



Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting
Thursday, December 16, 2021
8:30 a.m.**

Via video conference due to the COVID-19 global pandemic

1. CALL TO ORDER and ROLL CALL

On Thursday, December 16, 2021 at 8:33 a.m. via video conference, Chair Cesnik brought the Bassett Creek Watershed Management Commission (BCWMC) to order.

Commissioners, city staff, and others 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 | Eric Eckman, Drew Chirpich |
| Medicine Lake | Clint Carlson | Gary Holter | <i>Absent</i> |
| Minneapolis | Michael Welch | Jodi Polzin | Liz Stout, Katie Kowalczyk |
| Minnetonka | <i>Absent</i> | <i>Vacant Position</i> | Leslie Yetka |
| New Hope | <i>Absent</i> | Patrick Crough | David Lemke, Nick Macklem |
| Plymouth | Catherine Cesnik | <i>Absent</i> | Ben Scharenbroich |
| Robbinsdale | <i>Absent</i> | <i>Vacant Position</i> | <i>Absent</i> |
| St. Louis Park | <i>Absent</i> | Angela Lawrence | Erick Francis, Mark Oestreich |
| Administrator | Laura Jester, Keystone Waters | | |
| Engineers | Karen Chandler and Patrick Brockamp, Barr Engineering | | |
| Legal Counsel | Dave Anderson, Kennedy & Graven | | |
| Presenters/ Guests/Public | Joan Hauer, Crystal resident | | |

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No comments from the public were made.

3. APPROVAL OF AGENDA

MOTION: Alternate Commissioner McDonald Black moved to approve the agenda. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 5-0, with the cities of Minnetonka, New Hope, Robbinsdale and St. Louis Park absent from the vote.

4. CONSENT AGENDA

Commissioner Welch noted that documents for items 4D, 4E, and 4F were not linked with online meeting materials until about 15 minutes before the start of the meeting. He requested moving items 4A, 4D, and 4E to the business agenda and moving item 4F to a future agenda.

The consent agenda was amended as requested. The following items were approved as part of the consent agenda.

- Acceptance of December 2021 Financial Report
- Approval of Payment of Invoices
 - i. Keystone Waters, LLC – November 2021 Administrative Services
 - ii. Keystone Waters, LLC – November 2021 Meeting Expenses
 - iii. Barr Engineering – November 2021 Engineering Services
 - iv. Kennedy & Graven – October 2021 Legal Services
 - v. Stantec – WOMP Expenses (2)
 - vi. Redpath – November Accounting Services
 - vii. We All Need Food and Water – November 2021 Administrative and Education Services

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

| Current Assets | Capital Improvement Projects | General Fund | TOTAL |
|---|------------------------------|-------------------|---------------------|
| Checking | 1,764,067.33 | -34,699.64 | 1,729,367.69 |
| 4MP Fund Investment | 3,501,105.22 | 616.42 | 3,501,721.64 |
| 4M Fund Investment | 1,483,511.82 | 88.00 | 1,483,599.82 |
| Total Checking/Savings December 2021 | 6,748,684.37 | -33,995.22 | 6,714,689.15 |

MOTION: Commissioner Welch moved to approved the consent agenda as amended. Alternate Commissioner McDonald Black seconded the motion. Upon a roll call vote, the motion carried 5-0, with the cities of Minnetonka, New Hope, Robbinsdale and St. Louis Park absent from the vote.

5. BUSINESS

Moved off consent: **4A. Approval of Minutes – November 17, 2021 Commission Meeting**

Commissioner Welch noted a correction needed in the vote tally for approving the November agenda (Item 3). The minutes will be revised to reflect a 6 – 0 vote with the cities of Minnetonka, New Hope, and Robbinsdale absent from the vote. There was also discussion about who would be taking/drafting minutes with Dawn Pape’s departure, and the level of detail needed in the minutes. The Administrative Services Committee will address this issue at an upcoming meeting with input from the Commission Attorney.

[New Hope Alternate Commissioner Crough joins the meeting.]

MOTION: Commissioner Welch moved to approve the November 17, 2021 minutes with the noted revision. Alternate Commissioner McDonald Black seconded the motion. Upon a roll call vote, the motion carried 6-0, with the cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.

