



Item 4A.  
BCWMC 1-19-17

## Bassett Creek Watershed Management Commission

**DRAFT Minutes of Regular Meeting  
Thursday December 15, 2016  
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)
<b>Crystal</b>	Guy Mueller, Vice Chair	NA	<i>Absent</i>
<b>Golden Valley</b>	Stacy Hoschka, Secretary/Treasurer	Jane McDonald Black	Jeff Oliver
<b>Medicine Lake</b>	Clint Carlson	<i>Absent</i>	NA
<b>Minneapolis</b>	Michael Welch	<i>Absent</i>	Liz Stout
<b>Minnetonka</b>	Mike Fruen	<i>Absent</i>	Tom Dietrich
<b>New Hope</b>	John Elder	<i>Absent</i>	Megan Albert
<b>Plymouth</b>	Ginny Black	David Tobelmann	Derek Ashe
<b>St. Louis Park</b>	<i>Absent</i>	<i>Absent</i>	Erick Francis
<b>Robbinsdale</b>	<i>Absent</i>	<i>Absent</i>	Richard McCoy
<b>Staff and Others Present:</b>			
<b>Administrator</b>	Laura Jester, Keystone Waters		
<b>Engineer</b>	Karen Chandler, Barr Engineering		
<b>Legal Counsel</b>	Troy Gilchrist, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	Jim Prom, John Byrnes, Steve Christopher (BWSR), Kim Chapman (AES), John Hink (Solution Blue), Steve Gebauer (Solution Blue), Nathan Warner (Solution Blue), Apurva Patel (Rock Hill Management), Bojan Mistic (SWLRT Project Office)		

**1. CALL TO ORDER AND ROLL CALL**

On Thursday December 15, 2016, at 8:34 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Vice Chair Mueller called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken. The cities of New Hope, St. Louis Park, and Robbinsdale were absent from the roll call.

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

No comments from citizens.

**3. APPROVAL OF AGENDA**

**MOTION:** Commissioner Welch moved to approve the agenda. Commissioner Black seconded the motion. Upon a vote, the motion carried 6-0. [Cities of New Hope, St. Louis Park and Robbinsdale were absent from the vote.]

**4. CONSENT AGENDA**

**MOTION:** Commissioner Black moved to approve the consent agenda. Commissioner Hoschka seconded the motion. Upon a vote, the motion carried 6-0. [Cities of New Hope, St. Louis Park and Robbinsdale were absent from the vote.]

The following items were approved as part of the consent agenda: the November 16, 2016 Commission Meeting Minutes, the December 2016 Financial Report, the payment of invoices, setting a February 2<sup>nd</sup> TAC meeting, reimbursement to Alt. Commissioner Scanlan for MAWD workshop registration, contract with Wenck Associates for operation of WOMP station in 2017, submission of a grant application to Minnesota Conservation Corps on behalf of Metro Blooms for Harrison Neighborhood Project, submission of Flood Control Project inspection report from Commission Engineer to cities, MDNR, and U.S. Army Corps of Engineers.]

The general and construction account balances reported in the December 2016 Financial Report are as follows: Checking Account Balance	\$513,116.56
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$513,116.56</b>
<b>TOTAL CASH &amp; INVESTMENTS ON-HAND (12/7/16)</b>	<b>\$3,466,563.60</b>
CIP Projects Levied – Budget Remaining	(\$3,965,796.69)
Closed Projects Remaining Balance	(\$499,233.09)
2011-2015 Anticipated Tax Levy Revenue	\$11,574.32
2016 Anticipated Tax Levy Revenue	\$14,828.86
Anticipated Closed Project Balance	(\$472,829.91)

## 5. BUSINESS

### A. Consider Approval of Resolution of Appreciation for Commissioner Ginny Black

Administrator Jester noted that Commissioner Black's term would end on January 31 but she would not be at the January Commission meeting, so the Commission is recognizing Commissioner Black's service at this meeting. Alt. Commissioner Tobelmann said it had been an honor to serve with Commissioner Black. Commissioner Hoschka said she was grateful for Commissioner Black's many hours of volunteered work when there was no administrator. Mr. Asche said that Commissioner Black's passion and dedication were admirable and that he was grateful for her work and particularly her efforts to develop a CIP program. Commissioner Welch noted his admiration for her knowledge of the subject matter, ability to articulate positions, willingness to have a meaningful dialogue, and ability to lead.

