that Wellington Management is the “developer of record” for three city-owned parcels just west of downtown. He noted the parcel at the southwest corner of 2nd Ave. and Van White Blvd. will be

redeveloped first and that the current city impound lot west of Van White Blvd. will also be redeveloped. He noted the area is extremely polluted because of previous land uses. He reported that since the land is near Bassett Creek, they are working closely with Minneapolis, performing geotechnical, environmental, and civil investigations sponsored by grants from Hennepin County and Met Council to get the area cleaned up before it is redeveloped.

Mr. Wellington then walked through maps showing the area with the creek in its current alignment and a possible future meandered alignment. He asked that the Commission consider different approaches to mitigating impacts in the area, including moving/meandering the stream. Commission Engineer Chandler commented on his ideas from an engineering perspective mentioning the creek meander isn't "minor" and that it might not stay re-meandered due to its shape. She also said that floodplain storage is a significant consideration in this area, the Commission has oversight regarding floodplain mitigation and significant temporary floodplain impacts cannot be allowed.

Mr. Wellington acknowledged that re-meandering the creek through a superfund site is a big undertaking which is why he is looking for support from public agencies like the BCWMC. He noted that as a private developer, his firm is ill-equipped to handle all of the complexities of the site without technical help and support and he is seeking a broad, multi-agency partnership to help plan for redevelopment in the area.

Commissioner Welch said there is a reason why only one developer responded to the request for proposals to be the "developer of record" for this area; because of the significant contamination and nature of the spongy soils. He added that the Commission has a stream erosion repair project in this area slated for construction next spring.

Alternate Commissioner Byrnes asked about the timetable for redevelopment in the area. Mr. Wellington indicated he hoped the area would be redeveloped within approximately 5 years.

Commissioner Harwell asked about the process of cleaning up brown fields. It was re-stated that this would require a broad multi-disciplinary approach.

Alt. Commissioner Monk inquired about drainage maps and if the Commission could review copies. Mr. Wellington said he has maps that BCWMC could review. Engineer Chandler wanted to review them as well and make sure BCWMC floodplain maps—not FEMA maps—are being used.

Commissioner Prom brought up the point that this project seems similar to Agora project and he would like to understand the specifics of what Wellington Management is asking of the Commission.

Commissioner Welch said he perceives the "ask" right now as a more general show of support as the company is trying to get momentum to get up a steep hill.

Administrator Jester said her sense was that this project isn't more of a time commitment than other projects and there is a budget to cover her time. She noted the more significant time would be for consultations and discussions with Commission engineers and that the current fiscal policy states that the engineers can spend up to \$2,000 on distinct projects without prior approval from the Commission.

MOTION: Alt. Commissioner Monk moved to direct staff to stay engaged with the project and encourage the developer to submit more detailed drainage plans to the Commission to look for fatal flaws with project design. Commissioner Welch seconded with a "friendly" amendment that a progress report should be made in six months or with significant developments.

Discussion: Becky Rice with Metro Blooms said that she has heard positive feedback from community members about Wellington Management and that this project has been long-awaited by community.

Upon a vote, the motion carried 7-0. [Cities of Crystal and Robbinsdale absent from the vote.]

B. Consider Approval of 50% Design Plans for Westwood Lake Improvement Project (WST-2)

Michelle Kimble with Barr Engineering walked the Commission through the 50% design, which includes a linear water feature that will capture roof runoff and offer interactive educational opportunities. She noted the project is likely to

capture more volume than originally anticipated in the feasibility study and that a bog area was added at the city's request to add a different habitat. She noted the bog will also capture and treat runoff.

Alt. Commissioner Monk suggested removing an opening in the sidewalk to reduce possible injury. Administrator Jester asked about educational signage, wondering how many there will be and what the content and messages will be. Commissioner de Lambert stated that he would like a sign to include the BCWMC logo.

Ms. Pape asked more questions about the education. She wanted to know what people will be learning from the rain gauge, water pump, and water feature. She pointed out that because this CIP project does not provide much water quality treatment and is instead a significant education project, it is important that the educational message helps meet the BCWMC's stormwater runoff educational goal. She wondered how the signage will impact behavior.

Commissioner Harwell added that messages on chloride pollution should be included as well. Alt. Commissioner Byrnes noted that nature center instructors should incorporate the water feature into curriculum. Alt. Commissioner Monk asked why the signage was not included with the 50% plans. Ms. Kimble replied that a subcontractor is preparing signs and they are not yet completed, and she noted the signage details will be brought back to the Commission with the 90% plans.

Commissioner Harwell said the Commission should stay engaged and asked if the Education Committee should be involved with the messaging.

MOTION: Alt. Commissioner Crough moved to approve the 50% Design Plans for Westwood Lake Improvement Project (WST-2). Commissioner Prom seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Crystal and Robbinsdale absent from the vote.]

C. Consider Approval of Proposal to Develop Jevne Park Stormwater Improvement Project Feasibility Study (ML-21)

Commission Engineer Chandler reviewed the feasibility study proposal that was developed by the Commission Engineer at the request of the City of Medicine Lake. She noted the project area includes a public park in the middle of the City of Medicine Lake and it may expand onto a few private properties. She indicated the stormwater management feature, which will likely be a pond, will be used to improve water quality and to help alleviate flooding on the road. Commission Engineer Chandler outlined the tasks to be completed during the study including meetings, field investigations, evaluation and development of plans, and public engagement. She noted sediment sampling may not be needed, but it is included just in case. She reported the study would include development of three concept plans and input from stakeholders.

