



Item 4A.
BCWMC 2-16-17

Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting
Thursday January 19, 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	Guy Mueller, Vice Chair	NA	Mark Ray
Golden Valley	Stacy Harwell, Secretary/Treasurer	Jane McDonald Black	Jeff Oliver
Medicine Lake	Clint Carlson	Gary Holter	NA
Minneapolis	Michael Welch	<i>Absent</i>	Liz Stout
Minnetonka	<i>Absent</i>	<i>Absent</i>	Tom Dietrich
New Hope	John Elder	Pat Crough (voting member)	Megan Albert, Bernie Weber, Chris Long
Plymouth	<i>Absent</i>	<i>Absent</i>	Derek Ashe
St. Louis Park	Jim de Lambert	Patrick Noon	Erick Francis
Robbinsdale	<i>Absent</i>	<i>Absent</i>	Richard McCoy
Staff and Others Present:			
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler and Jen Koehler, Barr Engineering		
Legal Counsel	Troy Gilchrist, Kennedy & Graven		
Presenters/ Guests/Public	Jim Prom, John Byrnes, James Rowan (Plymouth residents)		

1. CALL TO ORDER AND ROLL CALL

On Thursday January 19, 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 cities of Minneapolis, Minnetonka, Plymouth, and Robbinsdale were 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 51 – Requests to Attend Road Salt Symposium.

MOTION: Alt. Commissioner Crough moved to approve the agenda as amended. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 5-0. [Cities of Minneapolis, Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

4. CONSENT AGENDA

MOTION: Commissioner Mueller moved to approve the consent agenda. Alt. Commissioner Crough seconded the motion. Upon a vote, the motion carried 5-0. [Cities of Minneapolis, Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

The following items were approved as part of the consent agenda: the December 15, 2016 Commission Meeting Minutes, the January 2017 Financial Report, the payment of invoices, reimbursement to the City of Golden Valley for Main Stem Restoration Project expenses, a proposal from MMKR to perform 2016 financial audit, resolution to transfer fund from CIP account to Administrative Account, resolution to transfer funds from Administrative Account to Channel Maintenance Fund and Long Term Maintenance Fund, and the Northwood North Area Infrastructure Improvements Project.

The general and construction account balances reported in the January 2017 Financial Report are as follows: Checking Account Balance	\$638,252.76
TOTAL GENERAL FUND BALANCE	\$638,252.76
TOTAL CASH & INVESTMENTS ON-HAND (1/10/17)	\$2,556,014.51
CIP Projects Levied – Budget Remaining	(\$3,116,429.86)
Closed Projects Remaining Balance	(\$560,415.35)
2011-2015 Anticipated Tax Levy Revenue	\$11,574.32
2016 Anticipated Tax Levy Revenue	\$14,828.86
Anticipated Closed Project Balance	(\$534,012.17)

5. BUSINESS

Before starting the business of the meeting, Chair de Lambert introduced Bernie Weber with the City of New Hope as the acting Public Works Director and new addition to the BCWMC Technical Advisory Committee.

A. Consider Approval of Resolution of Appreciation for Alternate Commissioner David Tobelmann

Administrator Jester reported that the Plymouth City Council recently appointed a new alternate commissioner to the BCWMC effective February 1, 2017. Although Alt. Commissioner Tobelmann was not present at the meeting, various commissioners and Commission staff offered praise for his dedication to the Commission and his work on committees and at community events. It was noted that Alt. Commissioner Tobelmann was good to work with, always acted professionally, brought important perspectives to various topics, was fully engaged in advancing the work and goals of the Commission, and will be missed. Chair de Lambert read the resolution of appreciation.

MOTION: Commissioner Mueller moved to approve the resolution of appreciation for Alternate Commissioner Tobelmann. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 5-0. [Cities of Minneapolis, Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

B. Receive Presentation from Commission Engineer on XP-SWMM Phase II Results

Commission Engineer Chandler introduced Jen Koehler with Barr Engineering who has been guiding the modeling project over the last two years.

[Commissioner Welch arrives.]

Ms. Koehler gave a presentation on the results of the XP-SWMM Phase II modeling effort including background information and basic information on hydraulics and hydrology. She noted the model shows the movement of water through the watershed and inundation of land below the 100-year flood elevation. She reported that more than 1,100 subwatersheds were included in this model in contrast to only 50 – 60 subwatershed that were incorporated into the original XP-SWMM model. She noted this extreme detail in turn captures many more areas, even very small basins like ponds and wetlands, where water is stored on the landscape. She noted that Atlas 14 precipitation amounts were used as well as updated soils data. She reported that locations along Plymouth Creek and the Main Stem of Bassett Creek were used to calibrate the model.

