



Bassett Creek Watershed Management Commission

Regular Meeting
Thursday February 21, 2019
8:30 – 11:00 a.m.

Council Conference Room, Golden Valley City Hall, Golden Valley, MN

AGENDA

1. **CALL TO ORDER and ROLL CALL**
2. **CITIZEN FORUM ON NON-AGENDA ITEMS** - *Citizens may address the Commission about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Commission will continue with the agenda. The Commission will take no official action on items discussed at the Forum, with the exception of referral to staff or a Commissions Committee for a recommendation to be brought back to the Commission for discussion/action.*
3. **APPROVAL OF AGENDA**
4. **CONSENT AGENDA**
 - A. Approval of Minutes – January 17, 2018 Commission Meeting
 - B. Acceptance of Financial Reports
 - i. January 2019 Financial Report (Year End)
 - ii. February 2019 Financial Report
 - C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – January 2019 Administrative Services
 - ii. Keystone Waters, LLC – January 2019 Printing Expenses
 - iii. Barr Engineering – January 2019 Engineering Services
 - iv. Triple D Espresso – February 2019 Meeting Refreshments
 - v. Wenck – January 2019 WOMP Monitoring
 - vi. Lawn Chair Gardener – January 2019 Administrative and Education Services
 - vii. Kennedy Graven – December 2018 & January 2019 Legal Services
 - viii. Metro Blooms – Harrison Neighborhood Project Clean Water Fund Grant Reimbursement
 - ix. HDR – Website Hosting and Assistance
 - x. State Register – Publication of Consultant Proposal Solicitation
 - xi. Minnesota Assoc. of Watershed Districts – 2019 Member Dues
 - xii. Shingle Creek WMO – West Metro Water Alliance 2019 Contribution
 - D. Approval of Resolution 19-03 Designating Depositories for BCWMC Funds
 - E. Approval to Designate *Finance and Commerce* as the Official News Publication of the BCWMC
 - F. Approval of Agreement with Three Rivers Park District for Curly-leaf Pondweed Control and Financial Contribution for Inspections at Medicine Lake
 - G. Approval of County State Aid Highway (CSAH) 9 (Rockford Road) and I-494 Interchange Project
 - H. Approval to Reimburse Commissioner Fruen for MAWD Conference
5. **ORGANIZATIONAL MEETING (30 minutes)**
 - A. Elect Officers
 - B. Review 2019 Commission Calendar and Areas of Work
 - C. Appoint Committee Members
 - i. Administrative Services Committee
 - ii. Budget Committee

- iii. Education Committee
- iv. Technical Advisory Committee Liaison
- D. Review Open Meeting Law
- E. Review Year End Financial Report (Feb 1, 2018 - Jan 31, 2019)

6. BUSINESS

- A. Review 50% Design Plans for DeCola Ponds B & C Improvement Project (30 minutes)
- B. Consider Providing Additional Funds for Winnetka Pond Dredging Project (20 minutes)
- C. Consider Agreements with Wenck and City of Minneapolis for Bassett Creek Valley Study (10 minutes)
 - i. Contract with Wenck Associates
 - ii. Bassett Creek Valley Study Proposal
 - iii. Agreement with City of Minneapolis
- D. Consider Applying for 319 Grant for Sweeney Lake Alum Treatment & Carp Management (15 minutes)
- E. Consider Recommendations from CIP Prioritization Committee and Technical Advisory Committee (30 min)
- F. Consider Resolution 19-04 to Approve Robbinsdale Local Surface Water Management Plan (5 minutes)
- G. Consider Resolution 19-05 to Approve Medicine Lake Local Water Management Plan 2018 Update (5 min)
- H. Identify Date and Format for 50th Anniversary Event (10 minutes)
- I. Review Letters of Interest Proposals from Legal and Engineering Firms (5 minutes)
- J. Consider Approval of Resolution 19-06 Consenting to Representation from Kennedy & Graven and Acknowledging Potential Conflicts (5 minutes)
- K. Consider Approval of Resolution 19-07 of Support for Chloride Limited Liability Legislation (5 minutes)

7. COMMUNICATIONS (10 minutes)

- A. Administrator's Report
 - i. Reminder to Complete Conflict of Interest Forms
 - ii. Report on Road Salt Symposium
- B. Chair
- C. Commissioners
- D. TAC Members
 - i. Next Meeting March 8th
- E. Committees
- F. Legal Counsel
- G. Engineer

8. INFORMATION ONLY (Information online only)

- A. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet
- C. [Local News Story on Winnetka Pond Dredging](#)
- D. WCA Notice of Decision, Plymouth

9. ADJOURNMENT

Upcoming Meetings & Events

- Jevne Park Stormwater Improvement Project Public Open House: Thursday February 28th, 5:30 – 7:30 p.m., Medicine Lake City Hall
- BCWMC Technical Advisory Committee Meeting: Friday March 8th, 10:30 – 12:30 p.m., Golden Valley City Hall
- Bassett Creek Watershed Management Commission Meeting: Thursday March 21st, 8:30 a.m., Golden Valley City Hall



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: February 13, 2019

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: Background Information for 2/21/19 BCWMC Meeting

1. **CALL TO ORDER and ROLL CALL**
2. **CITIZEN FORUM ON NON-AGENDA ITEMS**
3. **APPROVAL OF AGENDA – ACTION ITEM with attachment**
4. **CONSENT AGENDA**
 - A. Approval of Minutes – January 17, 2019 Commission Meeting- ACTION ITEM with attachment
 - B. Acceptance of Financial Reports - ACTION ITEM with attachment
 - i. January 2019 Financial Report (Year End)
 - ii. February 2019 Financial Report
 - C. Approval of Payment of Invoices - ACTION ITEM with attachments (online) – I reviewed the following invoices and recommend approval of payment.
 - i. Keystone Waters, LLC – January 2019 Administrative Services
 - ii. Keystone Waters, LLC – January 2019 Printing Expenses
 - iii. Barr Engineering – January 2019 Engineering Services
 - iv. Triple D Espresso – February 2019 Meeting Refreshments
 - v. Wenck – January 2019 WOMP Monitoring
 - vi. Lawn Chair Gardener – January 2019 Administrative and Education Services
 - vii. Kennedy Graven – December 2018 & January 2019 Legal Services
 - viii. Metro Blooms – Harrison Neighborhood Project Clean Water Fund Grant Reimbursement
 - ix. HDR – Website Hosting and Assistance
 - x. State Register – Publication of Consultant Proposal Solicitation
 - xi. Minnesota Assoc. of Watershed Districts – 2019 Member Dues
 - xii. Shingle Creek WMO – West Metro Water Alliance 2019 Contribution
 - D. Approval of Resolution 19-03 Designating Depositories for BCWMC Funds – ACTION ITEM with attachment
– The Commission annually designates official depositories for its funds. Staff (including the Deputy Treasurer) recommends approval of the attached resolution.
 - E. Approval to Designate Finance and Commerce as the Official News Publication of the BCWMC – ACTION ITEM no attachment
– Staff recommends continuing to designate Finance and Commerce as the only BCWMC official publication as it covers the entire watershed, and to continue the practice of sending notices to local news outlets (such as the Sun Post) and neighborhood newsletters when appropriate.
 - F. Approval of Agreement with Three Rivers Park District for Curly-leaf Pondweed Control and Financial Contribution for Inspections at Medicine Lake – ACTION ITEM with attachment
– Continuing the practice from the last two years, staff recommends approving a contract with TRPD for the cost share of curly-leaf pondweed control. This agreement also includes a contribution of \$5,000 from BCWMC to TRPD to help augment boat inspections at the launch on Medicine Lake. This is the same level of funding provided by the BCWMC last year from the AIS/APM Budget line.
 - G. Approval of County State Aid Highway (CSAH) 9 (Rockford Road) and I-494 Interchange Project – ACTION ITEM with attachment
– The proposed linear project is located in the Medicine Lake North and Plymouth Creek subwatersheds in Plymouth, MN. While the entirety of the proposed project is located within the

BCWMC, a portion of the project area drains into the Shingle Creek Watershed Management Commission. The project includes reconstruction of the Rockford Road and I-494 interchange resulting in 19.172 acres of disturbance and 1.756 acres of net new impervious surfaces. Staff recommends conditional approval with multiple comments in the attached memo.

- H. Approval to Reimburse Commissioner Fruen for MAWD Conference – **ACTION ITEM no attachment** – Last December Commissioner Fruen attended the MAWD Conference in Alexandria and is requesting reimbursement for registration costs. Reimbursement is consistent with the Commission’s policy on and funding for Commissioner training. Staff recommends approval.

5. ORGANIZATIONAL MEETING (30 minutes)

- A. Elect Officers – **ACTION ITEM no attachment** - The Commission should elect a Chair, Vice Chair, Secretary and Treasurer. Officers hold one year terms. The Secretary and Treasurer can be combined into one position. Current officers = Chair de Lambert, Vice Chair Prom, Secretary Scanlan and Treasurer Harwell. More information on the duties of the officers can be found in the bylaws here: <http://www.bassettcreekwmo.org/application/files/1314/4424/7360/BCWMC-Bylaws.pdf>.
- B. Review 2019 Commission Calendar and Areas of Work - **INFORMATION ITEM with attachment** February 1st marks the beginning of the Commission’s business and fiscal year. The attached document is an informational piece that shows items the Commission considers annually and/or will consider over the next 12 months. The document also lists the various Commission committees, the approximate timing of committee meetings, and work areas for the committees this year.
- C. Appoint Committee Members - **ACTION ITEM no attachment (see 5B)** - Committees are an important part of the Commission. Commissioners and alternate Commissioners should consider participating on at least one committee. Non-Commissioners can also sit on Commission committees. See the document in 5B for a description of committees and their work slated for this year. Current committee members are listed here: <http://www.bassettcreekwmo.org/about/our-members>.
- i. Administrative Services Committee
 - ii. Budget Committee
 - iii. Education Committee
 - iv. Technical Advisory Committee Liaison
- D. Review Open Meeting Law - **INFORMATION ITEM with attachment** - The attached document is included simply to remind Commissioners about key provisions of the open meeting law, ways in which the law can be easily broken, and links to further information.
- E. Review Year End Financial Report (Feb 1, 2018 - Jan 31, 2019) – **INFORMATION ITEM no attachment (see 4Bi)** - Overall, the Commission is in good financial standing and ended the year approximately \$41,000 in the black. I will walk through the year end report at the meeting.

6. BUSINESS

- A. Review 50% Design Plans for DeCola Ponds B & C Improvement Project (30 minutes) – **ACTION ITEM with attachment, full document online** – At the May 2018 meeting, the Commission approved the final feasibility study for this project and at the August 2018 meeting, the Commission ordered the project and approved an agreement with the City of Golden Valley to implement the project. The city hired Barr Engineering to complete the project design. At this meeting, Barr and city staff will present the 50% design plans.
- B. Consider Providing Additional Funds for Winnetka Pond Dredging Project (20 minutes) – **ACTION ITEM with attachment** – During the construction of this project, unexpected contamination was found in

Winnetka Pond that will require expensive disposal. This expense was not included in the construction budget. The City of Crystal is requesting additional funds for this project so that it can be built as originally designed. Although the Commission's current "Closed Project Account" shows a negative balance, once the 2015 Bassett Creek Main Stem Restoration Project is closed out in the next 60 days, there will be a healthy balance in the closed project account. Staff recommends approval of the request. Details on the contamination and resulting expenses are included in the attached memo and maps.

- C. Consider Agreements with Wenck and City of Minneapolis for Bassett Creek Valley Study (10 minutes) – **ACTION ITEM with attachments** – *The City of Minneapolis, the Commission, the MPRB, and other partners have been discussing the complicated nature of the Bassett Creek Valley and the likely redevelopment for the area. The city wishes to have Wenck Associates, Inc. perform a Floodplain and Stormwater Management Study for the Bassett Creek Valley Development area to evaluate options to unlock the potential in natural resources, recreation, and redevelopment by integrating floodplain and stormwater management into a regional solution for the area. The city wishes for the BCWMC to hire Wenck to complete this study and has agreed to reimburse the BCWMC for the total cost of the study along with other Commission expenses related to the study (less \$2,000). The contract with Wenck and agreement with the city were reviewed by Commission legal counsel; and the study proposal was reviewed by Commission Engineers. Staff recommends approving the contract with Wenck and directing the execution of the agreement with the city once it's in final form (after city legal review).*
- i. Contract with Wenck Associates
 - ii. Bassett Creek Valley Study Proposal
 - iii. Agreement with City of Minneapolis
- D. Consider Applying for 319 Grant for Sweeney Lake Alum Treatment & Carp Management (15 minutes) – **ACTION ITEM with attachment** – *Staff recommends that the Commission take the rare opportunity to apply for 319 grant funds for up to \$700,000 for an alum treatment in Sweeney Lake and carp management in Schaper Pond. Please see the attached memo for further information.*
- E. Consider Recommendations from CIP Prioritization Committee and Technical Advisory Committee (30 min) – **ACTION ITEM with attachment** – *Starting last April, the CIP Prioritization Committee met 6 times to determine if and how capital projects in the watershed can be further prioritized for targeted implementation. They recommended the use of a scoring matrix to help rank potential CIP projects against each other when developing the 5-year CIP. The TAC discussed and considered the committee's recommendations and added a few recommendations of their own. Please see the attached information for more detail.*
- F. Consider Resolution 19-04 to Approve Robbinsdale Local Surface Water Management Plan (5 minutes) – **ACTION ITEM with attachment, plan available online** – *The Commission Engineer reviewed the Robbinsdale Local Surface Water Management Plan and provided comments to the city on December 21st. The city revised the plan according to the Commission's comments and the plan is consistent with the Bassett Creek Watershed Management Plan and requirements. Staff recommends approval of the attached resolution approving the Robbinsdale Local Surface Water Management Plan.*
- G. Consider Resolution 19-05 to Approve Medicine Lake Local Water Management Plan 2018 Update (5 min) – **ACTION ITEM with attachment, plan and response to comments available online** – *The Commission Engineer reviewed the Medicine Lake Local Water Management Plan 2018 Update and provided comments to the city on December 21st. The city revised the plan according to the Commission's comments and the plan is consistent with the Bassett Creek Watershed Management Plan and requirements. Staff recommends approval of the attached resolution approving the Medicine Lake Local Water Management Plan 2018 Update.*

- H. Identify Date and Format for 50th Anniversary Event (10 minutes) – **ACTION ITEM with attachment** – *At their meetings last year, the Education Committee developed various ideas for commemorating the Commission’s 50th Anniversary this year. One favorite idea was to hold an event including a light meal, presentation, display of historical documents, and optional watershed tour for elected and appointed officials. Staff recommends determining a date and format for this event so that planning can begin. Please see the attached memo for further information.*
- I. Review Letters of Interest Proposals from Legal and Engineering Firms (5 minutes) – **ACTION ITEM no attachments** – *In January, the Commission submitted a solicitation for proposals for legal and technical engineering services to comply with State Law. The Commission received one proposal (from Kennedy Graven) for legal services and three proposals for engineering services from Barr Engineering, RESPEC, and ProSource. The proposals themselves are not public documents and cannot be included with meeting materials. I will send them to Commissioners separately. I recommend the Commission continue to use Kennedy & Graven and Barr Engineering as their legal and engineering consultants, respectively.*
- J. Consider Approval of Resolution 19-06 Consenting to Representation from Kennedy & Graven and Acknowledging Potential Conflicts (5 minutes) - **ACTION ITEM with attachment** – *At their meeting in December the Commission discussed the likely need for a resolution acknowledging there to be potential conflicts of interest regarding legal representation and consenting to continued representation by Kennedy & Graven. Please see the attached resolution.*
- K. Consider Approval of Resolution 19-07 of Support for Chloride Limited Liability Legislation (5 minutes) – **ACTION ITEM with attachment** – *While attending the Road Salt Symposium last week, I became aware (from the [Stop Over Salting](#) group) that a few local governments and organizations have passed resolutions supporting the chloride limited liability legislation. Given that this is such an important topic in the watershed, I thought the attached resolution would be appropriate for the Commission to consider. Last year the Commission submitted [letters to bill authors](#) supporting the legislation.*

7. COMMUNICATIONS (10 minutes)

- A. Administrator’s Report – **INFORMATION ITEM with attachment**
 - i. Reminder to Complete Conflict of Interest Forms
 - ii. Report on Road Salt Symposium
- B. Chair
- C. Commissioners
- D. TAC Members
 - i. Next Meeting March 8th
- E. Committees
- F. Legal Counsel
- G. Engineer

8. INFORMATION ONLY (Information online only)

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Item 4A.
BCWMC 2-21-19

Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting
Thursday, January 17, 2019
8:30 a.m.
Golden Valley City Hall, Golden Valley MN

1. CALL TO ORDER and ROLL CALL

On Thursday, January 17, 2019 at 8:32 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair de Lambert 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	<i>Absent</i>	Drew Chirpich
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	<i>Vacant Position</i>	Liz Stout
Minnetonka	Mike Fruen	<i>Absent</i>	Chris LaBounty and Sarah Schweiger
New Hope	Absent	Pat Crough	<i>Absent</i>
Plymouth	Absent	John Byrnes	Ben Scharenbroich
Robbinsdale	Michael Scanlan	<i>Absent</i>	Richard McCoy and Marta Roser
St. Louis Park	Jim de Lambert	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler, Jim Herbert, and Michelle Kimble, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener Creative Services		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Guests/Public	None		

Introduction of Dave Anderson, who is taking over from Troy Gilchrist as Commission Legal Counsel as Mr. Anderson does not represent any member cities.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizens present.

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

The following items were approved as part of the consent agenda: December 20, 2018 Commission meeting minutes, acceptance of the January 2019 financial report, payment of invoices, approval to resolution 19-01 to transfer funds from CIP account to administrative account, approval of resolution 19-02 to transfer funds from administrative account to channel maintenance fund and long-term maintenance fund, approval of contracts with Lawn Chair Gardener, Keystone Waters LLC, and Wenck Associates, approval for administrator to attend Road Salt Symposium, approval to reimburse Commissioner Scanlan for Road Salt Symposium registration, approval of proposal from MMKR to perform 2018 financial audit.

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

Checking Account Balance	\$ 458,691.79
TOTAL GENERAL FUND BALANCE	\$ 458,691.79
TOTAL CASH & INVESTMENTS ON-HAND (01/09/19)	\$3,751,697.23
CIP Projects Levied – Budget Remaining	(\$3,959,872.88)
Closed Projects Remaining Balance	(\$208,175.65)
2012-2016 Anticipated Tax Levy Revenue	\$ 4,038.75
2017 Anticipated Tax Levy Revenue	\$ 3,219.59
Anticipated Closed Project Balance	(\$200,917.31)

MOTION: Commissioner Welch moved to approve the consent agenda. Alt. Commissioner Byrnes seconded the motion. Upon a vote, the motion carried 9-0.

5. BUSINESS

A. Consider Approval of Final Feasibility Study for Bryn Mawr Meadows Water Quality Improvement Project

At the October 2018 meeting the Commission reviewed and discussed the draft feasibility study. Since then, staff discussed maintenance of the MnDOT ponds with MnDOT and Minneapolis Park and Rec Board (MPRB) staff.

Commission Engineer Chandler introduced Commission Engineer Kimble. Ms. Kimble presented the final feasibility study and described various concepts, pointing out that the concepts have not changed since the study was first presented in October. She noted that three concepts are being considered for treating water quality in conjunction with MPRB reconstruction of the park. She reported the park is located on an old wetland, so infiltration is not possible and that this project would provide treatment above and beyond the stormwater treatment needed for the park reconstruction project. She reported that Concept #1 captures runoff from only a small piece of an adjacent neighborhood; that Concept #2 would capture and treat the first flush of the neighborhood runoff along with some water that comes through MnDOT’s Penn Pond; and that Concept #3 combines the first two concepts.

Engineer Kimble noted that Penn Pond is currently not performing well and needs significant maintenance. MnDOT agrees that maintenance is needed and has agreed to perform the maintenance during the park reconstruction project when access is easier. The CIP project modeling assumes that Penn Pond is functioning as designed (i.e., maintenance has been performed).

Engineer Kimble noted that an error was discovered in the earlier draft of the study with pollutant load calculations. She reported that estimated pollutant load reductions are much lower than previously reported, resulting in an increase in the cost per pound of removal. The error in the draft study was due to reporting the TOTAL pounds removed for the entire model run over multiple years, rather than the ANNUAL pounds removed. She noted the revised numbers are more in line with what we typically see for water quality projects.

Engineer Kimble recommended approving the study and moving forward with Concepts 2 or 3. She noted that Concept 2 is the most cost effective for the pollutant removal and that Concept 3 is worthy of consideration because it's the only way to treat that runoff from that neighborhood.

Commissioner Welch noted that even though this is a simple concept, there are a lot of "moving parts." He mentioned that he was nervous about relying on MnDOT to maintain Penn Pond and relying on MPRB to actually reconstruct the park.

Engineer Chandler noted that the costs were based on the sediment being contaminated and that actual costs could be lower if the soils aren't contaminated, but that won't be known until the final design phase. Administrator Jester noted that there may be grant funds available to deal with contaminated soils.

Engineer Kimble reported that MnDOT staff verbally agreed to clean out Penn Pond during park reconstruction but that there isn't a commitment in writing. MPRB staff agreed it makes sense to allow access to the pond through the park during park reconstruction. It was noted that although stormwater management ponds aren't installed as often as they once were, there are no other cost effective options for treatment in this area due to poor soils and high groundwater.

Commissioner Welch wondered if the Commission would be criticized for installing a stormwater pond in a widely-used park for recreation. Administrator Jester said there's no indication that there is any backlash about the design from MPRB or the public or that MnDOT won't fulfill their obligations to maintain the pond. She noted an agreement with the City of Minneapolis to implement the CIP could be contingent on MPRB actually beginning design and MnDOT signing the agreement to actually maintain the pond.

Liz Stout, Minneapolis TAC, point out that this project presents a unique opportunity to treat the stormwater from this established neighborhood. Ms. Stout also said that she and the City of Minneapolis can help communicate and negotiate with MPRB and MnDOT.

Commissioner Carlson ask for confirmation that this project would not be impacted by possible redevelopment in the Bassett Creek Valley area. Engineer Kimble assured that it would not be impacted.

MOTION: Commissioner Welch moved to approve the Final Feasibility Study for Bryn Mawr Meadows Water Quality Improvement Project, to move forward with Concept 3, to engage MnDOT in signing an agreement to maintain Penn Pond, and talk with Hennepin County about soil investigation funds. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 9-0.

After the vote it was noted that education and aesthetics related to this project are important.

B. Review Information and Consider Recommendations for Flood Control Project Deep Tunnel Inspection and Potential Tour

At the meeting in June 2018, commissioners expressed interest in a tour for commissioners and TAC members of the deep tunnel during the routine inspection originally slated for last fall. Commission Engineer Chandler introduced Commission Engineer Herbert. Engineer Herbert reported that he was coordinating with the U.S. Army Corps of Engineers to schedule the deep tunnel inspection during early November 2018. However, the water control plan was not approved and the inspection was cancelled. Based on further coordination with the Corps, Engineer Herbert scheduled the Bassett Creek deep tunnel inspection for the week of February 25, 2019 to minimize navigation impacts and minimize disruptions to Xcel Energy's operation of the St. Anthony Falls hydropower dam.

Engineer Herbert explained that this inspection is a significant undertaking because the creek discharges below the water level of the Mississippi River, it is regulated by the Army Corps of Engineers, and there are many property owners along the River's middle pool. He noted there has been a significant amount of coordination with the Army Corps of Engineers and that a barge may need to be moved, so there are more details to be worked out. Engineer Herbert stated that the inspection is for observation only, not cleaning of sediment or other repairs.

Engineer Herbert walked through the recommendations that are outlined in the memo:

1. Authorize the Administrator to allocate up to \$15,000 from the Flood Control Project Long-Term Maintenance fund to address potential "last-minute" items that may require hiring a contractor or addressing other unforeseen issues that cannot be addressed by the U.S. Army Corps of Engineers or the City of Minneapolis.
2. Gather input regarding participation and an approximate head count of the Commissioners/TAC members that may be interested in a tunnel tour.
3. If there is enough interest in the tour(s), authorize up to \$5,000 from the 2019 Surveys and Studies Fund to pay for the planning, coordination, expenses and other costs associated with holding the tour(s).
4. Request assistance from member cities in providing safety equipment for their commissioners/TAC members participating in the tour.

Commissioner Harwell said she thinks \$5,000 for an adventure to see the tunnel is not wise use of Commission funds. She suggested the tour be videoed and shared with the Commission. Commissioners Fruen and Scanlan agreed.

