



## Bassett Creek Watershed Management Commission

### DRAFT Minutes of Regular Meeting Thursday, February 18, 2021 8:30 a.m.

Via video conference due to the COVID-19 global pandemic

#### 1. CALL TO ORDER and ROLL CALL

On Thursday, February 18, 2021 at 8:31 a.m. via video conference, Vice Chair Welch brought 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	Jane McDonald Black	Jeff Oliver, Eric Eckman, RJ Kakach
Medicine Lake	Clint Carlson	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch	<i>Vacant Position</i>	Liz Stout, Katie Kowalczyk
Minnetonka	Mike Fruen	<i>Vacant Position</i>	
New Hope	<i>Absent</i>	Patrick Crough	Megan Hedstrom
Plymouth	Catherine Cesnik	Jim Prom	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Vacant Position</i>	Marta Roser
St. Louis Park	Jim De Lambert	Patrick Noon	<i>Absent</i>
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler and Greg Wilson, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Joan Hauer (Crystal resident), McKenzie Erickson (Minneapolis resident)		

**2. PUBLIC FORUM ON NON-AGENDA ITEMS**

None.

**3. APPROVAL OF AGENDA**

**MOTION:** Commissioner de Lambert moved to approve the agenda. Alternate Commissioner Crough seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent from the vote.

**4. CONSENT AGENDA**

The following items were approved as part of the consent agenda:

- January 21, 2021 Commission meeting minutes
- Fiscal Year 2020 Year End Financial Report
- February 2021 Financial Report
- Payment of invoices
- Resolution 21-03—Designating Depositories for BCWMC Funds
- Resolution 21-04—Transferring Funds from Flood Control Project Long Term Account to Administrative Fund
- Designation of *Finance and Commerce* as the Official News Publication of the BCWMC
- Adoption of Data Practices Policy

The general and construction account balances reported in the February 2021 Financial Report are as follows:

Checking Account Balance	777,644.31
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TOTAL GENERAL FUND BALANCE	777,644.31
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TOTAL CASH & INVESTMENTS ON-HAND (2/10/21)	3,404,904.92
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CIP Projects Levied – Budget Remaining	(3,804,458.96)
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Closed Projects Remaining Balance	936,769.38
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2015-2018 Anticipated Tax Levy Revenue	1,429.11
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2019 Anticipated Tax Levy Revenue	4,499.30
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Anticipated Closed Project Balance	942,697.79
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**MOTION:** Commissioner de Lambert moved to approve the consent agenda. Alternate Commissioner Crough seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent from the vote.

**5. ORGANIZATIONAL MEETING**

**A. Elect Officers**

Vice Chair Welch asked for nominations for chair. Commissioner de Lambert nominated Commissioner Cesnik for Chair.

[Commissioner Sicora joins the meeting.]

Vice Chair Welch asked for nominations for vice chair. Commissioner Harwell voiced interest in pursuing vice chair. There was brief discussion regarding her work schedule and availability. Commissioner Harwell withdrew her name from consideration for this year but voiced interested in chair or vice chair positions in the future.

Vice Chair Welch nominated the existing slate for vice chair, secretary, and treasurer positions.

**MOTION:** Alternate Commissioner Crough moved to approve the slate of officers including Commissioner Cesnik for chair, Commissioner Welch for vice chair, Commissioner de Lambert for secretary and Commissioner Harwell for treasurer. Commissioner de Lambert seconded the motion. Upon a roll call vote, the motion carried 8-0, city of Minnetonka absent from the vote.

Newly elected Chair Cesnik took over the role of Chair.

**B. Review 2021 Commission Calendar and Areas of Work**

Administrator Jester gave an overview of the calendar. She noted that February 1st marks the beginning of the Commission's business and fiscal year and asked people to mark their calendars for monthly meetings for the rest of the year.

**C. Appoint Committee Members**

The following members were appointed to committees.

