



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting July 16, 2015 Golden Valley City Hall, 8:30 a.m.

Commissioners and Staff Present:

Crystal	Commissioner Guy Mueller, Vice Chair	Robbinsdale	Alternate Commissioner Michael Scanlan
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	Commissioner Jim de Lambert, Chair
Medicine Lake	Commissioner Clint Carlson	Administrator	Laura Jester
Minneapolis	Commissioner Michael Welch	Attorney	Charlie LeFevere, Kennedy & Graven
Minnetonka	Commissioner Jacob Millner, Secretary	Engineer	Karen Chandler, Barr Engineering
New Hope	Alternate Commissioner Pat Crough		
Plymouth	Commissioner Ginny Black		

*Technical Advisory Committee (TAC) Members/ Other Attendees Present:*

Derek Asche, TAC, City of Plymouth	Richard McCoy, TAC, City of Robbinsdale
Erick Francis, TAC, City of St. Louis Park	Patrick Noon, Alternate Commissioner, City of St. Louis Park
Gary Holter, Alternate Commissioner, Medicine Lake	Jeff Oliver, TAC, City of Golden Valley
Chris Long, TAC, City of New Hope	John O'Toole, Medicine Lake Resident
Linda Loomis, Plan Steering Cmtte Chair	Liz Stout, TAC, City of Minnetonka
Jane McDonald Black, Alternate Commissioner, City of Golden Valley	David Tobelmann, Alternate Commissioner, City of Plymouth

#### 1. CALL TO ORDER AND ROLL CALL

On Thursday, July 16, 2015, at 8:33 a.m. in the Council Conference room at Golden Valley City Hall, Chair de Lambert called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken [City of Minneapolis absent from roll call].

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

No items were raised.

**3. AGENDA**

Commissioner Black moved to approve the agenda as presented. Alternate Commissioner Crough seconded the motion. Upon a vote, the motion carried 8-0 [City of Minneapolis absent from vote].

**4. CONSENT AGENDA**

Commissioner Black requested the removal of item 4B – July Financial Report – from the Consent Agenda. Chair de Lambert said the item would become agenda item 5Ai. Commissioner Black moved to approve the Consent Agenda as amended. Commissioner Mueller seconded the motion. Upon a vote, the motion carried 8-0 [City of Minneapolis absent from vote].

[The following items were approved as part of the Consent Agenda: the June 18, 2015, Commission Meeting minutes, the payment of invoices, Approval to Reimburse the City of Golden Valley for the Bassett Creek Main Stem Restoration Project (CR2015).]

The general and construction account balances reported in the Fiscal Year 2015 Financial Report prepared for the July 16, 2015, meeting are as follows:

Checking Account Balance	\$686,224.00
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$686,224.00</b>
<b>TOTAL CASH &amp; INVESTMENTS ON-HAND (7/08/15)</b>	<b>\$3,794,833.26</b>
CIP Projects Levied – Budget Remaining	(\$4,015,111.53)
Closed Projects Remaining Balance	\$220,278.27
2012-2014 Anticipated Tax Levy Revenue	\$5,585.36
2015 Anticipated Tax Levy Revenue	\$495,084.26
Anticipated Closed Project Balance	\$280,391.35

**5. BUSINESS**

**A.**

**i. July 2015 Financial Report**

Commissioner Black had a question about the financial report’s line item “Other General Fund Revenues.” Administrator Jester answered the question. Commissioner Black moved to approve the July 2015 Financial Report as presented. Alternate Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 8-0 [City of Minneapolis absent from vote].

*[Commissioner Welch, Minneapolis, arrives.]*

**A.****ii. Consider Resolution of Appreciation for Services of John O'Toole to the Bassett Creek Watershed Management Commission**

Commissioner Black moved to adopt the Resolution of Appreciation for Services of John O'Toole to the Bassett Creek Watershed Management Commission. Commissioner Welch seconded the motion. Chair de Lambert read the resolution. Commissioners and Mr. O'Toole offered comments. Upon a vote, the motion carried 9-0.