Engineer Herbert noted that a different watershed district did something similar and the participants enjoyed the tour and found it very educational. Commissioner Harwell maintained there are other ways to see flood control projects that don't pose safety threats.

There was some discussion about the cost of the tunnel inspection without the tour, which is estimated at \$36,000.

Minneapolis TAC member Liz Stout that the city may fund a tour of the tunnel for city staff and a few elected officials. She noted it's critical to learn about this critical infrastructure and to educate state legislators, and other politicians.

MOTION: Commissioner Welch moved to proceed with the inspection without a tour for commissioners and to follow-up with a video for the Commission. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 6-3. [Cities of Medicine Lake, Minneapolis, St. Louis Park voted against the motion.]

MOTION: Commissioner Welch moved to approve the use of contingency funds from the Flood Control Project Long-Term Maintenance, up to \$15,000 for the tunnel inspection. Alternate Commissioner John Byrnes seconded. Upon a vote, the motion carried 9-0.

C. Receive Update on Minnesota Association of Watershed Districts (MAWD) and Metro MAWD

Administrator Jester provided more information on meetings and opportunities for the Commission's involvement in MAWD and Metro MAWD. The following items are updates and recommendations.

The next MAWD event is a legislative reception (afternoon/evening of Feb 20th), and Day at the Capitol (breakfast and all-day Feb 21st). Cost is \$100/participant (increases to \$125 after Feb 13th). These are costs that can be reimbursed. Commissioners Scanlan and Harwell expressed interest in attending. There was some discussion about Commissioners actively lobbying on behalf of the Commission, which would be a new activity that has been avoided in the past.

MOTION: Commissioner Welch moved to reimburse commissioners for the cost of registration to attend the MAWD Day at the Capitol events provided commissioners do not speak on behalf of BCWMC. Commissioner Fruen seconded the motion. Upon a vote, the motion carried 9-0.

Administrator Jester continued with MAWD updates, noting that MAWD appoints four watershed administrators to represent MAWD on the State's Local Government Water Roundtable's Workgroup (which is similar to an advisory committee). The MAWD Board of Directors is inviting the BCWMC Administrator to hold one of those positions in 2019. This would entail attending three to four meetings during the year, typically held in or near St Cloud. Administrator Jester noted this workgroup has been an influential group in the past, having been tasked with developing white papers to inform state policy on watershed planning, management, and funding.

MOTION: Commissioner Welch moved to approve Administrator Jester's participation in the State's Local Government Water Roundtable's Workgroup. Commissioner Scanlan seconded the motion. Upon a vote, the motion carried 9-0.

Administrator Jester explained that BCWMC Commissioners will be added to the Metro MAWD email list and can expect emails from its coordinator Mark Doneux. She noted the next Metro MAWD meeting is scheduled for Tuesday, January 29th at 7:00 p.m. in St. Paul. The meeting is geared for watershed managers and commissioners. Administrator Jester reported she plans to attend the meeting to learn more about the group.

Administrator Jester also reported that an invoice for 2019 MAWD member dues of \$500 will be on the February BCWMC agenda. She noted dues for 2020 are still unknown but are likely to be around \$5,000.

6. COMMUNICATIONS

A. Administrator's Report

Administrator Jester asked commissioners to complete the conflict of interest forms for the financial auditor and she reported that she recently submitted an application for a Hennepin County AIS Prevention grant totaling \$13,104.

B. Chair

Chair de Lambert noted that at next month's meeting the commission will elect officers and make committee appointments. He reported he is planning to step down from the position of Chair. Commissioner Welch urged him to remain in the position. Commissioner Carlson complimented Chair de Lambert on being impartial among other positive traits.

C. Commissioners

Commissioner Welch informed the Commission that the proposed legislation to limit liability for salt use is gaining traction at the Legislature.

Bassett Creek Watershed Management Commission General Account
 General Fund (Administration) Financial Report
 Fiscal Year: February 1, 2018 through January 31, 2019
 MEETING DATE: February 21, 2019

Item 4Bi.
 BCWMC 2-21-19

BEGINNING BALANCE	9-Jan-19		458,691.96
ADD:			
General Fund Revenue:			
Interest less Bank Fees		56.95	
Assessments:			
2019 -PREPAID			
Robbinsdale		8,523.00	
Golden Valley		138,553.00	
Minnetonka		28,989.00	
Permits:			
WSB	BCWMC 2018-31	1,500.00	
Davis Medical	BCWMC 2018-32	2,500.00	
Other:			
Construction Project Admin Fees		26,936.00	
Hennepin County	AIS Prevention Grant	1,172.03	
Reimbursed Construction Costs		21,581.21	
	Total Revenue and Transfers In		229,811.19
DEDUCT:			
Checks:			
3155 Kennedy & Graven	Dec Legal	656.70	
3156 Keystone Waters LLC	Jan Administrator	5,845.84	
3157 Metro Blooms	Harrison Project	2,159.81	
3158 State Register	Publications	64.00	
3159 HDR Engineering	Website	221.78	
3160 Mike Fruen	MAWD Conference	300.00	
3166 Wenck	Womp Monitoring	1,279.66	
3167 Kennedy & Graven	January Legal	1,253.70	
3168 Lawn Chair Gardener	Jan 2019 Adm/Edc	867.72	
3169 Barr Engineering	Jan 2019 Engineering	60,281.61	
	Total Checks/Deductions		72,930.82
Outstanding from previous month:			
3152 Shingle Creek Watershed	Education Partnership	2,924.25	
Transfers:			
EROSION/SEDIMENT (CHANNEL MAINT)		25,000.00	
LONG TERM MAINTENANCE		4,000.00	
	Total Transfers		29,000.00
ENDING BALANCE	31-Jan-19		586,572.33

Bassett Creek Watershed Management Commission General Account

General Fund (Administration) Financial Report

(UNAUDITED)

Fiscal Year: February 1, 2018 through January 31, 2019

MEETING DATE: February 21, 2019

	2018 /2019 BUDGET	CURRENT MONTH	YTD 2018 /2019	BALANCE
OTHER GENERAL FUND REVENUE				
ASSESSMENTS TO CITIES	515,000	0.00	515,050.00	(50.00)
PROJECT REVIEW FEES	55,000	0.00	49,000.00	6,000.00
WOMP REIMBURSEMENT	5,000	0.00	4,500.00	500.00
METROPOLITAN COUNCIL - LRT		0.00	6,881.45	
METRO BLOOMS - MET COUNCIL GRANT		0.00	38,081.77	
HENNEPIN COUNTY GRANT-AIS PREVENTION GRANT		1,172.03	19,453.93	
TRANSFERS FROM LONG TERM FUND & CIP	75,000	26,936.00	26,936.00	48,064.00
REVENUE TOTAL	650,000	28,108.03	659,903.15	54,514.00
EXPENDITURES				
ENGINEERING & MONITORING				
TECHNICAL SERVICES	125,000	15,263.21	126,154.04	(1,154.04)
DEV/PROJECT REVIEWS	75,000	3,999.50	45,070.44	29,929.56
NON-FEE/PRELIM REVIEWS	10,000	1,318.50	23,072.76	(13,072.76)
COMMISSION AND TAC MEETINGS	12,000	1,425.26	10,575.48	1,424.52
SURVEYS & STUDIES	12,000	0.00	0.00	12,000.00
WATER QUALITY/MONITORING	80,700	9,193.00	120,728.26	(40,028.26)
WATER QUANTITY	6,300	509.74	5,678.11	621.89
WATERSHED INSPECTIONS -EROSION CONTROL	1,000	0.00	0.00	1,000.00
ANNUAL FLOOD CONTROL INSPECTIONS	48,000	6,129.00	20,279.17	27,720.83
REVIEW MUNICIPAL PLANS	8,000	227.50	26,778.70	(18,778.70)
WOMP	20,500	1,279.66	18,144.68	2,355.32
XP-SWMM MODEL UPDATES/REVIEWS	10,000	0.00	8,918.00	1,082.00
APM / AIS WORK	32,000	2,794.50	35,976.77	(3,976.77)
ENGINEERING & MONITORING TOTAL	440,500	42,139.87	441,376.41	(876.41)
ADMINISTRATION				
ADMINISTRATOR	67,200	5,390.00	59,955.00	7,245.00
LEGAL COSTS	17,000	1,910.40	13,313.10	3,686.90
AUDIT, INSURANCE & BONDING	15,500	0.00	17,648.00	(2,148.00)
FINANCIAL MANAGEMENT	3,200	0.00	3,200.00	0.00
MEETING EXPENSES	1,600	0.00	1,294.62	305.38
ADMINISTRATIVE SERVICES	15,000	1,323.56	14,239.75	760.25
ADMINISTRATION TOTAL	119,500	8,623.96	109,650.47	9,849.53
OUTREACH & EDUCATION				
PUBLICATIONS/ANNUAL REPORT	1,500	0.00	937.00	563.00
WEBSITE	4,200	221.78	443.31	3,756.69
PUBLIC COMMUNICATIONS	2,500	64.00	563.28	1,936.72
EDUCATION AND PUBLIC OUTREACH	22,000	200.00	18,584.78	3,415.22
WATERSHED EDUCATION PARTNERSHIPS	13,850	0.00	13,454.25	395.75
OUTREACH & EDUCATION TOTAL	44,050	485.78	33,982.62	10,067.38
MAINTENANCE FUNDS				
EROSION/SEDIMENT (CHANNEL MAINT)	25,000	25,000.00	25,000.00	0.00
LONG TERM MAINTENANCE (moved to CF)	25,000	4,000.00	4,000.00	21,000.00
MAINTENANCE FUNDS TOTAL	50,000	29,000.00	29,000.00	21,000.00
TMDL WORK				
TMDL IMPLEMENTATION REPORTING	10,000	0.00	4,668.00	5,332.00
TMDL WORK TOTAL	10,000	0.00	4,668.00	5,332.00
TOTAL EXPENSES	664,050	80,249.61	618,677.50	45,372.50

Cash Balance 01/09/2019			
Cash		1,215,988.02	
	Total Cash		1,215,988.02
Investments:			
	Minnesota Municipal Money Market (4M Fund)	2,500,000.00	
	Dividends-prior months	35,709.21	
	Dividends-Current	4,696.00	
	Total Investments		<u>2,540,405.21</u>
	Total Cash & Investments		3,756,393.23
Add:			
	Interest Revenue (Bank Charges)	280.33	
	Hennepin County - Tax Settlement	9,264.10	
	Total Revenue		<u>9,544.43</u>
Less:			
	CIP Projects Levied - Current Expenses - TABLE A	(30,390.90)	
	Proposed & Future CIP Projects to Be Levied - Current Expenses - TABLE B	(6,004.00)	
	Total Current Expenses		<u>(36,394.90)</u>
	Total Cash & Investments On Hand	01/31/19	<u>3,729,542.76</u>
	Total Cash & Investments On Hand	3,729,542.76	
	CIP Projects Levied - Budget Remaining - TABLE A	(3,874,557.20)	
	Closed Projects Remaining Balance	(145,014.44)	
	2012 - 2016 Anticipated Tax Levy Revenue - TABLE C	3,896.47	
	2018 Anticipated Tax Levy Revenue	10,316.57	
	2017 Anticipated Tax Levy Revenue - TABLE C	3,148.89	
	Anticipated Closed Project Balance	(127,652.51)	
	Proposed & Future CIP Project Amount to be Levied - TABLE B	1,436,000.00	

TABLE A - CIP PROJECTS LEVIED

	Approved Budget	Current Expenses	2018 YTD Expenses	INCEPTION To Date Expenses	Remaining Budget	Grant Funds Received
Lakeview Park Pond (ML-8) (2013)	196,000	0.00	0.00	11,589.50	184,410.50	
Four Seasons Mall Area Water Quality Proj (NL-2)	990,000	0.00	0.00	162,907.34	827,092.66	
2014						
Schaper Pond Enhance Feasibility/Project (SL-1)(SL-3)	612,000	3,454.90	27,758.36	376,054.86	235,945.14	
Briarwood / Dawnview Nature Area (BC-7)	250,000	0.00	0.00	250,000.00	0.00	
Twin Lake Alum Treatment Project (TW-2)	163,000	0.00	0.00	91,037.82	71,962.18	
2015						
Main Stem 10th to Duluth (CR2015)	1,503,000	0.00	0.00	1,003,746.24	499,253.76	
2016						
Northwood Lake Pond (NL-1) ²	822,140					
Budget Amendment	611,600					
	1,433,740	0.00	2,000.00	1,447,143.38	(13,403.38)	700,000
2017						
Main Stem Cedar Lk Rd-Dupont (2017CR-M)	400,000	5,652.86	21,289.44	132,029.25	932,442.75	
	664,472					
Plymouth Creek Restoration (2017 CR-P)	580,930	13,289.44	422,683.49	594,690.16	268,882.84	200,000
	282,643					
2018						
Bassett Creek Park & Winnetka Ponds Dredging (BCP-2)	1,000,000	7,993.70	71,743.55	132,029.25	867,970.75	
	<u>8,075,785</u>	<u>30,390.90</u>	<u>545,474.84</u>	<u>4,201,227.80</u>	<u>3,874,557.20</u>	

TABLE B - PROPOSED & FUTURE CIP PROJECTS TO BE LEVIED

	Approved Budget - To Be Levied	Current Expenses	2018 YTD Expenses	INCEPTION To Date Expenses	Remaining Budget	
2019						
Decola Ponds B&C Improvement(BC-2,BC-3,BC-8)	1,031,500	297.50	41,300.90	85,810.06	945,689.94	34,287
Westwood Lake Water Quality Improvement Project(Feasibility)	404,500	0.00	38,654.00	41,064.20	363,435.80	
2019 Project Totals	1,436,000	297.50	79,954.90	126,874.26	1,309,125.74	
2020						
Bryn Mawr Meadows (BC-5)	0	398.00	63,863.24	95,105.56	(95,105.56)	
Jevne Park Stormwater Mgmt Feasibility (ML-21)	0	5,308.50	30,454.29	30,454.29	(30,454.29)	
Crane Lake Improvement Proj (CL-3)	0	0.00	5,162.35	5,162.35	(5,162.35)	
2020 Project Totals	0	5,706.50	99,479.88	130,722.20	(130,722.20)	
Total Proposed & Future CIP Projects to be Levied	1,436,000	6,004.00	179,434.78	257,596.46	1,178,403.54	

BCWMC Construction Account

Fiscal Year: February 1, 2018 through January 31, 2019
January 2019 Financial Report - Final - Unaudited

(UNAUDITED)

TABLE C - TAX LEVY REVENUES

	County Levy	Abatements / Adjustments	Adjusted Levy	Current Received	Year to Date Received	Inception to Date Received	Balance to be Collected	BCWMO Levy
2019 Tax Levy	1,436,000.00							
2018 Tax Levy	1,346,815.00		1,346,815.00	9,051.12	1,336,498.43	1,336,498.43	10,316.57	947,115.00
2017 Tax Levy	1,303,600.00	(10,691.48)	1,292,908.52	70.70	(1,377.77)	1,289,759.63	3,148.89	1,303,600.00
2016 Tax Levy	1,222,000.00	(9,526.79)	1,212,473.21	61.98	(1,390.89)	1,209,824.67	2,648.54	1,222,000.00
2015 Tax Levy	1,000,000.00	32.19	1,000,032.19	11.80	306.34	999,238.04	794.15	1,000,000.00
2014 Tax Levy	895,000.00	(8,533.75)	886,466.25	1.98	152.14	885,788.66	677.59	895,000.00
2013 Tax Levy	986,000.00	(10,510.52)	975,489.48	66.52	756.95	975,713.29	(223.81)	986,000.00
				<u>9,264.10</u>			<u>17,361.93</u>	

OTHER PROJECTS:

	Approved Budget	Current Expenses / (Revenue)	2018 YTD Expenses / (Revenue)	INCEPTION To Date Expenses / (Revenue)	Remaining Budget
TMDL Studies					
TMDL Studies	135,000.00	0.00	0.00	107,765.15	27,234.85
TOTAL TMDL Studies	135,000.00	0.00	0.00	107,765.15	27,234.85
Flood Control Long-Term					
Flood Control Long-Term Maintenance	694,573.00	9,962.50	20,708.00	341,450.41	
Less: State of MN - DNR Grants			(4,542.00)	(97,542.00)	
	694,573.00	9,962.50	16,166.00	243,908.41	450,664.59
Annual Flood Control Projects:					
Flood Control Emergency Maintenance	500,000.00	0.00	0.00	0.00	500,000.00
Annual Water Quality					
Channel Maintenance Fund	400,000.00	0.00	73,461.65	255,619.60	144,380.40
Metro Blooms Harrison Neighborhood CWF Grant Project					
BWSR Grant	134,595.00	2,159.81	15,479.95	23,876.84	110,718.16
				(67,298.00)	(67,298.00)
	134,595.00	2,159.81	15,479.95	(43,421.16)	
Total Other Projects	1,864,168.00	12,122.31	105,107.60	496,574.00	1,165,700.00

Bassett Creek Watershed Management Commission General Account
 General Fund (Administration) Financial Report
 Fiscal Year: February 1, 2019 through January 31, 2020
 MEETING DATE: February 21, 2019

Item 4Bii.
BCWMC 2-21-19

(D)

BEGINNING BALANCE	1-Feb-19	586,572.33
ADD:		
General Fund Revenue:		
		0.00
Total Revenue and Transfers In		0.00
DEDUCT:		
Checks:		
3161 Triple D Expresson	Meeting Exp	111.75
3162 Mike Fruen	Conference Reimb	100.00
3163 MN Assoc of Watershed	Annual Dues	500.00
3164 Michael Scanlan	Confernece Registration	145.00
3165 Shingle Creek WMO	2019 Contribution	5,000.00
Total Checks/Deductions		5,856.75
Outstanding from previous month:		
3152 Shingle Creek Watershed	Education Partnership	2,924.25
ENDING BALANCE	15-Feb-19	580,715.58

	2019/2020 BUDGET	CURRENT MONTH	YTD 2019/2020	BALANCE
OTHER GENERAL FUND REVENUE				
ASSESSMENTS TO CITIES	529,850	204,052.00	204,052.00	325,798.00
PROJECT REVIEW FEES	60,000	0.00	0.00	60,000.00
WOMP REIMBURSEMENT	5,000	0.00	0.00	5,000.00
METROPOLITAN COUNCIL - LRT		0.00	0.00	
METRO BLOOMS - MET COUNCIL GRANT		0.00	0.00	
HENNEPIN COUNTY GRANT-AIS PREVENTION GRANT		0.00	0.00	
TRANSFERS FROM LONG TERM FUND & CIP	76,000	0.00	0.00	76,000.00
REVENUE TOTAL	670,850	204,052.00	204,052.00	466,798.00
EXPENDITURES				
ENGINEERING & MONITORING				
TECHNICAL SERVICES	130,000	0.00	0.00	130,000.00
DEV/PROJECT REVIEWS	80,000	0.00	0.00	80,000.00
NON-FEE/PRELIM REVIEWS	15,000	0.00	0.00	15,000.00
COMMISSION AND TAC MEETINGS	12,000	0.00	0.00	12,000.00
SURVEYS & STUDIES	20,000	0.00	0.00	20,000.00
WATER QUALITY/MONITORING	78,000	0.00	0.00	78,000.00
WATER QUANTITY	10,000	0.00	0.00	10,000.00
WATERSHED INSPECTIONS -EROSION CONTROL	0	0.00	0.00	0.00
ANNUAL FLOOD CONTROL INSPECTIONS	48,000	0.00	0.00	48,000.00
REVIEW MUNICIPAL PLANS	4,000	0.00	0.00	4,000.00
WOMP	20,500	0.00	0.00	20,500.00
XP-SWMM MODEL UPDATES/REVIEWS	0	0.00	0.00	0.00
APM / AIS WORK	32,000	0.00	0.00	32,000.00
ENGINEERING & MONITORING TOTAL	449,500	0.00	0.00	449,500.00
PLANNING				
Next Generation Plan Development	12,000	0.00	0.00	12,000.00
MAINTENANCE FUNDS TOTAL	12,000	0.00	0.00	12,000.00
ADMINISTRATION				
ADMINISTRATOR	69,200	0.00	0.00	69,200.00
LEGAL COSTS	17,000	0.00	0.00	17,000.00
AUDIT, INSURANCE & BONDING	3,500	0.00	100.00	3,400.00
FINANCIAL MANAGEMENT	18,000	0.00	0.00	18,000.00
MEETING EXPENSES	1,500	111.75	111.75	1,388.25
ADMINISTRATIVE SERVICES	15,000	0.00	0.00	15,000.00
ADMINISTRATION TOTAL	124,200	111.75	211.75	123,988.25
OUTREACH & EDUCATION				
PUBLICATIONS/ANNUAL REPORT	1,300	0.00	0.00	1,300.00
WEBSITE	3,000	0.00	0.00	3,000.00
PUBLIC COMMUNICATIONS	1,000	0.00	0.00	1,000.00
EDUCATION AND PUBLIC OUTREACH	25,000	5,245.00	5,245.00	19,755.00
WATERSHED EDUCATION PARTNERSHIPS	15,850	500.00	500.00	15,350.00
OUTREACH & EDUCATION TOTAL	46,150	5,745.00	5,745.00	40,405.00
MAINTENANCE FUNDS				
EROSION/SEDIMENT (CHANNEL MAINT)	25,000	0.00	0.00	25,000.00
LONG TERM MAINTENANCE (moved to CF)	25,000	0.00	0.00	25,000.00
MAINTENANCE FUNDS TOTAL	50,000	0.00	0.00	50,000.00
TMDL WORK				
TMDL IMPLEMENTATION REPORTING	10,000	0.00	0.00	10,000.00
TMDL WORK TOTAL	10,000	0.00	0.00	10,000.00
TOTAL EXPENSES	691,850	5,856.75	5,956.75	685,893.25

**COOPERATIVE WATER RESOURCES MANAGEMENT PROJECT
JOINT POWERS AGREEMENT
BETWEEN
Three Rivers Park District
AND
Bassett Creek Watershed Management Commission**

1. PARTIES

Bassett Creek Watershed Management Commission (hereinafter referred to as “the Commission”) and the Three Rivers Park District (hereinafter referred to as “the Park District”), both being governmental units of the State of Minnesota, and acting through their respective governing bodies, hereby enter into this Joint Powers Agreement (“Agreement”). The Commission and the Park District from time to time may be referred to hereinafter as “the parties.”

2. PURPOSE

The Park District and the Commission recognize that intergovernmental cooperation in preventing degradation of aquatic resources, assessing the quality of Medicine Lake in the Bassett Creek Watershed, preventing the spread of aquatic invasive species (AIS), and implementing the Medicine Lake TMDL plan is in the mutual interest of the citizens of Hennepin County and the metropolitan area. The parties enter into this Agreement to facilitate the improvement of Medicine Lake water quality through the implementation of the Medicine Lake TMDL, and to assess the quality of the lake as implementation proceeds.

3. AUTHORITY

The parties enter into this Agreement pursuant to Minn. Stat. § 471.59, regarding joint exercise of powers which allows two or more governmental units, by agreement entered into through action of their governing bodies, to jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised. This Agreement provides for the cooperative undertaking of a project and does not involve the creation of a joint board.

4. DUTIES OF THE PARK DISTRICT

In recognition of the staff resources and capabilities of the Park District, the Park District will be responsible for all of the following:

- a. Completion of an early season assessment to determine herbicide treatment areas for control of curly-leaf pondweed (“CLP”) in Medicine Lake with GPS coordinates of areas in need of treatment.

- b. Completion of spring and fall littoral zone aquatic plant surveys to monitor native macrophyte response to the CLP control program in Medicine Lake.
- c. Completion of annual water quality monitoring to determine the effectiveness of the CLP control program in reducing phosphorus loading to the lake.
- d. Participation in a project advisory capacity to guide the project implementation and review project results.
- e. Adhering to a performance criteria that ensures that all work meets the requirements of the Minnesota Department of Natural Resources (“DNR”) approved permit for control of CLP in Medicine Lake.
- f. Providing a cash contribution of 17% of the non-grant covered cost of the CLP treatment contract up to a maximum amount of \$5,100/year. An amendment to the Agreement will be required if the TRPD project contribution is estimated to exceed \$5,100. Reimbursement shall be upon an invoice submitted by the Commission.
- g. Hiring, training, and employing Level I and Level II AIS inspectors to operate the AIS decontamination unit at the French Regional Park boat launch.

