



Item 4A.
BCWMC 5-16-19

Bassett Creek Watershed Management Commission

**DRAFT Minutes of Regular Meeting
Thursday, April 18, 2019
8:30 a.m.
Golden Valley City Hall, Golden Valley MN**

1. CALL TO ORDER and ROLL CALL

On Thursday, April 18, 2019 at 8:30 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair Prom 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	Jane McDonald Black	Eric Eckman, Jeff Oliver
Medicine Lake	Clint Carlson	Gary Holter	Susan Wiese
Minneapolis	Michael Welch	<i>Vacant Position</i>	<i>Absent</i>
Minnetonka	Mike Fruen	<i>Absent</i>	Sarah Schweiger
New Hope	<i>Absent</i>	Pat Crough	Megan Hedstrom
Plymouth	Jim Prom	Catherine Cesnik	Vanessa Strong
Robbinsdale	Michael Scanlan	<i>Absent</i>	Marta Roser, Richard McCoy
St. Louis Park	Absent	Patrick Noon	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler and Kurt Leuthold, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener Creative Services		
Legal Counsel	David Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Erik Miller, Sambetek		

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizens present.

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

Commissioner Welch pulled 4I off of the consent agenda and moved it ahead of 5A of business agenda.

MOTION: Commissioner Scanlan moved to approve the consent agenda as amended. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 9-0.

The following items were approved as part of the consent agenda: March 21, 2019 Commission meeting minutes, acceptance of the April 2019 financial report, payment of invoices, approval to reimburse Commissioner Carlson for Land Development Conference, Approval of Agreement with Hennepin County for 2019 River Watch Program, approval of contract with Lake Restoration, Inc. for curly-leaf pondweed treatment, approval not to waive monetary limits on municipal tort liability, and approval of agreement with Met Council for 2019 Citizen Assisted Monitoring Program.

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

Checking Account Balance	\$ 761,710.97
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TOTAL GENERAL FUND BALANCE	\$ 761,710.97
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TOTAL CASH & INVESTMENTS ON-HAND (04/09/19)	\$ 3,608,908.04
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CIP Projects Levied – Budget Remaining	\$ (4,681,126.33)
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Closed Projects Remaining Balance	\$363,781.71
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2012-2017 Anticipated Tax Levy Revenue	\$7,045.36
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2018 Anticipated Tax Levy Revenue	\$10,316.57
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Anticipated Closed Project Balance	\$381,143.64
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5. BUSINESS

4I (from consent agenda) Approval of Marsh Run Apartments Project, Minnetonka

Commissioner Welch asked about one of the Commission Engineer’s conditions for approval – the performance of the Jellyfish Filter. Commission Engineer Chandler noted that the Jellyfish Filter is a proprietary stormwater treatment device and an example of the types of devices they are reviewing more frequently in proposed projects. She noted that later in the

agenda, staff is requesting TAC input on proprietary devices but she is not recommending holding up this project. Commissioner Welch noted that permit approval rests on the functioning of the proprietary device. He noted that a possible future agenda item may be a discussion on why projects are using flexible treatment options so frequently, rather than infiltrating or abstracting stormwater. He expressed concern that the “jellyfish” device installed for a project in a different watershed didn’t treat runoff nearly as well as it stated it would.

MOTION: Commissioner Welch moved to approve the project with the condition that the Commission Engineer work with the City of Minnetonka to develop appropriate monitoring protocol and that the Commission receives a report one year after implementation to understand how well the device functions in situ. Commissioner Prom seconded the motion.

There was some discussion regarding how challenging it may be to monitor the effectiveness of the device due to treatment happening throughout the treatment train that includes the device. Vanessa Strong mentioned that she has experience maintaining devices and she would be happy to discuss what she knows at a future time because there are a lot of variables and it will be a lengthy discussion.

Welch likes Oliver’s suggestion to direct the Engineer to work with the city of Minnetonka to develop the testing protocol on performance of system and device.

VOTE: Upon a vote, the motion carried 9-0.

A. Approval of DeCola Ponds B & C Improvement Project 90% Design Plans

Commission Engineer Chandler introduced Kurt Leuthold with Barr Engineering, who developed the 90% project plans on behalf of the City of Golden Valley. Engineer Leuthold reminded the Commission that 50% plans for this project were approved at the February meeting.

