



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting Wednesday, November 18, 2020 8:30 a.m.

Via video conference due to the COVID-19 global pandemic

1. CALL TO ORDER and ROLL CALL

On Wednesday, November 18, 2020 at 8:30 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	<i>Absent</i>	Jane McDonald Black	Eric Eckman
Medicine Lake	Clint Carlson	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch	<i>Vacant Position</i>	<i>Absent</i>
Minnetonka	Mike Fruen	<i>Vacant Position</i>	<i>Absent</i>
New Hope	<i>Absent</i>	Patrick Crough	Megan Hedstrom
Plymouth	James Prom (Chair)	Catherine Cesnik	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Vacant Position</i>	Marta Roser
St. Louis Park	Jim de Lambert	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler, Barr Engineering Greg Wilson, Barr Engineering Jim Herbert, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Joel Spoonheim-Plymouth Resident and AMLAC President		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

Plymouth resident and AMLAC president Joel Spoonheim commended the Commission for its work. He was hoping to hear an update on Medicine Lake and a commitment to reduce salt applications across the watershed. Commissioners acknowledged Mr. Spoonheim’s concerns and assured him that these are priorities for the Commission as well. Administrator Jester also noted that she had discussed Medicine Lake water quality and AIS concerns with Three Rivers Park District (TRPD) staff, had received the water quality data to review, and has a meeting scheduled for December 11th between the DNR, TRPD, commission engineers, and Plymouth staff to discuss options for managing vegetation in 2021.

3. APPROVAL OF AGENDA

MOTION: Alternate Commissioner McDonald Black moved to approve the agenda. Commissioner Welch seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of New Hope and Minnetonka unable to participate in the vote due to technical difficulties.

4. CONSENT AGENDA

The following items were approved as part of the consent agenda: October Commission meeting minutes, November financial report, and payment of invoices, approval of pay request from Solitude Lake Management for Sweeney Lake Alum Treatment, approval of 60-day review comments on Mississippi WMO Watershed Management Plan, approval of 4930 Markay Ridge Retaining Wall Project, Golden Valley, and approval of 1875 Kyle Place Shoreline Improvements, Golden Valley.

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

Checking Account Balance	\$ 502,804.37
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TOTAL GENERAL FUND BALANCE	\$ 502,804.37
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TOTAL CASH & INVESTMENTS ON-HAND (11/8/20)	\$ 3,765,593.00
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CIP Projects Levied – Budget Remaining	\$(4,257,323.65)
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Closed Projects Remaining Balance	\$ 1,577,111.05
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2015-2018 Anticipated Tax Levy Revenue	\$ 2,288.14
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2019 Anticipated Tax Levy Revenue	\$ 4,953.76
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Anticipated Closed Project Balance	\$ 1,584,352.95
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MOTION: Alternate Commissioner McDonald Black moved to approve the consent agenda. Commissioner de Lambert seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minneapolis and Minnetonka unable to participate in the vote due to technical difficulties.

Commissioner Carlson commented that he wants to encourage shoreline projects rather than slow them down. Administrator Jester noted that staff will likely have a recommendation soon to change the requirement for certain projects to be approved at a Commission meeting.

5. BUSINESS

A. Receive Update on Sweeney Lake Alum Treatment

Commission Engineer Greg Wilson reported that the first phase of the alum treatment was completed. He noted the cold temperatures, snowfall, and high winds slowed down the project, but ultimately everything was completed as planned.

Engineer Wilson reported that 37,700 gallons of alum and 18,000 gallons of sodium aluminate were applied to Sweeney Lake between October 28th and November 5th with four passes each in the north and south basin treatment zones to ensure uniform application of the chemicals. He reported that Barr staff collected water quality and temperature measurements to confirm that neutral pH was maintained throughout the application. The City of Golden Valley and the Hidden Lakes HOA assisted by accommodating equipment storage and lake access throughout the treatment. The second (and final) phase of alum treatment is scheduled for the fall of 2022. Engineer Wilson reported that a small amount of chemical spilled within the holding berm which was handled as required. He indicated that overall, they were satisfied with the work of the contractor and that water temperatures stayed within the appropriate application range.

B. Appoint MAWD Delegates and Consider Approval of Meeting Attendance by Commissioners and Administrator

Administrator Jester informed the Commission that the annual MAWD meeting and convention will be held virtually December 2-4. She noted the Commission should appoint two delegates and one alternate delegate to attend the official business meeting on December 4th and noted that delegates must register for the meeting (registration is \$199/person). Administrator Jester also requested approval to attend the convention.