5. DUTIES OF THE COMMISSION

In recognition of the staff resources and capabilities of the Commission, the Commission will be responsible for all of the following:

- a. Coordinating the development and implementation of a CLP control strategy for Medicine Lake, as per the approved Medicine Lake TMDL implementation plan.
- b. Coordinating the permitting process with the DNR and securing a contractor for performing an herbicide treatment to control CLP in Medicine Lake.
- c. Ensuring compliance with monitoring and evaluation requirements outlined in DNR’s approved permit for controlling CLP.
- d. Coordinating communications with all affected parties regarding the treatment and securing funding from the parties to this Agreement.
- e. Providing the additional funding beyond what the municipalities, grants, and the Park District provide to support the Medicine Lake CLP control project, consistent with the approved cost-share policy at the time of approval of this Agreement.
- f. Providing \$5,000 to the Park District to augment the AIS inspection program at the French Regional Park boat launch.

6. AMENDMENT

Any amendment to this Agreement must be in writing and approved by the Commission and the Park District. The parties shall have full power to amend this Agreement to add or delete items from the scope of this Agreement upon such terms as are agreed to between the parties.

7. LIABILITY

Each party to this Agreement shall be responsible for maintaining its own insurances and shall be responsible for its own acts and omissions. Neither party is agreeing to be responsible for the acts of the other under this Agreement. This Agreement provides for the undertaking of a cooperative activity and the parties shall be deemed a single governmental unit for the purposes of liability as provided in Minn. Stat. § 471.59, subd. 1(a). Nothing herein shall be interpreted as waiving any exception from or limitation on liability available to either party under Minn. Stat., Chap. 466 or other law.

8. TERMINATION

This Agreement will terminate upon completion of the Medicine Lake CLP Control Project in 2019. Notwithstanding, either party may terminate this Agreement for any reason by providing 90 days written notice to the other party. In the event of termination, the Park District will pay pro rata for that portion of the CLP Control Project completed in accordance with Section 4.

IN WITNESS WHEREOF, the parties have caused this joint powers agreement to be executed and it shall be effective as of the date of signature of the last party to the Agreement.

**Basset Creek Watershed Management
Commission**

Dated: _____, 2019

Chair

Secretary

Three Rivers Park District

Dated: _____, 2019

Boe Carlson, Superintendent/Secretary to the Board



Memorandum

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co. (Barr)
Subject: Item 4G – CSAH 9 (Rockford Road) and I-494 Interchange – Plymouth, MN
BCWMC February 21, 2019 Meeting Agenda
Date: February 13, 2019
Project: 23270051 2018 2176

4G CSAH 9 (Rockford Road) and I-494 Interchange – Plymouth, MN BCWMC 2018-31

Summary:

Proposed Work: Reconstruction of CSAH 9 (Rockford Road) and I-494 Interchange

Basis for Review at Commission Meeting: Linear project with more than five acres of disturbance and diversion of surface water runoff

Impervious Surface Area: Increase 1.756 acres

Recommendation: Conditional Approval

General Background & Comments

The proposed linear project is located in the Medicine Lake North and Plymouth Creek subwatersheds in Plymouth, MN. While the entirety of the proposed linear project is located within the BCWMC jurisdictional boundary, a portion of the project area drains into the jurisdiction of the Shingle Creek Watershed Management Commission (SCWMC). The linear project includes reconstruction of the County State Aid Highway 9 (CSAH 9) [Rockford Road] and I-494 interchange including bridge replacement, bridge approach and ramp reconstruction, trail reconstruction, and drainage improvements, resulting in 19.172 acres of disturbance (grading). The proposed linear project creates 1.756 acres of net new impervious surfaces, from 5.906 acres (existing) to 7.662 acres (proposed).

Floodplain

The proposed project does not involve work in the BCWMC 100-year floodplain therefore BCWMC floodplain review is not required.

Wetlands

The proposed linear project involves work in or adjacent to wetlands. The City of Plymouth is the local government unit (LGU) responsible for administering the Wetland Conservation Act, therefore BCWMC wetland review is not required.

Diversion of Surface Water Runoff

The August 2017 BCWMC Requirements for Improvements and Development Proposals (2017 Requirements) document states that the BCWMC reviews diversion plans to determine the effect of the proposal on the Bassett Creek watershed. With respect to diversions, the BCWMC:

- Prohibits any diversions of surface water within, into, or out of the watershed that may have a substantial adverse effect on stream flow or water levels at any point within the watershed.
- Requires that plans for intra- or inter-watershed diversions must include an analysis of the effects of the diversion on flooding, water quality, and aesthetic quality along the creek.
- Requires effort be made to ensure that there is no fish migration from one watershed to another (Policy 42).

As part of the proposed linear project, stormwater runoff from approximately 5.49 acres of the Bassett Creek watershed, located generally north and west of the Rockford Road and I-494 interchange, will be redirected to the north and ultimately into Curtis Lake in the Shingle Creek watershed. In existing conditions, an outlet, northwest of the interchange, directs water to the east towards I-494 and eventually to Medicine Lake. This outlet will be blocked, and drainage will be redirected north. To allow for a continuous connection to the north, an outlet control structure and emergency overflow will be installed between wetland 6 and wetland 7 (labeled RFR-17B and labeled RFR-18A, respectively, on the enclosed Drainage Overview Map). An inverted culvert and emergency overflow will also be installed at the north end of wetland 7. Since this portion of the project drains into the jurisdiction of the Shingle Creek Watershed Management Commission (SCWMC), the applicant sent a separate permit application to the SCWMC for review. According to the SCWMC's engineer, the proposed diversion of surface water runoff is recommended for approval at the SCWMC's February 14, 2019 meeting.

The proposed diversion will reduce the size of the Medicine Lake North subwatershed by 5.49 acres from 491.41 acres (existing conditions) to 485.92 acres (proposed conditions), a 1.1% reduction. The proposed diversion of surface water runoff is not expected to result in a substantial adverse effect to stream flows or water levels at any point in the watershed, due to the relatively small change in drainage area. In addition, because the proposed diversion of surface water runoff will reduce runoff to the Bassett Creek watershed, the proposed diversion of surface water runoff will not result in increased flood levels or increased pollutant loading (reduced water quality) in the Bassett Creek watershed, and the diversion is not expected to result in any impact to aesthetic quality along the creek. The applicant has also indicated there are no known fish species in the shallow wetland complex. Therefore, the proposed diversion of surface water runoff appears to meet the BCWMC requirements.

Based on the City of Plymouth's Surface Water Management Plan (SWMP), the BCWMC's XP-SWMM model, and the SCWMC's Watershed Management Plan, it was previously believed that runoff from this area discharged to the Curtis Lake subwatershed.

Stormwater Management

The BCWMC 2017 Requirements document states that linear projects on sites without restrictions that create one or more acres of net new impervious surfaces must manage stormwater such that peak flow rates leaving the site are equal to or less than the existing rates leaving the site for the 2-, 10-, and 100-year events, based on Atlas 14 precipitation amounts and using a nested 24-hour rainfall distribution. As

shown below, the proposed stormwater management system meets the BCWMC rate control requirements.

In existing and proposed conditions, stormwater runoff for the project site generally flows from west to east. Existing stormwater features, including depressions between I-494 and the entrance and exit ramps for CSAH 9, Dread Pirate Roberts wet pond, and Indigo Montoya dry pond, provide rate control for most of the project area. Table 1, Table 2, and Table 3 summarize the existing and proposed peak discharges to the North, East, and South, respectively. Table 4 summarizes the proposed peak discharge rates toward Curtis Lake, which is located within the SCWMC.

Table 1: Summary of existing and proposed peak discharge rates to the north

Storm Event	Existing Peak Discharge (cfs)	Proposed Peak Discharge (cfs)
2-year	0.43	0.43
10-year	0.69	0.69
100-year	1.30	1.30

Table 2: Summary of existing and proposed peak discharge rates to the east

Storm Event	Existing Peak Discharge (cfs)	Proposed Peak Discharge (cfs)
2-year	1.83	1.83
10-year	3.03	3.03
100-year	5.78	5.78

Table 3: Summary of existing and proposed peak discharge rates to the south

Storm Event	Existing Peak Discharge (cfs)	Proposed Peak Discharge (cfs)
2-year	14.60	14.23
10-year	26.75	26.07
100-year	57.50	54.56

Table 4: Summary of existing and proposed peak discharge rates toward Curtis Lake (SCWMC)

Storm Event	Existing Peak Discharge (cfs)	Proposed Peak Discharge (cfs)
2-year	9.03	2.51
10-year	12.58	3.25
100-year	23.77	8.58

Water Quality Management

The BCWMC 2017 Requirements document states that linear projects on sites without restrictions that create one or more acres of net new impervious surfaces must treat stormwater in accordance with the BCWMC water quality performance goals. If the BCWMC water quality performance goal is not feasible and/or is not allowed for a proposed project, then the project proposer must implement BCWMC flexible treatment options (FTOs). As shown below, the proposed stormwater management system meets BCWMC water quality requirements.

The proposed linear project creates 1.756 acres of net new impervious surfaces. The proposed linear project was unable to meet the BCWMC water quality performance goal or FTO #1 due to the presence of high seasonal groundwater. Therefore, FTO #2 was selected for the proposed linear project to provide water quality treatment. FTO #2 requires volume reduction to the maximum extent practicable and removal of 60% of the annual TP load.

The proposed linear project will utilize existing stormwater BMPs to provide the 60% TP removal. Table 4 summarizes the annual TP removal provided by the existing stormwater BMPs in the project area. Table 5 summarizes the annual TP loading for the net new impervious surfaces of the proposed project and the required TP removal to be provided for compliant with BCWMC water quality requirements. As shown below, the existing stormwater BMPs meet the BCWMC water quality requirements.

Table 4: Summary of annual TP removals for project components

BMP	TP Loading (lbs/year)	Percent Removal (%)	TP Removal (lbs/year)
Pond: RFR-9A SW Ramp	1.2	14.5	0.2
Pond: RFR-9 SW Ramp Infield	1.6	5.2	0.1
Pond: RFR-11 SE Inigo Montoya Dry Pond	38.3	8.8	3.4
Pond: RFR-15 NW Ramp Ditch	0.8	16.9	0.1
Swale: RFR-C NE Ditch	2.6	9.3	0.2
Swale: RFR-B SE Ditch	0.8	19.1	0.1
Swale: RFR-14 NW Infield	1.4	37.5	0.5
General Device: RFR-12 NE Dread Pirate Roberts Wet Pond	22.9	45.2	10.3
Pond: RFR-C NE Basin Wetland 3	14.9	30.1	4.5
Overall	30.2	56.2	17.0

Table 5: Summary of annual TP loading from net new impervious surfaces

Net New Impervious Surfaces (acres)	BCWMC Water Quality Goal (acre-feet)*	TP Loading From Net New Impervious Surfaces** (lbs/year)	Required TP Removal From Net New Impervious Surfaces (%)	Required TP Removal From Net New Impervious Surfaces (lbs/year)
1.756	0.16	3.09	60%	1.86

*Calculated by multiplying the net new impervious surfaces by 1.1 inches of runoff

**Calculated using the MIDS Calculator

Table 6: Comparison of required and provided annual TP removals

Required TP Removal From Net New Impervious Surfaces (lbs/year)	Provided TP Removal (lbs/year)
1.86	17.0

Erosion and Sediment Control

The proposed linear project involves more than one acre of land disturbance, therefore the proposed linear project must meet the BCWMC erosion and sediment control requirements. Proposed temporary erosion and sediment control features include rapid stabilization, stabilized construction exits, sediment control logs, floatation silt curtains, silt fence, culvert end controls, and storm drain inlet protection. Permanent erosion and sediment control features include stabilization with seed, sod, erosion control blankets, and wood fiber sediment control logs.

Recommendation

Conditional approval based on the following comments:

1. The HydroCAD models must be revised as follows to demonstrate that the proposed linear project meets BCWMC rate control requirements:
 - a. The total area for the existing HydroCAD model (79.740 acres) does not match the total area for the proposed HydroCAD model (79.992 acres). The total area(s) must be revised to accurately compare existing and proposed conditions.
 - b. The increase in impervious surfaces from the existing conditions HydroCAD model to the proposed conditions HydroCAD model (0.368 acres) does not match the increase in impervious surfaces indicated on the plans (1.756 acres). The HydroCAD model must be revised to match the plans or the discrepancy between the HydroCAD model and plans must be clarified.
 - c. The stage storage data for *pond RFR-18-EX P* (existing conditions) and *pond RFR-18-PRO P* (proposed conditions) are the same, with the exception of the 968.0 contour in proposed conditions, however the plans indicate that grading will occur in this area. The existing and/or proposed HydroCAD model must be revised to reflect these changes.
 - d. In the proposed conditions HydroCAD model, the emergency overflow berm for *pond RFR-18-PRO P* must be revised to match the plans.
 - e. In the proposed conditions HydroCAD model, the pipe sizes for the outlets of *pond RFR-C (N-26)-PR-NE Wet 3-Opt 2 No Ret Wall 3* (proposed conditions) must be revised to match the plans.
2. The CSAH9 P8 model must be revised as follows to demonstrate that the proposed linear project meets BCWMC water quality goals (or flexible treatment options).
 - a. The pervious curve numbers for the following watersheds in the CSAH9 P8 model do not match the proposed HydroCAD model. The pervious curve numbers for the following watersheds must be revised in the CSAH9 P8 model to match the proposed HydroCAD model and plans (we recommend using a composite CN), or documentation must be provided to support the discrepancies.

i. Watershed RFR-12 NE Ramp-DreadPirate R Pond

ii. *Watershed RFR 9B & 9C & 9E*

iii. *Watershed RFR 11 Ramp*

- b. Documentation (i.e. stage discharge tables or curves from HydroCAD) must be provided to clarify how the rating curve for device *General Device RFR-12 NE DreadPirateR Pond-Total Area* was developed.
3. Details for erosion and sediment control features (silt fence, sediment control logs, etc.) must be provided for review for compliance with BCWMC requirements.
4. If the stabilized construction exits do not extend the full width of the roadway, sediment control logs, or other perimeter controls, must be installed adjacent to the stabilized construction exits to limit sediment-laden runoff from leaving the project area.
5. On Sheet 244, culvert end controls are recommended at the outlet to Wetland 3.
6. On Sheet 245, perimeter controls must be installed along the full length of the north edge of the project area, or clarification must be provided to support the current perimeter control layout.
7. Revised plans (paper copy and final electronic files) and supporting documentation must be provided to the BCWMC Engineer for final review and approval.










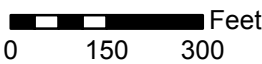
Surface Water Diversion from Bassett Creek Watershed (Medicine Lake subwatershed) to Shingle Creek Watershed

Project Location

Dread Pirate Roberts Wet Pond

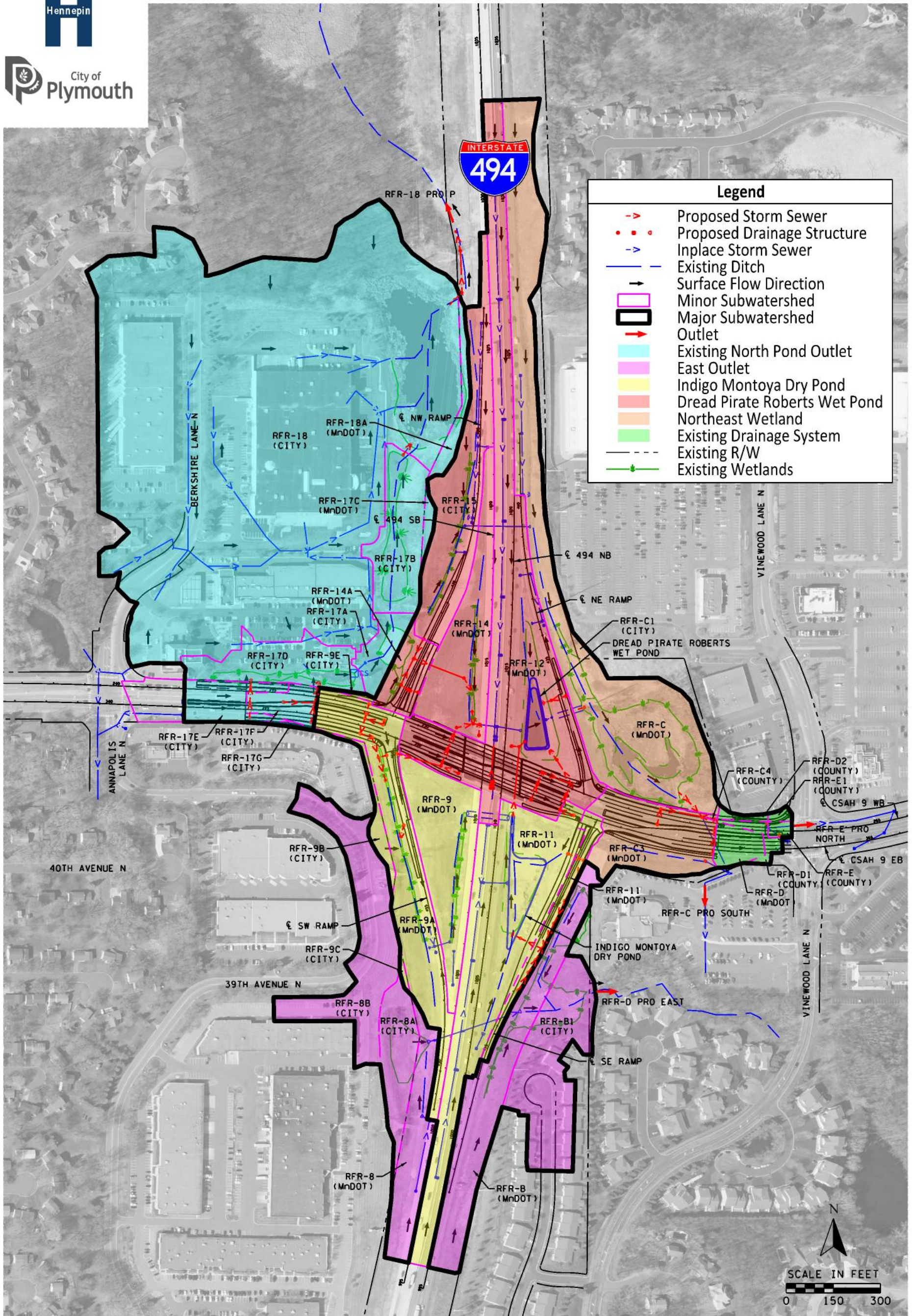
Indigo Montoya Dry Pond

-  Project Location
-  Surface Water Diversion from Bassett Creek Watershed to Shingle Creek Watershed
-  Municipality
-  BCWMC Legal Boundary
-  BCWMC Hydrologic Boundary
-  Major Subwatershed
-  Bassett Creek



BCWMC #2018-31
 CSAH 9 (ROCKFORD ROAD)
 & I-494 INTERCHANGE
 Plymouth, MN

LOCATION MAP



Legend	
	Proposed Storm Sewer
	Proposed Drainage Structure
	Inplace Storm Sewer
	Existing Ditch
	Surface Flow Direction
	Minor Subwatershed
	Major Subwatershed
	Outlet
	Existing North Pond Outlet
	East Outlet
	Indigo Montoya Dry Pond
	Dread Pirate Roberts Wet Pond
	Northeast Wetland
	Existing Drainage System
	Existing R/W
	Existing Wetlands

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Drainage Overview Map

BCWMC FY2019 Administrative Calendar
(Not a complete list of meeting items)

FEBRUARY 21st 8:30 a.m. Golden Valley City Hall	Elect Officers – Chair, Vice Chair, Secretary, Treasurer
	Appoint Committee Members – Budget, Administrative Services, Education, Technical Advisory Committee liaisons (see committee descriptions below)
	Designate official depositories
	Designate <i>Finance and Commerce</i> as the Official News Publication of the Commission
	Review year-end financial report
	Review of open meeting law
	Commissioners complete conflict of interest forms for auditor
	Approve Robbinsdale and Medicine Lake Local Water Management Plans
	Review DeCola Ponds B & C Improvement Project 50% Design Plans (BC-2, 3, 8, 10)
MARCH 21st 8:30 a.m. Golden Valley City Hall	Discuss 5-year CIP (2021 – 2025)
	Receive presentation on 2018 lake monitoring results
	Approve St. Louis Park Local Water Management Plan
	Discuss Education Committee Recommendations
	Receive Final Report on Bassett Creek Main Stem Restoration Project 10th Ave to Duluth St. (2015CR-M)
	Review 2 nd Draft of Feasibility Study for Crane Lake Improvement Project (CL-3)
APRIL 18th 8:30 a.m. Golden Valley City Hall	Approve not to waive monetary limits on municipal tort liability
	Review draft Feasibility Study for Jevne Park Stormwater Improvement Project (CIP ML-21)
	Review draft feasibility studies for Bryn Mawr Meadows Improvement Project and Westwood Lake Water Quality Improvement Project
	Approve of final 5-year CIP (2020 – 2024), begin plan amendment process, as needed
MAY 16th 8:30 a.m. Golden Valley City Hall	Approve annual report
	Accept FY2018 financial audit
	Review 2020 draft operating budget
	Approve feasibility study for Jevne Park Stormwater Improvement Project (CIP ML-21)

	Approve feasibility study for Crane Lake Improvement Project (CL-3)
	Approve maximum 2020 levy request for Hennepin County
JUNE 20th 8:30 a.m. Golden Valley City Hall	Authorize preparation of feasibility studies for 2021 CIP Projects
JULY 18th 8:30 a.m. Golden Valley City Hall	Set Public Hearing on 2020 CIP projects
AUGUST 15th 8:30 a.m. Golden Valley City Hall	Approve final 2020 operating budget
	Review 2019 budget status
	Find volunteers for Golden Valley Days
PUBLIC HEARING SEPTEMBER 19th 8:30 a.m. Golden Valley City Hall	Public Hearing on 2020 CIP Projects:
	Approve Resolution ordering 2020 CIP Projects
	Approve agreement with cities to design/construct 2020 CIP projects
	Certify 2020 levy costs to Hennepin County
	Consider requests to attend Water Resources Conference
OCTOBER 17th 8:30 a.m. Golden Valley City Hall	Consider request for MAWD attendance
WEDNESDAY NOVEMBER 20th 8:30 a.m. Golden Valley City Hall	
DECEMBER 19th 8:30 a.m. Golden Valley City Hall	
January 16, 2020 8:30 a.m. Golden Valley City Hall	Approval of Resolution to Transfer Funds from CIP Account to Administrative Account
	Approval of Resolution to Transfer Funds from Administrative Account to Channel Maintenance Fund and Long Term Maintenance Fund
	Approval of Proposal from MMKR to Perform Financial Audit
	Approval of contracts for 2020 work

CONTRACTORS	<p>Met Council – Watershed Outlet Monitoring Program (WOMP)</p> <p>Met Council – Citizen Assisted Monitoring Program (CAMP)</p> <p>Wenck Associates – WOMP monitoring</p> <p>HDR – Website maintenance and hosting</p> <p>Hennepin County – River Watch Program</p> <p>Keystone Waters – Administrator</p> <p>Lawn Chair Gardener – Administrative and Educational Services</p> <p>Barr Engineering – General Technical Services</p> <p>Kennedy Graven – Legal Services</p>
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BCWMC Committees	
<p>Budget Committee</p> <p>Meetings: March and April Additional as needed</p>	<p>KEY ROLE: Develop annual Operating Budget & City Assessments</p> <ul style="list-style-type: none"> • Review ideas and staff recommendations for 2020 programs/budget items • Develop and recommend 2020 operating budget and city assessments • Timeline: <ul style="list-style-type: none"> ○ May Commission meeting: submit draft recommendations ○ June Commission meeting: approval of proposed 2020 budget/assessments ○ July 1 – August 1: Cites review proposed budget/assessments and provide comments ○ August Commission meeting: final approval of 2020 budget/assessments
<p>Education Committee</p> <p>Meetings: Monthly March - May Additional as needed</p>	<p>KEY ROLE: Develop annual Education and Outreach Plan, assist with outreach and education</p> <ul style="list-style-type: none"> • Discuss options for education programs, trainings, and partnerships • Develop 2019 education and outreach plan and present at March Commission meeting <ul style="list-style-type: none"> ○ Assist with implementation of plan, as needed ○ Assist with outreach at education events • Finalize and help implement plans for 50th anniversary events • Recommend further improvements to BCWMC website • Represent Commission on West Metro Water Alliance
<p>Administrative Services Committee</p> <p>Meetings: October for staff evaluation Additional meetings as items arise</p>	<p>KEY ROLE: Guide development of policy and overall processes of Commission; evaluate staff</p>
<p>Technical Advisory Committee</p> <p>Meetings: February 4, 2019 March 8, 2019 Additional as needed</p>	<p>KEY ROLE: Provide guidance and recommendations and assist with developing policies related to technical aspects of Commission projects and activities.</p> <ul style="list-style-type: none"> • Review and comment on recommendations from CIP Prioritization Committee • Recommend projects and assist with development of 2021 - 2025 Capital Improvement Program • Review results of special projects or studies as requested by Commission (possibly including carp population study on Sweeney Lake)



Bassett Creek Watershed Management Commission

General Provisions of Open Meeting Law

- I. What is the open meeting law and why is it important?
 - a. Section 13D of Minnesota State Law
<https://www.revisor.mn.gov/statutes/?id=13D>
 - b. Ensures that meetings of governing bodies are conducted in public where public has access to decision making process
 - c. Prohibits actions being taken in secret where it's impossible for the public to be fully informed about decisions or to detect improper influences
 - d. Protects government officials from accusations that business was conducted improperly

- II. What groups must abide by the open meeting law?
 - a. Best answer = all governing bodies and committees
 - b. Examples = city councils, county boards, soil and water conservation district boards, watershed district boards, watershed management organization boards, town boards, governing boards of school districts
 - c. Also applies to committees of governing bodies

- III. When does the open meeting law apply?
 - a. Best answer = always
 - b. Quorums of any governing bodies or committee of the governing body
 - i. Quorum = minimum number of members required to be present to legally conduct business, usually a majority
 - c. Anytime the quorum is meeting to discuss, or receive information about, the business or work of the governing body
 - d. Even when action is not being taken
 - e. Does NOT apply if group is getting together socially and NOT discussing business

- IV. What are the key elements of the open meeting law?
 - a. Meeting notices are required for regular, special, emergency, and closed meetings
 - b. Meetings must be open to public, in a public space
 - c. Meetings must be within borders of governing body's jurisdiction
 - d. Meeting materials must be available to public at the meeting
 - e. Meeting notes including voting record must be maintained and available to the public (usually in the form of meeting minutes)

- V. How does the open meeting law apply to the use of telecommunications?
 - a. Officials cannot “attend” meeting by phoning in
 - b. Can use interactive video (such as Skype) only if:
 - i. All officials can see and hear each other
 - ii. Members of the public at the meeting can see and hear all officials
 - iii. Offsite officials are located in a place accessible to the public¹
 - iv. At least one official is at the regular meeting location
 - v. Proper notice was given regarding the location of offsite officials
 - c. Use of telecommunication tends to disrupt the meeting

- VI. How is the open meeting law most often broken?
 - a. Not often
 - b. Email use among officials can be problematic
 - i. Serial emails from one official to another and another, essentially discussing an issue
 - ii. Using “reply all” on an email to all officials of a governing body (avoid this problem by using “blind copy” on emails to group of officials)
 - c. Failure to properly notice a meeting
 - d. Officials wanting to call into a meeting

For further reading:

Information Brief from MN House of Representatives on MN Open Meeting Law
<http://www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf>

MN Statutes Chapter 13D. Open Meeting Law
<https://www.revisor.mn.gov/statutes/?id=13D>

¹ The Minnesota Supreme Court has read the requirement that a meeting be held in a place accessible to the public to mean ‘within the jurisdiction of the public body.’ *Quast v Knutson*, 150 N.W.2d 199, 200 (1967).