Commissioner Black said she would miss the people she worked with on the Commission, that it was a pleasure to serve, and that the Commission should be proud of its accomplishments.

Vice Chair Mueller read the resolution of appreciation.

**MOTION:** Commissioner Carlson moved to approve the resolution of appreciation for Commissioner Black. Commissioner Welch seconded the motion. Upon a vote, the motion carried 6-0. [Cities of New Hope, St. Louis Park and Robbinsdale were absent from the vote.]

### B. Receive Update on Clean Water Fund Grant Applications

Administrator Jester reported that the BWSR Board awarded Clean Water Fund grants to the BCWMC for the two submitted applications. She noted the Plymouth Creek Restoration Project will receive \$400,000 in grant funding and the Harrison Neighborhood Project will receive \$134,595 in grant funds. She indicated that staff will work with BWSR to develop work plans for the projects.

### C. Consider Approval of Southwest Light Rail Transit Project

Commission Engineer Chandler provided background on the project and reminded Commissioners about previous actions, including approval for the SWLRT to connect to the new Bassett Creek tunnel (March 2016) and the presentation of plans in June 2016. She noted that since June, SWLRT responded to comments, and worked with the Commission Engineer to refined design plans. She noted that the Commission Engineer has no further comments on the project and recommends approval without conditions.

Commissioner Welch asked about the configuration of the railway stations along the route within the watershed and wondered if they had been reviewed as part of the linear project or a non-linear development project. Commission Engineer Chandler reported that since none of the stations in the watershed include a parking lot, they were reviewed as part of the linear project. There was discussion about infiltration vs. filtration practices and the MIDS flexible treatment options. SWLRT staff noted that the practices in the design are directly from the MN Stormwater Manual, including SAFL baffles and vegetated swales.

**MOTION:** Commissioner Welch moved to approve the Southwest Light Rail Transit Project as presented and as recommended by the Commission Engineer. Commissioner Black seconded the

motion. Upon a vote, the motion carried 6-0. [Cities of New Hope, St. Louis Park and Robbinsdale were absent from the vote.]

**D. Consider Approval to Provide Financial Contributions for Stormwater Management at Agora Development, Plymouth**

Administrator Jester provided background on the project, reminding Commissioners about the August past presentation regarding stormwater management proposed for the redevelopment site that would go well above and beyond BCWMC pollutant removal requirements for the development. She noted that in August the Commission took action to “move forward with exploring a partnership with Rock Hill Management through an agreement with the City of Plymouth and for Commission staff to gather and assess additional information for further consideration including technical and legal issues.” She noted that Solution Blue and AES (the firms designing stormwater management features) have been refining plans which were reviewed by the Commission Engineer. Administrator Jester noted Rock Hill Management is seeking a decision on a possible funding commitment from the Commission.

Commission Engineer Chandler walked through the review memo and provided information on the four different alternatives developed by Solution Blue and AES. Specifically, she noted that Alternate 2 simply meets BCWMC stormwater management requirements with a pond in the southeast corner of the development (excavation of part of the wetland, needing wetland mitigation).

[Alt. Commissioner Jane McDonald Black arrives.]

Commission Engineer Chandler reported that Alternative 3 includes the pond from Alternative 2 plus treatment of stormwater from beyond the development site using infiltration with peat storage, 2 iron enhanced sand filtration basins, 2 filtration basins, a “wetland walk,” and permeable pavers.

Commission Engineer Chandler reported that Alternative 4 includes all of the components from Alternatives 2 and 3 plus restoration of the city-owner wetland south of the development site. She noted that low flows from the North Branch of Bassett Creek would be routed through the restored wetland. Water would be routed along a longer flow path in the wetland to allow for more water quality treatment, similar to the Schaper Pond concept. She reported that the pollutant removal estimates for Alternative 4 are 124 pounds of total phosphorus, which is 109 pounds more than what the developer is required to remove through site development. Further, Engineer Chandler reported that the estimated cost per pound of total phosphorus removal (for the 109 pounds above requirements) is \$515/pound. She compared these figures to the original Four Seasons Mall Water Quality Improvement Project which was estimated to remove 105 pounds of total phosphorus at approximately \$589/pound (in 2016 dollars).