Moved off consent: **4D. Approval of Golden Valley 2022 Pavement Management Program (PMP) Project**

Commissioner Welch noted that 4.65 acres of fully redeveloped impervious surface offers an opportunity to improve conditions and relayed his dismay that the Commission's water quality standards for linear projects are inappropriate and lack adequate protection for resources. He noted he would not approve this project for that reason. Commissioner Carlson asked if there was a timeline for the TAC to again review an analysis of the impact of previous standards vs. existing standards for linear projects. Administrator Jester noted there is currently no timeline but that work but that the issue of appropriate standards for linear projects is one of the issues that would be discussed during development of the 2025 Watershed Plan.

[St. Louis Park Alternate Commissioner Lawrence joins the meeting.]

Commissioner Carlson requested a summary memo from the city of Golden Valley about the project to help inform the Medicine Lake infrastructure project.

MOTION: Commissioner Carlson moved to approve the Golden Valley 2022 Pavement Management Program contingent on submittal of a summary memo from Golden Valley on the project. Alternate Commissioner McDonald Black seconded the motion. Upon a roll call vote, the motion carried 6 – 1 with the city of Minneapolis voting no and the cities of Minnetonka and Robbinsdale absent from the vote.

Moved from consent: **4E. Approval of Stantec Proposal for Watershed Outlet Monitoring Program (WOMP) Tasks in 2022 & Authorization for Chair to Execute Final Agreement with Attorney and Administrator Recommendation**

Commissioner Welch asked if there were more details available regarding the monitoring procedures and protocols. Administrator Jester noted that the terms will reference the WOMP agreement between the Commission and the Met Council which includes monitoring details and will transfer those responsibilities to Stantec.

MOTION: Commissioner Welch moved to approve the proposal from Stantec for a not to exceed amount of \$19,220 for WOMP station operation in 2022 pending approval of the final terms and conditions by the Commission Attorney and Administrator. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 7 – 0 with the cities of Minnetonka and Robbinsdale absent from the vote.

A. Consider Approval of 50% Design Plans for Main Stem Lagoon Dredging Project (BC-7)

Commission Engineer Chandler introduced Patrick Brockamp with Barr Engineering. Engineer Brockamp presented information about the Main Stem Lagoon Dredging Project including background information, budget, and design components including access routes, dredging details, and minor bank restoration. He noted the three lagoons (ponds) will be dredged to a depth of 6 feet with 4:1 slide slopes. He reviewed expected impacts to park users, protection and restoration planned for roads and trails, material disposal, control of the stream flow through the project area, and the construction schedule. Engineer Brockamp also walked through the permitting needs including a Phase I archeological survey requested by SHPO. He noted more information is needed from the city of Golden Valley on buffer requirements. Finally, he noted the public engagement activities that have been discussed by the project stakeholders (staff with MPRB, cities of Golden Valley and Minneapolis, Minneapolis commissioners, and Commission staff). Three different groups of people should be informed about the project: park users, nearby residents, and Loppet Foundation. Although no public open house is planned, outreach will happen through MPRB and BCWMC websites, articles in neighborhood newsletters, signage in the park, and engagement with Loppet Foundation.

There was discussion about the bidding climate and optimal time to let the bids and how best to engage with the nearby communities. It was clarified that the contaminated sediments dredged from the ponds would go to a landfill of the contractor's choosing.

Commissioner Welch noted that the Commission Attorney should be involved with securing appropriate permissions from the MPRB.

MOTION: Commissioner Welch made the following motion: A) Approve of 50% design plans; B) Authorize the BCWMC engineer to continue design and bring 90% design plans to a future BCWMC meeting; C) Authorize BCWMC

attorney to work with MPRB to secure necessary legal and land-use rights and permissions, and allocation of rights and responsibilities for construction; and D) Direct the Administrator and Engineer to assess and secure necessary permitting, including compliance with city buffer requirements and provide commission with budget implications, if any, at their earliest convenience. Commissioner Carlson seconded the motion.

Discussion: There was discussion about how to keep costs down and how to engage with diverse communities in the area. Commissioner Carlson noted that the Commission should make sure the bidding process includes cost reduction options and would like more information on cost reduction opportunities through the bidding process. It was noted that further discussion on material disposal options could be held during presentation of the 90% plans. Finally, it was noted that property owned by a railroad company bisects the project area and that negotiations with the railroad may be needed.

