



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting

Thursday, February 20, 2020

8:30 a.m.

Golden Valley City Hall, Golden Valley MN

1. CALL TO ORDER and ROLL CALL

On Thursday, February 20, 2020 at 8:33 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Vice Chair Welch 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)	<i>Absent</i>	Jeff Oliver
Medicine Lake	<i>Absent</i>	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch (Vice Chair)	<i>Vacant Position</i>	<i>Absent</i>
Minnetonka	Mike Fruen	<i>Vacant Position</i>	Leslie Yetka
New Hope	<i>Absent</i>	Patrick Crough	Megan Hedstrom
Plymouth	Jim Prom	Catherine Cesnik	Ben Scharenbroich
Robbinsdale	<i>Vacant Position</i>	<i>Absent</i>	Marta Roser, Richard McCoy
St. Louis Park	Jim de Lambert	Patrick Noon	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	McKenzie Erickson, resident Meg Rattei, Barr Engineering Senior Biologist		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No residents present

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 8-0, with the City of Robbinsdale absent from the vote.

4. CONSENT AGENDA

Commissioner Welch requested to remove items 4G and 4J from consent agenda and add them to the business agenda as 6F and 6G. Administrator Jester noted the revised FY2019 year end financial report distributed to commissioners at the beginning of the meeting.

The following items were approved as part of the amended consent agenda: January 16, 2020 commission meeting minutes, financial reports, payment of invoices, approval of Resolution 20-03 Designating Depositories for BCWMC Funds, approval of Resolution 20-04 Transferring Funds from Administrative Fund to Long-Term Funds for Next Generation Plan Development, approval to designate *Finance and Commerce* as the official news publication of the BCWMC, approval of contract with HDR, Inc. for website hosting and maintenance, approval of contract with Lawn Chair Gardener for 2020 administrative services, approval of Golden Valley 2020 Pavement Management Program (PMP) project.

The general and construction account balances reported in the FY2019 year-ed Financial Report are as follows:

Checking Account Balance	626,281.26
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TOTAL GENERAL FUND BALANCE	626,281.26
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TOTAL CASH & INVESTMENTS ON-HAND (2/12/20)	\$3,910,099.37
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CIP Projects Levied – Budget Remaining	\$ (5,942,627.84)
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Closed Projects Remaining Balance	\$ (521,576.18)
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2012-2017 Anticipated Tax Levy Revenue	\$ 8,525.14
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2018 Anticipated Tax Levy Revenue	\$ 11,050.60
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Anticipated Closed Project Balance	\$ (502,100.44)
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MOTION: Alternate Commissioner Holter moved to approve the consent agenda as amended. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0, with the City of Robbinsdale absent from the vote.

5. ORGANIZATIONAL MEETING

A. Elect Officers

Chair Prom asked for the nomination of officers.

MOTION: Commissioner Welch moved to elect the current slate of officers including Chair Jim Prom, Vice Chair Michael Welch, Secretary Jim de Lambert, and Treasurer Stacy Harwell. Alternate Commissioner Holter seconded the motion. Upon a vote, the motion carried 8-0, with the City of Robbinsdale absent from the vote.

B. Review 2020 Commission Calendar and Areas of Work

Administrator Jester reviewed the Commission's 2020 meeting calendar and areas of work, noting that the list of items in the calendar is not a complete list of all business over the course of the year, only the regular issues known to be coming to the Commission. She reminded Commissioners this calendar is updated monthly and always included with the "information only" items on the agenda.

