



Bassett Creek Watershed Management Commission

Minutes of Public Hearing and Regular Meeting Thursday, May 21, 2020 8:30 a.m.

Via video conference due to the COVID-19 global pandemic

1. CALL TO ORDER and ROLL CALL

On Thursday, May 21, 2020 at 8:31 a.m. via video conference, Chair Prom 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>	<i>Absent</i>
Golden Valley	Stacy Harwell (Treasurer)	Jane McDonald Black	Jeff Oliver
Medicine Lake	<i>Absent</i>	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch (Vice Chair)	<i>Vacant Position</i>	Liz Stout
Minnetonka	Mike Fruen	<i>Vacant Position</i>	Leslie Yetka
New Hope	<i>Absent</i>	Patrick Crough	Megan Hedstrom
Plymouth	James Prom	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	<i>Vacant Position</i>	Wayne Sicora	Marta Roser, Richard McCoy
St. Louis Park	Jim de Lambert	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler, Jen Koehler, Patrick Brockamp - Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Alan Catchpool, Kimley-Horn; Steve Christopher, BWSR; Rachael Crabb, Minneapolis Park & Recreation Board; Logan Schmidt and Brady DeVoe, Dominion Development and Acquisition, LLC Sam Trebesch, Loucks; Mike Blank		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda. Alternative Commissioner Holter seconded the motion. Upon a rollcall vote, the motion carried 9-0.

4. CONSENT AGENDA

Commissioner Welch asked to remove two items from the consent agenda: 4A Draft Minutes from April 16, 2020 Commission meeting and 4L- New Hope 2020 Infrastructure Improvement Project.

MOTION: Commissioner Welch moved to approve the consent agenda as amended. Alternate Commissioner Holter seconded the motion. Upon a rollcall vote, the motion carried 9-0.

The following items were approved as part of the consent agenda: May financial report, payment of invoices, reimbursement request from Golden Valley for Channel Maintenance Funds, approval of agreement with Met Council for Watershed Outlet Monitoring Program (WOMP), approval of agreement with Met Council for 2020 Citizen Assisted Monitoring Program (CAMP), approval of Updated Data Practices Policy, approval of BCWMC 2019 Annual Report for Submittal to BWSR, acceptance of BCWMC Fiscal Year 2019 Financial Audit, approval of Resolution 20-05 Not to Waive Monetary Limits on Municipal Tort Liability, and approval of Ridgedale Sears Redevelopment Project, Minnetonka.

The general and construction account balances reported in the May 2020 Financial Report are as follows:

Checking Account Balance	804,758.03
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TOTAL GENERAL FUND BALANCE	804,758.03
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TOTAL CASH & INVESTMENTS ON-HAND (5/13/20)	2,860,324.82
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CIP Projects Levied – Budget Remaining	(4,956,023.52)
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Closed Projects Remaining Balance	(584,746.41)
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2012-2017 Anticipated Tax Levy Revenue	8,425.14
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2018 Anticipated Tax Levy Revenue	11,050.60
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Anticipated Closed Project Balance	(565,270.67)
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5. PUBLIC HEARING

A. Receive Comments from Cities and Public on Proposed Minor Plan Amendment

Chair Prom opened the public hearing at 8:39. Administrator Jester gave an overview of the purpose for the public hearing – to hear comments on the proposed minor plan amendment including additions to the Capital Improvement Program and revisions to the wetland management policies.

There were no citizen comments made during the hearing. Administrator Jester noted that Hennepin County requested the comment period be extended until August 14th to accommodate County Board meeting schedules.

MOTION: Commissioner Welch moved to close the public meeting and extend the comment period to August 14, 2020. Alternate Commissioner Crough seconded the motion. Upon a rollcall vote, the motion carried 9-0.

The public hearing closed at 8:42 a.m.

6. BUSINESS

A. Consider Agreement with Dominion Regarding CIP Funds for Four Seasons Mall Redevelopment Project

Administrator Jester noted that at the April meeting the Commission conditionally approved the project plans for the redevelopment of Four Seasons Mall site by Dominion, including plans to remove at least 100 lbs. of total phosphorus “above and beyond” the required treatment, making the project eligible for BCWMC CIP funds. At that meeting, the agreement with Dominion for design, construction, and maintenance of the project and to transfer CIP funds was tabled until this meeting. She noted that the attached agreement shows changes from the last draft which was emailed just ahead of the April meeting. She noted it included some revisions reflecting additional input from the Commission’s Legal Counsel and Vice Chair Welch. Dominion legal counsel reviewed and approved the latest revisions. Commissioner Welch offered praise for Attorney Dave Anderson for his hard work on this. There was no other discussion.