Commission Engineer Chandler recommended that the Commission change the Four Seasons Mall Area Water Quality Project (2013 CIP NL-2) from the original design to the project presented here; and provide up to \$830,000 of CIP funds that are remaining in the Four Seasons Mall Water Quality Improvement Project with several conditions as noted in her memo. She noted that approximately \$20,000 of remaining CIP funds should be held by the Commission to cover the costs of additional Commission review and coordination.

There was discussion. It was reiterated that although this project is slated to prevent over 100 pounds of phosphorus from entering Northwood Lake, the lake will remain impaired because hundreds of pounds of phosphorus need to be removed before the lake meets water quality standards. Mr. Asche reported that approximately 800 lbs of total phosphorus flow into Northwood Lake from drainage areas in Plymouth, including this area. Mr. Asche noted that additional projects (either city projects, Commission projects, or possibly private projects) will be needed to further reduce pollutants in the Northwood Lake watershed.

Commissioner Welch indicated that this was a great opportunity to improve water quality and the condition of the wetland. Commissioner Hoschka indicated support for the project but expressed concern about the possible chloride pollution that might come from the development during deicing practices in the winter. She said a good chloride management plan is warranted. Mr. Hink with Solution Blue noted that the wetland plants that will be installed for some of the BMPs would be adverse to salt so there are multiple reasons to reduce salt use on site.

Mr. Asche distributed a memo with information about two possible stormwater ponds that could be constructed as part of a future project in the same general area. There was discussion about possible future projects, costs, and pollutant removals. Mr. Asche expressed support for the Commission's involvement in and financial contribution to the Agora development. He noted that wetland restorations are favorable projects but can be difficult to get through the wetland permitting process. After further questions, Mr. Asche assured Commissioners that although future projects and more pollutant removals are needed, the current project does not preclude the construction of future projects.

There was further discussion. Mr. Hink noted that Alternative 4, as designed, would address sediment loads coming from the west of Lancaster Lane. There was also discussion about future maintenance needs and costs. It was noted that long term maintenance would be included in a developers agreement between the city and the developer. There was also discussion about the opportunity for including public education pieces within the development.

Administrator Jester asked Mr. Christopher with the MN Board of Water and Soil Resources if a Plan amendment would be required to substitute this project for the original Four Seasons Project. She read from Table 5-3 in the 2015 BCWMC Watershed Management Plan that states the "Four Seasons Mall Area Water Quality Project could include construction of stormwater treatment ponds, restoration of an eroding stream channel, alum treatment of stormwater, or other projects to address phosphorus loading." Mr. Christopher indicated that a Plan amendment would not be needed to substitute this project for the original project.

[Commissioner John Elder arrives.]

Mr. Patel with Rock Hill Management expressed his excitement for the project and for the partnership with the Commission. He said this process has taught him a lot about water quality; that RHM has committed to spending additional funds to go above and beyond requirements; and that he hopes Agora will be the new standard for future development and a showcase for the community.

**MOTION:** Commissioner Welch moved to approve the recommendations as presented in the Commission Engineer's memo; and to provide up to \$830,000 of CIP funds from the Four Seasons Mall Water Quality Improvement Project; and to require that final project plans submitted to the Commission include a chloride management plan for the Agora site; and to require the developer and City work with the Commission to develop education opportunities on the Agora site. Seconded by Commissioner Elder.

During discussion of the motion it was recognized that the Commission's contribution to the project would likely impact the developer's TIF request to the city. It was also noted that a formal agreement between the city and the Commission would be presented for approval at a future Commission meeting.

Upon a vote the motion carried 7-0. [The cities of St. Louis Park and Robbinsdale were absent from the vote.]

[Commissioner Welch departs the meeting.]