- i. Administrative Services Committee – Commissioners Cesnik, Welch, de Lambert, Harwell and Alternate Commissioner Prom
- ii. Budget Committee – Commissioners Cesnik, Anderson, and Carlson, and Alternate Commissioner McDonald Black
- iii. Education Committee – Commissioners Harwell and Fruen, and Alternate Commissioner Patrick Noon. Commissioner Fruen and TAC Member Chirpich were on the committee last year. Administrator Jester will ask them if they would like to continue.
- iv. Technical Advisory Committee Liaison – Commissioners Harwell, Welch, Carlson, and Alternate Commissioner Crough

Michael Welch suggested appointing TAC liaison for each meeting because the agenda may change. Commissioners Harwell and Welch are appointed for the March 5, 2021 meeting. The TAC doesn't need the Commission's approval to meet but they may be asked by the Commission to discuss certain topics. Commissioner Welch stressed the importance of having Commission representation at the TAC meetings.

[Commissioner Harwell leaves the meeting.]

**D. Review Open Meeting Law**

Commission Attorney Anderson reviewed the main components of the open meeting law. He reminded the Commission that if people gather socially, it is important *not* to discuss BCWMC matters. The violations of the open meeting law are usually due to "serial" meetings, e.g. hitting "reply all" and continuing to discuss matters after meetings. Attorney Anderson noted it is important to make the public aware of meetings by properly noticing the meetings if there is any potential of quorum. He also noted that alternate commissioners count within the quorum due to their ability to vote.

After a question, Attorney Anderson clarified that the names of firms answering bid or proposal requests are public but the proposals themselves are non-public data. He noted that commissioners can discuss the contents of the proposals during the meeting in order to conduct necessary business and make sound decisions.

## 6. BUSINESS

### A. Review Report on Sweeney Lake/Schaper Pond Carp Removal Project

Commission Engineer Greg Wilson presented about carp populations and movements that were tracked and evaluated in Sweeney Lake and Schaper Pond. He also reported about the carp removal that was completed through the Sweeney Lake Water Quality Improvement Project in 2020. The Commission Engineer walked the Commission through the report and long-term control options.

Engineer Wilson started with background going back to 2011 with the Sweeney Lake TMDL and Schaper Pond monitoring. He provided details about the diversion project and its effectiveness as well as results of monitoring and surveys and insight on how carp were contributing to water quality problems. PIT tags were put on the dorsal fins of carp. Engineer Wilson showed a graphic showing how the carp were traveling.

[Commissioner Fruen joined the meeting.]

The 2018-2019 monitoring results confirmed large numbers of carp moved between Schaper Pond and Sweeney Lake, especially in the spring. Since the carp density was found to be greater than 100 kg/ha, the carps' presence significantly negatively impacted water quality. Namely, there was more total phosphorus leaving the pond than entering it. High total suspended solids concentrations were a good indicator that carp were the cause of this issue.

Commissioner Welch asked whether the carp population increased between 2011 and 2017. Engineer Wilson wasn't sure, but the Schaper Pond diversion project forced water to move through the northwest lobe of the pond where carp are most abundant. The carp biomass was found to be nearly 4 times higher than the water quality threshold. Further, carp surveys indicated that the pond is likely acting as a carp nursery.

Engineer Wilson reported that carp removal is expected to restore the water quality treatment capacity of the Schaper Pond diversion project, which should result in a 100-pound reduction of total phosphorus going to Sweeney Lake. Since electrofishing surveys suggest that carp biomass in both Schaper Pond and Sweeney Lake was 5 to 10 times above the 100 kg/ha threshold associated with impacts on water quality, the 319 grant-funded project for the Sweeney Lake Water Quality Improvement Project included carp biomass reduction during the spring and summer of 2020. Carp removal work was followed by the first phase of the Sweeney Lake alum treatment in the fall of 2020.

Engineer Wilson reported that 452 carp were removed from Sweeney lake and 152 from Schaper Pond. The populations are now low enough that they shouldn't adversely affect water quality. However, based on the PIT antenna data and the fact that 6 carp tagged in Sweeney Lake in the spring of 2020 were later captured in Schaper Pond in the summer and fall of 2020 suggests that carp from Sweeney Lake could easily repopulate Schaper Pond and use it as a nursery, compromising stormwater treatment in the pond.