MOTION: Commissioner Welch moved to approve the agreement with Dominion regarding CIP funds for the Four Seasons Mall Redevelopment Project. Alternate Commissioner Crough seconded the motion. Upon a rollcall vote, the motion carried 9-0.

B. Consider Agreement with City of Plymouth Regarding Four Seasons Mall Redevelopment Project

Administrator Jester noted that this item was also tabled at the April meeting and that an agreement with the city of Plymouth is needed to ensure that access is granted by the city for project construction and that ongoing maintenance will be performed by the city, when appropriate, and required by the city of the developer. She reported the attached agreement was drafted by BCWMC Legal Counsel and reviewed by the city’s attorney.

There was no discussion.

MOTION: Commissioner Welch moved to approve the agreement with City of Plymouth regarding Four Seasons Mall Redevelopment Project. Commissioner Anderson seconded the motion. Upon a rollcall vote, the motion carried 9-0.

C. Review Draft Feasibility Studies for 2021 Capital Improvement Projects

ii. Mt. Olivet Stream Restoration and Parkers Lake Drainage Improvement Projects

Administrator Jester reported that at the August 2019 meeting, the Commission approved a proposal from the Commission Engineer to complete a feasibility study for two projects, which are both in Plymouth. Commission Engineer Jen Koehler gave an overview of the projects:

The Mt. Olivet Stream Stabilization Project and the Parkers Lake Drainage Improvement Project are both stream restoration projects aimed at reducing erosion, total suspended solids and phosphorous loading to Medicine Lake and Parkers Lake downstream, respectively. Engineer Koehler also reported on extremely high chloride concentrations originating from a subwatershed north of Parkers Lake and flowing down through the drainage area to be stabilized. She noted that Parkers Lake is impaired for chlorides and that the CIP project could include chloride reduction practices and projects. There was some discussion about the possibility of County Road 6 being a significant source of chlorides in the area.

Engineer Koehler then reviewed the Mt. Olivet feasibility study more closely, noting it looked at two different alternatives, both of which use mostly bio-stabilization techniques. Alternative 1 includes wetland restoration and a manhole drop structure off the Mt Olivet Church parking lot. Alternative 2 includes riprap at the edge of the church parking lot and a stream meander rather than wetland restoration. Mt. Olivet Church is interested in

adding a pedestrian bridge outside of the project scope. Engineer Koehler noted that staff recommends Alternative 1 after input from the city was received as well as from the public meeting.

There was a discussion about tree removal and replacement. Engineer Koehler replied that tree replacements are included in the budget and that it is a balancing act between leaving trees and vegetation restoration. Engineer Koehler added that tree removal was discussed at the public meeting and that there may be opportunities to engage church volunteers in native plantings. She noted there were no negative comments received at the public meeting.

TAC member Ben Scharenbroich mentioned that the City of Plymouth hasn't heard from private property owners, but many of the trees within the ravine are undercut and would fall anyway. Some trees that are removed would be used in the stabilization of the banks.

Administrator Jester clarified that engagement with the apartment complex to the east and a private property owner in the northwest corner of the project area will be needed. She also reiterated that building a pedestrian bridge would be outside the scope of the CIP funding.

Commissioner Welch commented that the large amount of impervious surface at the church made for a good education opportunity about stormwater management. He also strongly encouraged outreach to the apartment and others.

MOTION: Commissioner Harwell moved to approve the Mount Olivet Stream Restoration feasibility report and to select Alternative 1 for implementation. Commissioner Fruen seconded the motion. Upon a rollcall vote, the motion carried 8-1, with the City of Minneapolis voting against the motion.

Engineer Koehler then presented the results of the feasibility study for the Parkers Lake Drainage Improvement Project. She noted that Alternatives 1 and 2 are not very feasible because permitting by the U.S. Army Corps of Engineers wouldn't be likely and the alternatives are expensive with high cost per pound pollutant removal figures. She reported that Alternatives 4 and 5 use more traditional stormwater best management practice strategies. Alternative 4 would use enhanced filtration and but would not greatly improve water quality. Alternatives 5a/5b would use wet retention ponds. Engineer Koehler directed the Commission's attention to Alternatives 3 and 6 as the preferred alternatives. Alternative 3 involves stream stabilization utilizing bio-engineering techniques and alternative 6 includes chloride reduction demonstration projects in the northern watershed tributary to Parkers Lake to reduce salt usage and chloride loads to the lake.

There was a brief discussion on using trees removed from one project area in another project and how bidding would work. TAC member Scharenbroich noted the city has space to store trees until needed for a project.

Engineer Koehler reviewed examples of chloride-reduction projects and their costs noting the information came from the Nine Mile Creek Watershed District and the City of Plymouth. Commissioner Harwell asked about using salt with permeable pavements because there may be a groundwater contamination problem. Engineer Koehler replied that permeable pavements typically do not need as much salt because ice doesn't build up.