Commissioner Welch noted that MAWD is extremely valuable and urged all Commission members to attend and/or to attend Metro MAWD meetings. He will be attending but thinks it would be better if he didn't serve as a delegate. Chair Prom may have a conflict, so he would also rather not serve as a delegate.

Commissioners Wayne Sicora and Stacy Harwell were appointed to serve as the BCWMC delegates, with Commissioner Welch as an alternate delegate.

Administrator Jester will publicly notice the MAWD conference because there may be a quorum of commissioners. It was agreed that there should be a pre-conference TAC/Commissioners meeting to review the pending MAWD resolutions and to prepare for the MAWD business meeting. Administrator Jester was asked to set up a meeting and publicly notice that meeting as well.

MOTION: Commissioner Welch moved to authorize payment of registration fees for any commissioner and the administrator to attend the MAWD conference and approve Commissioner Sicora and Commissioner Harwell to be delegates. Alternate Commissioner McDonald Black seconded the motion. Upon a roll call vote, the motion carried 8-0 with Minnetonka unable to participate in the vote due to technical difficulties.

C. Review Protocols and Process for Addressing Potential Conflicts of Interest

Due to recent questions about potential conflicts of interest related to Commission work, Administrator Jester worked with the Commission attorney Dave Anderson to develop a framework for addressing potential conflicts as they arise.

Commissioner Welch suggested changes to the framework which were emailed to commissioners the afternoon before this meeting. He acknowledged that the first bullet point should be "administrative approval" rather than "administrative waiver." He stressed that it needs to be clear whether the authority to waive conflict is delegated to the administrator.

Chair Prom asked whether consent should be done in writing or verbal. Attorney Anderson responded that written consent would be better for transparency.

There was a discussion about how cities and others can access and use the Commission's XP-SWMM hydrologic model. Commission Engineer Chandler stated that there is an agreement that can be executed when others wish to use the

model. However, she noted that cities may have to hire a firm to run it, so it is easier and faster to have Barr run the model. Commissioner Welch noted that the only time there is an issue is when someone is paying Barr to do something.

Commissioner de Lambert liked Commissioner Welch's proposed changes and thought they adequately address various scenarios.

MOTION: Commissioner de Lambert moved to adopt the proposed framework for addressing potential conflicts of interest, with Commissioner Welch's recommended changes and noting the first bullet should indicate "administrative approval" rather than "waiver." Alternate Commissioner Crough seconded the motion.

Discussion: Attorney Dave Anderson clarified that the second bullet is intended to be very narrow in scope, i.e. an exception to a rule. He also noted that this policy can be a "working" policy with changes and adjustments made, as needed in the future. It was also reiterated that properly documenting the procedure used to address potential conflicts is important.

VOTE: Upon a roll call vote, the motion carried 8-0 with Minnetonka unable to participate in the vote due to technology issues.

D. Discuss Recommendations from Technical Advisory Committee and Possible Projects for 5-year CIP 2023-2027

Administrator Jester explained that the TAC met on October 1st and discussed a variety of issues including developing future CIP lists and chloride reduction strategies. She noted the TAC doesn't currently have recommendations for new or additional salt education, training or programs. Some TAC members are waiting to see what the new MS4 permit will require regarding chlorides. Plymouth staff indicated that MPCA's Smart Salting Assessment Tool was very useful for their city crews.

Administrator Jester reviewed the TAC recommendation that when applicable, project approval letters from the Commission Engineer include language encouraging developers and property managers to implement a chloride management plan with the goal of using best management practices for winter deicers and reducing the over application of chlorides. She noted that no template for a chloride management exists for property managers.

Commissioner Welch said that Nine Mile Creek Watershed District has a template. Administrator Jester replied that Nine Mile and Riley-Purgatory Bluff Creek Watershed Districts require a chloride management plan but the only elements within the plan are a point of contact for the property regarding winter maintenance and winter maintenance contractors certified in Smart Salting. She noted she hoped to develop an actual template that could be used for specific sites to note when, where, and how winter maintenance would happen.

The discussion revolved around the acknowledgment that a template is needed, but working with colleagues might be more effective than developing a template on our own. It was also noted that "encouragement" isn't likely to work. Commissioner Welch believes chloride management should be a requirement. Chair Prom added that salt management is difficult to enforce, but liked the encouragement language. Alternate Commissioner McDonald Black shared that she is happy to see the TAC discussing this issue and hopes further discussion continues. Administrator Jester noted that the BCWMC project review letters are sent to city staff who could decide to make the chloride plan a requirement for permit issuance.