Engineer Leuthold noted the goals of this project are to reduce flooding and improve water quality. He noted that in comparing the 50% to 90% plans, there isn’t much change. He reported that the project will create 24 acre-ft. flood storage volume, will lower the flood elevation at Medicine Lake Road by 1.3 feet, will expand open water by 2.0 acres, will restore 3.0 acres of wetland and upland habitat, and will reduce phosphorus removal by 10.8 lb./year. He noted the estimated construction costs are \$4.1 million and he reviewed project components included in the BCWMC portion of the funding including benches along the trail. There was some discussion about whether the Commission should pay for park benches or whether they could be incorporated into the educational components. There was consensus that the benches themselves should be funded by a different source.

Engineer Leuthold discussed the dewatering plan and construction schedule, which meet the DNR requirements to protect bats and turtles.

There was discussion about the trail surface options that were evaluated: bituminous asphalt, permeable pavers, decomposed granite, decomposed granite with stabilizer, and crushed lime rock. Bituminous asphalt was the clear preferred alternative from a maintenance and ADA perspective, especially since the runoff from the trail would be filtered before reaching the ponds.

Commissioner Welch asked why permeable pavers weren’t a good option. Engineer Leuthold indicated that because of the tree canopy, there would be organic matter clogging porous areas of the pavers.

Engineer Leuthold reported that the restoration plan includes native trees, shrubs, and tamaracks and that adjacent neighbors are supportive and engaged. He noted the permitting and schedule are both on track and construction will start this fall with vegetation establishment and maintenance under a separate contract.

MOTION: Commissioner Scanlan moved to approve the DeCola Ponds B & C Improvement Project 90% Design Plans. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 9-0.

B. Review Draft Feasibility Study for Jevne Park Water Quality Improvement Project

Engineer Chandler informed the Commission that Engineer Jen Koehler is currently on maternity leave, which is why Jen wasn't presenting. Engineer Chandler continued with a presentation of the Jevne Park Water Quality Improvement Project Feasibility Study. She noted that the park is connected to Medicine Lake by a channel and that the lake floods the park during 10-year events or higher.

Engineer Chandler reported that they initially considered an additional concept to expand water quality and flood storage volume using of low areas on the private property on the south side of the road, but those areas are already providing high levels of phosphorus removal and flood storage. She reported that the pond within the park currently removes about 2.9 lbs. of phosphorus per year. She noted that because this is an existing wetland and a public water, there are considerable permitting considerations such as preserving wetlands, providing optimum habitat, etc. She noted that the Commission's wetland buffer requirements wouldn't be triggered, but the plans call for a 25-ft. buffer; there isn't room for a 50-ft. buffer due to the road and existing park courts and uses.

Engineer Chandler described concepts 1 and 2, noting that they are similar, except that concept 2 has a larger pond footprint. She compared the outcomes of concepts 1 and 2 to existing conditions and noted the benefits of the project include less flooding of the road, water quality improvements, habitat improvements, and educational opportunities.

Next, Engineer Chandler reviewed input from the public and the City of Medicine Lake. She noted that not many people were worried about the temporary flooding on the road and were more worried about the open water area within the park. She noted that Concept 1 was recommended by the public, the city, and Commission staff.

Commissioner Carlson added that the project has improved engagement and "good feelings" within the city. He recommended that the Commission implement Concept 1. Alternate Commissioner Cesnik asked about project maintenance. Engineer Chandler replied the city would be responsible for maintenance of the project.

Commissioner Harwell asked about the back flow into the park from the lake, about erosion around the proposed sheet pile, and groundwater elevations. Engineer Chandler noted that it's unlawful to prevent back flow into the park from the lake.

MOTION: Commissioner Carlson moved to approve the feasibility study for the Jevne Park Water Quality Improvement Project and to move forward with implementing Concept 1. Alternate Commissioner Crough seconded the motion.