**B. Review Evaluations of Two Past CIP Projects by MN Department of Natural Resources and MN Board of Water and Soil Resources**

Administrator Jester explained that in 2011 the state legislature directed the Minnesota Department of Natural Resources (DNR) and the Minnesota Board of Water and Soil Resources (BWSR) to start evaluating restoration projects that were completed under the Clean Water Land and Legacy Funds. She said that the Commission had two projects that were partially funded by those funds in 2010: a Bassett Creek Main Stem restoration project and a Plymouth Creek restoration project.

Administrator Jester reported that in October 2013 she was contacted by DNR staff member Wade Johnson, the project manager of this evaluation program. She explained that Mr. Johnson and another DNR staff member came out and looked at the projects. She said that she and city staff accompanied the DNR staff on the visit to each project site. Administrator Jester explained that the DNR staff completed evaluation forms, but the BCWMC did not receive a copy of them until January 2015.

Administrator Jester stated that there were concerns about the outcomes of the evaluations, so BCWMC and city staff met with DNR and BWSR staff to go through the evaluations. She said there was great two-way discussion. She reported that the DNR and BWSR staff learned more about the limitations of working in urban areas while city staff, the Commission Engineer, and the Administrator learned about things that the DNR and BWSR hope for in future projects.

Administrator Jester said that the project evaluations were revised and the final evaluations are included in today's meeting packet. She noted that the evaluations will go into a report to an evaluation panel in September and then a final report will go to the state legislature. She noted that BCWMC staff learned that the Commission should involve state agencies earlier in the CIP process in order to hear about the agencies' desired outcomes of the projects. Administrator Jester emphasized that the evaluation is not a punitive action and instead its goal is to make future projects better. Administrator Jester said that a takeaway for the Commission is that it needs to get project information to the right agency staff people earlier in the process, which now is staff's plan. She said that no action by the Board is required.

Commissioner Mueller commented that he sees that the evaluation raises two issues: first, how to design future projects better and second, how to ensure that during project construction the contractors follow the plans and specifications. Mr. Asche pointed out that regarding the rock vane described in the evaluation, the City of Plymouth knows it was installed correctly but over time it moved out of place. He said that the City sees that as a long-term maintenance issue. Mr. Asche stated that the project was a very successful project and meets a lot of the Commission's and City's goals, including flood protection. He emphasized that the effectiveness of the project is very high.

Commissioner Black remarked that she thinks the Commission's Technical Advisory Committee (TAC) should discuss whether the Commission's process and procedures could be modified in light of the evaluation

report and if so, how.

There was discussion about the evaluation criteria and the objectives that the projects were measured against. Commissioner Welch commented that he found this evaluation disturbing and asked if Engineer Chandler had takeaways from the evaluation and the meeting with the evaluators. Engineer Chandler said that there is not a lot of public land available for use in the BCWMC projects and because there is so much work in this type of constrained area, the projects have to utilize more structure in its projects. She said that in order to affect change, input, such as provided by the DNR, needs to happen earlier in the project.

Commissioner Welch said the evaluation brings up points such as: incorrect installation, instability, the recommendation that the BCWMC should consider alternative methods that would have been constructed with appropriate geomorphology, and the recommendation that the BCWMC consider alternatives that work with natural stream processes rather than against them. He said that some of these points echo things he heard years ago from the Commission's Engineer. Commissioner Welch said that the Commission could have done something if the Commission had accountability in place for the constructed project matching the project plans the Commission approved. He said that this issue absolutely should go to the TAC, and he would like to hear what the TAC would like to do about this. He stated that he would like to know if the TAC thinks the Commission is setting the right objectives for the projects. Commissioner Welch agreed with the idea of getting agency input early on in the project process, but indicated they may not have time.