Education consultant Dawn Pape added that this month's educational video is about smart salting practices in an attempt to normalize the proper scatter pattern of roughly three inches apart. She asked if the illicit discharge section of the MS4 permit would be a way to make shopkeepers, etc. more accountable. Plymouth TAC member Ben Scharenbroich responded by saying that is a slippery slope, because an illicit discharge must be excessive and conclusively drain to a waterbody. Cities will need more guidance from the MPCA. Generally, cities are waiting to see the chloride management requirements in the new MS4 permit (expected later this fall) before deciding what strategies or changes are needed at the city level. Alternate Commissioner Cesnik added her support for the development of a template—the easier, the better.

There was consensus that the TAC's recommendation to include the chloride management plan language in review letters was appropriate and should begin immediately.

Approaches for developing 10-year CIP in next watershed management plan

Administrator Jester reported that the TAC spent some time discussing methods for targeting and prioritizing projects for inclusion in the 10-year CIP for the next watershed management plan. Plan development will begin in 2022 or 2023 and is due in 2025. Staff noted that some analyses may take time to perform and pre-planning might need to get started soon.

The TAC recommends exploring the development of subwatershed analyses (SWAs) to help determine the location and cost-benefit of best management practices or projects that can be implemented to reduce pollution to a specific waterbody or to reduce flooding. It was noted that Shingle Creek WMC performs SWAs to identify the best areas for water quality improvement projects that not only help target Shingle Creek WMC CIP projects, but also help cities understand where projects would have the most benefit. This allows cities to look for improvement opportunities in those areas when city projects or development/redevelopment projects are proposed. It was noted that areas in need of SWAs could be determined through a combination of model results, hot spot and flood potential maps, known water quality issues, and Commission and city staff knowledge and input. Other commissioners agreed on the value of this evaluation.

There was discussion about the possibility of using a committee to discuss CIP development to determine what we have, what we need, and where opportunities exist. Chair Prom noted that commissioners can join TAC meetings to have joint discussions. Commissioner Welch noted it was important for the CIP ideas to start with the Commission rather than the TAC. Commissioner Sicora stated that as a Shingle Creek WMC commissioner, he understood the value of these SWAs and thought it could be valuable to have a presentation about the Crystal Lake SWA.

Commission Engineer Chandler noted that SWAs are very good at pointing out where BMPs can be placed for phosphorus reductions but may not be as useful for identifying locations or BMPs to address chlorides or flooding.

Commissioner Sicora and Commissioner Welch added comments about how it's important to determine how the SWA will be useful and only focusing on phosphorus would be a mistake. Commissioner Welch reminded the group that Minnehaha Creek WD staff gave a great presentation to a small audience of the former CIP Prioritization Committee on their targeting processes. Alternate Commissioner McDonald Black said it would be important to understand the scope and to make sure there's a balance between planning and doing. There was consensus that a presentation about Shingle Creek SWA(s) was a good idea for a future Commission meeting.

Commissioner Welch asked about the TAC item related to review of CIP implementation timelines. Administrator Jester noted that the TAC had a brief discussion about the various timelines for implementation for CIP projects over the years. She noted the TAC discussed the possibility of recommending timing guidelines or requirements, but in the end agreed that due to vast differences between the projects the timing of CIP implementation should continue on a case-by-case basis without imposing timing constraints, and thus had no recommendation for change. Commissioner Welch agreed there can't be a "one size fits all" requirement but noted the Commission has an obligation to tax payers for project implementation and thought perhaps the Commission should be the direct implementer more often.

E. Consider Options for Implementing Bryn Mawr Meadows Water Quality Improvement Project

Administrator Jester started with an overview explaining the three recommendations outlined in the memo including:

1. Commission prepare designs and specifications for CIP project components to be built on park land and within city right-of-way through BCWMC contractors rather than entering an agreement with MPRB or Minneapolis for design and engineering work.
2. After designs are complete, consider separate agreements for construction: one with MPRB and one with city of Minneapolis.
3. Request that the Commission Engineer develop a proposal and cost estimate for the final design and development of plans and specifications, permitting assistance, and bidding assistance for the project.

Administrator Jester noted that at the September 2019 meeting, the Commission officially ordered this project that will construct BMPs in Minneapolis right-of-way and within the MPRB park in conjunction with a major park redevelopment project. Because the project will be constructed within two different jurisdictions, there are various options for implementation. The project is complicated because there are pieces in city right-of-way in addition to being in the park. Administrator Jester noted that neither the city nor the MPRB was excited about taking on the whole project because of the different jurisdictions.

Commissioner Welch stated we should have a written agreement outlining roles and responsibilities among all parties before beginning project design. He noted the Commission should be cautious about spending CIP funding before there is an agreement in place. There was some discussion about the elements that should be included in the agreement. Administrator Jester agreed an agreement was a good idea and noted there had been no inclination from MPRB that the project would not be designed and constructed on the timeline previously reported.