Item 6A.
BCWMC 2-21-19
Full Document Online



7800 Golden Valley Road
Golden Valley, MN 55427

February 13, 2019

Ms. Laura Jester
BCWMC Administrator
Keystone Waters, LLC
16145 Hillcrest Lane
Eden Prairie, MN 55346

Subject: Decola Ponds B and C Improvement Project, City Project #18-06
50% Design Plans

Dear Laura:

Enclosed please find Barr Engineering's correspondence dated February 13, 2019 along with the 50% design plans for the Decola Ponds B and C Improvement Project. These items are being submitted for consideration at the BCWMC meeting scheduled for February 21, 2019.

Please call me at 763-593-8034 if you have any questions regarding the enclosures.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Oliver".

Jeff Oliver, P.E.
City Engineer

Enclosures

C: Eric Eckman, Development and Assets Supervisor

G:\PROJECTS\DeCola Ponds Flood Mitigation\DeCola Ponds B and C Project (18-06)\Correspondence\Submit_50%DesignPlans_BCWMC.docx

2/13/2019

Mr. Jeff Oliver, P.E.
City Engineer
City of Golden Valley
7800 Golden Valley Road
Golden Valley, MN 55427

Re: 50% Design Plans - DeCola Ponds B & C Improvement Project Golden Valley Project 18-06

Dear Mr. Oliver:

Attached please find the 50% design plans for the DeCola Ponds B & C Improvement Project. The 2019 DeCola Pond B & C improvement project (BC-2, 3,) will be funded by several sources including the Minnesota Department of Natural Resources Flood Damage Reduction Grant, the BCWMC's ad valorem levy (via Hennepin County) for CIP projects, and funding from Hennepin County and the City of Golden Valley. Per the cooperative agreement between the City of Golden Valley and the BCWMC, the city is to construct the project, and the plans and specifications are subject to approval by the Commission. Also, per the agreement, the 50% design plans for this project must be submitted to the BCWMC for review and approval. If the attached 50% plans meet the city's approval, we recommend submitting them, along with this letter, to the BCWMC for inclusion in the meeting packet for their February 21, 2019 meeting. Barr staff will present the 50% plans to the BCWMC at the meeting and answer any questions from the BCWMC.

The remainder of this letter presents information about the feasibility study, the design features of the project, and approval/permitting needs.

Feasibility Study Summary and Selected Project

The City of Golden Valley's *DeCola Ponds B and C Improvement Project Feasibility Study* (Barr Engineering, May 2018) examined the feasibility of three different concepts for the expansion of flood mitigation volume, water quality volume, and habitat improvement in the area around DeCola Ponds B and C, including the area to the north within a permanent drainage and utility easement on the Dover Hill property and in the Pennsylvania Woods Nature Area owned by the City of Golden Valley. This project will reduce flood elevations at the low point on Medicine Lake Road and increase pollutant removal by the DeCola Ponds, which ultimately drains to Bassett Creek.

The three concepts included:

- 1) Concept 1 – Maximize flood storage
- 2) Concept 2 – Maximize tree preservation
- 3) Concept 3 – Hybrid alternative of Concept 1 and 2

The feasibility report recommended the implementation of Concept 3, which intended to balance development of flood mitigation volume with tree preservation. The feasibility report estimated that project implementation (Concept 3) would reduce the 100-year flooding at the low point on Medicine Lake Road so that is passable by emergency vehicles and on DeCola Ponds A, B, C, and D by 0.5 foot. The project would remove accumulated sediment in DeCola Pond B and further reduce the annual total phosphorus load to Bassett Creek by 9.0 pounds per year. Additionally, the concept would restore 2.7 acres of wetland and upland habitat in the Pennsylvania Woods Nature Area.

At their May 2018 meeting, the Commission approved the final feasibility study for this project, supporting implementation of Concept 3, and the Commission ordered the project at their August 2018 meeting. Design began in early October 2018, after the MnDNR flood mitigation grant was fully executed with the City of Golden Valley.

Design features – 50% plans

The project design is underway. An environmental assessment worksheet (EAW) process was conducted using 30% design for Concept 3 from the feasibility study. The EAW public comment period was from December 17, 2018-January 16, 2019. Minor comments were received from the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, Metropolitan Council, the State Historic Preservation Office, and the Minnesota Department of Transportation.

The EAW comments have been considered and incorporated into the 50% design plans for Concept 3 from the feasibility study. The 50% design has preserved all of the components identified as part of Concept 3, which are being refined as part of the final design process. The 50% design plans are also being used to start the environmental permitting process (discussed in the following section).

The table below compares the flood mitigation volume developed, the increase in total phosphorus removal, additional open water area, and restored wetland and upland areas by the project, as presented in the feasibility study and the 50% design plans.

	Flood Mitigation Volume Developed	Additional Total Phosphorus Removal	Additional Open Water Area	Restored Wetland and Upland Area ¹
Feasibility Study (May 2018)	22.0 acre-ft	9.0 lb/yr	1.9 acres	2.7 acres
50% Design Plans	24.0 acre-ft	8.5 lb/yr	2.0 acres	3.0 acres

1 – The restored wetland and upland area as reported in the feasibility study (2.7 acres) included proposed bituminous trail through the restored area (~0.35 ac). The total restored wetland and upland area, not including the bituminous trail, for Concept 3 in the feasibility study was 2.35 acres. The restored wetland and upland area in the 50% design, including the proposed bituminous trail through the restored area (~0.3 ac) is 3.0 acres. The total restored wetland and upland area, not including the bituminous trail area, for the 50% design is 2.7 acres.

Similar to the feasibility study, the main components of the 50% design include:

1. Lowering the normal water level (NWL) of DeCola Ponds A, B, and C from 893.8 ft MSL to 893.5 ft MSL to provide additional flood mitigation volume without needing to excavate that volume. This, in addition to the proposed excavation, will develop approximately 24 acre-ft of flood mitigation volume below the existing 100-year flood elevation. This effort includes modifying the DeCola Pond C outlet structure and overflow to lower the NWL while increasing the overflow elevation of the berm on the south end of DeCola Pond C (to increase the flood storage in DeCola Ponds A, B, and C). The modified outlet will also prevent the accumulation of debris on the inlet pipe which is currently a major maintenance issue for the City.
2. Installing a 14' x 4' box culvert that will connect the Liberty Crossing flood storage features to the expanded storage in the Dover Hills and DeCola Ponds B and C areas.
3. Developing a sediment forebay in the permanent easement on the Dover Hills area to develop water quality treatment volume, improve ease of maintenance, enhance water quality in downstream locations, and to allow lowering the normal water level of DeCola Ponds A, B, and C to increase flood storage capacity, while preserving or increasing the water quality treatment provided by the DeCola Ponds system. The current grading plan, including maintenance access and inclusion of a bituminous trail around the forebay, results in a slightly smaller water quality treatment volume that reduced the estimated additional total phosphorus removal from 9.0 lbs/yr to 8.5 lbs/yr.
4. Increasing the DeCola Ponds B and C open water area, and increasing associated water quality treatment volume through expanding contours below the NWL and dredging accumulated sediment in DeCola Pond B. The proposed expansion does not change the overall depth of the existing ponds, but will provide additional water quality treatment volume and provide additional aquatic habitat for fish, macroinvertebrates, and macrophytes.
5. In addition to increasing the open water areas, expanding the flood and water quality storage around DeCola Ponds B and C allows for the opportunity to create and restore other wetland habitat. For design, we assumed that floodplain/wetland habitat would be established below elevation 899.0 (equivalent to about the 10-year flood elevation), and restored upland habitat would be created in all disturbed areas above this elevation. This upland area will serve as a buffer to the wetlands. Based on the City of Golden Valley's wetland management classification for these ponds (Manage 2/3) the average buffer should be at least 25 feet. However, the project is not proposing new development that will increase imperviousness on the site with the exception of the replacing/realignment of the bituminous trails in the project area. Per the BCWMC requirements, trails and sidewalks are exempt from BCWMC water quality performance standards, but buffers should be provide for trails and sidewalks where possible.
6. Preserving trees on the large knolls between DeCola Ponds A, B, and C, and preserving screening trees along the west, east, and south side of DeCola Pond B and along north and east side of DeCola Pond C. Tree removal is expected within project disturbance limits. However, areas will be restored with native vegetation and some area will be replanted with trees at a density

potentially ranging from savanna (~35 trees/acre) to forest (~110 trees/acre) – the details of the proposed restoration will be determined between 50% and 90% design.

7. Replacing disturbed trails with ADA-compliant trails to preserve park use and improve walking trail opportunities.

The drawings are at a 50% design stage, which means there are a number of details yet to be worked out before the design is final and ready for bid. Any comments received from the BCWMC will be addressed in the 90% design drawings.

Approvals/permit requirements

In addition to BCWMC approval of the plans, other permits/approvals will be required for this project.

Other permitting and reviews include the following:

- U.S. Army Corps of Engineers Clean Water Act Section 404 Permit
- MnDNR Public Waters Work Permit
- MnDNR Appropriations Permit for construction dewatering
- MPCA 401 Water Quality Certification
- MPCA Construction Stormwater General Permit
- Compliance with the MPCA's guidance for managing dredged material, including the Notification to Dredge form
- Compliance with the MPCA's guidance for managing contaminated material and debris-containing fill
- Compliance with the Minnesota Wetland Conservation Act (WCA)
- City of Golden Valley Right-of-Way Permit
- City of Golden Valley Stormwater Permit

We anticipate that dewatering will need to start at the beginning of September 2019 to address MnDNR concerns about turtle hibernation and survivability before excavation can begin. We also anticipate that the permitting process could take 6 months. As a result, we will submit the USACOE and MnDNR permit applications mid-February to begin the permitting review process.

Recommendations

We recommend that the city request 1) BCWMC approval of the 50% drawings, and 2) BCWMC authorization for the city to proceed with final plans and contract documents.

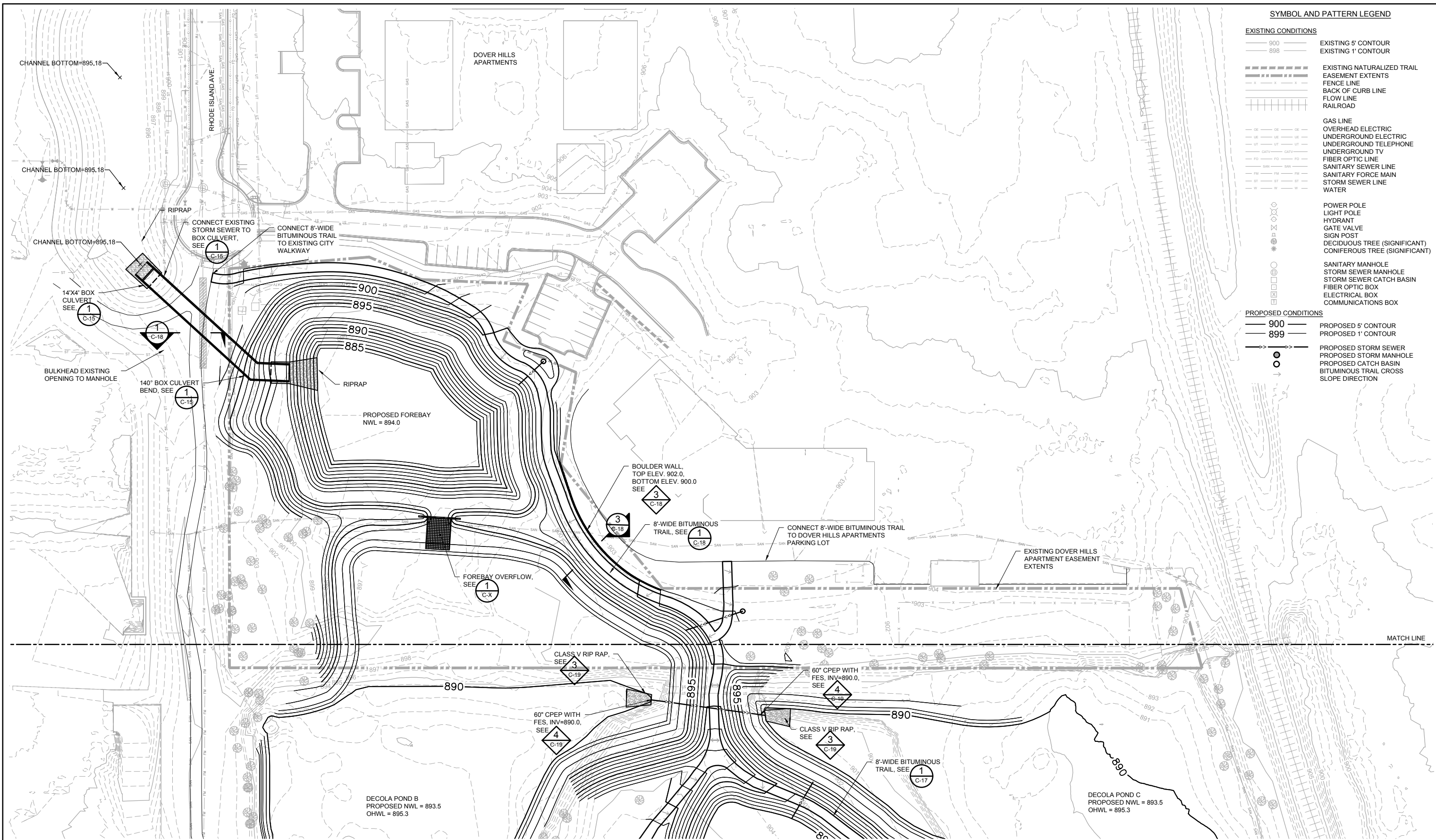
If you have any questions, please contact me at 952-832-2750 or jkoehler@barr.com.

Sincerely,



Jennifer Koehler, P.E.
Senior Water Resources Engineer

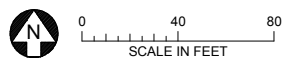
CADD USER: Katie J. Turpin-Negel FILE: M:\DESIGN\23271677_002327167700_C-11_PROPOSEDPLAN_FOREBAY\LIBERTY.DWG PLOT SCALE: 1:2 PLOT DATE: 1/29/2019 6:28 AM



SYMBOL AND PATTERN LEGEND

EXISTING CONDITIONS	
--- (dashed line)	EXISTING 5' CONTOUR
--- (solid line)	EXISTING 1' CONTOUR
--- (dashed line)	EXISTING NATURALIZED TRAIL
--- (dashed line)	EASEMENT EXTENTS
--- (dashed line)	FENCE LINE
--- (dashed line)	BACK OF CURB LINE
--- (dashed line)	FLOW LINE
--- (dashed line)	RAILROAD
--- (dashed line)	GAS LINE
--- (dashed line)	OVERHEAD ELECTRIC
--- (dashed line)	UNDERGROUND ELECTRIC
--- (dashed line)	UNDERGROUND TELEPHONE
--- (dashed line)	UNDERGROUND TV
--- (dashed line)	FIBER OPTIC LINE
--- (dashed line)	SANITARY SEWER LINE
--- (dashed line)	SANITARY FORCE MAIN
--- (dashed line)	STORM SEWER LINE
--- (dashed line)	WATER
○ (circle)	POWER POLE
○ (circle)	LIGHT POLE
○ (circle)	HYDRANT
○ (circle)	GATE VALVE
○ (circle)	SIGN POST
○ (circle)	DECIDUOUS TREE (SIGNIFICANT)
○ (circle)	CONIFEROUS TREE (SIGNIFICANT)
○ (circle)	SANITARY MANHOLE
○ (circle)	STORM SEWER MANHOLE
○ (circle)	STORM SEWER CATCH BASIN
○ (circle)	FIBER OPTIC BOX
○ (circle)	ELECTRICAL BOX
○ (circle)	COMMUNICATIONS BOX
PROPOSED CONDITIONS	
--- (dashed line)	PROPOSED 5' CONTOUR
--- (solid line)	PROPOSED 1' CONTOUR
--- (dashed line)	PROPOSED STORM SEWER
○ (circle)	PROPOSED STORM MANHOLE
○ (circle)	PROPOSED CATCH BASIN
○ (circle)	BITUMINOUS TRAIL CROSS
○ (circle)	SLOPE DIRECTION

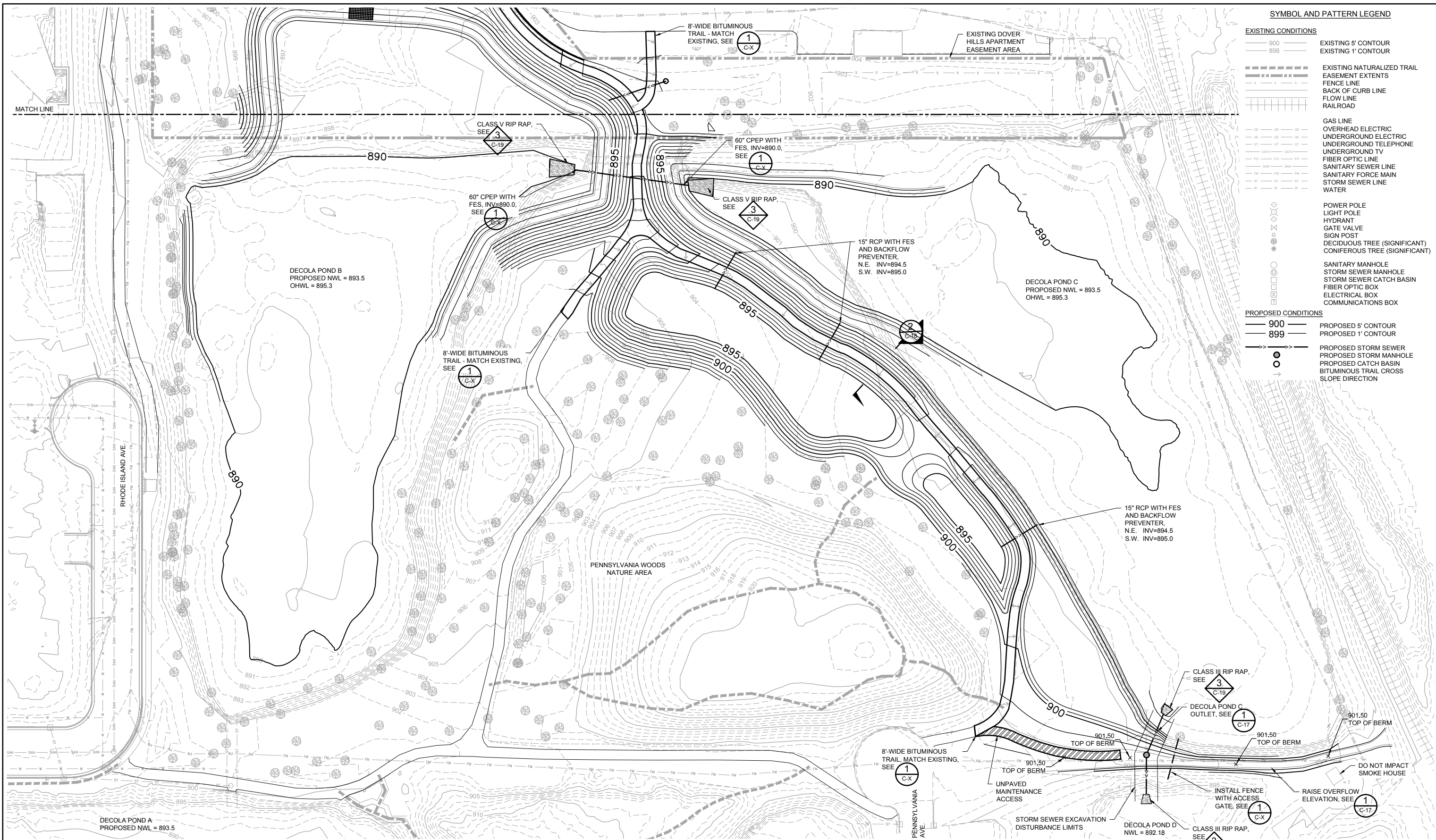
1 PLAN: PROPOSED CONDITIONS - DOVER HILLS APARTMENTS' EASEMENT AREA
1"=40'-0"



50% DESIGN DRAFT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. PRINTED NAME: _____ SIGNATURE: _____ DATE: _____ LICENSE #: _____				CLIENT: _____ BID: _____ CONSTRUCTION: _____ RELEASED TO/FOR: _____ DATE RELEASED: _____				 Corporate Headquarters: Minneapolis, Minnesota Ph: 1-800-632-2277		 CITY OF GOLDEN VALLEY GOLDEN VALLEY, MN		Scale: AS SHOWN Date: 01/29/2019 Drawn: KJN2 Checked: JAK2 Designed: JAK2 Approved: KAL		DECOLA PONDS B&C IMPROVEMENT PROJECT PROPOSED GRADING AND STORM SEWER DOVER HILLS APARTMENT EASEMENT AREA		BARR PROJECT No. 23/27-1677.00 CLIENT PROJECT No. #18-06 DWG. No. C-11 REV. No. A	
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CADD USER: Katie J. Turpin-Negel FILE: M:\DESIGN\23271677_002327167700_C-12_PROPOSEDPLAN_DECOLA_C.DWG PLOT SCALE: 1:2 PLOT DATE: 1/29/2019 8:35 AM



