



Bassett Creek Watershed Management Commission

Regular Meeting
Wednesday December 15, 2022
8:30 – 11:00 a.m.
Council Conference Room
Golden Valley City Hall @ 7800 Golden Valley Rd.

MEETING AGENDA

1. CALL TO ORDER and ROLL CALL

2. PUBLIC FORUM ON NON-AGENDA ITEMS – *Members of the public may address the Commission about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Commission will continue with the agenda. The Commission will take no official action on items discussed at the Forum, except for referral to staff or a Commissions Committee for a recommendation to be brought back to the Commission for discussion/action.*

3. APPROVAL OF AGENDA

4. CONSENT AGENDA (10 minutes)

- A. Approval of Minutes – November 16, 2022 Commission Meeting
- B. Acceptance of December 2022 Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – November 2022 Administrative Services
 - ii. Keystone Waters, LLC – November 2022 Meeting Expenses
 - iii. Barr Engineering – November 2022 Engineering Services
 - iv. Kennedy & Graven – October 2022 Legal Services
 - v. Redpath – November 2022 Accounting Services
 - vi. Triple D Espresso – Meeting Catering
 - vii. MN Department of Administration – Legal Notice Publication
 - viii. Stantec – WOMP Services
- D. Conditional Approval of Courage Kenny Center Bridge Removal
- E. Approval of Stantec Proposal for 2023 Watershed Outlet Monitoring Program (WOMP) Tasks and Authorization to Execute Contract

5. BUSINESS

- A. Four Seasons Mall Development and Water Quality Improvement Project Implementation (45 min)
 - i. Review TAC and Staff Recommendations on a City of Plymouth Request Regarding Requirements for Four Seasons Mall Future Development
 - ii. Develop Terms for an Agreement with City of Plymouth to Implement Four Seasons Mall Water Quality Improvement Project (NL-2)
 - iii. Consider Approving 90% Design Plans for Four Seasons Mall Water Quality Improvement Project (NL-2)

BREAK (at Chair's discretion)

- B. Consider Approving Minor Revisions to Requirements for Improvements and Development Proposals as

Recommended by the Technical Advisory Committee (10 min)

- C. Consider Approving Policy and Participation Agreement for Compensating Community Members for Participation in Watershed Plan Focus Groups or Interviews (15 min)
- D. Review Results of Staff Evaluations (15 min)
- E. Receive Report on MN Association of Watershed Districts Annual Meeting (10 min)

6. COMMUNICATIONS (10 minutes)

- A. Administrator's Report
 - i. MnDNR AIS Treatment Grant Application
 - ii. Hennepin County AIS Prevention Grant Update
- B. Chair
- C. Commissioners
- D. TAC Members
- E. Committees
- F. Legal Counsel
- G. Engineer
 - i. Update on Lagoon Dredging Project Construction
 - ii. Update on Bryn Mawr Construction

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet

8. ADJOURNMENT

Upcoming Meetings & Events

- BCWMC Regular Meeting: Thursday January 19th, 8:30 a.m., Golden Valley City Hall



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: December 7, 2022

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: **Background Information for 12/15/22 BCWMC Meeting**

1. **CALL TO ORDER and ROLL CALL**
2. **CITIZEN FORUM ON NON-AGENDA ITEMS**
3. **APPROVAL OF AGENDA – ACTION ITEM with attachment**
4. **CONSENT AGENDA**
 - A. Approval of Minutes – November 16, 2022 Commission Meeting- ACTION ITEM with attachment
 - B. Acceptance of December Financial Report - ACTION ITEM with attachment
 - C. Approval of Payment of Invoices - ACTION ITEM with attachments (online) – I reviewed the following invoices and recommend payment.
 - i. Keystone Waters, LLC – November 2022 Administrative Services
 - ii. Keystone Waters, LLC – November 2022 Meeting Expenses
 - iii. Barr Engineering – November 2022 Engineering Services
 - iv. Kennedy & Graven – October 2022 Legal Services
 - v. Redpath – November 2022 Accounting Services
 - vi. Triple D Espresso – Meeting Catering
 - vii. MN Department of Administration – Legal Notice Publication
 - viii. Stantec – WOMP Services
 - D. Conditional Approval of Courage Kenny Center Bridge Removal – ACTION ITEM with attachment - The proposed project is on the Sweeney Lake Branch of Bassett Creek and includes removing a pedestrian bridge resulting in 1,800 ft² of disturbance and a decrease of impervious surfaces by 830 ft². The proposed project will increase floodplain storage by removing the existing bridge and abutments and will not increase the 100-year flood level. Staff recommends approval with one condition noted in the attached memo.
 - E. Approval of Stantec Proposal for 2023 Watershed Outlet Monitoring Program (WOMP) Tasks and Authorization to Execute Contract – ACTION ITEM with attachment - The Commission has contracted with Stantec (formerly Wenck Associates) to collect water samples and maintain equipment at the Bassett Creek WOMP site for several years. The attached proposal from Stantec for work beginning in January 2023 is the same as years past with a slight reduction in budget. I recommend approval of the proposal and authorization for the chair to execute the contract which was reviewed by the Commission Attorney. A 2023 WOMP grant agreement with Met Council to continue station operation with current protocols is expected early next year. In the event that agreement is significantly delayed, staff will revisit this contract with Stantec for station operation.

5. BUSINESS

- A. Four Seasons Mall Development and Water Quality Improvement Project Implementation (45 min)
- i. Review TAC and Staff Recommendations on a City of Plymouth Request Regarding Requirements for Four Seasons Mall Future Development – ACTION ITEM with attachment – *At their meeting on December 7th, the Technical Advisory Committee discussed a request by the City of Plymouth regarding requirements for future development at the Four Seasons Mall site. The attached memo includes TAC recommendations along with a different recommendation from staff.*
 - ii. Develop Terms for an Agreement with City of Plymouth to Implement Four Seasons Mall Water Quality Improvement Project (NL-2) – DISCUSSION ITEM with no attachment – *Pending the outcome of the discussion above, the Commission Attorney should draft an agreement with the city to 1) construct and maintain the CIP project, and 2) outline the provisions approved by the Commission regarding future development. Terms for the agreement should be articulated at this meeting. A final agreement would be considered for approval at a future Commission meeting.*
 - iii. Consider Approving 90% Design Plans for Four Seasons Mall Water Quality Improvement Project (NL-2) – ACTION ITEM with attachments (full plan set online) – *The Commission Engineers reviewed the 90% plans for this CIP Project noting the creation of additional floodplain storage and the estimated pollutant removal of 118 pounds of total phosphorus. Staff recommends the Commission approve the 90% plans and enter an agreement with the city of Plymouth to construct and maintain the project (as recommended above).*

BREAK (at Chair's discretion)

- B. Consider Approving Minor Revisions to Requirements for Improvements and Development Proposals as Recommended by the Technical Advisory Committee (10 min) – ACTION ITEM with attachment; full document online - *The Commission Engineer suggests minor revisions to the Requirements Document (see tracked changes in attached). The revisions provide additional clarity in some areas, provide updated information on Manufactured Treatment Devices (MTDs) in light of their recent addition to the MN Stormwater Manual, and add detail on bridge replacement projects. The TAC and staff recommend approval of the revisions.*
- C. Consider Approving Policy and Participation Agreement for Compensating Community Members for Participation in Watershed Plan Focus Groups or Interviews (15 min) – ACTION ITEM with attachment - *At the meeting last month, the Commission approved the concept of financially compensating individuals for their time and contributions through participation in focus groups or interviews. The Commission requested the development of a policy and a form or agreement for participating and some commissioners volunteered to help frame the participation program and refine some details. Please see the attached memo which outlines the proposed program and includes a draft policy and participation waiver developed by Commission Attorney Anderson. Staff recommends approval to implement the program as outlined in the memo.*
- D. Review Results of Staff Evaluations (15 min) – INFORMATION ITEM no attachment - *Chair Cesnik will review the results of the performance evaluations for Barr Engineering and me that were submitted by commissioners, alternate commissioners, and TAC members. The information is considered non-public data and therefore is not included in with public meeting materials.*

- E. Receive Report on MN Association of Watershed Districts Annual Meeting (10 min) – INFORMATION ITEM no attachment - *Chair Cesnik, Commissioner Welch, Alternate Commissioner Hauer, Commission Engineer Chandler and I attended the MAWD meeting and conference last week. Commissioner Harwell also attended on behalf of her employer. We will provide a verbal report on the results of the business meeting, the workshop attended by Alternate Commissioner Hauer, the workshop session facilitated by Commissioner Welch and me, the presentation by Commission Engineer Wilson and me, and overall takeaways from the event.*

6. COMMUNICATIONS (10 minutes)

- A. Administrator’s Report – **INFORMATION ONLY no attachments**
 - i. MnDNR AIS Treatment Grant Application
 - ii. Hennepin County AIS Prevention Grant Update
- B. Chair
- C. Commissioners
- D. TAC Members
- E. Committees
- F. Legal Counsel
- G. Engineer
 - i. Update on Lagoon Dredging Project Construction
 - Update on Bryn Mawr Construction

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet

8. ADJOURNMENT

Upcoming Meetings & Events

- BCWMC Regular Meeting: Thursday January 19th, 8:30 a.m., Golden Valley City Hall



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting Thursday, November 16, 2022 8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Wednesday, November 16, 2022 at 8:34 a.m. Chair Cesnik brought the Bassett Creek Watershed Management Commission (Commission) to order.

Commissioners, city staff, and others present

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	Joan Hauer	Mark Ray
Golden Valley	Stacy Harwell	Paula Pentel	Drew Chirpich
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnetonka	<i>Absent</i>	<i>Vacant Position</i>	<i>Leslie Yetka</i>
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	<i>Absent</i>	<i>Vacant Position</i>	Mike Sorenson
St. Louis Park	<i>Vacant Position</i>	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineers	Karen Chandler, Barr Engineering		
Recording Secretary	<i>Absent</i>		
Legal Counsel	Sarah Sonsalla, Kennedy & Graven		
Presenters/ Guests/Public	Jane McDonald Black, Golden Valley Resident		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No comments from the public were made.