Commissioner Welch agreed with Engineer Koehler's assessment and he shared that he thought Alternative 3 is a straightforward selection and Alternative 6 offers a great opportunity for community engagement, which will take a considerable amount of staff time. He was not sure whether it should be included with a capital improvement project.

TAC member Scharenbroich added that he thought about 98% of this Parker's Lake watershed is privately owned, so responsibility does rest on individual property management. He agreed that it is crucial to educate the property owners and the city would take the lead on doing that.

Dawn Pape also noted her support for Alternative 6. In fact, BCWMC's education program is aiming to achieve the "bottom up" approach with educating property owners as opposed to the state-wide program which is

taking the “top down” approach with educating applicators. She thought it offers the perfect opportunity to implement what the Commission has been talking about for so long. Commissioner Harwell agreed and added that the cost/benefit for Alternative 3 is so low that it makes sense to implement.

MOTION: Commissioner Harwell moved to approve the Parkers Lake Drainage Improvement Project portion of this feasibility study and to implement Alternatives 3 and 6. Alternate Commissioner Holter seconded the motion.

[Commissioner Harwell leaves the meeting. Alternate Commissioner McDonald Black is voting member for Golden Valley.]

Discussion: Commissioner Welch noted that for the chloride reduction portion of the project, staff should determine which approaches may make sense or be viable for the area.

Commissioner Welch offered an amendment to the motion directing Administrator Jester, Dawn Pape, and Plymouth city staff to work with property owners and further analyze alternatives. He noted this may help the county be more comfortable with the levy for this project. Alternate Commissioner McDonald Black added that this was a great opportunity to have measurable results with monitoring station already in place. TAC member Scharenbroich noted it’s possible the city’s new high efficiency street sweeper may be able to sweep private properties with proper agreements in place.

VOTE: Upon a rollcall vote, the motion carried 9-0.

i. Main Stem Lagoon Dredging Project

Administrator Jester noted that in August 2019, the Commission approved a proposal from the Commission Engineer to complete a study to examine the feasibility of dredging accumulated sediment from three of seven lagoons in the Main Stem of Bassett Creek just north of Highway 55, in Theodore Wirth Regional Park. Commission Engineer Chandler provided the Commission with the details of the study results as well as a history of the development of the lagoons and the goals to restore the lagoons’ original pool storage, improve water quality, and provide flooding storage. She noted that sediment islands and deltas have formed in the lagoons over time and that some of the islands have scrub trees growing on them. She reported the project would remove accumulated sediment from the lagoons to re-establish their original aesthetic and function and be implemented in 2021 and 2022.

Engineer Chandler reported that based on concentrations of contaminants in the sediment of the lagoons, all dredged material would require landfill disposal. She reviewed two alternatives: dredging to a four-foot depth or a six-foot depth. She recommends Alternative 2, six-foot dredging depth, because this alternative has a significantly longer project lifespan and increased project benefits. Within this alternative, there are three options. Option 1 includes all lagoons, Option 2 is only lagoon E, and Option 3 is lagoon D only—which is the lowest cost. Engineer Chandler noted that the project cost is very high due to the contaminated soils, but that the cost benefit for pollutant removal is very low compared to other Commission CIP projects. She believes that Option 1 (dredging all lagoons) is the best option and noted the project could be implemented in future years and the cost can be spread over multiple years.

Commissioner Welch noted that originally, he didn’t believe the project would offer much benefit and was surprised to see the pollutant reduction numbers and the low cost per pound pollutant removal. He noted these are toxic lagoons in a popular park and that sediment leaving the lagoons and flowing downstream contaminates Bassett Creek and the Mississippi River. There was discussion about the permitting process, which would be complicated and lengthy. It was noted that although the project is extremely expensive, it addresses multiple Commission goals including improving water quality, reducing flooding, and improving habitats – all in an underserved area in a regional resource.

Rachael Crabb with MPRB echoed Commissioner Welch in restating that this sediment is very contaminated. She will continue to work with the MPRB to possibly offer some CIP funds to the project.

MOTION: Commissioner Welch moved to approve Alternative 2, Option 1 (dredging all lagoons to a 6-foot depth) for the Main Stem Lagoon Dredging Project. Alternate Commissioner McDonald Black seconded the motion.

Discussion: Commissioner Anderson and Chair Prom voiced concerns about the high cost and the possibility of pushing out other projects. Commissioner Anderson indicated he is not comfortable with voting in favor of the project until he can understand how it will be funded.