There was discussion about storm water drainage and runoff in urban and developed areas, flood protection goals and initiatives, how urban streams are subject to unnatural conditions, and the need to be able to construct solutions that work with streams that are subject to unnatural conditions. There was discussion about the Plymouth Creek's project's beneficial results for Medicine Lake and how future Watershed Outlet Monitoring Program (WOMP) data should start indicating those positive results.

There was discussion about the positive outcomes of both evaluated projects, positive features of the projects that were not included in the evaluation report, the learning that the Commission can take away from the evaluation report, the possible additional project costs and additional time that would be incurred by involving state agency review into the Commission's project process timeline, how the Commission can learn in advance what state agency objectives the Commission's projects will be measured against, and what next steps the Commission could take, if any. Upon hearing several recommendations that the issue be sent to the TAC for discussion, Chair de Lambert directed the TAC to discuss the evaluation report and its implications for the Commission.

### **C. Discuss Development of Feasibility Studies for 2017 CIP Projects**

Administrator Jester explained that the Commission needs to move forward with ordering feasibility studies for the two 2017 CIP projects, which will start in 2017 and will span two years. She reported that the City of Minneapolis is hiring Barr Engineering to do the feasibility study for the Main Stem Channel Restoration project. Administrator Jester stated that the City of Minneapolis will review Barr Engineering's proposal for the feasibility study and then the proposal will come to the Commission for review at its August meeting, at which time the Commission would consider entering into an agreement with the City of Minneapolis for the project.

Administrator Jester announced that the City of Plymouth requests that the Commission direct the feasibility study for the Plymouth Creek restoration project instead of the Commission entering into an agreement with the City of Plymouth for the feasibility study. She explained that the Commission needs to consider if it wants to direct the feasibility study, and if it does, how to do so. She described three ways that the Commission could direct the feasibility study but recommended that the Commission authorize the Commission Engineer

to do the feasibility study for the Plymouth Creek project.

There was discussion on how the Commission has done feasibility studies in the past. Commissioner Black noted that by streamlining the feasibility study process through having the Commission Engineer do the study, the Commission Engineer's review of the study is removed from the process. She stated that eliminating the Commission Engineer's review limits the amount of input on the study and various alternatives for the project. She wondered if the Commission would want to address that limitation by getting an outside evaluation of the feasibility study. There was discussion on how such an evaluation could be cost effective.

Commissioner Welch pointed out that the Redevelopment Oversight Committee has been a working organization for many years and, if it is still in operation, it would need to be included in the public process for the Minneapolis project.

Alternate Commissioner Scanlan moved to have the Commission Engineer do the feasibility study for the Plymouth Creek project. Alternate Commissioner Crough seconded the motion.

Mr. Oliver commented that although this is a departure from current practice, he is very comfortable with this direction, that the Commission built the flood control project using this model, and that the Commission has been very successful using this model. There was discussion about where in the project process the Commission will have the opportunity to review the draft feasibility report, approve the report, and review the draft plans. Mr. LeFevere pointed out that the Commission doesn't need to make a decision today about having a peer review of the feasibility study or the scope of the review at this time but can decide on those actions in the future.

Commissioner Black noted that she thinks it's financially responsible to get proposals from various firms for the feasibility studies and to have a healthy debate about the project and different options. Alternate Commissioner McDonald Black indicated she thought there was already healthy dialogue about projects among city staff, Commissioners, Commission Engineer, and now possibly state agencies.

Commissioner Welch moved to amend the motion on the table to include that the Commission will solicit input from the DNR at the appropriate time. Commissioner Black seconded the motion to amend. Upon a vote, the motion carried 9-0.

There was a short discussion on getting DNR input. Chair de Lambert called for a vote on the amended motion. Upon a vote, the motion carried 9-0.