3. APPROVAL OF AGENDA

MOTION: Commissioner Gwin-Lenth moved to approve the agenda. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

4. CONSENT AGENDA

Chair Cesnik asked to remove Item 4I from the consent agenda. Commissioner Gwin-Lenth requested removing Item 4F from the consent agenda.

MOTION: Commissioner Carlson moved to approve the consent agenda without Items 4F and 4I. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

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

- A. Approval of Minutes – October 20, 2022 Commission Meeting
- B. Acceptance of November 2022 Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – October 2022 Administrative Services
 - ii. Keystone Waters, LLC – October 2022 Meeting Expenses
 - iii. Barr Engineering – October 2022 Engineering Services
 - iv. Kennedy & Graven – September 2022 Legal Services
 - v. Redpath – October 2022 Accounting Services
 - vi. Triple D Espresso – Meeting Catering
 - vii. Shingle Creek WMC – West Metro Water Alliance
 - viii. Stantec – WOMP Services
- D. Approval of Final Reimbursement to City of Minneapolis for Bassett Creek Main Stem Erosion Repair Project: Cedar Lake Road to Dupont Ave North, 2nd Ave North, plus Fruen Mill Area, (2017CR-M)
- E. Approval to Submit Comments in Support of Minnesota DNR’s Proposed Rulemaking on Aquatic Invasive Species
- G. Approval to Direct Commission Engineer to Submit Flood Control Inspection Report to Cities, Minnesota DNR, U.S. Army Corps of Engineers
- H. Approval of Pay Request from SOLitude Lake Management for Sweeney Lake Alum Treatment

5. BUSINESS

4I. Resolution of Appreciation for Alternate Commissioner McDonald Black

Administrator Jester reported that Jane McDonald Black had stepped down from her alternate commissioner position. Chair Cesnik read the resolution of appreciation for Jane.

[Commissioner Welch arrives.]

Several commissioners offered their thanks to Ms. McDonald Black and indicated their appreciation for her expertise on the budget committee. Commissioner Harwell thanked Jane for her partnership in representing the city of Golden Valley.

MOTION: Commissioner Harwell moved to approve the resolution of appreciation. Chair Cesnik seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

Chair Cesnik introduced the new Golden Valley Alternate Commissioner, Paula Pentel. Ms. Pentel noted that she lives near Sweeney Lake and teaches urban environmental sustainability at the University of Minnesota. She is a former Golden Valley City Council and Environmental Commission member and has been through the MN Water Steward training program.

4F. Approval of Four Seasons Mall Demolition Project, Plymouth

After requests for clarification, Commission Engineer Chandler confirmed that because the Four Seasons Mall and parking lot is being demolished and the area will no longer be covered by impervious surface, there would be a reduced risk of downstream flooding. Commissioner Welch noted its advantageous for the site to be pervious but added that future redevelopment should be able to use the current impervious conditions as the basis for water management calculations. Administrator Jester reminded the group that the Commission had approved a TAC recommendation to use current impervious conditions for future redevelopment, sunseting after 20 years. She noted the TAC will be discussing additional items regarding future development at this site during their meeting on December 7th.

MOTION: Commissioner Welch moved to approve the Four Seasons Mall demolition project with the Commission Engineer's conditions. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

A. Consider Approving Medicine Lake Lift Station Rehabilitation and Temporary Variance Request for Compensating Floodplain Storage, Medicine Lake

Commission Engineer Chandler reviewed the project noting that the City of Medicine Lake reconstructed a sanitary lift station on Kaiser Avenue that resulted in 81 cubic yards of fill in the Medicine Lake 100-year floodplain. The station was reconstructed due to concern about possible failure of the existing station. The city intended to provide compensatory storage as part of their Peninsula Road Street and Utility Improvement Project that was approved at the BCWMC meeting in March, but the street project was delayed. Therefore, the sanitary lift station project was completed this summer with no compensatory storage. She noted the almost negligible impact of the floodplain loss on lake levels (less than 0.0015 inches). She reported staff is recommending conditional approval of the sanitary lift station project and a temporary variance of the floodplain impact until December 31, 2024.

Commissioner Harwell noted that while floodplain storage is important, the impact is negligible in this case.

MOTION: Commissioner Harwell moved to approve the project with the Commission Engineer's recommended conditions and to approve the temporary variance of floodplain impacts until December 31, 2024. Commissioner Carlson seconded the motion.

Discussion: Commissioner Carlson provided more background on the lift station and street reconstruction project. Commissioner Welch indicated he cannot support the variance request as a matter of principle; he did not find a compelling reason to allow waiving the rules. Commissioner Harwell noted her support of the engineers' professional judgement. Commission Gwin-Lenth asked what happens if storage is not provided by the end of 2024. Engineer Chandler indicated there is no real teeth in the requirement except that the BCWMC operates under a joint powers agreement indicating the necessity for cooperation of member cities. Alternate Commissioner Polzin requested that the item be brought back in mid-2024 to ensure there is a plan for mitigation before the variance expires.

VOTE: Upon a vote, the motion carried 5-1 with Crystal, Golden Valley, Medicine Lake, New Hope, and Plymouth voting for the motion; and Minneapolis voting against.

B. Consider Approving Resolution 22-10 Revising Boundary with Shingle Creek Watershed Management Commission

Commission Engineer Chandler reported that Shingle Creek WMC recently evaluated and proposed changes to their boundary with adjacent watersheds including the BCWMC. She noted that Commission Engineers and TAC members reviewed the proposed changes in relation to the latest BCWMC XP-SWMM hydrologic boundary, including gathering detailed information from city staff for specific areas where there appeared to be discrepancies between the XP-SWMM boundary and SCWMC proposed boundary. After discussions with SCWMC engineers and some adjustments, the Commission Engineer agrees the proposed revised boundary accurately reflects the most appropriate legal boundary between the SCWMC and the BCWMC and recommends the Commission approve the new boundary by resolution. She noted the changes result in an additional 551 acres in the BCWMC.

Commissioner Harwell asked that the maps be improved so it's easy to identify which parcels lie in each watershed. She also noted she requests her alternate vote on this item because she is a Stantec employee (SCWMC's consulting

engineering firm).

There was discussion about the timing of this effort and Alternate Commissioner Polzin wondered if in some areas of Minneapolis whole blocks, rather than individual parcels could be included in one watershed or the other rather than splitting up blocks. She noted that sometimes more than one parcel is included in a development but each watershed has their own rules, making it difficult. Administrator Jester noted that occasionally BCWMC reviews a project that is split between two watersheds. She noted that in those instances, the engineers agree on which watershed should take review authority and whose rules apply – typically which watershed has the most area in the project site. Commissioner Welch noted that by law, watershed boundaries must follow hydrologic boundaries and there is no technical reason not to approve these revised boundaries. Some city staff reported on how closely they examined specific areas to determine actual drainage patterns.

MOTION: Commissioner Welch moved to approve Resolution 22-10 reflecting revised watershed boundaries. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

C. Discuss Ability to Compensate Community Members for Participation in Watershed Plan Focus Groups

Administrator Jester told the Commission that seeking input from various community groups continues as the BCWMC develops the 2025 Watershed Plan and endeavors to build relationships with groups to understand their experience, knowledge, and priorities surrounding water resources. She noted that as part of this work, she plans to engage with specific groups such as members of the Native community and residents of environmental justice or historically underserved communities. She recommended that to honor the giving of time and knowledge, it is appropriate to compensate individuals financially for their time and that this is considered a best practice among many organizations. Commissioner Anderson asked about the budget implications of offering financial incentives. Administrator Jester noted that it would be a small amount overall and could be built into the Plan Development budget. Overall, commissioners indicated their support for this recommendation and noted that it would be important to clearly articulate that the information gathered may or may not be used in the final Plan. It was also recommended that a participation agreement and Commission policy be developed and brought to a future meeting.

MOTION: Commissioner Harwell moved to approve the Administrator’s recommendation to further explore this idea and bring more detail and specifics to a future meeting. Commissioner Welch seconded the motion.

Discussion: Several commissioners and alternates volunteered to help develop more details for participation and compensation.

VOTE: Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

D. Appoint Delegates for MN Association of Watershed Districts Annual Meeting and Review Proposed Resolutions

Administrator Jester noted that the Commission should appoint official delegates to the MAWD business meeting to be held in Alexandria MN on December 2nd.

[Commissioner Harwell temporarily leaves the meeting.]

MOTION: Commissioner Harwell moved to appoint Chair Cesnik and Alternate Commissioner Hauer as delegates to the MAWD business meeting and Commissioner Welch as the alternate delegate. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

The meeting adjourned for a 5-minute break.

[Commissioner Harwell returns to the meeting. Commissioner Anderson departs the meeting.]

Commissioners then briefly discussed each of the eight proposed resolutions that delegates would vote for or against at the MAWD meeting including topics such as MAWD participation on MDH’s stormwater reuse taskforce and

Minnesota Drainage Workgroup; limited liability for winter salt applicators; limiting the use of wake boats in certain lakes; advocating for stable funding for flood damage reduction projects; clarification of statute language regarding watershed project review authority; limiting groundwater use for landscaping; and providing additional flexibility in the open meeting law for use of technology.

In general, there was consensus to support most of the resolutions. There was discussion about how wake boats are an issue on Medicine and Sweeney Lakes and appear to be further eroding shorelines. There was also discussion about declining groundwater levels. Delegates planned to discuss further before the MAWD meeting.

[Alternate Commissioner Pentel leaves the meeting.]

E. Discuss Process for Evaluating Staff and Soliciting Proposals for Engineering and Technical Services

Administrator Jester reminded commissioners that near the end of each year the Commission evaluates her performance and that of Commission Engineer Chandler. She noted the evaluation has been accomplished in a variety of ways over the years usually including commissioners and TAC members providing feedback through quantitative evaluation forms and review by the Administrative Committee. She asked how the Commission would like to evaluate staff this year. She also reported that the Commission must solicit proposals or letters of interest proposals for at least legal and engineering services as required by law once every two years.