Alternate Commissioner McDonald Black agreed it was daunting to spend so much money, but noted the project has a high benefit/cost. Administrator Jester gave her opinion on how high the cost of the project may make it unviable right now given the economic crisis of the country. Commissioner Welch stated the Commission should get started with investing funding options and asked that Administrator Jester bring options back to the June meeting before a maximum levy for 2021 is set.

Upon a rollcall vote, the motion carried 6-3, with the Cities of Crystal, Plymouth and St. Louis Park voting against.

D. April Minutes revision (Item 4A from Consent Agenda)

MOTION: Commissioner Welch moved to amend the minutes to reflect that the April Meeting was held via web video conference due to the global pandemic and to approve the minutes as amended. Alternate Commissioner McDonald Black seconded the motion. Upon a rollcall vote, the motion carried 9-0.

E. Approval of New Hope 2020 Infrastructure Improvement Project (Item 4L from Consent Agenda)

Commissioner Welch noted that this project is an example of a linear project with 6 acres of fully redeveloped impervious surface but no treatment requirements due to the Commission's revised standards for linear projects. He noted the Commission should reassess their linear project requirements. TAC member Megan Hedstrom (New Hope) noted the city will be implementing a water quality treatment project for the watershed outside of this project, which will be submitted to the Commission for review.

MOTION: Alternate Commissioner Crough moved to approve the New Hope 2020 Infrastructure Improvement Project. Commissioner Anderson seconded the motion. Upon a rollcall vote, the motion carried 8-0, with Minneapolis abstaining from the vote.

F. Review Budget Committee Recommendations on 2021 Operating Budget

Budget Committee Chair McDonald Black reviewed the proposed 2021 operating budget noting that it includes a 1.5% increase in city assessments. She reported the BCW/MC Budget Committee met twice in April to discuss 2021 budgets. Over the two meetings, the committee reviewed and clarified activities, needs, and annual changes in budget levels for several line items with input from the Administrator, Commission Engineer, and TAC. She noted the committee discussed city assessments, Channel Maintenance Funds, technical services, monitoring, administrator hours, MAWD dues, education activities, number of meetings, use of fund balance, etc.

Committee Chair McDonald Black reported on the revenue collected through some activities, noting that information was added to the budget spreadsheet. She noted that technical services continue to increase slightly due to additional work requested of the engineers. She also indicated a need to have a discussion about MAWD membership and whether or not it offers enough benefit.

Commissioner Welch complimented the committee for their great work and added that he thought it is really important to be a member of MAWD. Administrator Jester updated the Commission that the 2021 MAWD dues are actually \$3,750 in 2021 and expects them to go to \$7,500 in 2022.

MOTION: Commissioner Welch moved to approve the proposed 2021 operating budget with changes to MAWD dues. Commissioner Fruen seconded the motion. Upon a rollcall vote, the motion carried 9-0.

7. Communications

A. Administrator’s Report

i. Watershed Based Implementation Funding Convene Meeting. Administrator Jester updated the Commission that all entities west of the Mississippi River held their first convene meeting and are working together to determine which projects should receive funding. She noted the group agreed that approval will require a supermajority of voting members and that the next meeting will be held in early June.

B. Chair

Thanked commissioners for their patience and good discussion given the virtual meeting format.

C. Commissioners

Commissioner Welch mentioned that the Governor’s new order regarding permitted gatherings amid the pandemic did exempt government entities. There was a discussion about the format for the June meeting. Administrator Jester stated that the Governor’s order still strongly encouraged video conferencing whenever possible and she recommended holding the June meeting via video conference.

Commissioner Welch also updated the Commission on the new U.S. Supreme Court ruling regarding the Federal Clean Water legislation, noting it shouldn’t affect the commission’s business.

D. TAC Members

Nothing to report

E. Committees

i. Budget Committee- Reported in Item 6D

F. Education Consultant

Two new videos have been produced since the last meeting. The April video was about a person’s “water footprint” and the other one is about alternative lawns. These videos can be found on our Facebook page as well as our website.

G. Legal Counsel

Nothing to report

H. Engineer

i. Sweeney Lake Water Quality Improvement Project
Commission Engineer Chandler said that the curly-leaf pondweed treatment was done on Tuesday. Residents have been notified and given an “opt-out” option. She also reported that herbicide contractor will be back on the lake next week to treat areas they missed.

8. INFORMATION ONLY (Information online only)

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

B. Grant Tracking Summary and Spreadsheet

http://www.bassettcreekwmo.org/application/files/4815/8648/1919/Item_7B_Barr_Grant_Tracking_Database_April_2020_MN_Metro.pdf

C. 2020 BCWMC Administrative Calendar

D. WCA Notices of Decision, Plymouth

E. WCA Notices of Application, Plymouth

8. ADJOURNMENT

The meeting was adjourned at 11:29 a.m. by Chair Prom.

Signature/Title Date

Signature/Title Date