**E. Consider Approval to Submit Aquatic Invasive Species Prevention Grant Application to Hennepin County**

Administrator Jester reported that the BCWMC Aquatic Plant Management/Aquatic Invasive Species Committee has been working to identify an appropriate role for the Commission in these issues. She reported that one role identified by the committee is to take the lead in AIS studies that include 1) pathways analysis and vulnerability assessment; 2) AIS inventory; and 3) AIS prevention and/or management plan development. She reported that the Committee recommended that although the work of the Committee is not yet complete, the Commission should take the opportunity to apply for grant funds from Hennepin County before the deadline of January 20<sup>th</sup>.

Administrator Jester reported the grant application would include a \$25,000 - \$30,000 grant request to study Medicine Lake, Parkers Lake, and Sweeney Lake for a variety of aquatic invasive species including inventory, pathways analysis, vulnerability assessment, and management/prevention plan development.

**MOTION:** Commissioner Black moved to direct staff to prepare a grant application for Hennepin County's aquatic invasive species prevention grant. Seconded by Commissioner Carlson. Upon a vote the motion carried 6-0. [The cities of Minneapolis, St. Louis Park and Robbinsdale were absent from the vote.]

**F. Receive Information on Application of Atlas 14 Flood Levels to Blue Line LRT Project**

Commission Engineer Chandler reported that at the January 2017 meeting, the Commission will hear the results of the BCWMC's watershed-wide XP-SWMM model, which will include changes to flood levels resulting from higher precipitation totals in Atlas 14. She noted that she and other Commission Engineers have been in discussions with Blue Line LRT staff regarding appropriate flood elevations along the route and that preliminary (uncalibrated) Atlas 14 XP-SWMM model results indicate Bassett Creek flood levels are ½ foot higher than current (TP 40) flood levels along the portion of the route just north of Highway 55. She reported that the Blue Line LRT project design plans will come to the Commission in the summer of 2017, after the new Atlas 14 flood levels are likely adopted by the Commission. She noted that the Blue Line LRT project will use the BCWMC's preliminary Atlas 14 flood elevations in their project design and that early indications are that there

are potentially two locations where the Blue Line LRT may not be able to meet the Commission requirements regarding elevation of crossings above the flood elevation. She noted this may result in variance requests at these locations from the Blue Line LRT Project Office in the future.

**G. Consider Approval of Administrative Services Committee Recommendations**

Administrator Jester reported that the Administrative Services Committee met on December 5<sup>th</sup> to consider multiple issues and had recommendations for several items (as presented below).

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

**a. Policy Manual Updates**

Administrator Jester walked through the pieces of the draft BCWMC Policy document that were not included in the discussion at the November BCWMC meeting including policies 2.6 and 3.1 – 3.6. She noted that policies on external costs of CIP projects; administration of water quality management standards; public involvement; and review of developments, improvements, and agency permits are recommended to be struck from the document entirely due to their inclusion, in much more detail, in the 2015 Watershed Management Plan. Further, she noted that the former language in policy 3.5 regarding the channel maintenance fund was replaced with policy language approved by the Commission in December 2015.

Administrator Jester noted that Policy 3.2.2 Subdivision 11 includes language regarding cost sharing of CIP projects with cities who wish to take some pollutant removal credit. She reminded the Commission that this policy was discussed at the November Commission meeting, and that it was subsequently revised by Commissioner Welch, and then reviewed by the TAC at their November 28<sup>th</sup> meeting. She reported that the TAC recommends the Commission not adopt such a policy because they believe it's unlikely for this scenario to happen again. She reported that she and the Administrative Services Committee recommend the policy be adopted to provide guidance for future similar situations, if they arise. Finally, she noted that Policy 3.6 is a new policy that reflects action taken by the Commission at their October meeting regarding when and how to request proposals for projects.

Administrator Jester reported the Administrative Services Committee recommends approval of these policies as presented.

There was some discussion about the proposed deletion of two sections of Policy 3.2.2 regarding capital improvement program funding. The Commission decided that section 10 and 11 should remain in the policy document as they are included in the BCWMC Joint Powers Agreement (JPA). Administrator Jester reported that she would make sure those policies were left in and reflected the JPA and other allowed funding mechanisms currently practiced by the Commission.