Commissioners noted that more feedback to staff is always beneficial, that consultants are always willing to receive feedback at any point during the year, that results of the evaluation should drive the solicitation of engineering proposals. It was also noted that the Commission has the ability to request proposals from other engineering firms for specific projects; that the relationship with Barr Engineering is not exclusive.

There was consensus to use the same staff evaluation form as the last two years with responses being sent to Chair Cesnik would be summarize and bring results to the December meeting. There was also consensus to solicit “letters of interest proposals” as in years past.

[Commissioner Harwell leaves the meeting.]

6. COMMUNICATIONS

A. Administrator’s Report

1. Update on Watershed Plan Development Activities – Administrator Jester and Minneapolis commissioners have been attending Minneapolis neighborhood association meetings. The Jordan Area Community Council meeting was mainly focused on public safety but they also highlighted new gardens and their work with Metro Blooms.
2. Update on Crane Lake Chlorides Issue – Conversations with city staff continue along with investigations on Crane Lake water levels and outlet levels. Administrator Jester noted her desire to move the Crane Lake Chloride Reduction CIP project earlier on the schedule.
3. Hennepin County Taking Applications for Minnesota Water Stewards – Administrator Jester noted the materials in the “information only” section and asked that commissioners disseminate to interested friends or neighbors.

B. Chair – no report

C. Commissioners

Former Alternate Commissioner McDonald Black reminded commissioners that the CIP funds are separate from the general operating budget. CIP funds shouldn’t accumulate unnecessarily and should be spent.

[Alternate Commissioner Hauer leaves the meeting. No longer a quorum of commissioners.]

Commissioner Welch reported that he attended an event sponsored by Wellington Management and noted a lot of construction and changes in the Bassett Creek Valley. He noted Wellington may be an important partner in conversations about the future of the Valley within the 2025 Plan. Administrator Jester indicated that flooding and water quality challenges in the Bassett Creek Valley are part of the Plan’s “challenging issues” currently being assessed. She reported she has talked with Hennepin County staff about convening a “Bassett Creek Valley Summit”

to discuss issues and a path forward with multiple stakeholders.

D. TAC Members

TAC member Mike Sorensen reported that Minneapolis Park and Rec Board is hiring an AIS Specialist. TAC member Ben Scharenbroich reported that Plymouth staff Chris LaBounty gave a presentation at the North American Lake Management Society conference on the Parkers Lake Chloride Reduction Project. He also noted the city is sponsoring a Smart Salting Training session.

For the December 7th TAC meeting, Commissioner Welch is the primary liaison while Chair Cesnik is alternate.

E. Committees

No reports were given.

F. Legal Counsel

No report was given.

G. Engineer

Commission Engineer Chandler reported that the pre-construction meeting for the Lagoon Dredging Project is scheduled for November 28th. She reported on the discovery of a partially exposed sanitary sewer pipe within the creek bed that is likely to require a different access route to Pond D. Regarding the Bryn Mawr Project, she reported that construction is beginning soon and that more contamination than expected is being discovered.

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices – Plymouth and Golden Valley
- E. MN Stormwater Research Program Highlights 2022
- F. Minnesota Water Stewards Application Materials

8. ADJOURNMENT

The meeting adjourned at 11:25 a.m.

Bassett Creek Watershed Management Commission

Item 4B.
BCWMC 12-15-22

Statement of Financial Position

				Capital Improvement Projects	General Fund	TOTAL
ASSETS						
Current Assets						
Checking/Savings						
		101 · Wells Fargo Checking	-127,519.13	522,926.27	395,407.14	
		102 · 4MP Fund Investment	3,501,986.62	40,131.68	3,542,118.30	
		103 · 4M Fund Investment	2,483,650.36	28,079.36	2,511,729.72	
Total Checking/Savings				5,858,117.85	591,137.31	6,449,255.16
Accounts Receivable						
		111 · Accounts Receivable	0.00	600.67	600.67	
		112 · Due from Other Governments	52,806.40	-0.26	52,806.14	
		113 · Delinquent Taxes Receivable	11,396.55	0.00	11,396.55	
Total Accounts Receivable				64,202.95	600.41	64,803.36
Other Current Assets						
		114 · Prepays	0.00	2,978.75	2,978.75	
		116 · Undeposited Funds	0.00	1,500.00	1,500.00	
Total Other Current Assets				0.00	4,478.75	4,478.75
Total Current Assets				5,922,320.80	596,216.47	6,518,537.27
TOTAL ASSETS				5,922,320.80	596,216.47	6,518,537.27
LIABILITIES & EQUITY						
Liabilities						
Current Liabilities						
Accounts Payable						
		211 · Accounts Payable	40,055.46	73,659.03	113,714.49	
Total Accounts Payable				40,055.46	73,659.03	113,714.49
Other Current Liabilities						
		212 · Unearned Revenue	438,823.00	0.00	438,823.00	
		251 · Unavailable Rev - property	11,396.55	0.00	11,396.55	
Total Other Current Liabilities				450,219.55	0.00	450,219.55
Total Current Liabilities				490,275.01	73,659.03	563,934.04
Total Liabilities				490,275.01	73,659.03	563,934.04
Equity						
		311 · Nonspendable prepays	0.00	2,978.75	2,978.75	
		312 · Restricted for improvements	4,562,582.00	0.00	4,562,582.00	
		315 · Unassigned Funds	0.00	375,424.57	375,424.57	
		32000 · Retained Earnings	1,075,938.11	15,876.48	1,091,814.59	
		Net Income	-206,474.58	128,277.90	-78,196.68	
Total Equity				5,432,045.53	522,557.70	5,954,603.23
TOTAL LIABILITIES & EQUITY				5,922,320.54	596,216.73	6,518,537.27
UNBALANCED CLASSES				0.26	-0.26	0.00

Bassett Creek Watershed Management Commission					
Statement of Revenues, Expenditures and Changes in Fund Balances - General					
		Annual Budget	Nov 16 - Dec 15, 22	Feb 1 - Dec 15, 22	Budget Balance
Ordinary Income/Expense					
Income					
	411 · Assessments to Cities	565,998.00	0.00	565,998.00	0.00
	412 · Project Review Fees	60,000.00	11,091.00	77,717.21	-17,717.21
	413 · WOMP Reimbursement	5,000.00	0.00	1,875.00	3,125.00
	414 · State of MN Grants	0.00	2,018.75	14,063.23	-14,063.23
	415 · Investment earnings	0.00	17,172.69	68,211.04	-68,211.04
	416 · TRPD Reimbursement	1,400.00	0.00	13,900.00	-12,500.00
	Total Income	632,398.00	30,282.44	741,764.48	-109,366.48
Expense					
1000 · Engineering					
	1010 · Technical Services	145,000.00	10,631.00	112,963.00	32,037.00
	1020 · Development/Project Reviews	75,000.00	6,210.50	90,378.92	-15,378.92
	1030 · Non-fee and Preliminary Reviews	22,000.00	1,942.50	16,477.50	5,522.50
	1040 · Commission and TAC Meetings	14,000.00	627.00	11,141.46	2,858.54
	1050 · Surveys and Studies	10,000.00	2,152.50	13,836.00	-3,836.00
	1060 · Water Quality / Monitoring	110,000.00	187.50	85,764.65	24,235.35
	1070 · Water Quantity	8,000.00	123.50	5,056.26	2,943.74
	1080 · Annual Flood Control Inspection	12,000.00	3,371.38	20,035.40	-8,035.40
	1090 · Municipal Plan Review	2,000.00	0.00	741.50	1,258.50
	1100 · Watershed Monitoring Program	28,500.00	3,944.38	22,731.58	5,768.42
	1110 · Annual XP-SWMM Model Updates	5,000.00	0.00	8,983.50	-3,983.50
	1120 · TMDL Implementation Reporting	7,000.00	0.00	1,140.00	5,860.00
	1130 · APM/AIS Work	13,000.00	0.00	36,844.06	-23,844.06
	1140 · Erosion Control Inspections	0.00	0.00	0.00	0.00
	1000 · Engineering - Other		0.00	0.00	0.00
	Total 1000 · Engineering	451,500.00	29,190.26	426,093.83	25,406.17
2000 · Plan Development					
	2010 · Next Gen Plan Development	18,000.00	3,364.50	32,146.00	-14,146.00
	2000 · Plan Development - Other		0.00	0.00	0.00
	Total 2000 · Plan Development	18,000.00	3,364.50	32,146.00	-14,146.00
3000 · Administration					
	3010 · Administrator	70,848.00	5,166.00	58,608.00	12,240.00
	3020 · MAWD Dues	7,500.00	0.00	7,500.00	0.00
	3030 · Legal	17,000.00	1,763.80	16,770.62	229.38
	3040 · Financial Management	13,500.00	1,000.00	11,500.00	2,000.00
	3050 · Audit, Insurance & Bond	18,700.00	0.00	18,118.00	582.00
	3060 · Meeting Catering	1,300.00	161.23	1,669.52	-369.52
	3070 · Administrative Services	8,000.00	861.65	5,662.77	2,337.23
	3000 · Administration - Other		0.00	0.00	0.00
	Total 3000 · Administration	136,848.00	8,952.68	119,828.91	17,019.09
4000 · Education					
	4010 · Publications / Annual Report	1,300.00	0.00	1,164.00	136.00
	4020 · Website	1,800.00	0.00	546.13	1,253.87
	4030 · Watershed Education Partnership	18,350.00	0.00	10,850.00	7,500.00
	4040 · Education and Public Outreach	28,000.00	972.84	22,788.71	5,211.29
	4050 · Public Communications	1,100.00	69.00	69.00	1,031.00
	4000 · Education - Other		0.00	0.00	0.00
	Total 4000 · Education	50,550.00	1,041.84	35,417.84	15,132.16
	Total Expense	656,898.00	42,549.28	613,486.58	43,411.42
	Net Ordinary Income	541,498.00	-12,266.84	694,275.90	-152,777.90
	Net Income	541,498.00	-12,266.84	694,275.90	-152,777.90