The following friendly amendment was made to the motion: Direct Administrator to work with commissioners and stakeholders to develop a robust plan for outreach with particular focus on diverse communities.

Upon a roll call vote, the motion carried 7 – 0 with the cities of Minnetonka and Robbinsdale absent from the vote.

A 5-minute break was called by the Chair. The meeting resumed at 10:00 a.m.

[Golden Valley Commissioner Harwell joins the meeting.]

B. Review Final Report for Westwood Lake Water Quality Improvement Project (WST-2)

Administrator Jester introduced St. Louis Park TAC member, Erick Francis, and Westwood Hills Nature Center Director, Mark Oestreich, who walked through the final report of the Westwood Lake Water Quality Improvement Project. They noted that the project was part of the larger relocation and construction of the new nature center building, landscaping, and outdoor spaces. They reported that the project components included a system that collects roof rainwater and routes it through interactive pumps and constructed stream to provide educational opportunities, evapotranspiration and finally infiltration of water – protecting the lake from runoff. They presented information and photos of the bog that was transferred in pieces from northern Minnesota and the educational signage related to watersheds, the bog, and stormwater runoff. Overall, the project is functioning properly and is a great addition to the center.

Mr. Oestreich and TAC member Francis also reviewed the project budget and the lessons learned, noting that ongoing vegetative maintenance is more challenging than expected. They reported on nature center visitorship including 38,000/year in the old building (pre-pandemic) and 40,000 in 2021 (inside visitors only). Mr. Oestreich noted that program numbers are still lower than expected due to the ongoing pandemic. He also noted that the new water features offer educational programming opportunities that will also satisfy new education standards.

Commissioner Harwell asked about chloride use onsite. Mr. Oestreich reported that very little salt is used on site; that the parking lot includes pervious pavers, that city crews do not maintain the parking lot and driveway and that no salt is used on sidewalks. Mr. Francis noted that the Commission's "Smart Salt" fliers could be distributed at the site and noted the watershed sign includes information on chloride pollution. Commissioner Harwell also requested more information on the pollutant removal expected from the project.

C. Consider Approval of Final Reimbursement Request for Westwood Lake Water Quality Improvement Project (WST-2)

Administrator Jester reported that she had reviewed the reimbursement documentation and recommends that the Commission approve the final payment to the city of \$180,859.04 and close out the project.

MOTION: Commissioner Welch moved to approve the reimbursement request of \$180,859.04 to the City of St. Louis Park for the Westwood Lake Water Quality Improvement Project. Commissioner Harwell seconded the motion. Upon a roll call vote, the motion passed 7 – 0 with the cities of Minnetonka and Robbinsdale absent from the vote.

D. Consider Recommendations from Technical Advisory Committee

TAC Chair, Mark Ray, reported on the November 22nd TAC meeting that included discussions on XPSWMM model update timing, Flood Control Project items and costs, and other issues. He noted several conditions and parameters that will be reviewed annually in order to determine XP-SWMM model update timing. He also reported on TAC recommendations regarding the Flood Control Project (FCP) including:

- The TAC recommends no modifications to the Commission’s overall tunnel responsibilities and existing policy.
- The TAC recommends the Commission revisit the question of FCP inspection expenses in early 2022 during the annual budgeting process.
- The TAC recommends considering new technologies as part of the inspections prior to performance of future inspections.
- The TAC recommends a revision to the inspection schedule (noted in the TAC memo table)

Mr. Ray also noted that new and emerging technologies for tunnel inspections (such as use of drones or infrared technologies) be considered for future inspections and that annual contributions to the FCP inspection fund be reviewed during annual budgeting.

[St. Louis Park Alternate Commissioner Lawrence leaves the meeting.]

Mr. Ray also noted that most cities now indicate that while they may have some tasks appropriate for an intern from Dougherty Family College, that cities do not have space to house an intern. The city of Golden Valley may be able to find space and discussions are ongoing.