#### **D. Consider Approval of Recommendations from Technical Advisory Committee**

Mr. Eckman summarized the TAC's review and discussion of the draft implementation plan for the Upper Mississippi River Bacteria TMDL (Total Maximum Daily Load Study). He said the TAC recommends the Commission not submit formal comments on the draft implementation plan and instead recommends that cities submit comments individually as warranted. Mr. Eckman reported that the TAC recommends the Commission continues to seek ways to reduce bacteria pollution and the TAC revisits the issue at a future meeting.

Commissioner Black moved to accept the TAC's recommendations. Commissioner Mueller seconded the motion. There was a short discussion about bacteria sources. Upon a vote, the motion carried 9-0.

#### **E. Consider Applying for Clean Water Fund Grant**

Administrator Jester announced that the Commission will be eligible to apply for Clean Water Fund grants this year and noted the application deadline of August 28. She said that the Commission could apply for a grant for one or both of the Commission's 2016 CIP projects: the Northwood Lake Improvement Project and the Honeywell Pond Expansion Project.

Administrator Jester recommended the Commission apply for a grant for the Northwood Lake project at a maximum grant request amount of \$500,000. She provided more information about the application process and the work it would take to prepare the application. She estimated it would take her up to 10 hours of work to prepare the one application.

Alternate Commissioner Scanlan moved that the Commission apply for the grant. Alternate Commissioner McDonald Black seconded the motion. There was discussion about applying for a grant just for the Northwood Lake Improvement project versus both projects. Alternate Commissioner Scanlan made the friendly amendment to his motion to authorize staff to apply for a Clean Water Fund grant for the Northwood Lake Improvement Project at a grant amount up to \$500,000. Alternate Commissioner McDonald Black agreed to the friendly amendment. Engineer Chandler stated that staff could bring the item to the Commission as a Consent Agenda item at its August meeting.

Upon a vote, the motion carried 9-0. Mr. Long said that New Hope's opinion is to apply for the maximum amount, and if the awarding agency doesn't want to fund it at the maximum amount, it won't.

#### **F. Receive Update on XP-SWMM Progress and Funding**

Engineer Chandler reported that a monitoring station has been set up on the North Branch of Bassett Creek. She explained that due to the recent rains there are monitoring results already. She said that the data previously gathered from the XP-SWMM and P8 models is being reviewed. Engineer Chandler said that a request for additional data will be going out to the cities. She stated that she is confident the Commission will receive some type of funding such as from FEMA through the DNR, but the money that staff hoped would come through this year didn't. She said that hopefully that money will come through for the Commission next year. Engineer Chandler brought up the possibility of tapping into flood damage reduction grant money. She stated that she is still in conversation with the DNR about it. She added that she may need to bring in front of the Commission at its next meeting an application for flood damage reduction grant funds, but she does not yet know if this will be needed.

Commissioner Black asked what "detailed modeling" means in the memo from the Commission's April 2015 meeting packet. She said that the Commission should have a better understanding of what is detailed modeling. She said that she would like to see a description of what is involved and the tasks. Engineer Chandler responded that the information just needs to be put assembled and it can come to the Commission next month. Chair de Lambert said that it can be part of an XP-SWMM update agenda item next month.

#### **G. Receive Update on Blue Line LRT Project**

Administrator Jester reported that this project continues to move forward at a fast pace. She said that recently the cities of Crystal, Golden Valley, and Minneapolis formally requested assistance from the BCWMC for wetland-related (WCA) tasks. Administrator Jester noted that the BCWMC is already the Local Governmental Unit (LGU) for the City of Robbinsdale for WCA tasks. She explained that the Commission's fee structure for reviews is such that the Commission will be billing at actual cost for WCA work. She said that Metro Transit is aware of this and is fine with it.

Administrator Jester announced that she hopes to bring in front of the Commission in August an agreement with Metro Transit so that the Metro Transit also would cover the cost of the Commission's reviews with

regard to hydraulics and hydrology. She added that the Commission already has spent about \$8,000 on this project and those costs are likely to continue.