Engineer Wilson reviewed long-term carp control options including:

- Carp removal through winter seining
- Carp removal through box netting and/or electrofishing
- Construction of a low-voltage electric barrier between Sweeney Lake and Schaper Pond
- Construction of a physical barrier(s) between Sweeney Lake and Schaper Pond
- Introduction of toxins with bait

A lengthy discussion followed the presentation. Alternate Commissioner McDonald Black asked if the baffle has made a difference. Engineer Wilson said there is no confirmation yet, but it should still work as expected with carp reductions. There was discussion about the pond as a preferred carp nursery and that panfish could be introduced to eat the carp eggs but the pond likely has very low dissolved oxygen and winter kills, where carp can survive but panfish could not.

TAC member Ben Scharenbroich asked once an effective barrier is in place, would a draw down and carp removal of Schaper Pond during the winter or spring be appropriate to remove the carp for good? There was more discussion on carp management options; notes that the goal is to reduce the ability of carp to move into Schaper to spawn; indication that carp activity (at this new level) shouldn't impact alum treatment; and commissioners' concerns with toxic bait and impact to other wildlife.

Engineer Wilson concluded that more evaluation of carp control options is needed including a review of the cost-benefits, liability, maintenance, ownership, etc. of each option. He requested direction from the Commission to work on that evaluation with Golden Valley staff, the Administrator, and Commission Attorney.

**MOTION:** Alternate Commissioner McDonald Black moved to use Schaper Pond Diversion Project CIP funds to continue evaluating options, working with stakeholders, and bring information and recommendations back to the Commission. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 9-0.

- 5E. Review Year End Financial Report (Feb 1, 2020 - Jan 31, 2021)** (NOTE: this agenda item was discussed out of order) Administrator Jester reported that the Commission is in good financial standing and ended the year in the black when expenses are adjusted with revenue. She noted that some budget lines had significantly greater expenses compared to the amount budgeted due to additional and unexpected work, but other areas were under budget and grant funds helped balance the budget. Commission Engineer Chandler reviewed areas where technical services were over budget and why.

Many commissioners expressed concern with some of the high expense and overages. Alternate Commissioner McDonald Black suggested a quarterly review of the Operating Budget. Commissioner Carlson indicated his concern about the budget, in general. Commissioner Welch noted that as the Commission engages more directly with CIP projects and other programs, the budget should be watched closely and legal costs for specific CIP projects should be included as a CIP expense.

**B. Consider Approval of Agreement with Redpath and Company for Accounting Services**

Administrator Jester reported that at last month's meeting, the Commission approved moving forward with contracting for accounting services with Redpath and Company. Commission Attorney Anderson drafted the agreement that has been signed by Redpath. Staff recommended approval.

**MOTION:** Commissioner Welch moved to approve the agreement with Redpath and Company for accounting services for fiscal year 2021. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 8-0, with the city of Minnetonka absent from the vote.

**C. Consider Approval of Revision to Requirements for Improvements and Development Proposals**

Commission Engineer Chandler reported that at the meeting last month, commissioners reviewed staff recommendations for revisions to the Requirements Document regarding what types of projects need approval at a Commission meeting. Commissioners had suggestions for adding clarity to the proposed revisions and the item was tabled. The Commission Engineers and Attorney reworded the section with recommendations from commissioners. Staff recommends approval of the updated revisions in Section 3.1, in addition to minor grammatical changes in other parts of the document.

**MOTION:** Alternate Commissioner Crough moved to approve the revisions to the Requirements for Improvements and Development Proposals. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 8-0, with the city of Minneapolis abstaining from the vote.

**D. Consider Staff/TAC Request to Explore BCWMC Cost Share Program for Private Development Projects**

Administrator Jester reported that at the TAC's February 4<sup>th</sup> meeting, some TAC members indicated that they expect a significant amount of redevelopment to occur over the next ten years in their cities and wondered if a cost share program similar to the one in Shingle Creek WMO could incentivize some developers to go "above and beyond" with pollutant reduction measures during redevelopment.

Commissioner Welch recommended moving this item to a future agenda, since it is not time sensitive. The other commissioners agreed to table the item and revisit it at a later date.