Alternate Commissioner McDonald Black reminded commissioners of the previous action to pursue providing an internship through the Commission and that she will continue working on this idea, particularly through the city of Golden Valley. It was noted that Dawn Pape’s departure leaves a gap in the Commission’s ability to mentor an intern and that mentoring an intern takes time.

It was also noted that the TAC agreed it is appropriate for the Commission to develop and submit a grant application for the MPCA’s new Climate Resiliency grant program.

MOTION: Commissioner Carlson moved to approve the TAC recommendations regarding the Flood Control Project. Commissioner Anderson seconded the motion. Upon a roll call vote, the motion passed 6 – 0 with the cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.

E. Review Information on New Impaired Waters Listing for Bassett Creek

Commission Engineer Chandler reported that every two years, the MN Pollution Control Agency (MPCA) develops a list of impaired waters. She reported the MPCA recently added Bassett Creek to the draft 2022 impaired waters list for aquatic life due to a failure to meet the standard for macroinvertebrates. Further, she noted this listing is consistent with data collected by the BCWMC since 2006 and that staff does not recommend providing comment to the MPCA regarding the listing but will continue to request information regarding where the macroinvertebrate standard is being met across the state. Commissioner Welch asked about the TMDL completion date of 2024 listed in the impaired waters list for invertebrates and fish. Administrator Jester will look into that and report back.

F. Receive Report on MAWD Annual Conference and Meeting

Chair Cesnik reported that she attended many informative sessions during the MAWD conference and that the conference ran smoothly and she recommends that commissioners consider attending in the future. She also noted that the MAWD business meeting was very long, included a lot of technical information and jargon and was difficult to follow at times. Commissioners Welch and Harwell agreed noting there were lengthy discussions about how to

reword certain resolutions and how to tackle very difficult situations. Commissioner Welch noted that the meeting is much better when in person.

G. Receive Report or Recommendations from Administrative Services Committee

Administrative Services Committee Chair Harwell reviewed the committee's discussions and recommendations from their meeting on December 13th. She reported that staff evaluation surveys for the Commission Engineer and Administrator will be sent to commissioners and TAC members on January 3rd and will be due on January 10th. She noted that Administrator compensation for 2023 will be discussed during 2023 budgeting time.

Committee Chair Harwell reported that the committee recommends approving a request by the Administrator to go over her contracted annual budget by up to \$6,500 to accommodate for the additional time she's spent on Commission work over the past 10 months.

It was also noted that the Administrator's contract will be reconsidered to increase hours/budget for the additional work that will be expected as part of the 2025 Watershed Plan development.

MOTION: Commissioner Welch moved to approve an additional \$6,500 in this fiscal year for the Administrator. Commissioner Carlson seconded the motion. Upon a roll call vote the motion carried 5 – 0 with the cities of Minnetonka, New Hope, Robbinsdale, and St. Louis Park absent from the vote.

6. COMMUNICATIONS

- A. Administrator's Report – WOMP equipment was stolen; working with Met Council to replace. \$300,000 in Clean Water Funds awarded to BCWMC for the Medley Park Stormwater Treatment Facility Project.
- B. Chair – No report
- C. Commissioners – Commissioner Carlson requests additional information (plan set) on the Golden Valley Pavement Management Program and he looks forward to reviewing Plymouth's street sweeping report. Commissioner Welch noted that Mississippi WMO long time administrator, Doug Snyder, is retiring.
- D. TAC Members – Mark Ray indicated his preference for basic meeting minutes for the Commission. He also noted that new MS4 permit requirements may impact linear project standards.
- E. Committees – No report
- F. Legal Counsel – No report
- G. Engineer
 - i. Update on North Green Loop Development, Minneapolis – Developer provided a preferred tunnel access to which the Commission Engineer is commenting and crack monitoring is taking place within the tunnel during construction.
 - ii. Update on Bryn Mawr Meadows Water Quality Improvement Project – Project concept plan was approved by the MPRB which means project design is now underway in earnest with 50% plans coming to the January Commission meeting. Engineer Chandler also noted her recent 35th anniversary with Barr Engineering!

2. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices, Plymouth
- E. MAWD Petition for Rulemaking to BWSR
- F. Children's Water Festival Certificate and Thank You

8. ADJOURNMENT - The meeting was adjourned at 11:34 a.m.