**MOTION:** Commissioner McDonald Black moved to approve the proposed changes to the Policy Document, with the exception of section 3.2.2 Subdivisions 10 and 11 which will be revised to reflect the BCWMC Joint Powers Agreement. Commissioner Elder seconded the motion. Upon a vote the motion carried 6-0. [The cities of Minneapolis, St. Louis Park and

Robbinsdale were absent from the vote.]

**b. Resolution Approving Records Retention Schedule**

Administrator Jester reported that Appendix B of the Policy Manual is a comprehensive records retention schedule as shown in the meeting materials. She noted the schedule was reviewed and revised by the Commission's legal counsel and additional input was provided by the Administrative Services Committee. She noted that the schedule must be formally adopted by a resolution, which was recommended for approval by the Committee.

**MOTION:** Commissioner McDonald Black moved to adopt the BCWMC records retention schedule. Commissioner Elder seconded the motion. Upon a vote the motion carried 6-0. [The cities of Minneapolis, St. Louis Park and Robbinsdale were absent from the vote.]

**c. Report on Staff Performance Evaluations**

Vice Chair Mueller reported that the Committee reviewed the results of the staff performance evaluations which were completed by a total of 16 Commissioners and TAC members. He noted the evaluations contained good feedback and that it was evident that the evaluations were very good but that there was also room for improvement. He noted that evaluations by TAC members tended not to be as favorable as evaluations by Commissioners. There was no discussion.

**d. Solicit Letters of Interest Proposals**

Administrator Jester reported that per State Statute, the Commission needs to solicit interest proposals for legal, professional, or technical consultant services at least every two years and that the Commission last solicited proposals in December 2014. She reported the Committee recommends directing staff to submit for official publication a notice soliciting "letters of interest proposals" (rather than full proposals) for legal and technical consulting services.

**MOTION:** Commissioner McDonald Black moved to direct staff to solicit letters of interest proposals for legal and technical consulting services. Commissioner Black seconded the motion. Upon a vote the motion carried 5-1 with the City of Plymouth voting against the motion. [The cities of Minneapolis, St. Louis Park and Robbinsdale were absent from the vote.]

**e. Amendments to Administrator Contract**

Administrator Jester reported that the Committee recommends an amendment to the Administrators contract to align with current job duties and the 2017 budget. She noted the 2017 budget includes an increase in the maximum monthly Administrator "salary" from \$5,150 to \$5,600 in order to allow for a few extra work hours per month and a slight increase in the Administrator's hourly rate from \$67 to \$70/hour.

**MOTION:** Commissioner Black moved to approve the amendments to the Administrators contract. Commissioner Elder seconded the motion. Upon a vote the motion carried 6-0. [The cities of Minneapolis, St. Louis Park and Robbinsdale were absent from the vote.]



**6. COMMUNICATIONS**

**A. Administrator's Report**

Administrator Jester reported on the Plan It Conference, the MN Association of Watershed Districts Conference, the State of the River Report, and she reminded Commissioners to complete the State's campaign finances paperwork.

**B. Chair**

Vice Chair Mueller again thanked Commissioner Black for her service to the Commission.

**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 she and Administrator Jester met with Hennepin County staff regarding the Hennepin West Mesonet project; she also pointed out the importance of getting reports from cities regarding their actions in response to the Flood Control Project inspections.

**7. INFORMATION ONLY** (Available <http://www.bassettcreekwmo.org/document/meeting-materials-minu/meeting-materials/thursday-december-15-2016> )

- A. CIP Project Updates: Now Available Online** <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet**
- C. WMWA Meeting Minutes**
- D. Hennepin West Mesonet**
- E. WCA Notice of Decision, Plymouth**
- F. WCA Notice of Application, Plymouth**
- G. WCA Notice of Decision, Plymouth**
- H. WCA Notice of Application, Crystal**

**8. ADJOURNMENT** – Vice Chair Mueller adjourned the meeting at 10:50 a.m.

_____	_____	_____	_____
Signature/Title	Date	Signature/Title	Date