SYMBOL AND PATTERN LEGEND

EXISTING CONDITIONS	
(Solid line)	EXISTING 5' CONTOUR
(Dashed line)	EXISTING 1' CONTOUR
(Dashed line with 'x')	EXISTING NATURALIZED TRAIL
(Dashed line with 'x')	EASEMENT EXTENTS
(Dashed line with 'x')	FENCE LINE
(Dashed line with 'x')	BACK OF CURB LINE
(Dashed line with 'x')	FLOW LINE
(Dashed line with 'x')	RAILROAD
(Dashed line with 'x')	GAS LINE
(Dashed line with 'x')	OVERHEAD ELECTRIC
(Dashed line with 'x')	UNDERGROUND ELECTRIC
(Dashed line with 'x')	UNDERGROUND TELEPHONE
(Dashed line with 'x')	UNDERGROUND TV
(Dashed line with 'x')	FIBER OPTIC LINE
(Dashed line with 'x')	SANITARY SEWER LINE
(Dashed line with 'x')	SANITARY FORCE MAIN
(Dashed line with 'x')	STORM SEWER LINE
(Dashed line with 'x')	WATER
(Circle with 'X')	POWER POLE
(Circle with 'X')	LIGHT POLE
(Circle with 'X')	HYDRANT
(Circle with 'X')	GATE VALVE
(Circle with 'X')	SIGN POST
(Circle with 'X')	DECIDUOUS TREE (SIGNIFICANT)
(Circle with 'X')	CONIFEROUS TREE (SIGNIFICANT)
(Circle with 'X')	SANITARY MANHOLE
(Circle with 'X')	STORM SEWER MANHOLE
(Circle with 'X')	STORM SEWER CATCH BASIN
(Circle with 'X')	FIBER OPTIC BOX
(Circle with 'X')	ELECTRICAL BOX
(Circle with 'X')	COMMUNICATIONS BOX
PROPOSED CONDITIONS	
(Solid line)	PROPOSED 5' CONTOUR
(Dashed line)	PROPOSED 1' CONTOUR
(Dashed line with 'x')	PROPOSED STORM SEWER
(Dashed line with 'x')	PROPOSED STORM MANHOLE
(Dashed line with 'x')	PROPOSED CATCH BASIN
(Dashed line with 'x')	BITUMINOUS TRAIL CROSS
(Arrow)	SLOPE DIRECTION

1 PLAN: PROPOSED CONDITIONS - DECOLA PONDS B AND C
 1"=40'-0"
 SCALE IN FEET

50% DESIGN DRAFT

NO.	BY	CHK.	APP.	DATE	REVISION DESCRIPTION

CLIENT	
BID	
CONSTRUCTION	
RELEASED TO/FOR	
DATE RELEASED	



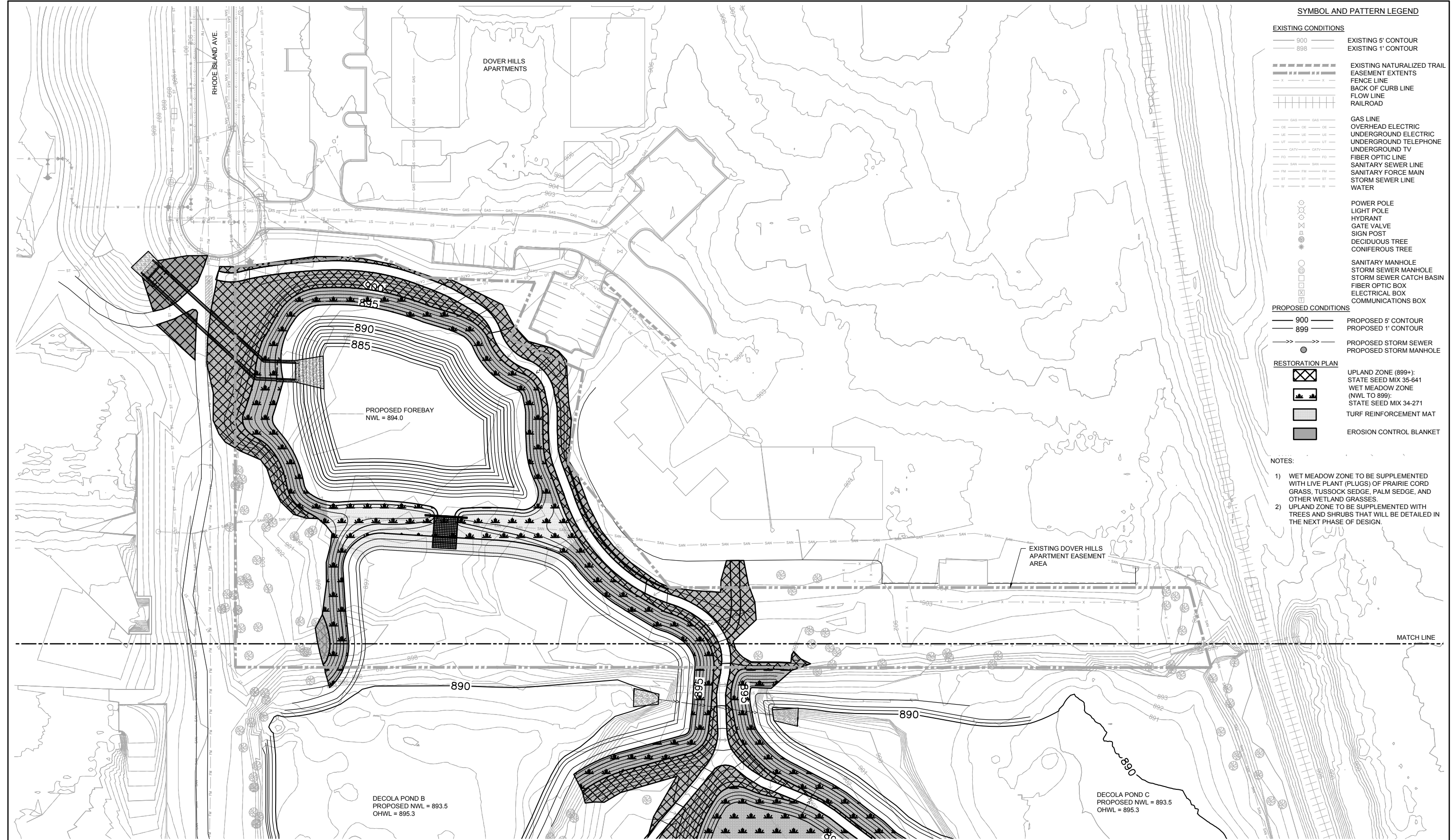
Scale	AS SHOWN
Date	01/29/2019
Drawn	KJN2
Checked	JAK2
Designed	JAK2
Approved	KAL

CITY OF GOLDEN VALLEY
 GOLDEN VALLEY, MN

DECOLA PONDS B&C
 IMPROVEMENT PROJECT
 PROPOSED GRADING AND STORM SEWER
 DECOLA PONDS B & C

BARR PROJECT No.	23/27-1677.00
CLIENT PROJECT No.	#18-06
DWG. No.	C-12
REV. No.	A

CADD USER: Katie J. Turpin-Negel FILE: M:\DESIGN\23271677_002\327167700_L-01_RESTORATION\PLAN_FOREBAY\LIBERTY.DWG PLOT SCALE: 1:2 PLOT DATE: 1/28/2019 9:27 AM



SYMBOL AND PATTERN LEGEND

EXISTING CONDITIONS	
900	EXISTING 5' CONTOUR
898	EXISTING 1' CONTOUR
(Dashed line)	EXISTING NATURALIZED TRAIL EASEMENT EXTENTS
(Dashed line)	FENCE LINE
(Dashed line)	BACK OF CURB LINE
(Dashed line)	FLOW LINE
(Dashed line)	RAILROAD
(Line with 'GAS')	GAS LINE
(Line with 'OE')	OVERHEAD ELECTRIC
(Line with 'UE')	UNDERGROUND ELECTRIC
(Line with 'UT')	UNDERGROUND TELEPHONE
(Line with 'CATV')	UNDERGROUND TV
(Line with 'FO')	FIBER OPTIC LINE
(Line with 'SAN')	SANITARY SEWER LINE
(Line with 'FM')	SANITARY FORCE MAIN
(Line with 'ST')	STORM SEWER LINE
(Line with 'W')	WATER
(Circle with cross)	POWER POLE
(Circle with cross)	LIGHT POLE
(Circle with cross)	HYDRANT
(Circle with cross)	GATE VALVE
(Circle with cross)	SIGN POST
(Circle with cross)	DECIDUOUS TREE
(Circle with cross)	CONIFEROUS TREE
(Circle with cross)	SANITARY MANHOLE
(Circle with cross)	STORM SEWER MANHOLE
(Circle with cross)	STORM SEWER CATCH BASIN
(Circle with cross)	FIBER OPTIC BOX
(Circle with cross)	ELECTRICAL BOX
(Circle with cross)	COMMUNICATIONS BOX
PROPOSED CONDITIONS	
900	PROPOSED 5' CONTOUR
899	PROPOSED 1' CONTOUR
(Line with arrow)	PROPOSED STORM SEWER
(Circle with cross)	PROPOSED STORM MANHOLE
RESTORATION PLAN	
(Hatched pattern)	UPLAND ZONE (899+): STATE SEED MIX 35-641
(Hatched pattern)	WET MEADOW ZONE (NWL TO 899): STATE SEED MIX 34-271
(Hatched pattern)	TURF REINFORCEMENT MAT
(Hatched pattern)	EROSION CONTROL BLANKET

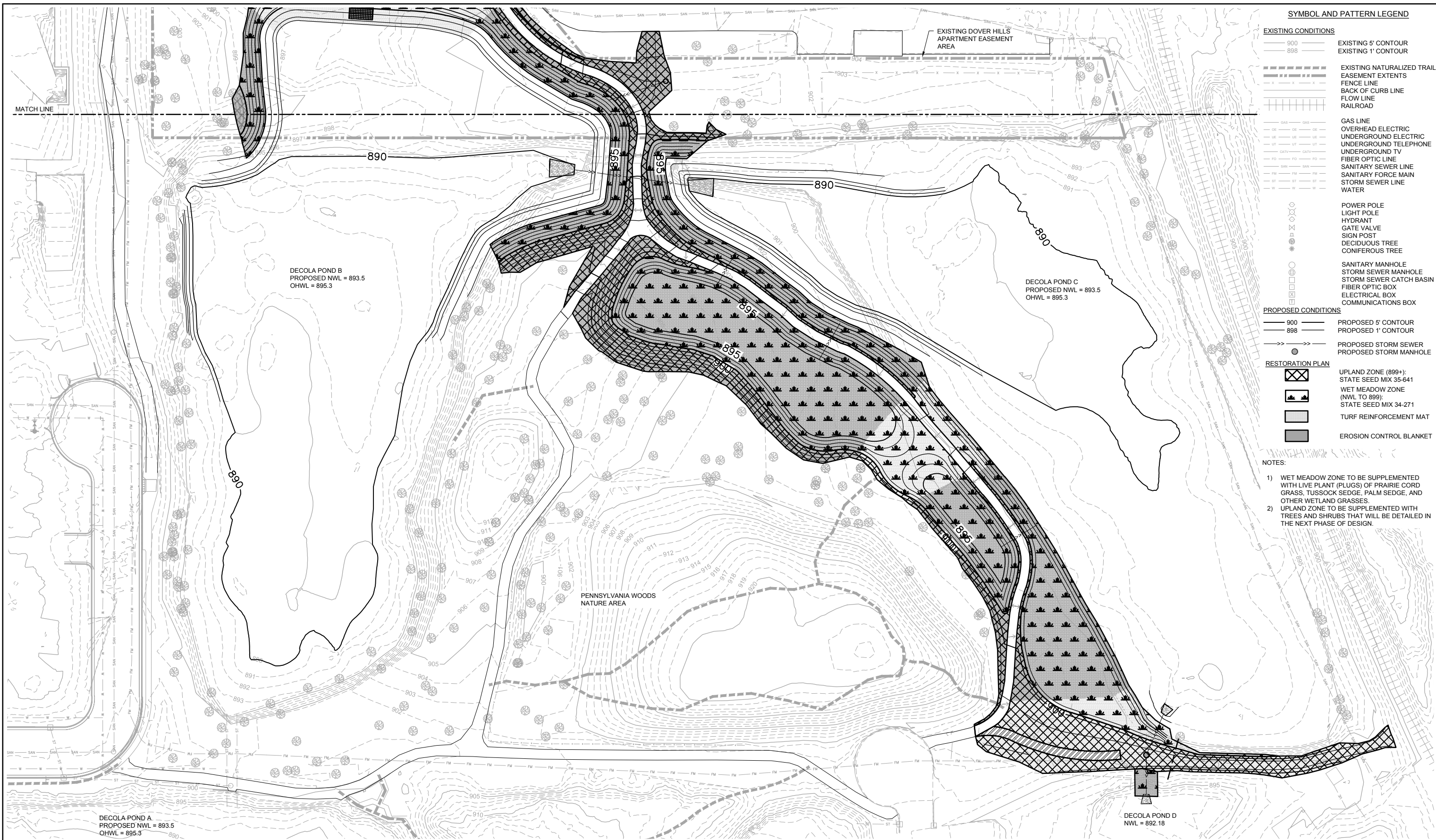
- NOTES:**
- 1) WET MEADOW ZONE TO BE SUPPLEMENTED WITH LIVE PLANT (PLUGS) OF PRAIRIE CORD GRASS, TUSSOCK SEDGE, PALM SEDGE, AND OTHER WETLAND GRASSES.
 - 2) UPLAND ZONE TO BE SUPPLEMENTED WITH TREES AND SHRUBS THAT WILL BE DETAILED IN THE NEXT PHASE OF DESIGN.

1 PLAN: RESTORATION - DOVER HILLS APARTMENTS' EASEMENT AREA
 1"=40'-0"
 SCALE IN FEET

50% DESIGN DRAFT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. PRINTED NAME: _____ SIGNATURE: _____ DATE: _____ LICENSE #: _____				CLIENT: BARR BID: CONSTRUCTION RELEASED TO/OF: A B C 0 1 2 3 DATE RELEASED: _____				 Corporate Headquarters: Minneapolis, Minnesota Ph: 1-800-632-2277		 CITY OF GOLDEN VALLEY GOLDEN VALLEY, MN		Scale: AS SHOWN Date: 01/29/2019 Drawn: KJN2 Checked: JAK2 Designed: FJR Approved: KAL		BARR PROJECT No. 23/27-1677.00 CLIENT PROJECT No. #18-06 DWG. No. L-01 REV. No. A	
NO.	BY	CHK	APP	DATE	REVISION DESCRIPTION							DECOLA PONDS B&C IMPROVEMENT PROJECT RESTORATION AND LANDSCAPE PLAN DOVER HILLS APARTMENT EASEMENT AREA			

CADD USER: Katie J. Turpin-Negel FILE: M:\DESIGN\23271677_002327167700_L-02_RESTORETION\PLAN_DECOLAB_C.DWG PLOT SCALE: 1:25000 DATE: 1/29/2019 9:34 AM



SYMBOL AND PATTERN LEGEND

EXISTING CONDITIONS	
900	EXISTING 5' CONTOUR
898	EXISTING 1' CONTOUR
(Dashed line)	EXISTING NATURALIZED TRAIL EASEMENT EXTENTS
(Dashed line)	FENCE LINE
(Dashed line)	BACK OF CURB LINE
(Dashed line)	FLOW LINE
(Dashed line)	RAILROAD
(Dashed line)	GAS LINE
(Dashed line)	OVERHEAD ELECTRIC
(Dashed line)	UNDERGROUND ELECTRIC
(Dashed line)	UNDERGROUND TELEPHONE
(Dashed line)	UNDERGROUND TV
(Dashed line)	FIBER OPTIC LINE
(Dashed line)	SANITARY SEWER LINE
(Dashed line)	SANITARY FORCE MAIN
(Dashed line)	STORM SEWER LINE
(Dashed line)	WATER
(Circle with cross)	POWER POLE
(Circle with cross)	LIGHT POLE
(Circle with cross)	HYDRANT
(Circle with cross)	GATE VALVE
(Circle with cross)	SIGN POST
(Circle with cross)	DECIDUOUS TREE
(Circle with cross)	CONIFEROUS TREE
(Circle with cross)	SANITARY MANHOLE
(Circle with cross)	STORM SEWER MANHOLE
(Circle with cross)	STORM SEWER CATCH BASIN
(Circle with cross)	FIBER OPTIC BOX
(Circle with cross)	ELECTRICAL BOX
(Circle with cross)	COMMUNICATIONS BOX
PROPOSED CONDITIONS	
900	PROPOSED 5' CONTOUR
898	PROPOSED 1' CONTOUR
(Dashed line)	PROPOSED STORM SEWER
(Circle with cross)	PROPOSED STORM MANHOLE
RESTORATION PLAN	
(Cross-hatch pattern)	UPLAND ZONE (899+): STATE SEED MIX 35-641
(Plant pattern)	WET MEADOW ZONE (NWL TO 899): STATE SEED MIX 34-271
(Stippled pattern)	TURF REINFORCEMENT MAT
(Solid grey)	EROSION CONTROL BLANKET

- NOTES:**
- 1) WET MEADOW ZONE TO BE SUPPLEMENTED WITH LIVE PLANT (PLUGS) OF PRAIRIE CORD GRASS, TUSSOCK SEDGE, PALM SEDGE, AND OTHER WETLAND GRASSES.
 - 2) UPLAND ZONE TO BE SUPPLEMENTED WITH TREES AND SHRUBS THAT WILL BE DETAILED IN THE NEXT PHASE OF DESIGN.

1 PLAN: RESTORATION - DECOLA PONDS B AND C
1"=40'-0"

0 40 80
SCALE IN FEET

50% DESIGN DRAFT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. PRINTED NAME: _____ SIGNATURE: _____ DATE: _____ LICENSE #: _____				CLIENT: _____ BID: _____ CONSTRUCTION: _____ RELEASED TO/FOR: _____ DATE RELEASED: _____				 Corporate Headquarters: Minneapolis, Minnesota Ph: 1-800-632-2277		Scale: AS SHOWN Date: 01/29/2019 Drawn: KJN2 Checked: JAK2 Designed: FJR Approved: KAL		CITY OF GOLDEN VALLEY GOLDEN VALLEY, MN		DECOLA PONDS B&C IMPROVEMENT PROJECT RESTORATION AND LANDSCAPE PLAN DECOLA PONDS B & C		BARR PROJECT No. 23/27-1677.00 CLIENT PROJECT No. #18-06 DWG. No. L-02 REV. No. A	
NO.	BY	CHK.	APP.	DATE	REVISION DESCRIPTION	A	B	C	0	1	2	3					



CITY of CRYSTAL

4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • www.crystalmn.gov

February 14, 2019

Laura Jester
Administrator
Bassett Creek Watershed Management Commission
16145 Hillcrest Lane
Eden Prairie, MN 55436

RE: Winnetka pond sediment removal project - update

Dear Ms. Jester,

Please find attached the information from Barr Engineering regarding the contaminated material that has been found now that sediment removal has been started on the Winnetka Pond Project. The project will be incurring additional costs to remove the contaminated material. The City has committed \$25,000 to this effort, plus an additional \$9,050 in BCWMC channel maintenance funds. The City is requesting an additional \$114,301 for the project from the BCWMC closed CIP project account.

This project is being constructed by the city per the cooperative agreement between the City of Crystal and the BCWMC. I am requesting that this project be included with the Commission packet for the February 2019 regular meeting. City staff and the project design engineer will be at the meeting to provide an update on the project and answer any questions.

If you have any questions or need any additional information, please contact me at mark.ray@crystalmn.gov or 763-531-1160.

Sincerely,

Mark Ray, PE
Director of Public Works

February 14, 2019

Mr. Mark Ray, P.E.
Director of Public Works
4141 Douglas Dr. N.
Crystal, MN, 55422-1696

**Re: Request for additional funding from the Bassett Creek Watershed Management Commission
Winnetka Pond Dredging Project – City of Crystal Project 2018-04**

Dear Mr. Ray:

This letter provides background and supporting information to accompany the city's request for additional funding from the Bassett Creek Watershed Management Commission (BCWMC).

Summary

The BCWMC is funding the Winnetka Pond Dredging Project (BCWMC CIP project BCP-2: Bassett Creek Park Pond Phase I Dredging Project) through a 2018 ad valorem levy (via Hennepin County). Per the cooperative agreement between the City of Crystal and the BCWMC, the city is to construct the project, with the BCWMC reimbursing the city for total project costs not exceeding \$1,000,000. Due to the discovery of contamination during project construction, an additional \$148,351 is needed to complete the project as designed (see Table 1). We recommend the city request \$114,301 in additional funding from the BCWMC's CIP closed project account or other sources and \$9,050 from the city's remaining allocated BCWMC channel maintenance funds to cover the additional construction and engineering costs to complete full construction of the project. We also understand that the city will allocate \$25,000 of its funds to the additional construction costs.

Background and supporting information

In September 2016, Winnetka Pond sediments were sampled as part of the BCWMC feasibility study for the CIP project. The sampling was performed in accordance with MPCA Best Management Practice (BMP) Guidance for Managing Stormwater Sediments (MPCA, 2015). Based on the size of the pond, the MPCA guidance recommended collecting and analyzing 3 samples of accumulated stormwater pond sediments (i.e., not native pond sediment) for PAHs, arsenic, and copper, as well as other contaminants that may have accumulated in the sediments based on the potential for a release from commercial or industrial operations near the pond. Field screening for evidence of contamination was completed during the sampling and no odors, oily sheen, or discoloration were observed. The field screening results indicated no analysis of Diesel Range Organics (DRO) or Gasoline Range Organics (GRO) or other chemicals was warranted. The laboratory results and field observations during the 2016 sediment sampling indicated the sediments met MPCA Unregulated Fill criteria, and could be managed as such and reused at offsite properties, as noted in the BCWMC feasibility study. Figure 1 shows the 2016 sampling locations (WPE-01, WPE-02 and WPE-03).

While it is common practice to analyze for DRO during a soil investigation at a contaminated property, DRO analysis is not required or recommended for stormwater pond sediment characterization (MPCA, 2015). The initial sediment characterization in 2016 followed the MPCA guidance, and based on the results

of the initial investigation and MPCA records, there was no reason to suspect significant DRO impacts would be present.

At their September 2017 meeting, the BCWMC ordered construction of the Winnetka Pond dredging project and entered into an agreement with the City of Crystal for design and construction of the project. The City of Crystal retained Barr Engineering Co. to design the project. In December 2018, the city executed a contract with Veit Construction to construct the project; the contract amount was \$525,617.50.

On January 3, 2019, Veit's subcontractor began tree removal work. Veit's work on the site started on January 21, 2019, when the contractor began grading the access road and excavating the pond. On January 22, 2019, Veit observed potential petroleum-related contamination in the southeast corner of the pond, in the rock layer adjacent to the storm water outlet structure. Barr staff mobilized to the site and completed field screening, and noted a rainbow sheen and strong petroleum odor in the impacted materials. The gravel/silty material by the outlet structure was also black in color and exhibited a volatile organic headspace reading of 12.5 parts per million (ppm), greater than the Minnesota Pollution Control Agency's (MPCA's) guideline of 10 ppm for Unregulated Fill.

A sample of the most noticeably impacted material near the outlet structure (WPE-04) was collected and submitted to the lab for chemical analysis of gasoline range organics (GRO), diesel range organics (DRO), volatile organic compounds (VOCs), RCRA metals, and polycyclic aromatic hydrocarbons (PAHs), to characterize the type and level of contamination. The results indicated a DRO concentration above the limit of 100 milligrams per kilogram (mg/kg) for Unregulated Fill. PAHs were detected at concentrations below Unregulated Fill criteria. RCRA metals concentrations were below criteria and VOCs were not detected above reporting limits. Based on the analytical results of sample WPE-04 (see Figure 1) and the generally low volatile content, the impacts consist of heavier weight organic compounds characteristic of an aged petroleum product.

Barr reported the release (on behalf of the city) to the Minnesota Pollution Control Agency (MPCA) Duty Officer on January 24, 2019 (report number 180334).

The original source of the contamination is unknown, but the contamination in the pond sediments near the outlet structure appears to have emanated from a layer of gravel pipe bedding in the abandoned and existing stormwater pipe trench in the southeast corner of the pond (see Figure 1). A pathway for the petroleum impacts to have migrated from documented release sites present around the area to the storm sewer trench has not been identified. Other unknowns include when the release occurred, the chemical that was spilled, how far it extends through the sewer line south of the pond, and whether it was deliberate dumping (e.g., into an open excavation) or from a known release from offsite. As noted above, the contamination is characteristic of an "aged petroleum product" which suggests the spill may have occurred many years/decades ago.