MOTION: Commissioner Welch moved to approve development of a scope of work from the Commission Engineer to design the Bryn Mawr Meadows Water Quality Improvement Project for an amount not to exceed \$183,000 and to direct Administrator Jester to develop an agreement with the city of Minneapolis and Minneapolis Park and Rec Board with assistance from Commission Attorney Anderson. Alternate Commissioner Crough seconded the motion.

Commission Engineer Chandler noted that it may be easier to develop a scope of work after the agreement is in place. This detail was noted as being implied within the motion. It was also noted that the agreement would need a process for review and approval of 90% plans by all parties.

VOTE: Upon a roll call vote, the motion carried 8-0, with Minnetonka unable to participate in the vote due to technology issues.

F. Consider Options for Implementing Main Stem Lagoon Dredging Project

Administrator Jester explained that at the September 2020 meeting, the Commission officially ordered this project and agreed to design and construct the project without contracting with another entity for implementation. She further explained since BCWMC is implementing this project rather than reimbursing another entity, the Commission should be able to cover the expenses as soon as invoiced. She reviewed her recommendation including:

1. Request that the Commission Engineer develop a proposal and cost estimate for the final design and development of plans and specifications, permitting assistance, bidding assistance and construction services for the project.
2. Begin project design and permitting summer 2021; dredge Lagoons D, E & F winter 2022/2023.

Alternate Commissioner Crough said this sounds like a project that will require considerable work by the Commission Attorney and indicated it would be helpful to have a cost estimate from the attorney. Commission Attorney Anderson agreed that attorney fees will be higher due to more involvement. Administrator Jester recommended that, for this project, the attorney's time be charged directly to the specific CIP project account.

MOTION: Commissioner Welch moved to approve the Administrator's recommended implementation timing and to receive a scope of work from the Commission Engineer to provide project engineering for an amount not to exceed \$300,000. Alternate Commissioner McDonald Black seconded the motion. Upon a roll call vote, the motion carried 9-0.

G. Decide on Method for Staff Evaluation

Chair Prom asked for input on whether the Commission would like to pursue a different route in evaluating staff. Commissioner Welch expressed support to continue with a survey and stressed that commissioners need to weigh in because the staff deserves the feedback. There was consensus to use the same evaluation mechanism as 2019 with Chair Prom collecting input and summarizing the input at the December meeting.

6. COMMUNICATIONS

A. Administrator's Report

- i. Update on Medicine Lake issues were covered during the public forum.

- ii. Update on Grant Applications - \$250,000 in Watershed Based Implementation Funding approved for the Lagoon Dredging Project; \$250,000 requested with grant application to Hennepin County ERF grant program; \$100,000 to be requested through the Hennepin County Opportunity Grant program.
- iii. Search for New Deputy Treasurer – Noted that city of Golden Valley is seeking another city to take over as deputy treasurer. City staff spends about 70 hours a year for \$4,000 stipend.

Commissioner Welch indicated that accounting was not a good place to save money. He suggested directing the Administrator to prepare a request for proposals. Alternate Commissioners McDonald Black and Crough agreed that accounting should be performed by an outside entity.

- iv. Report on MAISRC Showcase and Water Resources Conference. Great conferences; most informative presentation from Water Resources Conference was from the City of Edina about the risk of flooding.

B. Chair

Chair Prom wished everyone a good Thanksgiving holiday.

C. Commissioners

Commissioner Welch volunteered TAC member Ben Scharenbroich to make a presentation on the new MS4 permit. Ben Scharenbroich agreed to and to also include other TAC members.

D. TAC Members

TAC members have been talking about ways to handle the new MS4 requirements, including cooperating together on some items. And, the new staff gage at the Medicine Lake outlet uses colors (green, red, yellow) to indicate high wake, no wake, etc.

E. Committees

Nothing to report.

F. Education Consultant

The latest education video was on wetlands and WHEP Volunteers. The first of several smart salting videos will come out around Thanksgiving.

G. Legal Counsel

Nothing to report.

H. Engineer

Engineer Chandler shared that she also attended the MAISRC showcase and found the starry stonewort presentation very informative.

7. INFORMATION ONLY (Information online only)

- A. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet
- C. 2020 BCWMC Administrative Calendar
- D. WCA Notices of Application, Plymouth (3)
- E. WCA Notice of Decision, Golden Valley
- F. WCA Notice of Application, Golden Valley
- G. [MPRB Draft Parks for All Comprehensive Plan Comment Period](#)

8. ADJOURNMENT

Chair Prom adjourned the meeting at 11:09 a.m.