Bassett Creek Watershed Management Commission

Statement of Revenues, Expenditures and Changes in Fund Balances - Capital Improvement Projects

		Annual Budget	Nov 16 - Dec 15, 22	Feb 1 - Dec 15, 22	Inception to Date Expense	Remaining Budget
Ordinary Income/Expense						
Income						
	418 · Property Taxes		0.00	873,225.48		
	BC2,3,8 · DeCola Ponds B&C Improve		0.00	0.00		
	BC23810 · Decola Ponds/Wildwood Park	0.00	0.00	0.00		
	BC5 · Bryn Mawr Meadows	0.00	0.00	0.00		
	BC7 · Main Stem Dredging Project		0.00	0.00		
	BCP2 · Bassett Creek Park & Winnetka	0.00	0.00	0.00		
	CRM · Main Stem Cedar Lk Rd-Dupont	0.00	0.00	40,297.44		
	ML12 · Medley Park Stormwater Treatment		0.00	0.00		
	ML21 · Jevne Park Stormwater Mgmt	0.00	0.00	0.00		
	NL2 · Four Seasons Mall Area	0.00	0.00	0.00		
	SL1,3 · Schaper Pond Enhancement	0.00	0.00	0.00		
	SL8 · Sweeny Lake Water Quality	0.00	10,551.47	20,562.03		
	TW2 · Twin Lake Alum Treatment	0.00	0.00	0.00		
	Total Income	0.00	10,551.47	934,084.95		
Expense						
	2017CRM · CIP-Main Stem Cedar Lk Rd-Dupo	1,064,472.00	0.00	636,449.22	768,478.47	295,993.53
	2024CRM · CIP-BS Main Stem Restore	85,500.00	8,151.50	27,423.25	27,423.25	58,076.75
	BC-238 · CIP-DeCola Ponds B&C	1,600,000.00	0.00	0.00	1,507,985.31	92,014.69
	BC-2381 · CIP-DeCola Ponds/Wildwood Pk	1,300,000.00	0.00	0.00	56,789.39	1,243,210.61
	BC-5 · CIP-Bryn Mawr Meadows	1,835,000.00	12,285.36	142,936.90	270,771.07	1,564,228.93
	BC-7 · CIP-Main Stem Lagoon Dredging	2,759,000.00	3,796.60	70,172.99	184,600.81	2,574,399.19
	BCP-2 · CIP- Basset Cr Pk & Winnetka	1,123,351.00	0.00	0.00	1,066,648.32	56,702.68
	ML-12 · CIP-Medley Park Stormwater	1,500,000.00	0.00	0.00	87,218.61	1,412,781.39
	ML-20 · CIP-Mount Olive Stream Restore	178,100.00	0.00	0.00	43,157.42	134,942.58
	ML-21 · CIP-Jevne Park Stormwater Mgmt	500,000.00	0.00	1,319.50	56,390.75	443,609.25
	ML-22 · CIP-Ponderosa Wood Strm Restora	43,800.00	5,155.50	13,790.00	13,790.00	30,010.00
	ML-23 · CIP-Purch High Eff St Sweeper	81,600.00	0.00	0.00	0.00	81,600.00
	NL-2 · CIP-Four Seasons Mall	990,000.00	1,775.00	4,463.00	189,699.56	800,300.44
	PL-7 · CIP-Parkers Lake Stream Restore	485,000.00	459.50	2,983.28	73,896.40	411,103.60
	SL-1,3 · CIP-Schaper Pond	612,000.00	6,542.00	23,015.55	466,093.97	145,906.03
	SL-8 · CIP-Sweeney Lake WQ Improvement	568,080.00	1,890.00	218,005.84	560,710.63	7,369.37
	TW-2 · CIP-Twin Lake Alum Treatment	163,000.00	0.00	0.00	91,037.82	71,962.18
	Total Expense	16,532,526.00	40,055.46	1,140,559.53	5,869,191.78	10,663,334.22
	Net Ordinary Income	-16,532,526.00	-29,503.99	-206,474.58	-5,858,640.31	
Net Income		-16,532,526.00	-29,503.99	-206,474.58		

Massett Creek Watershed Management Commission						
Construction Fund Schedule						
	Total	November 16, 22	Year	Inception		
	Budget	December 15, 22	to-Date	to Date		Remaining Budget
Income						
Fid1 · Flood Control Long Term Maint		0.00	0.00	179,421.90		
Fid2 · Flood Control Long Term Exp	699,980.00	0.00	0.00	484,266.41		
Total	699,980.00	0.00	0.00	-304,844.51		395,135.49
Flood1 · Emergency FCP Income		0.00		0.00		
Flood2 · Emergency FCP Expense	500,000.00	0.00	0.00	0.00		
Total	500,000.00	0.00	0.00	0.00		500,000.00
Gen · Next gen Plan Development Income		0.00	0.00	8,000.00		8,000.00
Gen1 · Next gen Plan Development Exp	30,000.00	0.00		0.00		
Total	30,000.00	0.00	0.00	0.00		38,000.00
Qual · Channel Maintenance Fund		0.00	0.00	20,000.00		
Qual1 · Channel Maintenance Expense	440,950.00	0.00	0.00	267,073.30		
Total	440,950.00	0.00	0.00	-247,073.30		193,876.70
TMDL1 · TMDL Studies Income		0.00				
TMDL2 · TMDL Studies Expense	135,000.00	0.00		107,850.15		
Total	135,000.00	0.00	0.00	-107,850.15		27,149.85



Memorandum

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co. (Barr)
Subject: Item 4D: Courage Kenny Center Bridge Removal – Golden Valley, MN
BCWMC December 15, 2022 Meeting Agenda
Date: December 8, 2022
Project: 23270051.53 2022 2299

4D Courage Kenny Center Bridge Removal– Golden Valley, MN BCWMC 2022-19

Summary:

Project Proposer: Allina Health

Proposed Work: Removal of an existing pedestrian bridge

Basis for Review at Commission Meeting: Work involving Bassett Creek trunk system

Impervious Surface Area: Decrease 830 square feet

Project Schedule: January 2023

Recommendation for Commission Action: Conditional approval

General Project Information

We reviewed grading and demolition plans for the above referenced project. The proposed project is along the Bassett Creek Sweeney Lake Branch subwatershed at the Courage Kenny Rehabilitation Institute in Golden Valley. The proposed project includes removing a pedestrian bridge resulting in 1,800 square feet of disturbance and a decrease of impervious surfaces by 830 square feet.

The initial application and submittal were received November 14, 2022. The BCWMC engineer reviewed the submittal and provided comments to the city on November 30, 2020. The comments were addressed and revised plans were provided on December 2, 2022.

Floodplain

The proposed project includes work in the BCWMC 100-year floodplain. The 1% annual-chance (base flood elevation, 100-year) floodplain elevation along the Sweeney Lake Branch of Bassett Creek at the project site is 830.6 feet NAVD88. The February 2021 BCWMC Requirements for Improvements and Development Proposals (Requirements) document states that projects within the floodplain must maintain no net loss in floodplain storage and no increase in flood level at any point along the trunk system (managed to at least a precision of 0.00 feet). The proposed project will increase floodplain storage by removing the existing bridge and abutments and not increase the 100-year flood level. Although, the proposed temporary check dam may increase water elevations during low flow events, the 100-year flood elevation should not be impacted because the pipe downstream of the project controls the water surface elevations in this area.

Lakes, Streams, and Wetlands

The City of Golden Valley is the local government unit (LGU) responsible for administering the Wetland Conservation Act; therefore, BCWMC wetland review is not required.

Rate Control

The proposed project does not create one or more acres of new or fully reconstructed impervious surfaces; therefore, BCWMC rate control review is not required.

Water Quality

The proposed project does not create one or more acres of new or fully reconstructed impervious surfaces; therefore, BCWMC water quality review is not required.

