



Item 5F.  
 BCWMC 11-18-15  
 See additional documents 5Fi. & 5Fii.

# Memorandum

**To:** Bassett Creek Watershed Management Commission  
**From:** Laura Jester, Administrator  
**Subject:** September 8 & November 5, 2015 Technical Advisory Committee Meetings  
**Date:** November 9, 2015

The Technical Advisory Committee (TAC) met on September 8 and November 5, 2015. Discussion at the September 8<sup>th</sup> meeting was continued on November 5<sup>th</sup> for each agenda item. This memo is a compilation of discussion from both meetings with recommendations made at the November 5<sup>th</sup> meeting for items 1 and 2. A recommendation for item 3C will be made to the Commission at a future meeting.

The following TAC members, city representatives, and BCWMC staff attended the meetings:

City	TAC Members/Alternates	Other City Representatives
<b>Crystal</b>	Mark Ray	
<b>Golden Valley</b>	Jeff Oliver	Eric Eckman (9/8 only)
<b>Medicine Lake</b>		
<b>Minneapolis</b>	Lois Eberhart	Liz Stout (11/5)
<b>Minnetonka</b>	Liz Stout (9/8) No representative on 11/5	Lee Gustafson (9/8 only)
<b>New Hope</b>	Chris Long	
<b>Plymouth</b>	Derek Asche	
<b>Robbinsdale</b>	Richard McCoy (11/5 only)	
<b>St. Louis Park</b>	Erick Francis	
<b>BCWMC Staff &amp; Others</b>	Karen Chandler, Jim Herbert & Len Kremer (Barr Engineering), Laura Jester (Administrator), Charlie LeFevere (Kennedy & Graven) (9/8 only), Rachael Crabb (MPRB)	

TAC Chair Francis opened each meeting at approximately 1:30 p.m. Introductions were made around the table. Mr. Francis asked if there were any TAC members with announcements or communications. At the 9/8 meeting Ms. Eberhart announced that she recently hired Liz Stout as their water resources regulatory coordinator starting October 1<sup>st</sup>.

## 1. Channel Maintenance Fund Policy

Discussion on 9/8/15: Administrator Jester reported how she and the Commission Engineer had recently discovered discrepancies among various BCWMC documents regarding policies and uses of the Channel Maintenance Fund. She briefly reviewed some history of the fund within various

documents including a 2003 TAC Memo with recommendations approved by the Commission, the 2004 Watershed Management Plan, the 2011 BCWMC Policy Document, and the 2015 Watershed Plan. Engineer Kremer added some history about the creation of the Fund which included an assumption that cities would undertake projects in conjunction with private landowners. Hence, there was an initial recommendation/policy that the Commission would only fund up to 50% of the project cost. Mr. Eckman noted that Golden Valley only uses the Channel Maintenance Funds for small projects on private land and that it makes sense to have some ownership and accountability (cost share) with private landowners. Administrator Jester asked if cost share requirements could be an individual city's decision, given that the funds originated from the cities anyway. The group thought that was a good option. Mr. Gustafson also provided some history about the creation of the Fund and reminded the group it was created before large scale CIP projects (with levy funding) began. He noted that the situation and conditions have changed drastically so he thought a new policy was warranted. Ms. Eberhart noted the Fund is needed as it covers projects not required by MS4 permits.

Administrator Jester asked if TAC members thought the funds could be used to repair distinct portions of a previous CIP project (similar to Crystal's current request for the use of Channel Maintenance Funds). She noted that the agreement between a member city and the Commission to design and construct a CIP project requires the city to maintain the project. There was some discussion about the difference between maintenance and repair. There was consensus that cities should be able to use the funds to repair distinct portions of a previous CIP project.

Administrator Jester asked if the Fund should be available to remove sediment (as stated in the original action approved by the Commission in 2004). There was some discussion about the expense and recurrence of sediment removal and its relationship to the Flood Control Project. The group noted this was likely a future discussion for the TAC and Commission and/or could be figured out with the roles and responsibilities study of the Flood Control Project.

Discussion on 11/5/15: Administrator Jester distributed a Channel Maintenance Fund Policy that amended a previous policy approved in 2004. The revised policy (shown with new provisions underlined and now irrelevant policies struck out) reflects the TAC's discussion at the September meeting as well as current practice. Administrator Jester noted that the BCWMC legal counsel had reviewed and recommended changes to the agreement with cities (Attachment 1). The TAC discussed various provisions of the revised policy and the revised agreement. They noted the agreement may not be appropriate in cases where the funds are used by cities to provide cost share funds to projects on private property. Administrator Jester indicated she would have the legal counsel re-review the agreement.

**Recommendation:**

The TAC recommends that the Commission approve the revised Channel Maintenance Fund Policy and Agreement (see policy document) to guide the future use of these funds.

**2. City of Crystal's Channel Maintenance Fund Request**

At the September TAC meeting, the City of Crystal requested the use of Channel Maintenance Funds to repair a slumping streambank along the North Branch of Bassett Creek. The location is within the area of the creek that was restored through the BCWMC CIP: 2011 North Branch Bassett Creek

Restoration Project. There was minimal discussion about this item because whether or not the request could be granted hinged on the outcome of the discussion in item 1 above. Realizing that more information on the proposed project was needed, on September 29<sup>th</sup> the Commission Engineer and Administrator, Mark Ray (Crystal TAC), and Erick Francis (St. Louis Park TAC and former project manager at this site for WSB) met on site to view the area and discuss possible repair techniques. The Administrator directed the Commission Engineer to develop a general project description and cost estimate for the project so the TAC could make a recommendation to the Commission. At the November meeting, the TAC reviewed the project description and cost estimate and approved a recommendation to allow the City of Crystal to use up to \$31,675 (their current Channel Maintenance Fund balance) on the proposed project.

**Recommendation:**

The TAC recommends that the Commission approve the request by the City of Crystal to use up to \$31,675 of BCWMC Channel Maintenance Funds for the North Branch Bassett Creek Erosion Control Repair Project. (See Project Description and Agreement with City of Crystal attached.)

**3. Study of Roles and Responsibilities of Flood Control Project**

At both their September and November meetings, the TAC discussed various pieces of the responsibilities and possible funding mechanisms for the long term maintenance, repair, and replacement of the BCWMC Flood Control Project. These discussions are continuing as the Commission Engineer pulls together options and recommendations for the TAC's consideration. A complete recommendation on this item will be presented to the Commission in 2016. To date, topics discussed include:

- Annual, 5-year, and 20-year inspections of the Flood Control Project components;
- Identifying responsible parties for various tasks such as inspections, inspection reporting, regular maintenance, minor repairs, major rehabilitation;
- Definition of "routine maintenance and repair" as opposed to "major maintenance and repair";
- Possible funding mechanisms for various on-going tasks, future repairs/rehab, and emergency repairs; and
- Responsibilities for structures at road crossings and the history of those components during Flood Control Project construction.

**No TAC Recommendation**

The TAC meetings adjourned at approximately 3:42 and 3:30 p.m., respectively.

**Future TAC Meeting agenda items:**

1. Finalize recommendations for Channel Maintenance Fund policies
2. Develop guidelines for annualized costs per pound pollutant removal for future CIP projects
3. Agreements with cities to get credit for Commission education programs in MS4 permits
4. Stream identification signs at road crossings
5. Look into implementing "phosphorus-budgeting" in the watershed – allow "x" pounds of TP/acre.
6. P8 Model updates