Discussion: Commissioner Welch questioned the necessity of this project given its minimal water quality and flood reduction benefits. He wondered if the new CIP scoring matrix was used to evaluate the project. It was pointed out that the matrix wasn't meant to be retroactive. Administrator Jester quickly scored it and informed the commission that it ranked on the low side, at 6.5. She also noted multiple benefits of the project including: wildlife improvement, wetland improvement, education, and the fact that it addresses a TMDL on a priority waterbody.

There was also discussion about buffer requirements. Commissioner Welch asked why, since the wetland is considered "Manage 1," a 50-foot buffer wasn't incorporated into the project. Engineer Chandler reminded the Commission that this project doesn't actually trigger buffer requirements and the study worked to incorporate buffers as much as possible. She noted that cost and space were considerations regarding buffers. Commissioner Welch indicated that he would not vote to approve the project without 50-foot buffers because that would indicate a discrepancy between what the Commission requires of other project proposers, but is not willing to install for their own projects.

MOTION: Commissioner Welch moved to amend the original motion to require 50-ft. wetland buffers. There was no second to the motion.

Commissioner Carlson explained that from the city's perspective, it's important to keep park space, but they can still consider specifications of buffers during final design.

Commissioner Scanlan asked if parkland counts as a buffer. Engineer Chandler said the BCWMC has a definition of what constitutes a buffer and that turf grass is not considered a buffer.

Susan Wiese (TAC member from Medicine Lake) added to Commissioner Carlson's point that this park is widely used by city residents.

Alternate Commissioner McDonald Black wondered if it was appropriate to move forward on this project if the city hasn't yet amended its ordinances for compliance with the BCWMC Plan, including wetland buffer ordinances. Administrator Jester noted that most cities have not yet adopted updated ordinances and the Commission is moving forward on several CIP projects in different cities.

VOTE: Upon a roll call vote, the motion carried 8-1 with Minneapolis voting against the motion and all other cities voting for the motion.

Commissioner Welch explained that he finds it appropriate for the city to have significant input into the project, but he doesn't agree with putting hundreds of thousands of dollars into the project and not adhering to the BCWMC buffer rule.

Chair Prom said buffers are being put in to the extent possible, so it is appropriate, and Commissioner Harwell reiterated that the project is in compliance with the buffer rule because it wasn't triggered by the project.

C. Update on 319 Grant for Sweeney Lake Alum Treatment and Carp Management

Administrator Jester shared the good news that the BCWMC's \$330,000 Federal 319 grant application for the Sweeney Lake Alum Treatment and Carp Management Project was approved and the MPCA is recommending that the EPA fund the project. She noted that she and Commission Engineer Greg Wilson worked together on the Nine Element Review and submitted that to the MPCA for review and approval by EPA. She noted that the next steps include executing grant agreements, and discussing the project and expected future lake conditions with lake residents. She reported that the local match of \$220,000 for the \$550,000 project is included in 2020/2021 in the 5-year CIP in Item 5D below and that the grant funding would be available next spring and needs to be spent by August 2023.

D. Review Technical Advisory Committee Recommendations for 5-year CIP

Mark Ray, TAC Chair, reported that the BCWMC TAC met on March 8th and 26th to discuss possible projects to include in the 5-year Capital Improvement Program (CIP) and to score projects using the new CIP Project Scoring Matrix. He reviewed the TAC recommendations on the 2021 – 2025 CIP list, results of the scoring, and project fact sheets.

MOTION: Commissioner Scanlan moved to approve Technical Advisory Committee Recommendations for the 5-year CIP. Commissioner Carlson seconded the motion.

Discussion: Commissioner Welch asking the reason behind performing a creek restoration project rather than dredging Bassett Creek Park Pond. Mr. Ray explained that the pond's life is still pretty long and could be even further extended by installing a forebay along with upstream creek restoration. It was noted that neither of those projects are slated for the current 5-year CIP but were included in the 6th year (2026) as a possible placeholder.

VOTE: Upon a vote, the motion carried 9-0.