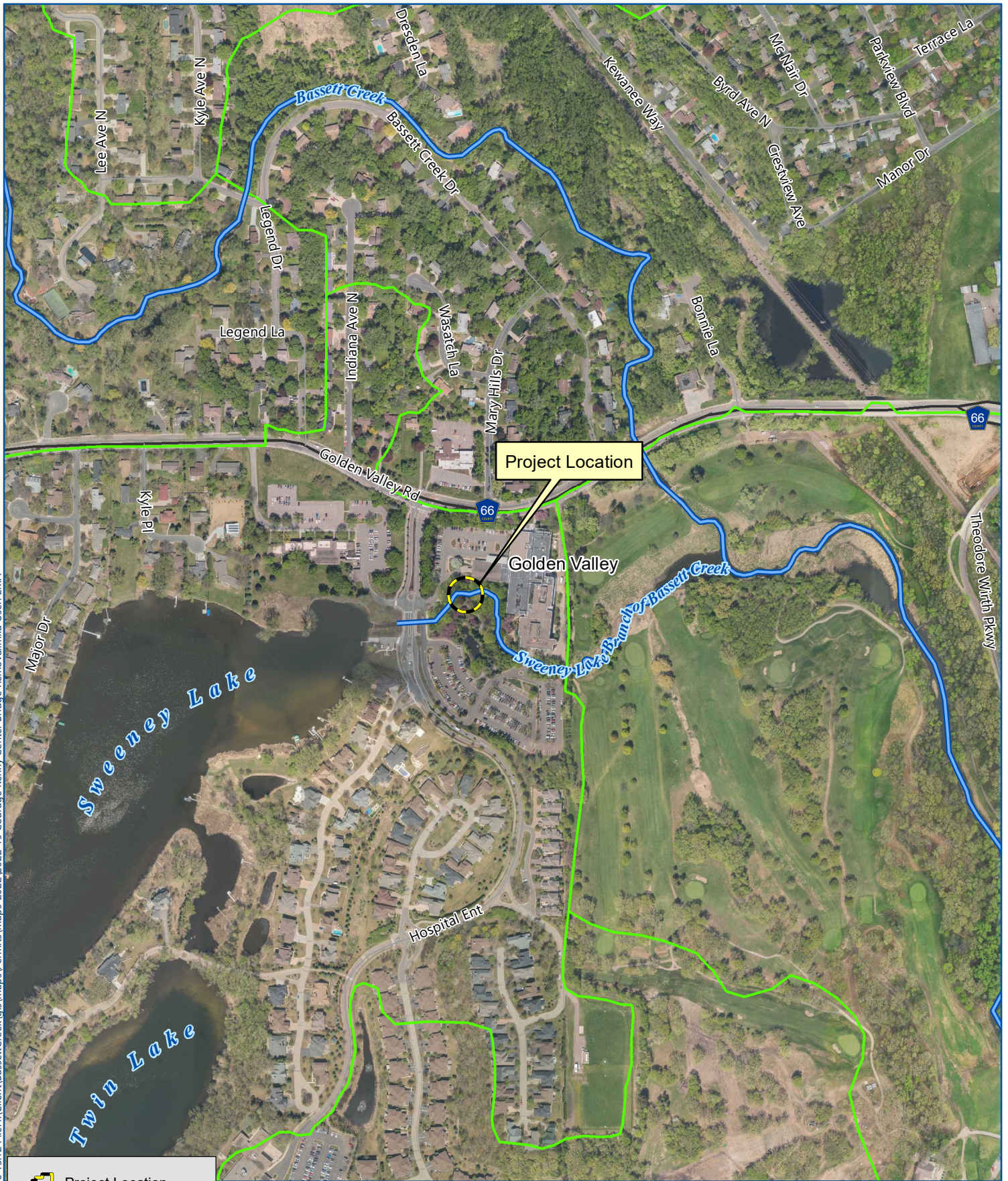
Erosion and Sediment Control







The proposed project does not result in more than 10,000 square feet of land disturbance; therefore, BCWMC review of erosion and sediment control is not required. However, the plans indicate the following temporary erosion control practices will be implemented: silt fence, temporary rock check dam and floatation silt curtain.

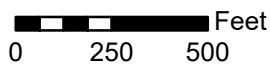
Recommendation

Conditional approval

1. Rock check dam and silt curtain must be removed from the creek channel after the project has been completed.



-  Project Location
-  Municipality
-  BCWMC Legal Boundary
-  Major Subwatershed
-  BCWMC Hydrologic Boundary
-  Bassett Creek



BCWMC #2022-19
 COURAGE KENNY CENTER
 BRIDGE REMOVAL
 Golden Valley, MN

LOCATION MAP



Stantec Consulting Services Inc.
7500 Olson Memorial Highway Suite 300, Golden Valley MN 55427-4886

December 5, 2022

Laura Jester
Bassett Creek Watershed Management Commission
16145 Hillcrest Lane
Eden Prairie, MN 55346

2023 Bassett Creek Watershed Outlet Monitoring Program Services

Dear Ms Jester,

Thank you for the opportunity to provide a scope of work and budget to continue operating the Met Council Environmental Services' (MCES) Watershed Outlet Monitoring Program (WOMP) station for Bassett Creek. Stantec has a long history of providing stream monitoring expertise to our clients and are confident this expertise will provide the Bassett Creek Watershed Management Commission (BCWMC) the highest quality stream monitoring

Scope of Work

Stantec will provide monitoring services and work with MCES staff to ensure that all monitoring needs/requirements for the Bassett Creek WOMP are satisfied. Stantec will complete the following tasks to accomplish the scope of work:

Task 1, Project Management

This task assumes 0.5 hour of Stantec staff time per month for managing/coordinating budgets and field staff, and communication between Stantec MCES, and BCWMC staff.

Task 2, Routine Monitoring

Stantec will collect routine monitoring samples once every two weeks beginning in January 2023 through December 2023 (~25 total events). This task assumes approximately 3 hours of staff time per sample event which includes field sampling preparation, sample collection, and sample delivery to MCES laboratory in St. Paul. This task also covers staff time for on-site equipment training/maintenance with MCES staff.

Reference: Bassett Creek Watershed Outlet Monitoring Program Services

Task 3, Storm Event Monitoring

Stantec will target and collect approximately 8 storm event samples in 2023. This task assumes approximately 3 hours of staff time per sample event which includes field sampling prep, sample collection, and sample delivery to MCES laboratory in St. Paul.

Task 4, Attend MCES Co-operator Forum

One Stantec staff member will attend MCES's WOMP Station Cooperator Forum which is typically held in the spring. A summary of the forum will be provided to BCWMC staff.

Cost Estimate

Stantec proposes to perform the scope of work stated above on a time and materials basis for a total estimated cost of \$18,084.00 for the 2023 monitoring season. A detailed breakdown of our cost estimate is provided below.

Table 1: Tasks and estimated costs.

Project Team

Anne Wilkinson	Task 1: Project Management	6	\$ 882
Anne Wilkinson/ Kurt Krautman	Task 2: Routine Monitoring	80	\$ 11,310
	Task 3: Storm Event Monitoring	30	\$ 4,260
Anne Wilkinson or Kurt Krautman	Task 4: Attend MCES Cooperator Forum	6	\$ 792
--	Mileage	1,400 miles	\$ 840
Total Estimated Project Cost			\$ 18,084

The following Stantec staff will execute the Scope of Work. Other staff will participate as needed

- Project Manager Anne Wilkinson
- Environmental Scientist Kurt Krautman

Reference: Bassett Creek Watershed Outlet Monitoring Program Services

Summary

Thank you for this opportunity to work with the BCWMC. Should you have any questions, or need clarification of anything presented in this scope of work, please do not hesitate to contact Anne Wilkinson at 612 712-2003 or anne.wilkinson@stantec.com.

Regards,

Stantec Consulting Services Inc.



Anne Wilkinson
Civil Engineer in Training
Phone: 763 252 6877
anne.wilkinson@stantec.com



Eileen Weigel, PE
Associate, Senior Water Resource Engineer
Phone: 763.252.6853
eileen.weigel@stantec.com

December 5, 2022

Laura Jester

Page 4 of 4

Reference: Bassett Creek Watershed Outlet Monitoring Program Services

By signing this proposal, Bassett Creek Watershed Management Commission authorizes Stantec to proceed with the services herein described and the Client acknowledges that it has read and agrees to be bound by the attached Professional Services Terms and Conditions.

This proposal is accepted and agreed on the Day day of Month, Year.

Per: Bassett Creek Watershed Management Commission

Enter Name & Title _____

Print Name & Title

Signature

The following Terms and Conditions are attached to and form part of a proposal for services to be performed by Consultant and together, when the Client authorizes Consultant to proceed with the services, constitute the Agreement. Consultant means the Stantec entity issuing the Proposal.

DESCRIPTION OF WORK: Consultant shall render the services described in the Proposal (hereinafter called the "Services") to the Client.

TERMS AND CONDITIONS: No terms, conditions, understandings, or agreements purporting to modify or vary these Terms and Conditions shall be binding unless hereafter made in writing and signed by the Client and Consultant. In the event of any conflict between the Proposal and these Terms and Conditions, these Terms and Conditions shall take precedence. This Agreement supercedes all previous agreements, arrangements or understandings between the parties whether written or oral in connection with or incidental to the Project.

COMPENSATION: Compensation shall be paid for the Services actually provided in accordance with the Consultant's proposal and total costs shall not exceed \$18,084 unless otherwise approved in writing by Client. The Services will be invoiced on a monthly basis for professional time completed and expenses incurred with a 0% mark-up. Payment is due to Consultant upon receipt of invoice. Failure to make any payment when due is a material breach of this Agreement and will entitle Consultant, at its option, to suspend or terminate this Agreement and the provision of the Services. Interest will accrue on accounts overdue by 45 days at the lesser of 1.5 percent per month (18 percent per annum) or the maximum legal rate of interest. Unless otherwise noted, the fees in this agreement do not include any value added, sales, or other taxes that may be applied by Government on fees for services. Such taxes will be added to all invoices as required. The Client will make payment by Electronic Funds Transfer when requested by Stantec, to the extent that it has that ability.

NOTICES: Each party shall designate a representative who is authorized to act on behalf of that party. All notices, consents, and approvals required to be given hereunder shall be in writing and shall be given to the representatives of each party.

TERMINATION: Either party may terminate the Agreement without cause upon thirty (30) days notice in writing. If either party breaches the Agreement and fails to remedy such breach within seven (7) days of notice to do so by the non-defaulting party, the non-defaulting party may immediately terminate the Agreement. Non-payment by the Client of Consultant's invoices within 45 days of Consultant rendering same is agreed to constitute a material breach and, upon written notice as prescribed above, the duties, obligations and responsibilities of Consultant are terminated. On termination by either party, the Client shall forthwith pay Consultant all fees and charges for the Services provided to the effective date of termination.

ENVIRONMENTAL: Except as specifically described in this Agreement, Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater. Consultant is entitled to rely upon information provided by the Client, its consultants, and third-party sources provided such third party is, in Consultant's opinion, a reasonable source for such information, relating to subterranean structures or utilities. The Client releases Consultant from any liability and agrees to defend, indemnify and hold Consultant harmless from any and all claims, damages, losses and/or expenses, direct and indirect, or consequential damages relating to subterranean structures or utilities which are not correctly identified in such information.

PROFESSIONAL RESPONSIBILITY: In performing the Services, Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices normally provided in the performance of the Services at the time and the location in which the Services were performed.

INDEMNITY: The Client releases Consultant from any liability and agrees to defend, indemnify and hold Consultant harmless from any and all claims, damages, losses, and/or expenses, direct and indirect, or consequential damages, including but not limited to attorney's fees and charges and court and arbitration costs, arising out of, or claimed to arise out of, the performance of the Services, excepting liability arising from the sole negligence of Consultant. Consultant agrees to indemnify and hold Client harmless from any claim, cause of action, demand or other liability of any nature or kind (including the costs of reasonable attorney's fees and expert witness fees) arising out of any negligent act or omission of Consultant or any subcontractor of Consultant in connection with the Services performed under the terms of this Agreement. Nothing herein shall be deemed a waiver by Client of any limitations or exemptions from liability available to it under Minnesota Statutes, chapter 466 or other law.