Ms. Koehler reported that the results of the model calibration and validation at four locations showed that the model accurately predicts water elevations and flowrates over the course of a complete hydrograph for various rainfall events. She noted that for this area, a 24-hour, 100-year rainfall event yields 7.4 inches of rain. She reported that the 100-year flood elevations predicted in this model show some slight decreases in the upper part of the watershed over current elevations, but the model indicates increases in flood elevations lower in the watershed.

In response to a question from Commissioner Welch, Ms. Koehler reported that the ponds that were included in the model are those also included in the earlier BCWMC P8 model – mostly public ponds and some private ponds. She noted the model did not capture all privately-owned BMPs.

There was discussion about how the model would be used and what Commission policies might be impacted by the new flood elevations. Overall, Commissioners and city staff expressed satisfaction in the model but realized there was some ground-truthing needed to verify some data and further policy discussions were needed, including possible conversations with the DNR, Army Corps of Engineers, and the Federal Emergency Management Agency. Commission Engineer Chandler noted that this project does not include requesting official changes to flood elevations with State and Federal agencies. She noted, however, that the Commission could decide to manage floodplains to these new levels.

In a discussion about updating the model and/or re-calibrating the model at certain future intervals, Ms. Koehler noted that this model would be considered a “living model” with regular updates to add significant new ponding areas or other practices. She noted, however, that the model would not be re-calibrated often. Commission Engineer Chandler noted that if precipitation amounts were officially changed, that would be a good time for model re-calibration.

Commission Engineer Chandler reviewed the recommendations in the engineer’s memo as the next steps in the process. Administrator Jester noted that action in April 2015 approving this project specified not only a budget, but also a timeframe for project completion by January 31, 2017. She noted that some budget remains but that more work in following through with the recommendations to discuss with the TAC, etc., will take more time. She requested that a motion approving the engineer’s recommendations also include an approval to extend the timeframe of the project beyond the end of January until such time as the budget is spent.

Commissioner Harwell noted that while she thinks the model is well developed and appropriate, she has some technical questions. She volunteered to attend the next TAC meeting where the model will be discussed in more detail.

As an aside, Commissioner Welch recommended that at the next Commission meeting, the Commission appoint liaisons to attend TAC meetings such that policy-related discussions by the TAC can be relayed back to the Commission.

MOTION: Alt. Commissioner Crough moved to approve the recommendations in the engineer’s memo regarding the next steps for the XP-SWMM model discussion and to allow the work of the modeling project to continue past January 31, 2017 until project funds are spent. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 6-0. [Cities of Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

C. Consider Approval of Recommendations from Technical Advisory Committee

i. MIDS in Linear Projects

Committee Chair Erick Francis, TAC member from the City of St. Louis Park, reported on the TAC’s recommendation from their November 28, 2016 meeting regarding stormwater performance standards for linear projects. He reported that currently the Commission requires that Minimal Impact Design Standards (MIDS) be met for linear projects, but that those requirements are very difficult to meet due to poor draining soils, high groundwater, limited space in the right-of-way, utilities, contamination, and other issues. Mr. Francis reported that the TAC reviewed requirements for linear projects used in other watersheds. He reported that the TAC recommends

that the Commission revise their stormwater management requirements for reconstruction of existing linear impervious surfaces such that MIDS is not required but that requirements are similar to the 2004 BCWMC requirements, wherein road authorities must demonstrate a “good faith effort” to improve conditions during linear construction/reconstruction projects. He further noted that the TAC recommends that MIDS requirements remain for linear projects that create new impervious surfaces, if the project creates more than one acre of new impervious surfaces. Administrator Jester provided additional detail on the TAC’s recommendation and the policies of other organizations that were reviewed.

Commissioner Welch asked for confirmation that the TAC memo contains only the TAC’s recommendation and is not a recommendation from the Administrator nor the Commission Engineer. Administrator Jester confirmed this was the case. She noted that she believes there is likely a compromise between the current standard and the TAC’s recommendation. Commission Welch noted that the Southwest Light Rail project is a linear project that recently met MIDS requirements and that he knows other linear projects that are also meeting MIDS. He reminded the group that the MIDS requirements were developed over a period of years by a diverse group of stakeholders that took the constraints of linear projects into consideration when developing the standard. Both Commission Welch and Commission Engineer Chandler agreed that language such as “good faith effort” is difficult to enforce and apply equally between and among different projects.