E. Consider Directing TAC to Provide Guidance on Reviewing Proprietary Stormwater Treatment Devices

Commission Engineer Chandler reported that (as noted during discussion of Item 4I), the Commission has seen an increase in the use of proprietary stormwater treatment devices for development and redevelopment projects. She noted there are not widely accepted levels of treatment or pollutant removal efficiencies associated with these devices and that while most proprietary devices undergo third party testing, not all testing is the same and not all devices receive the same level of approval from third party testing organizations. She noted the BCWMC Engineer requests that the Commission direct the TAC to provide guidance for BCWMC review and acceptance of proprietary stormwater treatment devices.

MOTION: Commissioner Scanlan moved to direct TAC to provide guidance on reviewing proprietary stormwater treatment devices. Commissioner Harwell seconded the motion.

Discussion: Commissioner Welch stated that he is interested in innovative technologies, but results vary widely among different devices. Commissioner Harwell noted she was curious about the scope of the devices to review. Engineer Chandler replied that what they really want guidance on is the type of testing that is needed.

Upon a vote, the motion carried 9-0.

F. Discuss Report on Winter Maintenance Classes and Recommendations from Fortin Consulting

Commissioner Harwell requested that the Commission review and discuss the recommendations resulting from 39 Winter Maintenance Trainings performed by Fortin Consulting. She said she talked with Brooke Asleson at the MPCA who mentioned that there are classes coming up (by Fortin Consulting) through a grant and she is wondering if cities would like to participate. The new class is aimed specifically at property managers and will be held on May 15 and June 5, 2019.

Chair Prom noted he was in favor of interacting more with property managers. Administrator Jester explained that the Hennepin County Chloride Consortium is still trying to understand barriers to getting people to stop using so much salt. She mentioned it would be really nice to have consistent efforts across the Metro and that salt education is currently very “scattershot.”

Dawn Pape brought up that she is working to unite efforts with a “SaltSmart.info” website—a one-stop shop where the public can find the information they need. Information is currently scattered across many watershed district websites.

Alternate Commissioner McDonald Black suggested handing out business cards with information about reducing salt use. She thought animal shelters would be a good host for educational information because salt is harmful to paws.

G. Discuss Plans for 50th Anniversary Event

Administrator Jester updated the Commission on the progress made for planning the event, but noted that she is still looking for a keynote speaker. She asked commissioners to reach out to their city councils and city commissions and invite them to the event.

Chair Prom mentioned he’s hoping to get drone footage of the creek and that other cities can join that effort.

6. COMMUNICATIONS

A. Administrator’s Report

- i. Administrator Jester noted Hennepin County Commissioner Fernando from District 2 wants to meet with Commission leadership and that a meeting is being arranged.

B. Chair

- i. Chair Prom reported that the old Four Season’s Mall area may be redeveloped and that a neighborhood meeting is scheduled for April 23rd at Beautiful Savior at 5:30 p.m. Chair Prom encouraged commissioners to attend the meeting to give input.

C. Commissioners

- i. Alternate Commissioner McDonald Black thanked Ms. Jester and Ms. Chandler for helping the Commission receive over \$2 million in grant funds over the last 6 years.
- ii. Commissioner Harwell reported she recently learned that the dumping of aquatic exotic pets is a big problem. She noted she saw a presentation that might be good for a future Commission meeting and that aquatic pet surrender events are being held around the Metro.
- iii. Commissioner Welch asked that Administrator Jester send information on the Four Seasons Mall area neighborhood meeting.
- iv. Commissioner Scanlan brought up an interesting newspaper article regarding Winnetka Pond.
- v. Alternate Commissioner Cesnik noted the AMLAC annual meeting on May 15th at the Plymouth Creek Center at 7 p.m.
- vi. Chair Prom mentioned that the Plymouth boat launch on the west side of Medicine Lake is closed.

D. TAC Members – no comments

- E. **Committees** - Budget meeting on Monday April 22
- F. **Legal Counsel** – no comments
- G. **Engineer** - no comments

7. INFORMATION ONLY (Information online only)

- A. Administrative Calendar
- B. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- C. [Grant Tracking Summary and Spreadsheet](#)
- D. Met Council Water Resources Overview with Quotes from BCWMC
- E. 2018 River Watch Report
- F. River Watch Interactive Map

8. ADJOURNMENT

The meeting adjourned at 10:40 a.m.

Signature/Title Date

Signature/Title Date

DRAFT