LIMITATION OF LIABILITY: It is agreed that, to the fullest extent possible under the applicable law, the total amount of all claims one party may have against the other under this Agreement, including but not limited to claims for negligence, negligent misrepresentation and/or breach of contract, shall be strictly limited to the lesser of professional fees paid to Consultant for the Services or \$50,000.00. As one party's sole and exclusive remedy under this Agreement any claim, demand or suit shall be directed and/or asserted only against the other party and not against any of the other party's employees, officers or directors.

Either party's liability with respect to any claims arising out of this Agreement shall be absolutely limited to direct damages arising out of the Services and the other party shall bear no liability whatsoever for any consequential loss, injury or damage incurred by the party seeking damages, including but not limited to claims for loss of use, loss of profits and/or loss of markets.

In no event shall either party's obligation to pay damages of any kind exceed its proportionate share of liability for causing such damages.

DOCUMENTS: All of the documents prepared by or on behalf of Consultant in connection with the Project are instruments of service for the execution of the Project. Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used for any other purpose without the prior written consent of Consultant. In the event Consultant's documents are subsequently reused or modified in any material respect without the prior consent of Consultant, the Client agrees to defend, hold harmless and indemnify Consultant from any claims advanced on account of said reuse or modification.

Any document produced by Consultant in relation to the Services is intended for the sole use of Client. The documents may not be relied upon by any other party without the express written consent of Consultant, which may be withheld at Consultant's discretion. Any such

consent will provide no greater rights to the third party than those held by the Client under the contract and will only be authorized pursuant to the conditions of Consultant's standard form reliance letter.

Consultant cannot guarantee the authenticity, integrity or completeness of data files supplied in electronic format ("Electronic Files"). Client shall release, indemnify and hold Consultant, its officers, employees, Consultant's and agents harmless from any claims or damages arising from the use of Electronic Files. Electronic files will not contain stamps or seals, remain the property of Consultant, are not to be used for any purpose other than that for which they were transmitted, and are not to be retransmitted to a third party without Consultant's written consent.

Notwithstanding the foregoing, data provided, produced, or obtained under and pursuant to this Agreement shall be administered in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Consultant will immediately report to Client any requests from third parties for information relating to this Agreement. Consultant agrees to promptly respond to inquiries from Client concerning data requests.

FIELD SERVICES: Consultant shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with work on the Project, and shall not be responsible for any contractor's failure to carry out the work in accordance with the contract documents. Consultant shall not be responsible for the acts or omissions of any contractor, subcontractor, any of their agents or employees, or any other persons performing any of the work in connection with the Project. Consultant shall not be the prime contractor or similar under any occupational health and safety legislation.

GRANT AGREEMENT. Consultant recognizes that Client will undertake certain obligations as part of a "Grant Agreement between the Metropolitan Council and Bassett Creek Watershed Commission For The Metropolitan Area Watershed Outlet Monitoring Program (WOMP2)" (the "Metropolitan Council Grant"), a copy of which will be attached to this Agreement when executed. Consultant agrees that, regardless of when such agreement is finalized, the obligations imposed by the Metropolitan Council Grant on subgrantees and subcontractors therein are hereby made binding on Consultant, and that the terms of said agreement are incorporated into this Agreement to the extent necessary for the Metropolitan Council to meet its obligations under the State Grant Agreement. The terms of the Metropolitan Council Grant are incorporated in and made part of this Agreement notwithstanding anything herein that states, suggests or implies otherwise.

GOVERNING LAW/COMPLIANCE WITH LAWS: The Agreement shall be governed, construed and enforced in accordance with the laws of Minnesota. Consultant shall observe and comply with all applicable laws, continue to provide equal employment opportunity to all qualified persons, and to recruit, hire, train, promote and compensate persons in all jobs without regard to race, color, religion, sex, age, disability or national origin or any other basis prohibited by applicable laws.

DISPUTE RESOLUTION: If requested in writing by either the Client or Consultant, the Client and Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. The Parties agree that any actions under this Agreement will be brought in the appropriate court in the jurisdiction of the Governing Law, or elsewhere by mutual agreement. Nothing herein however prevents Consultant from any exercising statutory lien rights or remedies in accordance with legislation where the project site is located.

ASSIGNMENT: The Client shall not, without the prior written consent of Consultant, assign the benefit or in any way transfer the obligations under these Terms and Conditions or any part hereof.

SEVERABILITY: If any term, condition or covenant of the Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of the Agreement shall be binding on the Client and Consultant.

FORCE MAJEURE: Any default in the performance of this Agreement caused by any of the following events and without fault or negligence on the part of the defaulting party shall not constitute a breach of contract, labor strikes, riots, war, acts of governmental authorities, unusually severe weather conditions or other natural catastrophe, disease, epidemic or pandemic, or any other cause beyond the reasonable control or contemplation of either party. Nothing herein relieves the Client of its obligation to pay Consultant for services rendered.

COVID-19: The parties acknowledge the ongoing COVID-19 pandemic and agree that the fee and schedule in the proposal is based on what is currently understood. Where conditions change, the parties may have further discussions to manage and mitigate the impact of this evolving situation on the Project.

CONTRA PROFERENTEM: The parties agree that in the event this Agreement is subject to interpretation or construction by a third party, such third party shall not construe this Agreement or any part of it against either party as the drafter of this Agreement.

BUSINESS PRACTICES: Each Party shall comply with all applicable laws, contractual requirements and mandatory or best practice guidance regarding improper or illegal payments, gifts, or gratuities, and will not pay, promise to pay or authorize the payment of any money or anything of value, directly or indirectly, to any person (whether a government official or private individual) or entity for the purpose or illegally or improperly inducing a decision or obtaining or retaining business in connection with this Agreement or the Services.

AUDIT. The books, records, documents and accounting procedures and practices of Consultant relevant to this Agreement are subject to examination by the Client and either the Legislative or State Auditor as appropriate, pursuant to Minnesota Statute 16C.05, subdivision 5.



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Administrator Jester
Date: December 8, 2022

RE: Four Seasons Mall Future Development Standards - TAC and Staff Recommendations

At their meeting on December 7, 2022, the BCWMC Technical Advisory Committee (TAC) considered a request from the City of Plymouth regarding development standards for a future developer of the Four Seasons Mall Site. See Attachment A for a memo from Plymouth staff that includes a brief history of the attempts to implement the Four Seasons Water Quality Improvement Project over the years, a review of the Commission’s prior approvals regarding the site, and description of their current request.

Attendees at the TAC meeting included:

City/Partner	Technical Advisory Committee Members and Others
Crystal	Mark Ray
Golden Valley	RJ Kakach and Eric Eckman
Medicine Lake	Susan Wiese
Minneapolis	Katie Kowalczyk and Liz Stout
Minnetonka	Sarah Schweiger
New Hope	Nick Macklem
Plymouth	Ben Scharenbroich and Chris LaBounty
Robbinsdale	Mike Sorensen
St. Louis Park	Erick Francis
Others	Administrator Laura Jester, Commission Engineers Karen Chandler and Greg Williams, Commission Attorney Anderson, Commissioner Welch

TAC member LaBounty reported that the mall building was recently demolished and most of the parking lot is gone. TAC members discussed the city’s plans for constructing the Four Seasons Water Quality Improvement Project (CIP Project) and Plymouth’s request that the current BCWMC redevelopment standards be applied to the future redevelopment of the site, with a sunset clause of 10 years. Mr. LaBounty reminded the group that two prior potential developments did not proceed due to the projects’ lack of economic viability. He noted that the timeline for future redevelopment is not known and that if the city builds the CIP Project, a future developer would have significantly less space to build stormwater treatment to meet BCWMC and/or State requirements.

After considerable discussion about the uniqueness of this site and situation, and the strong desire to build the CIP Project sooner than later so that water quality improvements can be realized without waiting for development, the TAC made the following recommendations:

TAC Recommendations (Approved upon a vote of 8 to 1):

1. The Commission approve the city's plans to move forward with construction of the Four Seasons Water Quality Improvement Project (CIP Project) in 2023
2. The Commission agree to apply the current BCWMC redevelopment standards (as of December 2022) to the future redevelopment of the site, with a sunset clause of 5 years
3. The Commission agrees to revisit the city's request to use current BCWMC standards if/when BCWMC standards are set to be revised (most likely with adoption of the 2025 Watershed Management Plan).

BCWMC Staff Recommendation

After the TAC meeting, BCWMC staff continued to discuss with Plymouth staff possible alternative mechanisms for providing incentives for both future redevelopment and 2023 construction of the CIP Project. (These ideas were briefly discussed during the TAC meeting but not fully developed as possible recommendations from the TAC.) The idea of regional treatment was discussed. Regional treatment was once a more common method of treating stormwater for multiple sites with a larger, centralized stormwater treatment device. It typically meant that a stormwater pond or other stormwater treatment device was built BEFORE development came to an area and would be used to treat runoff from multiple properties.

As shown in agenda item 5Aiii, the overall (annual) total phosphorus (TP) removal for the CIP Project is 118 lbs., well above the 100 lbs. of "above and beyond" TP removal required by the Commission for the past two developers to utilize BCWMC CIP funds. With this and the regional approach in mind, Commission Engineer Chandler and I recommend that rather than approving TAC recommendations 2 and 3 (above), the Commission agree to allow the city to offer a future developer the ability to utilize a portion of the CIP Project's TP removal above 100 lbs. to meet BCWMC development standards in place at the time of development. The proportion of pollutant removal available to the developer would be equal to the proportion of city funds used in the CIP Project design and construction provided the Commission-funded portion is equivalent to at least 100 lbs. of TP removal.