[Commissioner Prom departs. Alt. Commissioner Byrnes becomes Plymouth voting member.]

There was some discussion about commitment from the City of Medicine Lake to the Joint Powers Agreement (JPA). Alt. Commissioner McDonald Black wondered if it was an appropriate time to negotiate a longer-term JPA. There was consensus that this was not the right time to enter JPA negotiations.

Commission Engineer Chandler was asked about the previous Army Corps of Engineers (ACOE) Resource Management Plan pre-application consultation protocols. She reported that the proposed actions do meet the protocols previously developed with ACOE.

MOTION: Commissioner Carlson moved to approve the proposal to develop Jevne Park Stormwater Improvement Project Feasibility Study (ML-21). Alt. Commissioner Crough seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Crystal and Robbinsdale absent from the vote.]

D. Consider Honeywell Pond Expansion Project Reimbursement Adjustment (BC-4)

Administrator Jester reviewed that at last month's meeting, the Commission approved the final report and reimbursement request from the City of Golden Valley for this project. She noted the Commission also directed staff to provide further information on the city costs vs. BCWMC costs in light of pollutant removal credits the city used for the adjacent Douglas Drive Project. Jeff Oliver with Golden Valley reviewed a letter from Golden Valley including findings and a recommendation to reimburse the BCWMC a portion of the CIP funds.

Commissioner Welch raised the policy question regarding whether credit should be allowed to be taken from CIPs for regulatory purposes and asked how the Commission and cities perform accounting for the CIP projects? Finally, he

recommended that the Commission should reconsider its structure and framework for implementing CIPs. He recommended that future agreements should include language that CIP projects are for water resources improvement, not for regulatory purposes.

MOTION: Alt. Commissioner Crough moved to accept the \$60,324.83 from the City of Golden Valley as a reimbursement to the BCWMC CIP funds. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Crystal and Robbinsdale absent from the vote.]

MOTION: Commissioner Welch moved to add language to future cooperative agreements indicating that Capital Improvement Projects are to be implemented for water resources improvement, not for meeting regulatory requirements. Alt. Commissioner Byrnes seconded the motion. Upon a vote, the motion carried 7-0. [Cities of Crystal and Robbinsdale absent from the vote.]

E. Review Process for Review and Approval of Local Water Management Plans

Attorney Gilchrist distributed and reviewed a memo outlining State Law and Rules regarding BCWMC approval of local water management plans along with recommendations on the review/approval timing and process. His comments included: Commission must review and approve (or disapprove) the local plan within 60 days and the review is concurrent with a 45-day Met Council review; cities may grant extensions to the review period; within 180 days after watershed approval, cities must amend local controls. Mr. Gilchrist noted that there is some frustration by Commission staff that cities have not updated ordinances by September of last year as required by the BCWMC Watershed Plan.

Attorney Gilchrist recommended that the Commission review local plans only for their compliance with the BCWMC Watershed Plan and noted that there are other ways to ensure that city ordinances get updated including memorandums of understanding, holding back CIP funds, etc.

TAC member Derek Asche commented that there is confusion about the process and it is a challenge for city staff to work with varying schedules, timelines and requirements of different watershed organizations.

Commissioner Welch noted that the BCWMC exists as a cooperative organization and that all entities must agree and work towards implementing their respective pieces, even if there is difficulty in doing so. He agreed that plan approval should not be held up due to ordinances not being updated and commented that he didn't like the idea of having to withhold CIP funds.

TAC member Marta Roser noted that the Robbinsdale City Council voted down the shoreline buffer ordinance recommended by city staff. Commissioner Welch said that city councils should understand that disapproving necessary ordinances will undermine the watershed's ability to work together with the cities. He further added that Administrator Jester could give presentations to city councils, if needed.

Commissioner Carlson asked that the table outlining the requirements of cities be re-sent one more time to remind the cities to update their ordinances.

F. Review Comments on Minneapolis Local Water Management Plan

Commission Engineer Chandler reviewed the BCWMC comments on the Minneapolis Water Resources Management Plan including revisions required to be in compliance with the BCWMC Watershed Management Plan, and other recommended revisions. The city extended the review and approval period to September 20, 2018.

[Commissioner Harwell departs. Alt. Commissioner McDonald Black becomes Golden Valley voting member.]

Commission Engineer Chandler recommended that the city be allowed to add its hydrologic and hydraulic modeling results at a future date administratively (as an informational item to the Commission) rather than through an official plan amendment. There was consensus that this was acceptable. She also noted the BCWMC comments on the city plan could include a recommendation for the city to have an ordinance update schedule. The Commission agreed and directed staff to include in the comments a reminder that state law requires the city to update its ordinances within 180 days of BCWMC approval.

TAC member Liz Stout indicated the comments are relatively minor and shouldn't be difficult to address. Commissioner Welch asked when it was going to council and offered assistance with ordinance updates.