C. Appoint Committee Members

Administrator Jester noted that committees serve an important function, and that committee members can be alternate or primary commissioners, TAC members, and even others outside of the commission. The following people volunteered for committees:

- i. Administrative Services Committee
Chair Prom, Vice Chair Welch, Secretary de Lambert, Treasurer Harwell
- ii. Budget Committee
Chair Prom, Commissioner Anderson, Alternate Commissioner McDonald Black
- iii. Education Committee
Commissioner Fruen, Alternate Commissioners Cesnik and Noon, TAC member Chirpich and education consultant Pape
- iv. Technical Advisory Committee (TAC) Liaison
Rather than appoint a liaison for all TAC meetings, the commissioners decided that it made the most sense to appoint liaisons as TAC discussion issues become known, to make sure the right people attend the TAC meetings to take part in informed discussions. Commissioner Harwell said that she'd be willing to serve if meetings fell on Thursdays and Commissioner de Lambert shared that he enjoys these meetings. Commissioner Welch added that he thought it was a good idea to rotate commissioners at TAC meetings.

D. Review Open Meeting Law

Commission Legal Counsel Anderson summarized the open meeting law and informed the Commission that this law also applies to committees. Meetings must be noticed and held in a public space. Minutes must be kept and materials made available. The most common way to violate this law is at social gatherings when conversation turns to official business or when meetings aren't noticed properly. To avoid email communication from becoming a "serial meeting," never reply to all, or request to only be blind copied.

E. Review Year End Financial Report (Feb 1, 2019 - Jan 31, 2020)

Administrator Jester reviewed the status of the 2019 budget at year's end noting that overall, the Commission ended the year about \$49,000 in the black once Minneapolis reimburses the commission for the Bassett Creek Valley Study work. She discussed a couple areas where expenses were more than expected including technical services and non-fee/preliminary reviews. She reported that the manufactured treatment devices (MTD) issue and water monitoring program review (along with 8 TAC meetings) took a lot of engineers' time under technical services. There was discussion about the costs related to assisting cities or project proposers with questions before project applications (and fees) are submitted. Engineer Chandler informed the commission that the commission engineers continue to receive more complicated questions before applications are submitted. Administrator Jester provided clarification about the Bassett Creek Valley Study's expenses, billing, and payments. Commissioner Welch responded to Engineer Chandler's point that pre-review discussions are sometimes important and can help ensure good results. He suggested a policy may be needed about the amount of pre-application time/expenses that can be offered and that the Commission should look at expenses on this line item in July or August. Engineer Chandler added that she thinks it's important to continue to work with folks before submittal of an application to establish/maintain good will with the member cities and the consultants.

6. BUSINESS

A. Review 2019 Northwood and Cavanaugh Lake Monitoring Reports

Senior Biologist from Barr Engineering, Meg Rattei, reviewed the results of monitoring in Cavanaugh Lake (Sunset Pond) and Northwood Lake in 2019. The BCWMC has monitored water quality conditions in the watershed's ten priority lakes since 1972. The purpose of this monitoring is to detect changes or trends in water quality and evaluate the effectiveness of efforts to preserve or improve water quality. In 2019, the BCWMC monitored water chemistry

(nutrients, chlorophyll a, chloride), water measurements (e.g., clarity, dissolved oxygen), phytoplankton and zooplankton (microscopic plants and animals), and macrophytes (aquatic plants) in Northwood Lake in New Hope and Cavanaugh Lake (Sunset Hill Pond) in Plymouth.

Results of 2019 monitoring show that Northwood Lake did not meet applicable MPCA and BCWMC water quality standards for nutrients in shallow lakes. Trend analyses indicate that water clarity has significantly declined over the past 20 years. The plant community also did not meet the (MnDNR) plant index of biotic integrity (IBI) standard for Floristic Quality Index (FQI), which measures the quality of the plant community. However, the plant community has consistently improved since 2000. Invasive yellow iris was observed and can spread quickly. TAC member Hedstrom indicated that she would follow up with the homeowner with the iris to hopefully remove the plant. The zooplankton community is good for the lake and will likely be eaten by fish.

Curly-leaf pondweed was noted as a considerable concern in Northwood Lake in 2019. Although present during monitoring in 2016, the plant was present in relatively low densities and wasn't considered a problem; now it engulfs the lake. Because of its potential impact on lake water quality, there was discussion about the possibility of performing a drawdown of the lake in an attempt to reduce curly-leaf pondweed. Administrator Jester was asked to develop a list of possible actions to improve the lake and to consider a future presentation from a different watershed where a drawdown was successful.