For instance, the total cost of the CIP project is estimated at \$1,000,000. There is approximately \$800,000 left in this CIP account fund. If the city funds the CIP shortfall of \$200,000, they would have paid for 20% of the project costs. Then, up to 20% of the TP removal would be available to offer a future developer (20% of 118 lbs. = 23.6 lbs.). The Commission wants to ensure, however, that at least 100 lbs. of TP are provided for treatment "above and beyond" requirements. Therefore, no more than 18 lbs. of TP would be available to offer a future developer.

Commission Engineer Chandler and I had a subsequent meeting with Plymouth staff and agreed that the concept of oversizing treatment capacity for a development (e.g., regional ponding) in order to gain additional water quality benefit is appropriate and not without precedent in city master planning.

We believe this is a more appropriate path forward than the TAC's recommendation and avoids unnecessarily setting precedent regarding standards for future development.

MEMORANDUM

To: Bassett Creek Watershed Management Commission Technical Advisory Committee (TAC)
From: City of Plymouth
Subject: Four Seasons Area Water Quality Project (NL-2)
Date: November 28, 2022

Background

The above referenced project was originally developed and conditionally approved by the Commission in 2013 but based on neighborhood feedback and site challenges with redeveloping the former mall the project has not moved forward to-date. In 2021 the City of Plymouth purchased the Four Seasons Mall site and is in the process of making improvements to the site. The first step is to demolish the existing building and remove the existing parking lot pavement which is currently underway. The city also intends to make stormwater quality improvements including the creation of pond(s) along Rockford Road, and restoration of the existing wetland south of the site through which the North Branch of Bassett Creek flows. The two stormwater management components are very similar to those already approved through the previous redevelopment plans and will be designed to treat 100 pounds of total phosphorus. Similar to a typical CIP implementation process, the City would build the stormwater management features and be reimbursed by the Commission with available CIP funds. (Approximately \$800,000 remain in the CIP fund for this project.)

As a reminder, the TAC made recommendations on the city's implementation of site BMPs prior to development at their July 29, 2021 meeting and the Commission approved their recommendations at their [August 19, 2021 meeting](#) (page 7-8). These included the following:

1. The Commission enter an agreement with the city of Plymouth to construct the previously approved BMPs, provide CIP-fund reimbursement for construction of structures that capture the first 100 pounds of TP, and allow future redevelopment to utilize any TP removals above 100 pounds to meet BWCMC water quality treatment requirement.
2. No BCWMC funding should be used to create storage or water quality benefits that would be required of any proposed development.
3. The current impervious surface area of 11.93 acres be set as the "existing condition" upon which future stormwater management requirements would be based, with a sunset clause of 20 years.

The plans for the CIP stormwater quality improvements are currently under review by the watershed engineer. City staff had anticipated that a development proposal would be under review by the City Council and potentially commission by this point, but due to external conditions no formal review is in process.

Because of the uncertainty of the development timeline and the risks associated with using the two primary stormwater management sites for the removal of the 100-lbs of phosphorus per project NL-2, the City is further requesting that the TAC consider recommending to the Commission that the current



redevelopment standards be utilized for future redevelopment, with a sunset clause of 10 years. Below is a draft list of the existing conditions and current regulation standards for the site:

1. Existing Conditions.

- a. The existing building is 71' – 4" from the delineated wetland at its closest point.
- b. Surface and subsurface conditions based on the Geotechnical Evaluation Report for the Four Seasons Development – Multi Family Buildings, Braun Intertec Corporation, September 18, 2019.
- c. The Commission watershed model adopted as of 12/15/2022 including:
 - i. 2-year Atlas 14 high water elevation: <Insert from new model>
 - ii. 10-year Atlas 14 high water elevation: <Insert from new model>
 - iii. 100-year Atlas 14 high water elevation: 892.5
- d. Drainage patterns, discharge rates, Atlas 14 rainfall intensities, and discharge volumes per the Commission approved Stormwater Management Report, Loucks Engineering, May 27, 2020. These include values in the table below:

EXISTING RUNOFF - INCLUDING OFF SITE

Drainage Area	Area	2-Yr Storm Event		10-Yr Storm Event		100-Yr Storm Event	
	(Ac.)	Rate (cfs)	Volume (cu.ft.)	Rate (cfs)	Volume (cu.ft.)	Rate (cfs)	Volume (cu.ft.)
C-Wetland	9.216	28.85	1.769	45.05	2.793	80.87	5.086
CR1-Creek	6.52	19.01	1.156	30.42	1.862	55.87	3.463
W-Lancaster	1.564	3.44	0.201	6.12	0.356	12.33	0.723
CR	532.03	30.52	48.667	55.59	88.638	121.82	193.525
1NP	189.81	21.4	24.131	38.31	42.874	78.59	87.402
WSP	38.11	2.2	5.052	3.81	8.733	7.59	17.382
SP	44.98	9.05	6.854	15.26	11.512	29.67	22.312
WT	18.105	15.26	1.524	31.4	2.913	74.01	6.566
Creek Total	538.55	30.52	49.823	55.59	90.5	121.82	196.989
Lancaster North Total	191.374	21.42	24.332	38.35	43.229	78.66	88.125
Total To Wetland	840.335	60.54	89.354	101.11	159.681	198.06	336.459

2. Existing Regulations.

- a. Commission Requirements for Improvements and Development Proposals (Revised February 2021).
 - i. Minimum building elevations (lowest floor) including parking garages/ramps, must be 2.0 feet above the 100-year flood level in the model.



- ii. Stormwater must be managed such that peak flow rates leaving the site are equal to or less than existing rate leaving the site for the 2-, 10-, 100-year events based on Atlas 14 precipitation amounts and using a nested 24-hour rainfall distribution.
 - iii. Trails, sidewalks, and miscellaneous disconnected impervious surfaces (concrete/bituminous pads, etc.) are exempt from the rate control policies.
 - iv. Buffer widths from the priority streams must be provided. This is 10 feet or 25 percent of the distance between the ordinary high-water level and the nearest existing structure. Based on existing conditions this would relate to 892.9, which is the OHW of the North Arm)
- b. Minimum Impact Design Standards must be used and Flexible Treatment Option 2 has been approved for the site. The required amount of treatment for the development must be equal to or greater than: 60% on-site reduction of phosphorus generated from the new or reconstructed impervious (e.g. 12.65 lbs for 9.86 new acres in Dominion Plan).





Memorandum

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co.
Subject: Item 5Aiii: Consider Approving 90% Design Plans for Four Seasons Mall Area Water Quality Improvement Project (2013 CIP NL-2) – Plymouth, MN
BCWMC December 15, 2022 Meeting Agenda
Date: December 8, 2022
Project: 23270051.53 2022 623

5Aiii Consider Approving 90% Design Plans for Four Seasons Mall Area Water Quality Improvement Project (2013 CIP NL-2) – Plymouth, MN

Summary:

Proposed Work: Above-and-beyond stormwater quality improvements and wetland restoration

Basis for Review at Commission Meeting: 90% CIP review

Impervious Surface Area: No change

Recommendations: Approval

Background

The Four Seasons Mall area is located in the southwest corner of Hwy. 169 and Rockford Rd as shown in the location map. This area drains through the North Branch of Bassett Creek which flows, through a degraded wetland, under Hwy. 169 and into Northwood Lake on the east side of the highway. Northwood Lake is impaired due to high nutrients.

At their September 2013 meeting, the BCWMC conditionally approved 90% plans for the Four Seasons Mall Area Water Quality Improvement Project– BCWMC 2013 CIP Project NL-2 – that included restoration of a channel west of the mall and creation of a stormwater pond. The project was not built due to residents’ concerns with tree loss.

At their August 2016 meeting, the Commission received a presentation on the stormwater management components of a redevelopment project (named Agora) on the Four Seasons Mall site. At the time, the Commission was asked to consider providing funding (in the ballpark of \$500,000) toward stormwater management features that would go “above and beyond” pollutant removal requirements for the redevelopment. The Commission moved forward with exploring a partnership with Rock Hill Management through an agreement with the City of Plymouth and directed Commission staff to continue to gather and assess additional information for further consideration including technical and legal issues.

At their December 2016 meeting, the Commission received a presentation on four alternatives for possible stormwater management features for the redevelopment. The Commission provided conditional approval to provide funds from the BCWMC CIP budget as a financial contribution towards Alternative 4, which would have removed an estimated 109 pounds of phosphorus above and beyond the BCWMC’s requirements at the Agora development in Plymouth.

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co.
Subject: Item 5Aiii: Consider Approving 90% Design Plans for Four Seasons Mall Area Water Quality Improvement Project (2013 CIP NL-2) – Plymouth, MN
Date: December 8, 2022
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At its January 2017 meeting, the Commission directed the administrator and legal counsel to develop an agreement with Rock Hill Management for the Commission's consideration and on January 30, 2017, the developer's consultant submitted the Agora project for BCWMC review.

At its February 2017 meeting, the Commission 1) conditionally approved the Agora development project as part of the BCWMC project review program, 2) approved an agreement with Rock Hill Management, which required that the CIP project remove at least 100 pounds of total phosphorus (TP) above-and-beyond the BCWMC requirements for the Agora development project, and 3) approved a separate agreement with the City of Plymouth to allow the developer access to a city-owned parcel to construct the wetland restoration project and to ensure ongoing maintenance of the CIP project components. The agreements were executed later in February 2017.

At its August 2017 meeting, the Commission conditionally approved 90% design CIP plans for the Agora project. However, at their April 2018 meeting, Plymouth Commissioner James Prom informed the Commission that the Agora project had fallen through due, in part, to a change in market demand for some of the intended uses.

At its December 2019 meeting, the Commission received a presentation from Dominion Development and Acquisition, LLC on redevelopment plans for the Four Seasons Mall site. At its April 2020 meeting, the Commission conditionally approved Dominion's Four Seasons Mall Redevelopment Project and the 90% plans for the Water Quality Improvement Project (2013 CIP NL-2). As with the Agora development, the developer was required to provide at least 100 pounds total phosphorus removal "above and beyond" water quality requirements. However, the approved project was not built due to external circumstances.