In addition to the initial sample collected near the outlet on January 22, 2019 (WPE-04), additional test pits were excavated on January 24, February 1, and February 6, 2019 to assess the extent of the impacts in the pond sediments (see Figure 1). Sample analysis was completed at multiple intervals of increasing radial distance from the outlet structure to determine the extent of the contaminated soil. After multiple rounds of analysis with DRO concentrations above the limit for Unregulated Fill, it appeared that DRO contamination could be present throughout the pond. A final round of sampling and analysis was completed on a pond-wide scale, which allowed for the delineation of two areas of contamination— 1) at the stormwater outlet structure where the petroleum impacts were first discovered and extending up to 150 feet north/northwest from the outlet; and 2) near the southern pond inlet where there was a DRO concentration of 153 mg/kg. PAHs were detected in the samples analyzed, but at concentrations below MPCA criteria for Unregulated Fill. In addition to identifying the extent horizontally, test results also

supported that the DRO contamination was only present in the top 2 feet of pond sediments. Figure 2 shows the test results and the areas where excavated accumulated sediment (top 2 feet) must be landfilled and where excavated material is Unregulated Fill.

The discovery, delineation, and management of contaminated soil created significant challenges and delays for construction. The location of the contamination (near the outlet structure) created significant challenges for the control of water within the pond. The contractor contained the contaminated water near the outlet using sand bags and earthen cofferdams to prevent a release to the storm sewer (and Bassett Creek).

The highly impacted rock layer extended under the existing concrete outlet structure. Originally, only a portion of the structure, the concrete weir, was planned to be replaced. However, the complete removal of the structure was required to remove the contamination. Once the outlet structure was removed, the contractor could completely remove the underlying contaminated rock layer, except where it extended under a section of storm sewer pipe that is to remain in place. Due to the location of the existing manhole, sidewalk, and utilities, it was not feasible to "chase" the contamination any further into the bank. At the face of the remaining rock layer, the contractor placed an impermeable clay liner to prevent additional contamination from seeping into the pond. The contractor completed backfilling this area and will rebuild the outlet structure to the original design.

The extra environmental work to investigate and manage contaminated water and soil has increased the construction cost. The contractor can no longer use/dispose of all of the excavated material as Unregulated Fill; rather, the contractor must dispose of the contaminated soil at a landfill, which is significantly more expensive. Based on the volume and increased unit price of contaminated soil, the city cannot complete the excavation of the pond to the 6-foot design depth without additional funding.

Barr worked with the city and the contractor to develop a plan for successful project completion. Any further schedule delays could pose significant weather risks to the project. Due to schedule and other factors, the city decided to proceed with the full 6-foot excavation starting near the east side of the pond. If additional funding cannot be secured, we recommend that the city reduce the pond excavation depth to stay within the original budget. The resultant average pond excavation depth would be approximately 4 feet, with the depth varying from 6 feet at the east end to a minimum of 2 feet at the west end. In this case, the contractor will remove all contaminated accumulated sediment and dispose of the material at a landfill. However, the reduced pond depth would mean less sediment storage, less total phosphorus removal, and future dredging required at an earlier date.

Although the additional pond sediment testing and analysis cost more initially, it ultimately saved on additional construction costs because the delineation between unregulated and contaminated material meant that a significant portion of the excavated accumulated sediment will not require landfill disposal (i.e., it can be used/disposed of as Unregulated Fill at a lower cost).

In addition to the extra work required to investigate and manage the contamination, an environmental report must be completed and coordination/communication with the MPCA must continue.

Budget

The table below summarizes the original budget, BCWMC costs, construction costs, additional costs resulting from the contamination, and the additional funding needed/requested:

Table 1 Summary of budget and project costs

Item Description	Cost
Original Budget	\$ 1,000,000.00
Feasibility Study and Other BCWMC Costs	\$ (61,500.00)
BCWMC 2.5% Administrative Costs	\$ (25,000.00)
Budget Available for Construction	\$ 913,500.00
Original Construction Contract Price	\$ (525,617.50)
Estimated Construction Contract Price Adjustments (Known)	\$ 37,642.38
Contaminated Soil Disposal Costs	\$ (306,376.00)
Estimated Contingency (Future Construction Change Orders)	\$ (50,000.00)
Current Engineering Fees	\$ (107,500.00)
Estimated Additional Engineering Fees	\$ (65,000.00)
Future Native Buffer Restoration (Under Separate Contract)	\$ (45,000.00)
Total Project Construction Costs	\$ (1,061,851.12)
Amount Over Budget	\$ (148,351.12)
Additional City Contribution to Project	\$ 25,000.00
BCWMC Channel Maintenance Funds (Requested)	\$ 9,050.00
Subtotal Additional Funding Currently Available	\$ 34,050.00
TOTAL Additional Funding Needed/Requested	\$ (114,301.12)

Recommendations

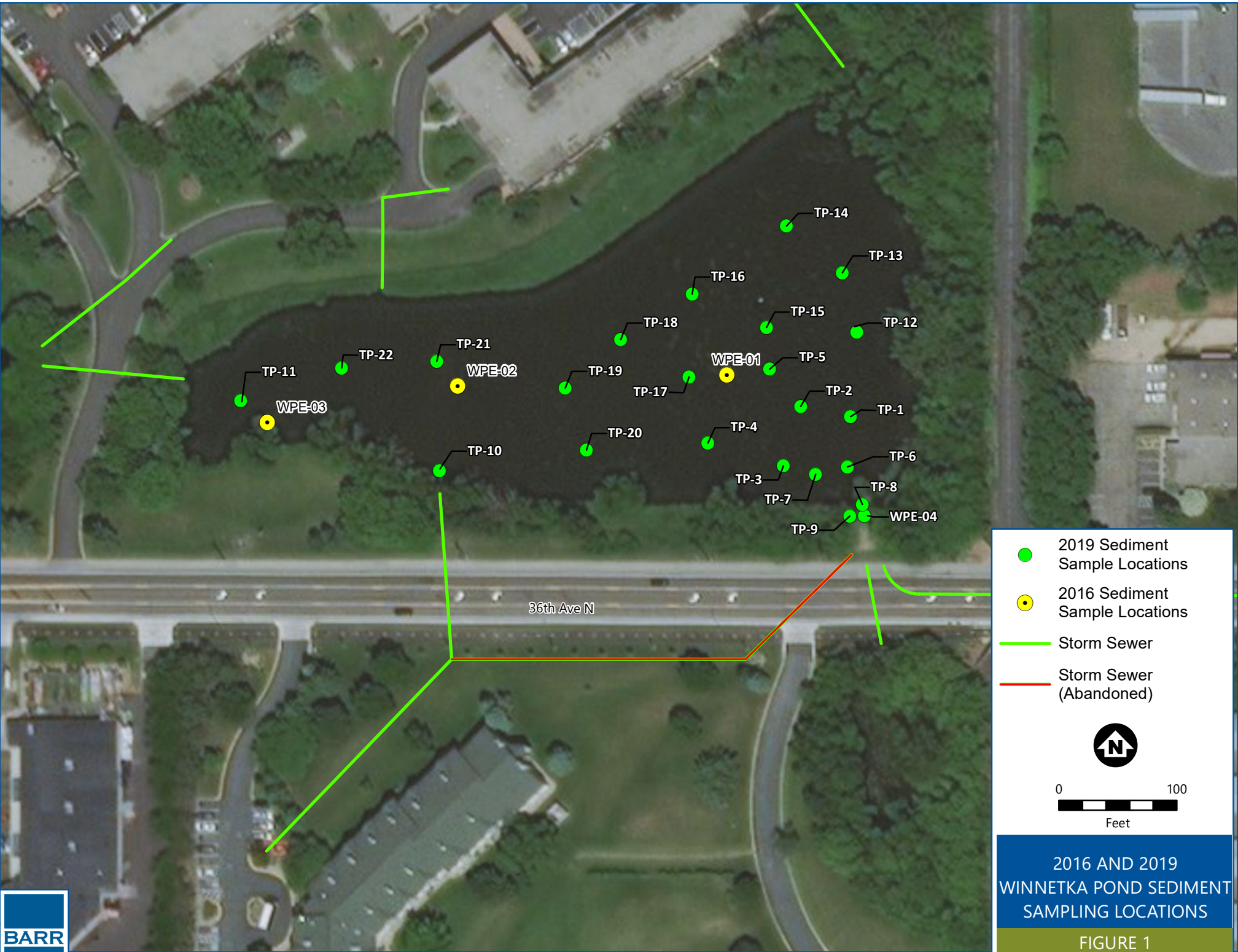
We recommend that the city 1) request the BCWMC approve use of the city's remaining allocated BCWMC channel maintenance funds (\$9,050) to help offset additional costs, 2) request an additional \$114,301 in funding from the BCWMC's CIP closed project account or other sources to complete this project, and 3) if the BCWMC approves the additional CIP funding, execute a revised agreement with the BCWMC, as required.

If you have any questions, please contact me at 952-832-2813 or kchandler@barr.com.

Sincerely,



Karen L. Chandler, P.E.
Vice President



2016 AND 2019
WINNETKA POND SEDIMENT
SAMPLING LOCATIONS
FIGURE 1

- UNREGULATED FILL
- DRO CONTAMINATED SOIL
- 880 — PROPOSED MAJOR CONTOUR
- 879 — PROPOSED MINOR CONTOUR
- TP-XX
52.60 2019 SAMPLE LOCATION
DRO CONCENTRATION (mg/kg)
- WPE-0X 2016 SAMPLE LOCATION
- NOTE: WPE-04 WAS SAMPLED IN 2019



1 PLAN: EXCAVATION PLAN 0 20 40 SCALE IN FEET

NO.	BY	CHK.	APP.	DATE	REVISION DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINTED NAME: PATRICK BROCKAMP
SIGNATURE: _____
DATE: _____ LICENSE # _____

CLIENT							
BID							
CONSTRUCTION							
RELEASED TO/FOR	A	B	C	0	1	2	3
DATE RELEASED							

BARR Engineering Co.
Project Office:
BARR ENGINEERING CO.
4300 MARKETPOINTE DRIVE
Suite 200
MINNEAPOLIS, MN 55435
Corporate Headquarters:
Minneapolis, Minnesota
Ph: 1-800-632-2277
Ph: (952) 832-2601
www.barr.com

Scale	AS SHOWN
Date	02/13/2019
Drawn	PEB
Checked	JLB3
Designed	PEB
Approved	KLC

CITY OF CRYSTAL
CRYSTAL, MINNESOTA

WINNETKA POND
DREDGING PROJECT
EXCAVATION PLAN

BARR PROJECT No.	23/27-1622.00
CLIENT PROJECT No.	2018-04
DWG. No.	FIGURE 2
REV. No.	C

CADD USER: PATRICK E. BROCKAMP FILE: M:\DESIGN\23271622_00\2327162200_EXCAVATION PLAN.DWG PLOT SCALE: 1:2 PLOT DATE: 2/14/2019 11:43 AM

**AGREEMENT FOR ENGINEERING SERVICES FOR BASSETT CREEK VALLEY-
FLOODPLAIN AND STORMWATER MANAGEMENT STUDY**

THIS AGREEMENT (“Agreement”) is made and entered into this 21st day of February, 2019

Between: Bassett Creek Watershed Management Commission
4300 MarketPointe Drive, Suite 200
Minneapolis, MN 55435
(hereinafter called “CLIENT”)

And: Wenck Associates, Inc.
1800 Pioneer Creek Center
P.O. Box 249
Maple Plain, Minnesota 55359-0249
(hereinafter called “WENCK”)

(and together “the Parties”)

Witnesseth that the Parties hereto agree, each with the other, as follows:

1. PROJECT
This Agreement pertains to the provision of engineering services for the Bassett Creek Valley - Floodplain and Stormwater Management Study (the “Project”).
2. SCOPE OF SERVICES
The services to be performed by WENCK for the Project are set forth in WENCK’s proposal referred to as the “Bassett Creek Valley - Floodplain and Stormwater Management Study” (collectively, the “Services”). Said proposal is attached hereto as Exhibit A and is fully incorporated into this Agreement. The Services may be modified by a written, mutually agreeable Change Order signed by both Parties. WENCK shall provide the Services as an independent contractor.
3. COMPENSATION
Compensation shall be paid for the Services actually provided in accordance with the WENCK’s proposal but in no event shall the total compensation exceed \$97,170. The Project will be invoiced on a monthly basis for professional time completed and expenses incurred with a 0% mark-up. Invoices shall contain a detailed list of project labor and hours, rates, titles, and amounts undertaken by WENCK during the invoiced billing period. WENCK shall secure the CLIENT’s written approval before making any expenditures, purchases, or commitments on the CLIENT’s behalf beyond those that fall within the scope of Services contained herein. Invoices are to be paid within 45 days of receipt of the invoice.
4. TERM
WENCK will commence the Services beginning March 1, 2019 and provide appropriate expertise and will proceed with due diligence until completion of the project expected July 18, 2019.

5. TERMINATION

This Agreement may be terminated by CLIENT upon 5 days' notice in writing to WENCK. CLIENT shall pay to WENCK all amounts, including all expenses and other applicable charges, payable under this Agreement as of the termination date.

6. STANDARD OF CARE/INDEMNITY WENCK will provide:

- A. The standards of care, skill and diligence normally provided by a professional in the performance of the Services contemplated by this Agreement.
- B. Wenck agrees to indemnify and hold CLIENT harmless from any claim, cause of action, demand or other liability of any nature or kind (including the costs of reasonable attorney's fees and expert witness fees) arising out of any negligent act or omission of Wenck or any subcontractor of Wenck in connection with the Services performed under the terms of this Agreement. Nothing herein shall be deemed a waiver by CLIENT of any limitations or exemptions from liability available to it under Minnesota Statutes, chapter 466 or other law.
- C. WENCK shall, during the entire term of this Agreement, maintain commercial general liability insurance and professional liability insurance, each with a policy limit of at least \$1,000,000. WENCK shall have CLIENT named as an additional insured on WENCK's commercial general liability policy. WENCK shall provide CLIENT a certificate of insurance showing proof of such coverages.

7. INDEPENDENT CONTRACTOR

WENCK shall be deemed an independent contractor. WENCK's duties will be performed with the understanding that it has special expertise as to the Services which it is to perform and is customarily engaged in the independent performance of the same or similar services for others. All required equipment and personnel shall be provided or contracted for by WENCK. The manner in which the services are performed shall be controlled by WENCK; provided, however, that the nature of the Services and the results to be achieved shall be specified by the CLIENT. The Parties agree that this is not a joint venture and the Parties are not co-partners. WENCK is not to be deemed an employee or agent of the CLIENT and has no authority to make any binding commitments or obligations on behalf of the CLIENT except to the extent expressly provided herein. All services provided by WENCK pursuant to this Agreement shall be provided as an independent contractor and not as an employee of the CLIENT for any purpose, including but not limited to: income tax withholding, workers' compensation, unemployment compensation, FICA taxes, liability for torts and eligibility for employee benefits.

8. DISPUTE RESOLUTION/GOVERNING LAW

If a dispute arises out of or in connection with this Agreement or the breach thereof, the Parties will attempt to settle the dispute by negotiation before commencing legal action. The governing law shall be the law of the State of Minnesota.

9. NOTICE AND OFFICIALS

WENCK will appoint a Project Manager who shall be in charge of the Project for WENCK. CLIENT shall designate in writing an official who shall be authorized to act for the CLIENT. The Project Manager appointed by WENCK shall maintain close contact with the authorized representative

of CLIENT. All notices to WENCK, including without limitation, those concerning changes in the scope of Services shall be directed in writing to the appointed Project Manager at the address shown above. Notices to CLIENT shall be directed in writing to CLIENT at the address of CLIENT shown above or to such other address as the CLIENT may designate in writing.

10. MISCELLANEOUS

This Agreement: i) constitutes the entire agreement between the Parties; ii) supersedes any previous representations or agreements between the Parties with respect to the Service; iii) may be modified or amended only in a writing signed by both Parties; and iv) shall inure to the benefit of and be binding upon the Parties, their respective permitted successors and assigns. Neither Party may assign this Agreement in whole or in part without the express written consent of the other Party. Nothing in this Agreement is to be construed to create any rights in any third party (including without limitation vendors and contractors working on the Project whether as third party beneficiaries or otherwise. WENCK shall comply with all applicable laws, rules, and regulations in providing the Services. WENCK agrees to comply with the Minnesota Data Practices Act with respect all data created, collected, received, stored, used, maintained, or disseminated by WENCK in the course of providing Services under this Agreement. This Agreement does not require data on individuals to be made available to WENCK. The books, records, documents, and accounting procedures of WENCK related to the Services are subject to examination by CLIENT and either the legislative auditor or the state auditor, as appropriate, for a minimum of six years.

IN WITNESS WHEREOF the parties have duly executed this Agreement.

“CLIENT”
Bassett Creek Watershed
Management Commission

“WENCK”
Wenck Associates, Inc.

By: _____
Its Chair

By: _____

Its Secretary

Its:

EXHIBIT A

Project Proposal

[See Item 6Cii]



Responsive partner.
Exceptional outcomes.

Item 6Cii.
BCWMC 2-21-19

February 11, 2019

Laura Jester, Watershed Administrator

Bassett Creek Watershed Management
Commission
16145 Hillcrest Lane
Eden Prairie, MN 55346

Re: Bassett Creek Valley - Floodplain and Stormwater Management Study

Dear Ms. Jester:

Wenck Associates, Inc. (Wenck) is pleased to present this proposal to perform a Floodplain and Stormwater Management Study for the Bassett Creek Valley Development area in Minneapolis, MN. The objective of this study is to evaluate options to unlock the potential in natural resources, recreation, and redevelopment by integrating floodplain and stormwater management into a regional solution for the area.

It is our understanding that the Bassett Creek Valley (BCV) development area is bound by Cedar Lake Road on the west, I-94 on the east, Heritage Park redevelopment area on the north and I-394 on the south and is approximately 230 acres. The area of focus for the floodplain mitigation options may be within the same north and south BCV boundary but extended further to the west to Glenwood Ave and east to the tunnel. These areas are collectively known as the corridor. See attached Figure for BCV boundary area and Floodplain Study area. Our proposed project tasks and costs are described below.

Scope of Work

Task 1 – Establish Guiding Principles

It is understood the technical analysis of this study will be around floodplain management and stormwater treatment, however as options are developed and evaluated establishment of guiding principles will be critical to providing recommendations to move forward.

The outcome of this task will be to establish guiding principles in evaluating alternatives, i.e. maximizing connectivity to the corridor, increase flood resiliency, improve stormwater management, facilitate redevelopment. Written documentation of these principles for all partners to build around will help further guide analysis in the subsequent tasks.

It is recommended that this task be started through email. If a common consensus cannot be obtained through emails, a meeting is then recommended.

Task 2 – Data Acquisition and Review

Wenck will compile and integrate relevant data for the BCV around the guiding principles. This includes the following items:

- ▲ XP-SWMM and P8 models and supporting files (GIS, LiDAR, Storm sewer, Pipesheds, etc.)
 - Bassett Creek WMC models for regional floodplain and water quality analysis
 - City of Minneapolis models for BCV stormwater drainage area analysis and water quality analysis
- ▲ City of Minneapolis’s 2040 Plans for area of interest along with CPED’s area specific plans
- ▲ Bassett Creek Watershed Management Commission Watershed Management Plan and associated implementation projects and strategies
- ▲ Minneapolis Park and Recreation Board North Service Area Master Plan
- ▲ Parcel Ownership in the corridor (current and potential changes)
- ▲ Any potential redevelopment opportunities within corridor
- ▲ Existing BMPs not in the model
- ▲ Draft of Blue Line and Green Line Light Rail plans

Assumption:

We assume if survey data is needed as a part of this study the City of Minneapolis will be able to provide the data.

Task 3 – Quantify Floodplain Impacts and Stormwater Treatment

XP-SWMM models, P8 models and land-use information provided by partners in Task 2 will be used to determine the floodplain volumes and stormwater treatment needs within the BCV Development area and upstream corridor.

The management options for floodplain will be determined with the creation and removal of storage within the XP-SWMM model. A sensitivity analysis will be performed to determine how far upstream the creation of floodplain storage will have an impact on floodplain within the BCV area.

Wenck will identify ten to fifteen storage locations in or adjacent to the corridor that will maximize best use of parkland, transportation corridors and development within the Bassett Creek Valley Development. Wenck will also review potential influences of floodplain storage on adjacent parcels and existing stormsewer systems to ensure no adverse impacts.

The BCWMC’s P8 model will be used to determine the stormwater treatment provided by the proposed floodplain storage options. The City’s P8 model will be leveraged to compare the results of the BCWMC P8 model for stormwater treatment levels on the BCV’s local drainage area.

Stormwater treatment needs will be identified to ensure improvement of water quality entering Bassett Creek and old Bassett Creek Tunnel. Current and future land use identified in the 2040 Plan will be used to determine stormwater needs in the direct drainage area. Identifying the stormwater treatment capacity of the identified floodplain storage locations will promote more flexibility in a regional design within the development corridor.

Bassett Creek WMC and City of Minneapolis requirements for water quality, rate control and volume retention will be used as a basis for the analysis. The current assumption is that infiltration will not be utilized on site due to soil and groundwater contamination.

The outcome of this task will be to identify necessary floodplain storage volumes needed to influence floodplain boundaries in the BCV along with stormwater treatment requirements necessary to best achieve the guiding principles for the BCV.

Assumption:

A one-hour meeting will be held with the partners half way through Task 3 to ensure project direction and deliverables are in line with the guiding principles.

A review of the revised draft BCWMC models by BCWMC will be required prior to Task 4. It is assumed the review by BCMWC will be completed within 1 week of receiving the models.

The revised draft City models by the City will be required prior to Task 4. It is assumed the review by the City will be completed within 1 week of receiving the models.

Task 4 – Siting Analysis

Wenck will identify corridor parcels with the potential to reduce floodplain impacts and improve stormwater treatment based on the needs identified in Task 3. The parcels of interest in the corridor are assumed to have the following ownership: City of Minneapolis, Minneapolis Park & Recreation Board, Canadian Pacific Railroad, and other parcels known to be identified for redevelopment. Additional parcels in the surrounding area may be reviewed if deemed to have a potentially significant role in floodplain storage.

The outcome of this task will be the identification of parcels which provide the ability to align with the guiding principles of the corridor and serve as the basis of material to be presented in Task 5 Design Team Charette. A technical memo and/or figures will be provided to the partners prior to Task 5 charette.

Task 5 – Design Team Charette

After the completion of the initial analysis partners will be brought together to evaluate alternatives through a concept charette. The charette is intended to:

- ▲ Provide a summary of the technical analysis completed to date in memo form and figures
- ▲ Garner partner insight in advantages and tradeoffs of identified parcels.
- ▲ Identify hurdles to implementation (public support, regulatory, property ownership, soil contamination, construction timing).
- ▲ Cost estimates (high, middle, low ranking).
- ▲ Create alignment around guiding principles with potential solutions.

The outcome of the meeting will be a matrix of potential solutions and associated tradeoffs to be further evaluated and quantified.

Assumption:

The Design Team Charette is proposed to be four hours in length.

Task 6 – Alternative Assessments

Of the ten to fifteen storage options presented in Task 3, it is assumed that top eight options determined in Task 5 will be incorporated in the XP-SWMM and P8 models to determine impacts on the corridor (floodplain storage (ac-ft), stormwater treatment (TP, TSS, rate), area removed from floodplain (ac)).

Conceptual designs, cost estimates, regulatory requirements and implementation timelines will be determined for the eight alternatives along with identified tradeoffs necessary to implement. Providing clarity around these criteria is aimed at addressing potential timing needs as redevelopment occurs in BCV.

The outcome of this task will be the material to be presented in Task 7 Concept Meeting. A technical memo and/or figures will be provided to the partners prior to Task 7 meeting.

Assumption:

A one-hour meeting will be held with the partners half way through Task 6 to ensure project direction and deliverables are in line with the guiding principles.

A review of the revised BCWMC models by BCWMC will be required prior to Task 7. It is assumed the review by BCMWC will be completed within 1 week.

The revised draft City models by the City will be required prior to Task 7. It is assumed the review by the City will be completed within 1 week of receiving the models.

Task 7 – Corridor Alternative Refinement

Results from Tasks 1 – 6 will be reviewed and discussed with interested parties in a four-hour concept meeting. The meeting objective is to ensure alternatives are consistent with the City's, MPRB, Watershed and developers long term goals and guiding principles for the Development area. The items to be reviewed and discussed include:

- ▲ Provide a summary of the technical analysis completed to date.
- ▲ Summary of floodplain benefits and water quality benefits
- ▲ Timing needs between installation of alternatives and redevelopment.
- ▲ Concept renderings of various management options integrated into current Master Plans and focused on:
 - Connectivity potential of people, places and natural resources
 - Redevelopment flexibility through regional development approach
 - Overall natural resource enhancements and educational benefits
 - Achievement of guiding principles
- ▲ Conceptual cost estimates

Task 8 – Summary Memorandum

Through the feedback from Task 7 – Concept Meeting, Wenck will deliver a final technical memo which will summarize identified solutions and their capabilities of maximizing the guiding principles of the Bassett Creek Valley redevelopment. The memo will also identify potential funding options.