Results of 2019 monitoring s show that Cavanaugh Lake met applicable MPCA and BCWMC water quality standards for shallow lakes. In general, it has low levels of phosphorus, improved water quality, and curly-leaf pondweed isn't a problem—yet. It was noted the lake's watershed is only 126 acres so it's not as vulnerable to runoff. Prior to 2019, the last time the lake was monitored was 1998.

Ms. Rattei reported that the plant community in Cavanaugh met the MnDNR plant index of biotic integrity (IBI) standard for the number of species and Floristic Quality Index, which measures the quality of the plant community. Both the lake's water quality and plant community have improved since 1998, when the lake failed to meet standards for water quality and plant community. This lake has low chloride levels and the phyto- and zooplankton levels are good, indicating the presence of fish.

TAC member Scharenbroich added that stormwater is not treated before entering the lake. There was discussion about finding a volunteer to monitor the lake through CAMP. Administrator Jester will work on that.

B. Consider Approval of Technical Advisory Committee Recommendations

i. Water Monitoring Program

Administrator Jester reminded commissioners that last August the Commission asked the TAC to review the BCWMC water monitoring program to determine whether changes are needed, and to help inform the annual budgeting process. She noted the monitoring program is an expensive program that is typically scrutinized when annual budgets are considered. Administrator Jester gave an overview of the monitoring program, which started in in 1972. The TAC reviewed and discussed the Commission's water monitoring program in detail at their October, November and January meetings.

Engineer Chandler noted that the TAC first determined the high priority goals for the monitoring program which included appropriately assessing waterbodies against state standards and tracking trends. She walked commissioners through the extensive process that the TAC took to make their recommendations. She noted that most of the discussion and review time was spent making sure the program meets state protocols to appropriately assess waterbodies. The TAC recommends only minor changes to the monitoring program that end up increasing the monitoring budget by approximately 5% in an average year:

- dropping alkalinity, sulfates, TOC and COD, from stream monitoring because no state standards for these measurements
- adding instantaneous and 4-day dissolved oxygen and instantaneous pH to stream monitoring

TAC Member Scharenbroich added that the cities supplement the monitoring and it was noted that the Commission works hard to collaborate with others and never duplicate efforts.

Engineer Chandler pointed out that if your monitoring finds a problem, you can't go back to get missing data and that consistent data is important.

Commissioner Welch advised that this is where commissioners should listen to the technical experts. He added 'if we don't measure it, we can't fix it' and that he appreciated the thorough review.

MOTION: Commissioner Welch moved to approve the Technical Advisory Committee recommendations regarding changes to the BCWMC water monitoring program. Commissioner Anderson seconded the motion. Upon a vote, the motion carried 8-0, with the City of Robbinsdale absent from the vote.

ii. **5-year Capital Improvement Program**

Administrator Jester reported the TAC reviewed the proposed CIP projects for inclusion on the 2022 – 2026 CIP list and recommended them for approval including cost sharing the purchase of a high efficiency street sweeper for the city of Plymouth. There was considerable discussion about whether the BCWMC should fund the purchase of a street sweeper, considering that CIP funds haven't been used for equipment purchases and that other cities would likely request similar funding. Commissioner Welch voiced concerns that the request had little connection to the BCWMC plan and that the plan's CIP policy is too vague. Chair Prom also voiced concerns about cost sharing an equipment purchase.

Commissioner Harwell offered that street sweepers are proven to reduce pollution and at a much lower cost per pound of phosphorus removal. Alternate Commissioner Cesnik agreed and added that an ounce of prevention is worth a pound of cure. Commissioner de Lambert mentioned that buying a street sweeper is purchasing equipment, not implementing a capital project. He suggested turning it into a project by documenting the various pollutant removals.

TAC member Scharenbroich added that monitoring will be done, they are committed to reporting and that the data can be tracked by subwatershed. He also added that there is a big operational cost the city will be spending each year. Alternate Commissioner Holter said we put in equipment all the time. This equipment just happens to be mobile.