Jeff Oliver (TAC member from Golden Valley) noted that the requested changes would not apply to private developments. Commissioner Harwell reported that meeting MIDS requirements in linear projects is difficult in many areas and she reminded the group of the discussion about this likely difficulty when the Commission was adopting the new requirements. She noted that now we can see that these standards aren’t practical in the real world. Ms. Harwell also noted that chloride contamination is a big issue, including its infiltration into groundwater. She noted that cities are right not to infiltrate runoff coming directly from roadways.

Commission Engineer Chandler indicated that it’s a matter of funding and that road reconstruction is an opportunity to improve conditions. If improvements aren’t made during these projects, then it’s likely the Commission or others will need to spend additional funds to implement more projects. She noted that she’s in favor of a cost cap alternative.

Mr. Oliver noted that in some cases there truly isn’t a way to implement the current standards, so no amount of a cost cap would help. He noted that in other cases cities can actually install multiple best management practices that can offset other projects. He noted that Golden Valley always looks for ways to improve conditions and implements them wherever possible. Mr. Oliver noted that there were many perspectives and situation to consider.

There was a brief discussion about a possible program to bank credits from one project to use in another project. However, there was consensus that such a program could be more problematic than helpful. Chris Long (TAC member from New Hope) noted that cities want to do the right thing and work towards that goal whenever possible but that long term maintenance of structures in rights of way is another big concern for cities.

Derek Asche (TAC member from Plymouth) noted that MIDS’ flexible treatment option #3 is offsite mitigation which should be a viable option for cities to use if other practices aren’t workable.

MOTION: Commissioner Welch moved to direct the Commission Engineer to analyze the questions and concerns raised by the Technical Advisory Committee and develop a recommendation for the Commission on how to move forward with this issue. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 6-0. [Cities of Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

It was confirmed that if the Commission Engineer deemed this request to be a significant undertaking, she would bring a proposed scope of work to the Commission for consideration.

[Commissioner Harwell departs the meeting. Alt. Commissioner McDonald Black assumes voting position for Golden Valley.]

ii. Shoreland and Habitat Monitoring

Mr. Francis reported that after receiving a description of a possible expansion of Commission monitoring efforts to include monitoring shoreland and habitats on lakes, the TAC recommends that the Commission not develop and implement such a program at this time. Administrator Jester provided some additional background on the possible program and reported that city staff indicated that if that data were needed, that city staff or park district staff could collect the data rather than the Commission.

iii. Letter of Understanding for MS4 Reporting on BCWMC Education Activities

Mr. Francis reported that the TAC recommends that the Administrator annually provide a list of educational activities and a letter of understanding to member cities such that cities can formally take credit for these activities in their MS4 permit reports.

MOTION: Commissioner McDonald Black moved to approve recommendations from the Technical Advisory Committee for items ii. and iii. above. Commissioner Mueller seconded the motion.

MOTION: Commissioner Welch moved to amend the motion to approve only recommendation iii. above because it's not proper to approve that the Commission NOT do something. Commissioner Carlson seconded the motion. Upon a vote the motion carried 6-0. [Cities of Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

Upon a vote on the main motion, the motion carried 6-0. [Cities of Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

D. Discuss Structure of Agreement for Contributing Capital Improvement Program Funds to Agora Development, Plymouth

Administrator Jester reported that since the December meeting when the Commission took action to enter into an agreement with the City of Plymouth for Commission financial contribution for the stormwater management features at the Agora development, Commission staff and city staff have been working to determine the best way for the Commission to cooperate with the city and the

developer and to ultimately contribute CIP funding to the project. She reported that staff now recommend that the Commission enter into an agreement directly with Rock Hill Management rather than with the City of Plymouth.

MOTION: Commissioner Welch moved to direct the Commission Administrator and Legal Counsel to develop an agreement with Rock Hill Management for the Commission's consideration. Alt. Commissioner Crough seconded the motion. Upon a vote the motion carried 6-0. [Cities of Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

E. Receive Update on Timeline and Requirements for Conformance with 2015 Watershed Management Plan Through City Ordinances and Local Water Plans

Commission Engineer Chandler reminded the group that the latest Watershed Management Plan was adopted in September 2015 and that it requires that member cities update their ordinances or other controls to comply with the Plan within two years of Plan adoption, or September of this year. She noted that updates to a city's ordinances/controls may be needed in a variety of areas including erosion and sediment control; wetland management; floodplain/zoning; stormwater management, etc. Further, she noted that cities must update their Local Water Management Plans (LWMP) to conform with the Commission Plan and that the LWMPs are updated along with the city's Comprehensive Plan, due in 2018. She reported that the checklist included in the meeting packet was developed to assist cities with their updates.