Assumption:

The BCV partners will be provided a draft of the Summary Memorandum for comments prior to finalizing the Memo. It is assumed the review by BCMWC will be completed within 1 week.

Task 9 – Presentation to the Bassett Creek Watershed Management Organization Board

A summary presentation of the study results will be presented at a regular meeting of the Bassett Creek WMC.

Schedule and Cost Estimate

It is assumed the start date for the project will be March 1, 2019 and the final memorandum will be completed by June 14, 2019. See the table for additional task completion dates.

Wenck will complete Tasks 1 – 9 discussed above for the fee listed in the table below.

TASK	TASK NAME	ESTIMATED COMPLETION DATE	ESTIMATED FEE
1	Establish Guiding Principles	3/15/19	\$2,820
2	Data Acquisition and Review	3/15/19	\$8,450
3	Quantify Floodplain Impacts and Stormwater Treatment	4/19/19	\$25,920
	1-Hr Meeting During Task 3*	4/5/19	Included in Task 3
4	Siting Analysis	4/19/19	\$6,810
5	Design Team Charette* (4-Hr)	4/26/19	\$10,160
6	Alternative Assessments	5/10/19	\$27,850
	1-Hr Meeting During Task 6*	5/3/19	Included in Task 6
7	Corridor Alternative Refinement* (4-Hr)	5/17/19	\$6,070
8	Summary Memorandum	6/21/19	\$7,250
9	Final Presentation to BCWMO Board	7/18/19	\$1,840
ESTIMATED TOTAL			\$97,170

* Meeting with interested parties will take place week of date listed

Bassett Creek Valley Development
February 11, 2019



Thank you for the opportunity to assist with this project. This is an exciting opportunity to transform and unlock the potential within the Bassett Creek Valley and we are excited to be a part of the project team. If you have any questions about our proposal, please contact me at 763-252-6844

Sincerely,

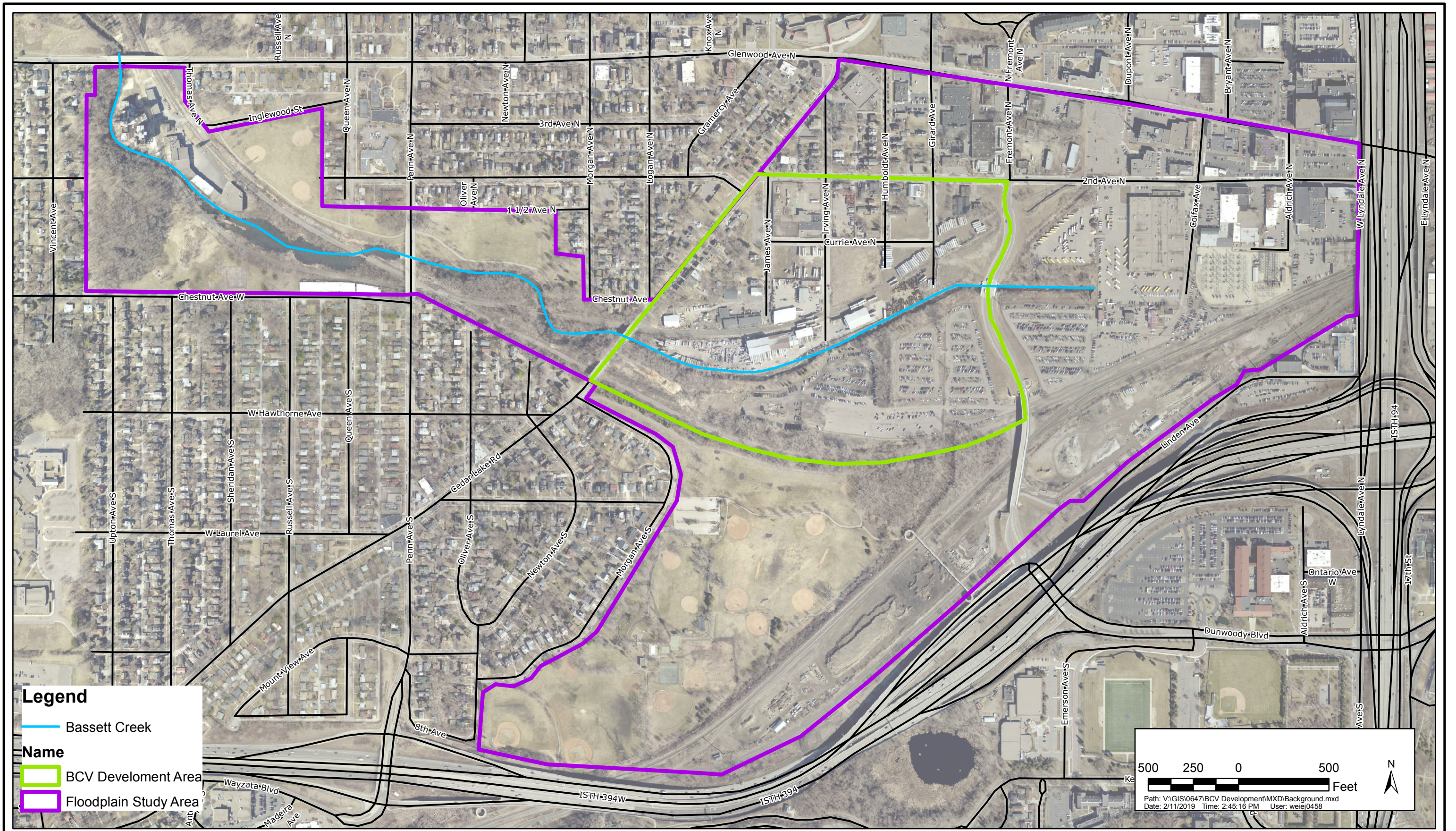
Wenck Associates, Inc.

A handwritten signature in blue ink, appearing to read 'CJM', written in a cursive style.

Chris Meehan, PE, CFM
Wenck Associates, Inc.

A handwritten signature in blue ink, appearing to read 'Eileen Weigel', written in a cursive style.

Eileen Weigel, PE
Wenck Associates, Inc.



BASSETT CREEK VALLEY DEVELOPMENT

Study Area



FEB 2019

Figure 1

(DRAFT) REIMBURSEMENT AGREEMENT

THIS REIMBURSEMENT AGREEMENT (the "Agreement"), dated this ___ day of _____, 2019, is between the Bassett Creek Watershed Management Commission, a Minnesota joint powers organization (the "Commission"), and the City of Minneapolis, a Minnesota municipal corporation (the "City"). The Commission and the City may be referred to collectively herein as the "Parties."

RECITALS

WHEREAS, the Parties each share a common interest in evaluating the options for incorporating natural resources, recreation, and redevelopment by integrating floodplain and stormwater management into a regional solution for the Bassett Creek Valley (the "Valley"), which is located within the City; and

WHEREAS, the City recently advocated for an engineering study related to floodplain and stormwater management within the Valley for the aforementioned purposes; and

WHEREAS, accordingly, by separate agreement, the Commission intends to engage Wenck Associates, Inc. ("Wenck") for the purpose of facilitating and conducting said engineering study (the "Services"); and

WHEREAS, separate from the Services provided by Wenck, the Commission's engineers will be actively involved in assisting with the study and reviewing and commenting on the results thereof; and

WHEREAS, in exchange for the Commission's procurement of the Services to be provided by Wenck and its own engineer's involvement with said Services, the City wishes to reimburse the Commission for the full cost of Wenck's Services and for a portion of the Commission's engineering expenses related thereto, all in accordance with the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the performance by the Parties of the terms herein and for other good and valuable consideration, the Commission and the City hereby covenant and agree as follows:

AGREEMENT

- 1. Commission's Procurement of Services.** The Commission hereby agrees to engage Wenck to provide the Services previously described herein. Pursuant to a separate agreement, the Commission agrees to limit Wenck's fees for the Services to \$97,170.00. The Commission shall be solely responsible for making full payments to Wenck in accordance with that separate agreement between the Commission and Wenck, and said payments shall be subject to full reimbursement by the City as provided for in Section 2 of this Agreement.

2. **Reimbursement for Wenck's Services.** The City agrees to reimburse the Commission for all fees charged by Wenck to complete the Services within 30 days of reimbursement requests submitted to the City by the Commission. At the City's request, the Commission shall provide copies of paid invoices as evidence of Wenck's fees.
3. **Reimbursement for Separate Engineering Fees.** The Parties each understand and acknowledge that the Commission's engineers will also be involved in assisting Wenck with conducting the study contemplated herein, including, but not limited to, coordinating and communicating with Wenck regarding its Services, assisting Wenck with its Services, and reviewing and commenting on Wenck's deliverables. The fees associated with these separate engineering services are not expected to exceed \$9,800.

The City agrees to reimburse the Commission for one-half of the fees incurred by the Commission for these separate engineering services as they relate to the Services; provided, however, that the Commission's total responsibility for said services shall be limited to \$2,000.00. Accordingly, to the extent that the fees for said services do not exceed \$4,000.00, the Parties will split the fees 50-50, and should the fees for these separate engineering services exceed \$4,000.00, the Commission's responsibility shall cap at \$2,000.00 and the City will be responsible for the remaining balance. The City agrees to reimburse the Commission for these fees within 30 days of reimbursement requests submitted to the City by the Commission. At the City's request, the Commission shall provide copies of paid invoices as evidence of these separate engineering fees.

4. **Term of Agreement.** This Agreement shall commence on the date of execution by both Parties and it shall remain in full force and effect until the completion of the Services and all reimbursement required herein is made by the City, at which point the Agreement shall immediately terminate. The Commission may also terminate this Agreement, upon written notice to the City, if it determines that it is unable to adequately procure the Services in accordance with the fee limitation contemplated in Section 1 of this Agreement.
5. **Entire Agreement.** This Agreement contains the complete agreement between the Parties and supersedes any previous oral agreements, representations and negotiations between the Parties regarding the subject matters of this Agreement. The Parties agree that there are no representations, warranties, collateral agreements or conditions affecting this Agreement except for those that are expressly provided herein.
6. **Assignment.** Neither party shall assign this Agreement without the written consent of the other party.
7. **Binding Effect.** This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their permitted successors and assigns.
8. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of Minnesota.

9. **Data Practices.** Any and all data created, collected, received, stored, used, maintained, or disseminated to either party pursuant to this Agreement shall be administered in accordance with, and is subject to the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.
10. **Counterparts.** This Agreement may be executed in more than one counterpart, each of which shall be deemed to be an original but all of which taken together shall be deemed a single instrument.
11. **Severability.** In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.
12. **Waiver.** The waiver by either party of a breach, default, delay or omission of any of the provisions of this Agreement by the other party will not be construed as a waiver of any subsequent breach of the same or other provisions.
13. **Incorporation of Recitals.** The Recitals set forth in the preamble to this Agreement are incorporated into this Agreement as if fully set forth herein.

IN WITNESS WHEREOF the Parties have duly affixed their signatures under hand and seal on this ____ day of _____, 2019.

THE COMMISSION:

By: _____
Its Chair

By: _____
Its Secretary

THE CITY:

By: _____

Its: _____

By: _____

Its: _____

Approved as to Form By:

By: _____
Assistant Minneapolis City Attorney



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners
From: Laura Jester, Administrator
Date: February 13, 2019

RE: 319 Grant Funds Available

Recommendation: Direct Commission staff to apply for 319 grant funds for up to \$700,000 for an alum treatment in Sweeney Lake and carp management in Schaper Pond.

Background: Applications are now being accepted for the [Federal "319 Grant" program](#) administered through the Minnesota Pollution Control Agency. Applications are due February 26th. The Commission Engineer, Greg Wilson, and I recommend that the Commission apply for these funds for an alum treatment in Sweeney Lake and carp management in Schaper Pond. We believe these two activities have the best chance of "flipping" the lake from a turbid, algae dominated lake to a clear, plant dominated lake. More information follows:

- 319 grant funds are only available for projects that address water quality issues in waterbodies with an approved TMDL (Sweeney Lake has an approved TMDL)
- 319 grant funds are rarely available for distinct water quality improvement projects; this may be the last opportunity to apply for these funds
- If awarded, funds are available for use spring 2020 – August 2022
- Commission Engineer estimates \$500,000 for the alum treatment (alum costs are on the rise)
- Commission Engineer estimates \$200,000 as very general high figure for carp management in Schaper Pond including modifying the outlet and removing carp (figure to be refined during grant application development)
- 40% local match is required (or \$280,000 of \$700,000 project)
- Local match could be added to BCWMC CIP for 2021
- Project may also score well for competitive Clean Water Funds and/or Hennepin County Opportunity Grant Funds

The TAC and the City of Golden Valley are in favor of applying for these funds and performing an alum treatment in Sweeney Lake and carp management in Schaper Pond if:

- Total project costs are not higher than \$700,000 and the Commission share is not higher than \$280,000.
- Project implementation does not impact CIP funding or schedule for other flood mitigation or water quality projects in Golden Valley
- Golden Valley's Finance Department approves adding this project to the City's CIP as it would add city costs to manage project, etc.

- The Commission and the city continue to engage with the Sweeney Lake residents and the Homeowners Association in 2019-2020, particularly with respect to expectations of water clarity vs. aquatic plant growth in the lake.
- The Commission continues to monitor the water quality of Schaper Pond and Sweeney Lake in 2019 and 2020 for additional information about water quality and trends.

Estimated costs to prepare the grant application = \$360 Administrator + \$1,500 Commission Engineer

Grant reporting may be paid through the grant or the local match.



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners
From: Laura Jester, Administrator
Date: February 12, 2019

RE: Recommendations from CIP Prioritization Committee and Technical Advisory Committee

Starting last April, the CIP Prioritization Committee met 6 times to determine if and how capital projects in the watershed can be further prioritized for targeted implementation so that 1) the best project gets built in the best location at the best time, 2) Commission goals and priorities are fully considered during project selection, and 3) commissioners and commission staff are more involved in the development of the 5-year CIP. The committee included several commissioners and alternate commissioners along with TAC members Eckman and Asche/Scharenbroich. Committee work included:

1. Reviewing current BCWMC policies and practices regarding the development of the 5-year CIP
2. Reviewing maps of where the "CIP gatekeeper questions" apply (Policy 110 in Watershed Plan)
3. Receiving a presentation from Minnehaha Creek WD to learn how they prioritize projects
4. Weighing the pros and cons of two different approaches including focusing only on certain geographic areas in pollution and flooding "hot spots," and/or using a matrix to quantitatively score the projects
5. Acknowledging that the extended timeline of the BCWMC 5-year CIP process makes it difficult to incorporate projects done in conjunction with private redevelopment, and that a project grant program should be considered in the future.

You can find committee meeting materials and meeting notes in the lower left of [this page](#).

CIP Prioritization Committee Recommendations: At their meeting in January, the CIP Prioritization Committee developed a recommendation for the TAC's consideration including:

1. The Commission use the **attached** matrix to score potential CIP projects to help the Commission prioritize projects for implementation. [READ MORE ABOUT THE MATRIX BELOW]
2. The Commission not use the outcome of the matrix as an absolute determination of whether a project should be added to the CIP list.
3. The Commissioners and Commission staff become more involved in the initial development of the 5-year CIP list by incorporating some or all of the following practices:
 - a. TAC members understand where the Commission is seeking projects and what type of projects the Commission is prioritizing.
 - b. Commission staff and TAC members develop, discuss, and give substantial thought (just short of analysis) to each project idea. This is likely to elongate the 5-year CIP development process. Project ideas should be brought forward and discussed in November or December of the year prior to 5-year CIP development.

- c. The Commission and TAC hold a joint workshop where potential concepts are discussed and presented. A joint decision would be made on what projects to consider for the 5-year CIP. [Alternatively, the Commission could create a CIP Committee to complete this initial process and bring recommendations to the full Commission.]
- d. The Commission and the individual TAC members understand each member cities' internal processes regarding redevelopments. When/how do TAC members hear about potential redevelopments? How does city staff work with redevelopers on stormwater management? What is the typical timeline from concept to approval/construction?
- e. City staff that are involved in redevelopments (from the beginning) also need to be aware of the potential for BCWMC participation in projects (this may require involvement by individual TAC members, at least in the beginning).
- f. If warranted, Commission staff (administrator and engineer) could be involved in key points in the cities' redevelopment processes. Depending on the redevelopment opportunity and the stage of the process, this could be a phone call, email or in-person meeting.

More About the Matrix and Map (attached):

The attached matrix includes scores for four completed CIP projects with information known at the time it was added to the 5-year CIP (PRE-PROJECT) and again after the project was complete (POST PROJECT). Pre-project information was based on the project fact sheet submitted during 5-year CIP development.

The CIP Prioritization Committee acknowledged that there are limitations to using the matrix, including 1) its use may inhibit good projects from being properly ranked because not enough information is known so early in the process (scores increased as much as 35% once the total project impact was known); and 2) it may promote "over promising" at the pre-project phase, if project components are included in the initial concept that cannot ultimately be incorporated. However, the committee also realized it may prompt the Commission and project proposers to more fully develop pre-project concepts. Overall, the committee (including TAC representatives on the committee) indicated the matrix is a useful screening tool that would help focus projects in areas of pollution hotspots and flooding hotspots, and would relay Commission priorities through the scoring.

Technical Advisory Committee Discussions:

The TAC met on February 4th and discussed the recommendations of the CIP Prioritization Committee, the scoring matrix and the pollutant hotspot map. They discussed the possibility of adding project cost or pollutant removal cost to the matrix and decided that a cost-related parameter could be part of the discussion when projects are considered but shouldn't be added to the matrix. There was further discussion about the various parameters and scoring levels within the matrix. It was noted that going forward, the pollutant and/or flooding hotspot map, more than the matrix, would be a useful screening tool for cities to determine where CIP projects might be most beneficial. There were also comments noting that subwatershed assessments might be helpful (such as those used in the Shingle Creek WMC), and that cities might opt to perform more feasibility study-level assessments in areas ripe for redevelopment (such as the Bassett Creek Valley Study).

Technical Advisory Committee Recommendations: At their meeting on February 4th, the TAC recommended that:

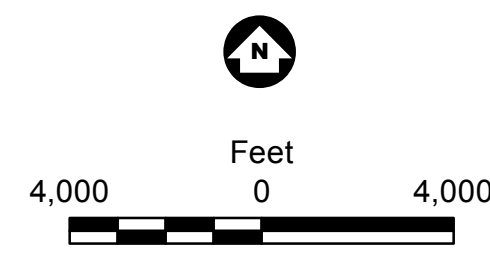
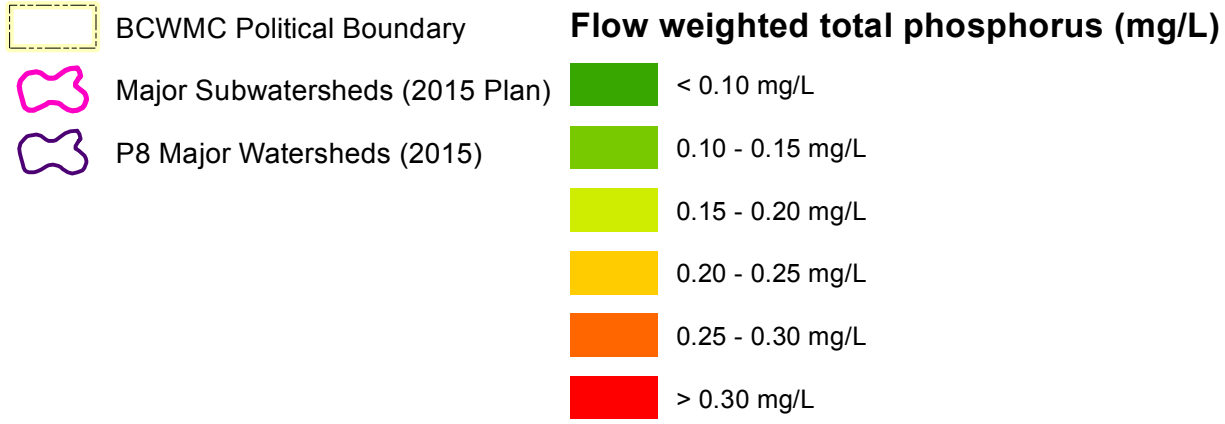
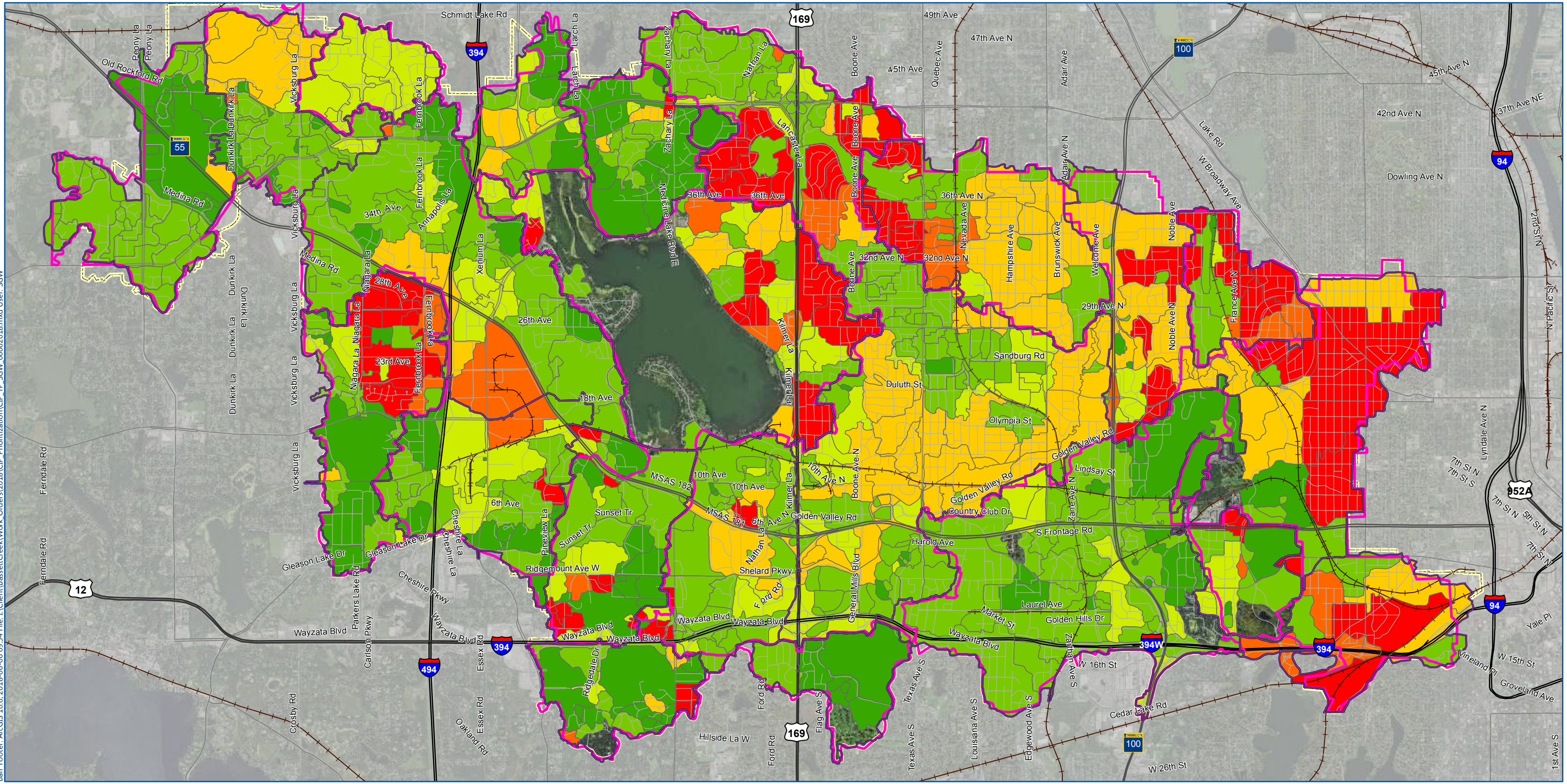
1. The CIP scoring matrix be used to help identify viable BCWMC CIP projects by ranking projects against each other;
2. The matrix, pollutant hotspot maps, and flood potential maps be used by city staff to focus potential CIP projects;
3. The CIP scoring matrix be revisited within the next 3 years to determine its usefulness and to revise, if needed;
4. Each year, the full Commission (rather than a separate committee) review and discuss the scored projects in order to develop the 5-year CIP;
5. The CIP scoring matrix be revised to include a range of points for the chloride reduction parameter: (1 point = reduction of impervious surface; 2 points = significant reduction of impervious surface; 3 points = project with the aim of reducing chlorides); and
6. The CIP scoring matrix be revised to remove the “total possible score (0 – 21.5)” from the matrix in the upper right.