Administrator Jester noted that the sweeper would help address the Medicine Lake TMDL and that the project scored well on the CIP matrix when compared to other projects. She noted this is a cost-effective way to meet water quality goals.

MOTION: Commissioner Harwell moved to approve the TAC's recommendation to include cost sharing the purchase of an enhanced street sweeper on the Commission's 5-year CIP within the context of a cost share policy developed with the Commission's Legal Counsel and to work with the city of Plymouth to develop data collection and tracking mechanisms. Commissioner Fruen seconded the motion.

Discussion: TAC member Roser reminded the group that this is an enhanced street vacuum/sweeper that is collecting extra pollutants. She added that if the pollutants reach the water, they are more costly to remove.

Engineer Chandler noted the city intends to also sweep up extra road salt with the new sweeper and that this may be a viable approach to help address the difficult issue of chloride impairments.

Chair Prom asked Commission Legal Counsel Anderson whether there is a good mechanism to consider these costs and tie it to the plan. The point was made that other watershed organizations have purchased

equipment with CIP funds, including cost sharing Plymouth's new sweeper. Mr. Anderson noted that an agreement could include monitoring, reporting and outlining the way this ties into our plan.

Upon a roll call vote, the motion failed 6-2, with the cities of Golden Valley and Minnetonka in favor; the cities of Crystal, Medicine Lake, Minneapolis, New Hope, Plymouth, and St. Louis Park against; and Robbinsdale absent from the vote.

[Commissioner Fruen departs.]

MOTION: Chair Prom moved to direct staff to bring further information and policy recommendations on the proposed CIP project to cost share equipment purchase to the March meeting. Commissioner de Lambert seconded the motion. Upon a roll call vote the motion passed 6-1, with the city of Minneapolis voting against the motion, the cities of Crystal, Golden Valley, Medicine Lake, New Hope, Plymouth, and St. Louis Park voting in favor, and the cities of Minnetonka and Robbinsdale absent from the vote.

Discussion on the TAC's recommendations on additional 5-year CIP projects was tabled until the March meeting.

C. Set Public Hearing for Minor Plan Amendment

This was tabled until March when all CIP projects will be evaluated.

D. Review 2017 Plymouth Creek Restoration Project Final Report

TAC member Scharenbroich gave a summary of the final project report showing before and after pictures. He noted that the project was completed under budget. He noted that a variety of bank stabilization techniques were used including bioengineering, some riprap, and bank grading. He reported the city will maintain the vegetation as with other projects.

[Commissioner Harwell departs.]

E. Review 2019 Staff Evaluations

Chair Prom distributed a summary of evaluations on staff provided by some TAC members and commissioners in December. He reported that both Engineer Chandler and Administrator Jester meet or exceed expectations in all areas and no serious concerns were raised that warrant further investigation. It was noted the evaluations are considered private data and should not be shared with the public.

F. Adopt Updated Data Practices Policy

Commissioner Welch commented that he pulled this from the consent agenda because he believes that any changes to policies should be presented with "track changes" feature. This item was tabled until the March meeting.

G. Approval of 2020 Plymouth Street Reconstruction Project

Commissioner Welch expressed concern that although this project reconstructs 13.76 acres of impervious surface, it does not require water quality treatment. He requested that the Commission's linear project requirements be assessed again by the TAC.

MOTION: Chair Prom moved to approve the 2020 Plymouth Street Reconstruction Project. Commissioner Anderson seconded the motion. Upon a vote, the motion carried 5-1, with the City of Minneapolis voting against, and the Cities of Golden Valley, Medicine Lake and Robbinsdale absent from the vote.

7. COMMUNICATIONS

A. Administrator's Report

- i. Clean Water Fund Grant Updates – All grant reporting was complete, the BCWMC received approval for the Lawns to Legumes grant, and the Bryn Mawr Project work plan for the grant agreement would be completed soon.