F. Consider Directing Staff to Submit Aquatic Invasive Species Prevention Grant Application to Hennepin County

Administrator Jester reminded the group that at the December meeting the Commission approved a recommendation from the Aquatic Plant Management/Aquatic Invasive Species (AIS) Committee to submit a grant application to Hennepin County for the inventory of AIS in Sweeney, Parkers, and Medicine Lakes plus a pathways analysis, vulnerability and suitability assessment, and management plan development. She noted the draft grant application includes a cash match from the Commission of \$5,000 and in-kind administrative support.

MOTION: Commissioner Carlson moved approval of the draft AIS Prevention grant application and directed staff to submit the application to Hennepin County. Alt. Commissioner Crough seconded the motion. Upon a vote the motion carried 6-0. [Cities of Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

G. Receive Update on Compliance with New State Buffer Law in BCWMC

Administrator Jester noted the letter from Hennepin County reporting that no parcels in the Bassett Creek watershed were found to be out of compliance with the State's Buffer Law.

Commissioner Welch noted that the MN Board of Water and Soil Resources may need a decision from the Commission about whether or not the Commission wants to take an enforcement role. He asked the Administrator to look into that matter and bring information, as needed, to the next meeting.

H. Receive Update on Various Grant Applications, Awards, and Development of Grant Work Plans

Administrator Jester provided an update on current grants to the Commission and grant applications in process. She noted that over the last four years the Commission has received over \$1.4 million in grants and is likely to receive another \$200,000 from Hennepin County this month. She noted that it takes hours of staff time and cooperation from cities to develop applications, work plans, and perform reporting. She noted grant reports are being prepared for the MPCA and Clean Water Fund grants for the Northwood Lake Improvement Project, and the Met Council grant for the Harrison Neighborhood Project. She noted that work plans will be developed for the two new Clean Water Fund grants recently awarded and that a request for reimbursement for the DNR's Flood Damage Reduction grant is being prepared.

Commissioners and city staff expressed appreciation to Commission staff for their work on grants, noting that it makes a big difference in the funds of the Commission and their ability to do even more good projects.

I. Requests to Attend the Road Salt Symposium

Administrator Jester reported that she and Alt. Commissioner Scanlan are requesting reimbursement for registration fees (\$135) to attend the Road Salt Symposium on February 2nd and that she is requesting to attend the event on behalf of the Commission. Jim Prom, the Commissioner recently appointed by the City of Plymouth and whose term begins on February 1st also requested to attend the event and receive reimbursement of registration fees.

MOTION: Commissioner Carlson moved to approve the Administrator's attendance at the Road Salt Symposium and to reimburse Commissioner Prom, Alternate Commissioner Scanlan, and the Administrator for registration fees of \$135 each. Seconded by Commissioner Welch. Upon a vote the motion carried 6-0. [Cities of Minnetonka, Plymouth and Robbinsdale were absent from the vote.]

There was some discussion about the need to provide education and training to private salt applicators and/or to have some sort of regulatory approach for limiting salt use in private or institutional settings. Commissioner Welch also noted the possibility of a State law limiting the liability of private applicators. Administrator Jester noted she was working with Fortin Consulting to set up a training for winter maintenance of sidewalks and parking lots.

6. COMMUNICATIONS

A. Administrator's Report

Administrator Jester reminded Commissioners to complete the auditor's conflict of interest forms.

B. Chair

Chair de Lambert reminded Commissioners that the February meeting will include election of officers and appointments to committees.

C. Commissioners

No report.

D. TAC Members

Reminder of new meeting date: Friday February 3rd at 9:00 a.m.

E. Committees

Reminder of next meeting on Tuesday January 24th at 8:30 a.m.

F. Legal Counsel

No report.

G. Engineer

No report.

7. INFORMATION ONLY (Available <http://www.bassettcreekwmo.org/document/meeting-materials-minu/meeting-materials/thursday-january-19-2017>)

A. CIP Project Updates: Now Available Online <http://www.bassettcreekwmo.org/projects>

B. Grant Tracking Summary and Spreadsheet

C. [16th Annual Road Salt Symposium February 2nd](#)

D. WMTA Meeting Minutes

E. WCA Notice of Decision, Golden Valley

F. WCA Notices of Application (multiple), Plymouth

G. WCA Notice of Decision, Plymouth

H. WCA Notice of Decision, Crystal

8. ADJOURNMENT – Vice Chair Mueller adjourned the meeting at 10:38 a.m.

Signature/Title

Date

Signature/Title

Date