At their February 4th meeting, the TAC also:

1. Elected Mark Ray as TAC Chair.
2. Reviewed the 2019 Channel Maintenance Fund availability memo.
3. Reviewed and briefly discussed the Model Contract for Winter Maintenance recently developed by the City of Edina. Administrator Jester noted that the Nine Mile Creek Watershed District (NMCWD) now requires new developments and redevelopments to prepare and use a similar winter maintenance plan/contract. TAC members noted the contract would be useful if the limited liability legislation passes and that the BCWMC should learn from the experiences of the NMCWD and others over the next couple years.
4. Received information about the availability of free winter maintenance and lawn care maintenance workshops.
5. Briefly discussed the Administrator’s recommendations that the BCWMC apply for a Federal 319 grant for an alum treatment in Sweeney Lake and carp management in Schaper Pond.

TAC meeting materials are available [here](#).

Barr Footer: ArcGIS 10.6, 2018-06-06 09:34 File: I:\Client\BassettCreek\Work_Orders\2018\CIP_Prioritization\CIP_TP_SGW_06062018.mxd User: SGW



Phosphorus data reflect flow weighted total phosphorus concentrations at subwatershed outlet and include treatment from existing BMPs.

Figure 5
CIP PRIORITIZATION

TOTAL PHOSPHORUS LOADING
FROM P8 MODEL
Bassett Creek Watershed
Management Commission

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION
RESOLUTION NO. 19-04

A RESOLUTION APPROVING THE LOCAL SURFACE WATER
MANAGEMENT PLAN PREPARED BY THE CITY OF ROBBINSDALE

WHEREAS, the Bassett Creek Watershed Management Commission (“Commission”) is a joint powers watershed management organization established in accordance with Minnesota Statutes, Section 103B.211; and

WHEREAS, the Commission has prepared a water management plan, which has been reviewed by all appropriate state and local agencies and has been approved by the Board of Water and Soil Resources; and

WHEREAS, the Commission’s water management plan and Minnesota Statutes require that local water management plans be prepared in accordance with Minnesota Statutes, Section 103B.235 and Minnesota Rules, Chapter 8410; and

WHEREAS, the City of Robbinsdale (“City”) has prepared and submitted to the Commission the City’s local surface water management plan; and

WHEREAS, Minnesota Statutes, Section 103B.235, subdivision 3 authorizes the Commission to review and approve local water management plans and to take other actions necessary to assure that the local plan is in conformance with the Commission’s plan and the standards set forth therein; and

WHEREAS, the Commission reviewed the City’s plan, considered the comments provided by the Metropolitan Council regarding the plan, and has determined the plan was prepared in accordance with the requirements of Minnesota Statutes, Section 103B.235 and Minnesota Rules, Parts 8410.0160 and 8410.0170, it contains the requirements for a local plan, and is consistent with the Commission’s water management plan.

NOW, THEREFORE, BE IT RESOLVED, by the Bassett Creek Watershed Management Commission, as follows:

1. The Robbinsdale Local Surface Water Management Plan dated 2018 is hereby approved.
2. In accordance with Minnesota Statutes, Section 103B.235, subdivision 4, the City shall adopt and implement its local plan within 120 days of this approval and amend its official controls in accordance with the plan within 180 days.
3. Pursuant to Minnesota Statutes, Section 103B.235, subdivision 5, and to be consistent with the Commission’s water management plan, the City shall submit any proposed amendments to its local plan to the Commission for review and approval prior to adoption.

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 21st day of February, 2019.

Chair

ATTEST:

Secretary

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION
RESOLUTION NO. 19-05

A RESOLUTION APPROVING THE LOCAL WATER
MANAGEMENT PLAN PREPARED BY THE CITY OF MEDICINE LAKE

WHEREAS, the Bassett Creek Watershed Management Commission (“Commission”) is a joint powers watershed management organization established in accordance with Minnesota Statutes, Section 103B.211; and

WHEREAS, the Commission has prepared a water management plan, which has been reviewed by all appropriate state and local agencies and has been approved by the Board of Water and Soil Resources; and

WHEREAS, the Commission’s water management plan and Minnesota Statutes require that local water management plans be prepared in accordance with Minnesota Statutes, Section 103B.235 and Minnesota Rules, Chapter 8410; and

WHEREAS, the City of Medicine Lake (“City”) has prepared and submitted to the Commission the City’s local surface water management plan; and

WHEREAS, Minnesota Statutes, Section 103B.235, subdivision 3 authorizes the Commission to review and approve local water management plans and to take other actions necessary to assure that the local plan is in conformance with the Commission’s plan and the standards set forth therein; and

WHEREAS, the Commission reviewed the City’s plan, considered the comments provided by the Metropolitan Council regarding the plan, and has determined the plan was prepared in accordance with the requirements of Minnesota Statutes, Section 103B.235 and Minnesota Rules, Parts 8410.0160 and 8410.0170, it contains the requirements for a local plan, and is consistent with the Commission’s water management plan.

NOW, THEREFORE, BE IT RESOLVED, by the Bassett Creek Watershed Management Commission, as follows:

1. The Medicine Lake Local Water Management Plan 2018 Update is hereby approved.
2. In accordance with Minnesota Statutes, Section 103B.235, subdivision 4, the City shall adopt and implement its local plan within 120 days of this approval and amend its official controls in accordance with the plan within 180 days.
3. Pursuant to Minnesota Statutes, Section 103B.235, subdivision 5, and to be consistent with the Commission’s water management plan, the City shall submit any proposed amendments to its local plan to the Commission for review and approval prior to adoption.

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 21st day of February, 2019.

Chair

ATTEST:

Secretary



Item 6H.
BCWMC 2-21-19

Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners
From: Laura Jester, Administrator
Date: February 13, 2019

RE: 50th Anniversary Event Planning

Recommendation: Decide on format and priority dates for 50th Anniversary Celebration; direct Administrator to reserve venue; direct Education Committee to continue planning anniversary events and products for Commission consideration

Background: At their meetings last year, the Education Committee developed various ideas for commemorating the Commission's 50th Anniversary this year. The Committee developed these recommendations:

- Primary goal = Increase awareness among public officials and citizens about the Commission and its work.
- Secondary goal = Capitalize (leverage) on landmark year to encourage behavior change
- Concentrate on targeted approach with one or two main components rather than scatter shot of activities

The Committee discussed a variety of ways to reach these goals including (asterisks denote most highly recommended activities):

- Watershed Tours (bus, bike, walking) **
- Celebration event for elected officials and all levels – share history and successes **
- Special reports with Commission history and cumulative impact after 15 years of CIP projects **
- Installation of permanent signage at parks, along trails, at lakes, etc.
- Creek clean ups
- Presentations to groups (Rotary, Lions, churches, city commissions, etc.)
- Development of Watershed Story Map ([Sand Creek Watershed Story Map](#) recently developed by Scott County)
- Partnerships with others to develop marketing materials/messages (Blake School or Perpich Center for the Arts)
- Videos produced – drone footage, interviews with Commissioners and others, footage of CIP projects, monitoring, etc.
- Increased press releases and stories covering history, projects, monitoring, etc.

The 2019 Education Committee will be meeting very soon to more fully plan for events this year. However, at this time I would like the Commission to discuss and decide on a format for the celebration event and priority dates so a venue can be secured.

Event Options:

- Brunch and presentation followed by optional watershed tour
- Luncheon and presentation followed by optional watershed tour
- Late afternoon snacks/beverages and presentation followed by options watershed tour
- Optional watershed tour followed by light dinner and presentation

The main audience for this event includes elected officials like county commissioners and city council members; city planning commission members; city environmental commission members; lake group leaders; state agency staff; park district officials and staff; and others from the community. While the invitation list would be close to 300, I anticipate attendance would be around 100 people. The following pages show the availability of the Bassett Creek North and South Rooms at Brookview Community Center (Golden Valley) for June, July, and August. Only dates with the fewest or no city or county meetings scheduled (according to online city/county calendars) are included on the following pages.

Possible Anniversary Event Budget:

Celebration Event Venue: \$0

Celebration Event Meal: \$1,700 (100 ppl * \$17/person)

Tour buses (2 – 54 passenger buses): \$1,200

Development of historical document display at event: \$840 (D. Pape's time)

Development and limited printing of commemorative report/document: \$2,200 (D. Pape time + printing 200 copies)

TOTAL: \$5,940 (Education and Public Outreach Budget)

Additional costs include Commission Engineer's time to assist with report generation and tour stops. The Education Committee will make further refined recommendations in the next two months.

June 2019

Brookview Community Center
Bassett Creek Room North and South
Availability + City/County meetings

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

BCWMC
meeting

Open after 2:00
p.m. [MTKA
Plan Comm]

Open all Day [no
meetings]

July 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17 Open until 4 pm [Robb, SLP Plan Commissions]	18 BCWMC Meeting	19	20
21	22	23	24	25 Open after 10:30 a.m. [no meetings]	26	27
28	29	30	31 Open until 4 p.m. [no meetings]			

August 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat	
					1	2	3
4	5	6	7	8	9	10	
11	12	13	14	15	16	17	
				BCWMC meeting	Open all day [no meetings]		
18	19	20	21	22	23	24	
25	26	27	28	29	30	31	
			Open until 4 p.m. [no meetings]				

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION
RESOLUTION NO. 19-06

Item 6J.
BCWMC
2-21-19

A RESOLUTION CONSENTING TO REPRESENTATION
AND ACKNOWLEDGING POTENTIAL FOR CONFLICTS OF INTEREST

WHEREAS, the Bassett Creek Watershed Management Commission (“Commission”) is a joint powers watershed management organization established by the cities of Crystal, Golden Valley, Medicine Lake, Minneapolis, Minnetonka, New Hope, Plymouth, Robbinsdale, and St. Louis Park (collectively, the “Member Cities”), in accordance with Minnesota Statutes, section 103B.211; and

WHEREAS, the law firm of Kennedy & Graven, Chartered (“K&G”) has represented the Commission since 1996; and

WHEREAS, during much of that time, K&G has also served as city attorney in the cities of Crystal and Robbinsdale and continues to serve both cities in that capacity; and

WHEREAS, K&G also occasionally provides public finance, real estate, and other legal services to some of the other Member Cities; and

WHEREAS, the Commission understands that it is possible for one or more of the Member Cities to advocate a position that may be different from or contrary to the position advocated by the Commission regarding the management and protection of water; and

WHEREAS, the Commission is aware of the long-standing relationships K&G has with Crystal and Robbinsdale, and that it occasionally performs legal services for other Member Cities on matters unrelated to the Commission, and has no objections to those relationships.

NOW, THEREFORE, BE IT RESOLVED, by the Bassett Creek Watershed Management Commission as follows:

1. The Commission hereby consents to the past and ongoing representation of the cities of Crystal and Robbinsdale as city attorney, and the occasional special legal services provided to some of the other Member Cities, by K&G while it continues to represent the Commission, and given those relationships, the Commission acknowledges that there is a potential for conflicts of interest to arise that would require disclosure by K&G.
2. If the Commission is made aware of any legal dispute between the Commission and either the city of Crystal or the city of Robbinsdale, or any other conflict of interest that exists due to K&G’s representation of any of the Member Cities, it may appoint special counsel to represent it in the dispute.
3. The Commission understands and retains its right to at any time withdraw the consents granted by this Resolution.

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 21st day of February, 2019.

ATTEST: _____
Secretary

Chair



BASSETT CREEK WATERSHED
MANAGEMENT COMMISSION

RESOLUTION NO. 19-07

Supporting State Law That Provides Limited Liability to Commercial Salt Applicators That are Certified Through an Established Voluntary Salt Applicator Certification Program

WHEREAS chloride contamination of water resources has been found in urban areas around the state; and

WHEREAS the Minnesota Pollution Control Agency (MPCA) has listed 39 waterbodies in the Twin Cities metro area as impaired for chloride and has completed Total Maximum Daily Load (TMDL) studies on Nine Mile Creek and Shingle Creek and is currently developing TMDLs for the remaining impaired waterbodies through a metro-wide TMDL study; and

WHEREAS the TMDL studies have indicated that the largest chloride source to our lakes and streams is through the application of chloride compounds on roads, parking lots, sidewalks and other hard surfaces for winter maintenance practices; and

WHEREAS liability for property damage or personal injury as a result of snow or ice is one of the main reasons over-salting occurs and many private commercial contractors and property owners are reluctant to implement salt-reduction practices for fear of increased liability; and

WHEREAS the MPCA currently oversees a voluntary Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners and managers and others on how to maintain safe surfaces using salt efficiently.

NOW, THEREFORE BE IT RESOLVED, the Bassett Creek Watershed Management Commission supports passage and enactment of state law that provides a limited liability exemption to commercial salt applicators and property owners using salt applicators who are certified through the established salt applicator certification program who follow best management practices.

Chair

ATTEST:

Secretary



Bassett Creek Watershed Management Commission

MEMO

Date: February 13, 2019
From: Laura Jester, Administrator
To: BCWMC Commissioners
RE: **Administrator's Report**

Aside from this month's agenda items, the Commission Engineers, city staff, committee members, and I continue to work on the following Commission projects and issues.

CIP Projects (more resources at <http://www.bassettcreekwmo.org/projects.>)

2019 Medicine Lake Road and Winnetka Avenue Area Long Term Flood Mitigation Plan Implementation Phase I: DeCola Ponds B & C Improvement Project (BC-2, BC-3 & BC-8), Golden Valley (See Item 6A): A feasibility study for this project was completed in May 2018 after months of study, development of concepts and input from residents at two public open houses. At the May 2018 meeting, the Commission approved Concept 3 and set a maximum 2019 levy. Also in May 2018, the Minnesota Legislature passed the bonding bill and the MDNR has since committed \$2.3M for the project. The Hennepin County Board approved a maximum 2019 levy request at their meeting in July 2018. A BCWMC public hearing on this project was held on August 16, 2018 with no comments being received. Also at that meeting the Commission officially ordered the project and entered an agreement with the City of Golden Valley to design and construct the project. In September 2018, the City of Golden Valley approved the agreement with the BCWMC. The [Sun Post](#) ran an article on this project October 2018. Another public open house and presentation of 50% designs was held February 6, 2019. An EAW report was completed and available for public review and comment December 17 – January 16, 2019. At this meeting, the Commission will receive a presentation on the 50% designs. Project website: <http://www.bassettcreekwmo.org/index.php?cID=433>.

2020 Bryn Mawr Meadows Water Quality Improvement Project (BC-5), Minneapolis: A feasibility study by the Commission Engineer began last fall and included wetland delineations, soil borings, public open houses held in conjunction with MPRB's Bryn Mawr Meadows Park improvement project, and input from MPRB's staff and design consultants. At their meeting in April, the Commission approved a TAC and staff recommendation to move this project from implementation in 2019 to design in 2020 and construction in 2021 to better coincide with the MPRB's planning and implementation of significant improvements and redevelopment Bryn Mawr Meadows Park where the project will be located. A draft feasibility study was presented at the October meeting. At direction of the Commission, staff discussed Penn Pond function and maintenance with MnDOT to better understand treatment options. The final feasibility study was approved at the January 2019 Commission meeting. Project website: <http://www.bassettcreekwmo.org/projects/all-projects/bryn-mawr-meadows-water-quality-improvement-project>

2020 Jevne Park Stormwater Improvement Project (ML-21) Medicine Lake: At their meeting in July 2018, the Commission approved a proposal from the Commission Engineer to prepare a feasibility study for this project. The study got underway last fall and the city's project team met on multiple occasions with the Administrator and Commission Engineer. The Administrator and Engineer also presented the draft feasibility study to the Medicine Lake City Council on February 4, 2019 and a public open house will be held on February 28th. A draft feasibility study is expected to be presented at the April Commission meeting. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=467>.

2019 Westwood Lake Water Quality Improvement Project (WST-2) St. Louis Park (No change since Nov 2018): At their meeting in September 2017, the Commission approved a proposal from the Commission Engineer to complete a feasibility study for this project. The project will be completed in conjunction with the Westwood Hills Nature Center reconstruction project. After months of study, several meetings with city consultants and nature center staff, and a public open house, the Commission approved Concept 3 (linear water feature) and set a maximum 2019 levy at their May meeting. 50% designs were approved at the July meeting and 90% design plans were approved at the August meeting. The Hennepin County Board approved a maximum 2019 levy request at their meeting in July. A BCWMC public hearing on this project was held on August 16th with no comments being received. Also at that meeting the Commission officially ordered the project and entered an agreement with the City of St. Louis Park to design and construct the project and directed the Education Committee to work with the Commission Engineer and city staff to develop a BCWMC educational sign for inside the nature center. The draft sign was presented at the October meeting and will be finalized soon. The Sun Sailor printed [an article](#) on the project in October. Project website: <http://www.bassettcreekwmo.org/projects/all-projects/westwood-lake-water-quality-improvement-project>

2018 Bassett Creek Park Pond Phase I Dredging Project: Winnetka Pond, Crystal (BCP-2) (See Item 6B): The final feasibility study for this project was approved at the May 2017 meeting and is available on the project page online at <http://www.bassettcreekwmo.org/index.php?cID=403>. At the September 2017 meeting, the Commission held a public hearing on the project and adopted a resolution officially ordering the project, certifying costs to Hennepin County, and entering an agreement with the City of Crystal for design and construction. Hennepin County approved the 2018 final levy request at their meeting in November 2017. The City of Crystal hired Barr Engineering to design the project. At their meeting in April, the Commission approved 50% design plans. A public open house on the project was held May 24th where four residents asked questions, provided comments, and expressed support. 90% design plans were approved at the June 2018 meeting. An Environmental Assessment Worksheet was recently approved and a construction company was awarded the contract. A pre-construction meeting was held December 14th and construction began in January. A large area of contamination was discovered during excavation in February. The Commission will consider how to handle this situation at their February meeting.

2017 Plymouth Creek Restoration Project, Annapolis Lane to 2,500 feet Upstream (2017CR-P): All project documents including the feasibility study and 90% design plans are available online at <http://www.bassettcreekwmo.org/index.php?cID=284>. The BCWMC executed agreements with the BWSR for a \$400,000 Clean Water Fund grant and with Hennepin County for a \$50,000 Opportunity Grant and a subgrant agreement with the City was executed. Project design was completed by the city's contractor, Wenck Associates, with 60% and 90% design plans approved by the Commission at the April and August 2017 meetings, respectively. Plymouth City Council awarded a construction contract in early December 2017 and construction got underway on December 11, 2017. Streambank restoration work is complete in all three reaches. Vegetation is currently being established. Requests for reimbursement to the city were approved at the June and July BCWMC meetings. I recently submitted a Clean Water Fund grant interim report.

2017 Main Stem Bassett Creek Streambank Erosion Repair Project (2017CR-M) (No change since June): The feasibility study for this project was approved at the April Commission meeting and the final document is available on the project page at: <http://www.bassettcreekwmo.org/index.php?cID=281>. A Response Action Plan to address contaminated soils in the project area was completed by Barr Engineering with funding from Hennepin County and was reviewed and approved by the MPCA. The Commission was awarded an Environmental Response Fund grant from Hennepin County for \$150,300 and a grant agreement is in the process of being signed by the county. A subgrant agreement with the City will be developed. The City hired Barr Engineering to design and construct the project. Fifty-percent and 90% designs were approved at the August and October Commission meetings, respectively. In September,

design plans were presented by Commission and city staff to the Harrison Neighborhood Association's Glenwood Revitalization Team committee and through a public open house on the project. Bidding for construction is complete and a pre-construction meeting was recently held. Construction was to begin this summer but will be delayed until winter/spring 2019 due to the unanticipated need for a field based cultural and historical survey of the project area required by the Army Corps of Engineers and the preference for Pioneer Paper (a significant landowner and access grantor) for a spring/summer construction window. The cultural and historical survey fieldwork is complete and a final report is expected in mid-December.

2015 Main Stem Restoration Project 10th Avenue to Duluth Street, Golden Valley (2015CR) (No change since October 2017): The restoration project is being constructed in two phases, each under separate contract. Phase one included stream bank shaping, placement of field stone rock and 12-inch bio-logs, and repair of storm sewer outlets. The first phase of the project began in November 2015 and was finished in June 2016. Turf establishment and minor restoration repairs in Phase 1 were accepted in late October 2016. Repairs to some areas where flooding impacted rocks or biologists were completed and accepted in mid-December 2016. Phase 1 of the construction project has entered the warranty period.

Phase 2 of the project includes the establishment of native vegetation along the stream, including grasses, wildflowers, shrubs, live stakes and fascines, and cordgrass plugs. The project has been seeded and stabilized and maintenance mowing and spot treatments have been completed. Applied Ecological Services (AES) installed live stakes and fascines this spring and completed the tree and shrub planting along the restoration project. AES will continue to monitor and maintain the native vegetation through 2018. It is anticipated that the total contract amount for both Phase one and Phase two will be within the Watershed's overall project budget.

2014 Schaper Pond Diversion Project, Golden Valley (SL-3) (No change since October 2018): Repairs to the baffle structure were made in 2017 after anchor weights pulled away from the bottom of the pond and some vandalism occurred in 2016. The city continues to monitor the baffle and check the anchors, as needed. Vegetation around the pond was planted in 2016 and a final inspection of the vegetation was completed last fall. Once final vegetation has been completed, erosion control will be pulled and the contract will be closed. The Commission Engineer began the Schaper Pond Effectiveness Monitoring Project last summer and presented results and recommendations at the May 2018 meeting. Additional effectiveness monitoring is being performed this summer. At the July meeting the Commission Engineer reported that over 200 carp were discovered in the pond during a recent carp survey. At the September meeting the Commission approved the Engineer's recommendation to perform a more in-depth survey of carp including transmitters to learn where and when carp are moving through the system.

2014 Twin Lake In-lake Alum Treatment, Golden Valley (TW-2): (No change since June 2018) At their March 2015 meeting, the Commission approved the project specifications and directed the city to finalize specifications and solicit bids for the project. The contract was awarded to HAB Aquatic Solutions. The alum treatment spanned two days: May 18- 19, 2015 with 15,070 gallons being applied. Water temperatures and water pH stayed within the desired ranges for the treatment. Early transparency data from before and after the treatment indicates a change in Secchi depth from 1.2 meters before the treatment to 4.8 meters on May 20th. There were no complaints or comments from residents during or since the treatment. Water monitoring continues to determine if and when a second alum treatment is necessary. Lake monitoring results from 2017 were presented at the June 2018 meeting. Commissioners agreed with staff recommendations to keep the CIP funding remaining for this project as a 2nd treatment may be needed in the future.

2013 Four Season Area Water Quality Project/Agora Development (NL-2) (No change since May 2018): At their meeting in December 2016, the Commission took action to contribute up to \$830,000 of Four Seasons CIP funds for stormwater management at the Agora development on the old Four Seasons Mall location. At their February 2017 meeting the Commission approved an agreement with Rock Hill Management (RHM) and an agreement with the City of Plymouth allowing the developer access to a city-owned parcel to construct a wetland restoration project and to ensure ongoing maintenance of the CIP project components. At the August 2017 meeting, the Commission approved the 90% design plans for the CIP portion of the project. At the April 2018 meeting, Commissioner Prom notified the Commission that RHM recently disbanded its efforts to purchase the property for redevelopment. Staff will work with the City of Plymouth to determine another possible option for treatment in this area.

Other Work

CIP Project Work and Technical Assistance

- Reviewed and commented on draft Jevne Park Project presentation for Medicine Lake City Council
- Attended and assisted with presentation at Medicine Lake City Council meeting
- Developed flyer for Jevne Park Project open house
- Briefly attended open house for DeCola Ponds B & C Improvement Project
- Updated Channel Maintenance Funds memo
- Discussed Winnetka Pond Dredging contamination issue and worked to calculate future closed project account availability

Administration and Education

- Prepared and distributed agenda and materials for TAC meeting and attended meeting
- Participated in BWSR Watershed Based Funding forum, representing watershed management organizations
- Reviewed draft February education press release
- Communicated with Commission Engineer and city of Golden Valley re: 319 grant application
- Developed resolutions for February meeting
- Coordinated with Three Rivers Park District and Commission Legal Counsel on 2019 agreement
- Coordinated with Wenck, City of Minneapolis, and Commission Legal Counsel on scope and agreements related to Bassett Creek Valley Study
- Developed and distributed email of upcoming events and meetings for Commissioners
- Prepared for and participated in AIS Forum at Barr Engineering
- Attended Road Salt Symposium
- Met with Hennepin County staff and other partners to discuss future of River Watch program
- Developed possible dates for 50th anniversary event