**E. Review Letters of Interest Proposals from Legal and Engineering Firms**

Administrator Jester reported the Commission recently submitted a solicitation for “letter of interest” proposals for legal and technical engineering services to comply with state law. She noted the Commission received two proposals for legal services and three proposals for engineering services which were emailed or mailed to commissioners rather than posted online because they are not public documents.

Commissioner Carlson inquired about the billing rates. Attorney Anderson reported that Kennedy & Graven proposed a 3% increase and noted that it had been seven years since the last increase. Commission Engineer Chandler replied that Barr updates billing rates each year. Commissioner Carlson stated that it’s fair to ask about the changes to rates and expressed concern about costs and taxes going up.

Commissioner Welch noted that when the Commission has a specific project for the engineers, we have an approved not-to-exceed amount, but that it’s necessary for the general contracts for services to be standing consulting agreements because the consultants don’t know exactly what work they’ll be tasked over the course of each year, outside of those specific projects. He also indicated that the Commission should approve either annually or biennially a rate schedule for the legal and engineering services.

Administrator Jester noted that she would bring the existing contracts for legal and technical services, along with the hourly rates to a future meeting.

**MOTION:** Commissioner Sicora moved to approve Barr Engineering Co. and Kennedy & Graven as consultants and to bring the hourly rates for approval. Alternate Commissioner Crough seconded the motion. Upon a roll call vote, the motion carried 9-0, with all cities present for the vote.

**7. COMMUNICATIONS**

A. Administrator’s Report

- i. Reminder to Submit Conflict of Interest Statements – most commissioners have not submitted their statements yet. She urged commissioners to do so.
- ii. Update on Bassett Creek Flood Risk Review Meeting – MnDNR holding the meeting on February 24<sup>th</sup>, not a public meeting, so a quorum of commissioners cannot attend. City staff and mayors were specifically invited.
- iii. Update on Hennepin County Opportunity Grant – the Commission received this nearly \$75,000 grant for the Lagoon Dredging Project; the Commission also received the \$10,000 Hennepin County AIS Prevention grant.
- iv. Update on BWSR Performance Review and Assistance Program (PRAP) Level 2. Engineer Chandler and Administrator Jester will meet with BSWR soon; commissioners can expect to learn more at the March meeting.

B. Chair – nothing to report

C. Commissioners – Commissioner Welch said Hennepin Co. has issued a draft climate action plan and recommended commissioners review and provide feedback (see Item 8D)

D. TAC Members

- i. Report on February 4<sup>th</sup> Meeting – TAC Chair Mark Ray reported that the group discussed the FEMA mapping project and began discussing the 5-year CIP.
- ii. Next Meeting: March 5<sup>th</sup>, 1:00 p.m.

E. Committees – nothing to report

F. Education Consultant - There is a new video about deicers and pets. Is there a pet-friendly deicer? Watch and find out, then share via social media, email or whatever way you have.

G. Legal Counsel – nothing to report

H. Engineer – Commission Engineer Chandler thanked the Commission for continuing to use Barr Engineering. She also noted that 2020 monitoring results are coming.

**8. INFORMATION ONLY (Information online only)**

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

- B. Grant Tracking Summary and Spreadsheet
- C. WCA Notices of Decision, Plymouth
- D. Hennepin Co. [Draft Climate Action Plan](#) and Input Opportunities
- E. 2021 Online [Salt Symposium Save the Date – August 3 & 4](#)

**9. ADJOURNMENT**

Upcoming Meetings & Events

- BCWMC Technical Advisory Committee Meeting: Friday March 5th, 1:00 p.m. via Zoom
- MAWD Virtual Legislative Event: March 17, 2021 – Save the date, more info to come
- Bassett Creek Watershed Mgmt. Commission Meeting: Thursday March 18th, 8:30 a.m., via Zoom
- Metro MAWD Meeting: April 20, 2021; 7:00 – 9:00 p.m., Virtual

**MOTION:** Commissioner McDonald Black moved to adjourn at 11:24 a.m. Crough seconded the motion. No vote is needed to adjourn.

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Signature/Title          Date

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Signature/Title          Date