Engineer Chandler reported on the recent meetings that staff has had with Metro Transit. She pointed out that Metro Transit's timeline indicates wetland permitting would occur early next year and the project plan would come to the Commission for formal review a year or later from now.

## **H. Consider Reviewing and Providing Feedback on Hennepin County Draft Natural Resources Strategic Plan**

Administrator Jester described the plan which was put together by Hennepin County staff. She said she thinks it is a great plan and the County is looking for feedback. Administrator Jester suggested that Commissioners and city staff could provide plan feedback directly online or via email to County staff or via email to her to pass on to the County. Administrator Jester pointed out that a copy of the comments she submitted is included in the meeting packet.

## **6. COMMUNICATIONS**

### **A. Administrator:**

- i.** Administrator Jester announced that a detailed work plan for the Clean Water Partnership Grant is due August 20. She said that she is working with the Minnesota Pollution Control Agency on the grant application. She asked for direction from staff on whether it wants to see the work plan at the BCWMC's August 20 meeting. The Board directed Ms. Jester to complete the work plan and include it in the August 20 meeting packet as an informational item. Administrator Jester said that the Commission can provide feedback on the work plan. Chair de Lambert volunteered to review the work plan before it is included in the August 20<sup>th</sup> meeting packet.
- ii.** Administrator Jester announced the dates that she would be out of the office.
- iii.** Administrator Jester reported that she did an interview yesterday with Channel 12 about the Schaper Pond project and that she would forward to the Commission a link to the segment.
- iv.** Administrator Jester stated that two important meetings will be held on August 4<sup>th</sup>, including the meeting of the Hennepin County Energy, Environment, and Natural Resources Committee and a meeting of the Minnesota Board of Water and Soil Resources Committee. She described who would be attending these meetings on behalf of the Commission and the Commission business being addressed at each of the meetings.

**B. Chair:** No Chair Communications

**C. Commissioners:** No Commissioner Communications

**D. TAC Members:** No TAC Communications

**E. Committees:**

- i.** Administrator Jester distributed copies of the draft design of the BCWMC's redesigned website.

**F. Legal Counsel:**

- i.** Mr. LeFevere thanked the attendees of his retirement party held by Kennedy & Graven in his honor and noted his schedule for upcoming BCWMC meetings.

**G. Engineer:**

- i. Engineer Chandler talked about an investigation into sediment accumulation in Bassett Creek in Theodore Wirth Park. She stated that the City of Minneapolis asked for preliminary assistance in understanding if it would be possible to determine the source of sediment accumulation in the Bassett Creek lagoons. She said that Administrator Jester authorized the Commission Engineer to provide this preliminary assistance, which culminated in a site meeting. Engineer Chandler reported that it seems like there will be a way to determine the sediment source, and Barr Engineering will complete the work, under contract with the City of Minneapolis.
- ii. Engineer Chandler reported on a rare plant discovered in Westwood Lake. She passed around photos and said that the plant was discovered by the aquatic plant surveyor in June. Engineer Chandler said that staff will be taking canoes out in August to see this plant and any Commission members who are interested in coming should let her know.
- iii. Engineer Chandler announced that on August 6<sup>th</sup> from 10 a.m. – 11:30 a.m. there is a webinar on Clean Water grants.
- iv. Engineer Chandler said that BWSR will be sending out details about its public information sessions on the new 8410 Rules and that Barr Engineering will be hosting one of the sessions.

**7. INFORMATION ONLY (Available at <http://www.bassettcreekwmo.org/Meetings/2015/2015-July/2015JulyMeetingPacket.htm>)**

- A. CIP Project Update Chart
- B. Grant Tracking Summary and Spreadsheet

**8. ADJOURNMENT**

Chair de Lambert adjourned the meeting at 11:12 a.m.

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Recorder

Date

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Secretary

Date