At its August 2021 meeting, the Commission reviewed the Technical Advisory Committee's recommendation to implement the Four Seasons CIP project ahead of the future development. The Commission approved entering into an agreement with the City of Plymouth to construct the previously approved Four Seasons Mall Area CIP stormwater best management practices that were included as a part of the Dominion development pending the following two conditions:

1. No BCWMC funding will be used to create storage or water quality benefits that would be required of any proposed development.
2. The current impervious surface area of 11.93 acres be set as the "existing condition" upon which future stormwater management requirements would be based, with a sunset clause of 20 years.

An initial agreement was drafted but was not brought to the Commission due to on-going discussions with Plymouth.

General Project Information

The City of Plymouth is in the process of demolishing the Four Seasons Mall (BCWMC 2022-18) as conditionally approved by the Commission at its November 2022 meeting. While the redevelopment planning process continues, the City would like to move forward with the construction of the BCWMC's 2013 CIP NL-2 to remove at least 100 pounds of TP.

The remainder of this memorandum summarizes review of the latest CIP NL-2 project, including floodplain management, wetland management, rate control requirements, erosion and sediment control

requirements, water quality requirements, and above-and-beyond water quality improvements (the CIP project components).

Floodplain

The proposed water quality improvement project includes work in the Bassett Creek 1% (base flood elevation, 100-year) floodplain. The October 2019 BCWMC Requirements for Improvements and Development Proposals (Requirements) document states that *projects within the floodplain must maintain no net loss in floodplain storage and no increase in flood level at any point along the trunk system* (managed to at least a precision of 0.00 feet). The 1% (base flood elevation, 100-year) floodplain elevation of the North Branch of Bassett Creek (North Branch) in this reach is 892.9 feet NAVD88.

The proposed project will result in a net increase in floodplain storage. In addition, the Four Seasons Mall Demolition project increases the existing floodplain storage by 2.48 acre-feet. The final floodplain storage will be assessed as part of the future development submittal.

Wetlands

The City of Plymouth is the local government unit (LGU) responsible for administering the Wetland Conservation Act; therefore, BCWMC wetland review is not required.

Rate Control

The proposed project does not create one or more acres of new or fully reconstructed impervious surfaces; therefore, BCWMC rate control review is not currently required. Rate control for the former mall site will be assessed as part of the future development submittal.

Water Quality

The proposed project does not create one or more acres of new or fully reconstructed impervious surfaces; therefore, BCWMC water quality review is not required. Water quality treatment for the former mall site will be assessed as part of the future development submittal.

Above-and-Beyond Water Quality Treatment

As noted in the Background section, the Commission conditionally approved a financial contribution towards a previous submittal for redevelopment of the Four Seasons Mall Area site for providing stormwater treatment, specifically TP removal, “above and beyond” BCWMC requirements. The above-and-beyond treatment goal was set as 100 pounds of TP removal.

The proposed CIP best management practices (BMPs) on the Four Seasons Mall site will treat stormwater from the site and off-site areas with a small stormwater pond (Northwest Pond), vegetated swale, a large stormwater pond (South Pond) with a forebay, and a wetland restoration as shown in the Proposed BMPs figure provided by WSB. Table 1 summarizes the estimated annual TP loading to each proposed BMP and the TP removals provided by each proposed BMP on the site, not including the wetland restoration. The TP loading is based on the “existing conditions” impervious surface area of 11.93 acres (the amount of impervious surface on the Four Seasons Mall site before demolition).

Table 1: Proposed Water Quality Treatment and Pollutant Removals for the Development Site

Device	TP Loading (lbs/year)	TP Removal (lbs/year)	TP Removal (%)
Northwest Pond (WP) ¹	11.3	3.9	34.4

To: Bassett Creek Watershed Management Commission (BCWMC)
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Device	TP Loading (lbs/year)	TP Removal (lbs/year)	TP Removal (%)
Vegetated Swale (CRSP)	197.6	4.8	2.4
South Pond Forebay (FB)	202.7	5.0	2.5
South Pond (NP)	199.0	11.4	5.8
TOTAL ²	212.7	25.1	11.8

¹ Runoff from this BMP is routed to the North Branch of Bassett Creek. As part of the proposed project, low flows from the North Branch of Bassett Creek are diverted onto the proposed project site for water quality treatment in the South Pond Forebay and South Pond.

² Total loading may not be a direct sum of the individual BMPs due to the routing of outflow from one BMP to another.

The proposed project includes restoring the existing wetland to the south of the development site. The BCWMC Engineer assumed the water quality treatment potential and TP removal efficiency for the wetland restoration based on guidance from the Minnesota Stormwater Manual, rather than on water quality modeling. (The P8 model was not a sufficient model to estimate total phosphorus removal from the restored wetland because past monitoring and modeling of the existing wetland indicated that P8 did not properly account for resuspension or internal phosphorus sources, especially considering the high potential for short-circuiting and the higher proportion of soluble phosphorus). Table 2 summarizes the annual TP loading and removals for the wetland restoration.

Table 2: Proposed Water Quality Treatment and Pollutant Removals for the Wetland Restoration

Device	TP Loading (lbs/year)	TP Removal (lbs/year)	TP Removal ¹ (%)
Wetland (From South Pond: NP)	187.6	20.7	11
Wetland (From West and Direct)	192.5	73.1	38.0
TOTAL	380.0	93.8	25

¹ TP removal efficiency for the wetland restoration is based on guidance from the Minnesota Stormwater Manual.

Table 3 summarizes the total annual above-and-beyond TP removals. The total exceeds the above-and-beyond treatment goal of 100 pounds of TP removal.

Table 3: Above-and-Beyond Total Phosphorus Removal

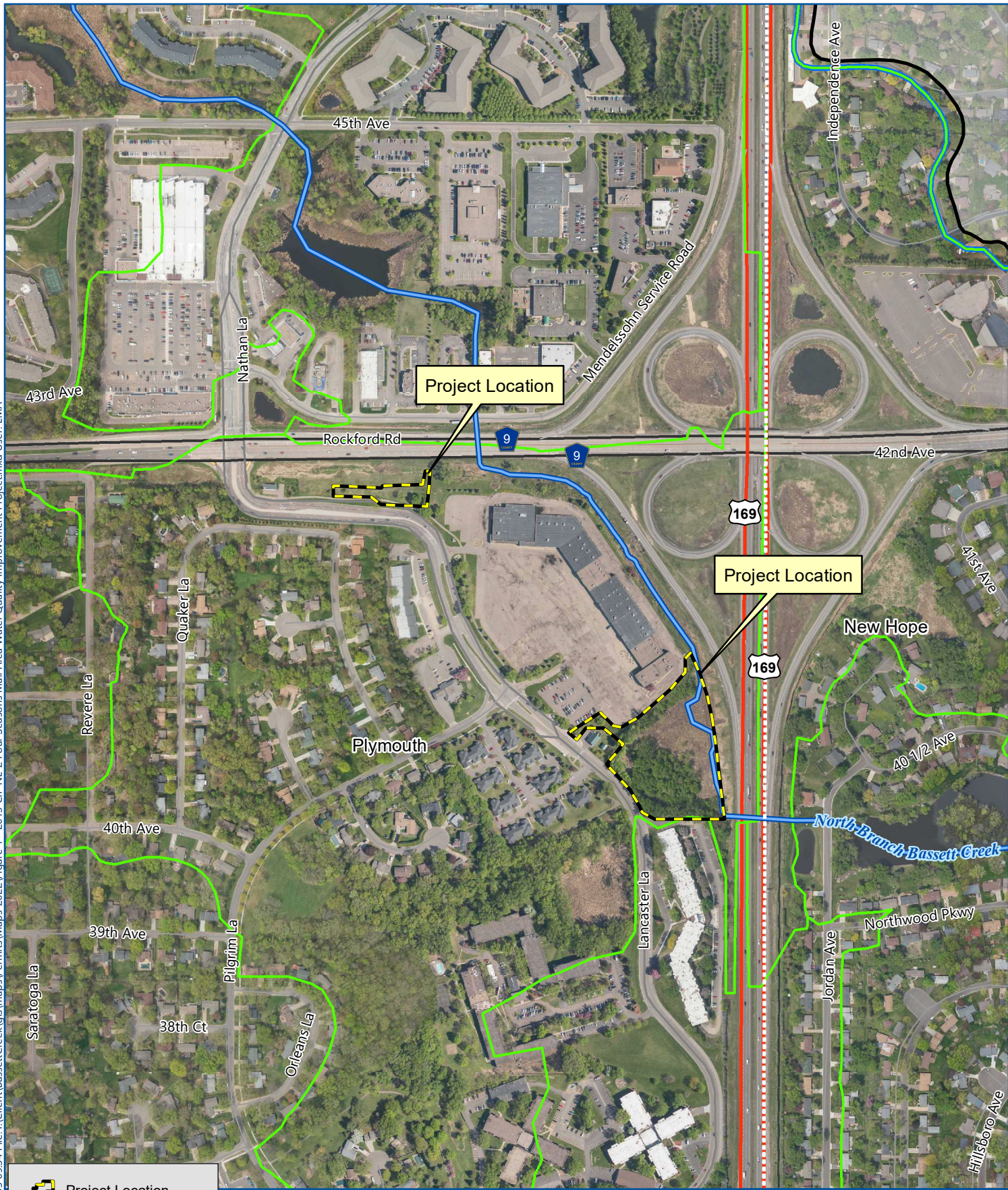
Water Quality Components	TP (lbs/year)
TP Removal Provided by Onsite BMPs	25.1
TP Removal Provided by Wetland Restoration	93.8
Total Above-and-Beyond TP Removal Provided	118.3

Erosion and Sediment Control

The proposed project results in more than 10,000 square feet of land disturbance; therefore, the proposed project must meet the BCWMC erosion and sediment control requirements. Proposed temporary erosion and sediment control features include rock construction entrances, silt fence, bioroll logs, and storm drain inlet protection. Permanent erosion and sediment control features include erosion control blanket and stabilization with seed and mulch.







Recommendation

Approval



Project Location

Project Location

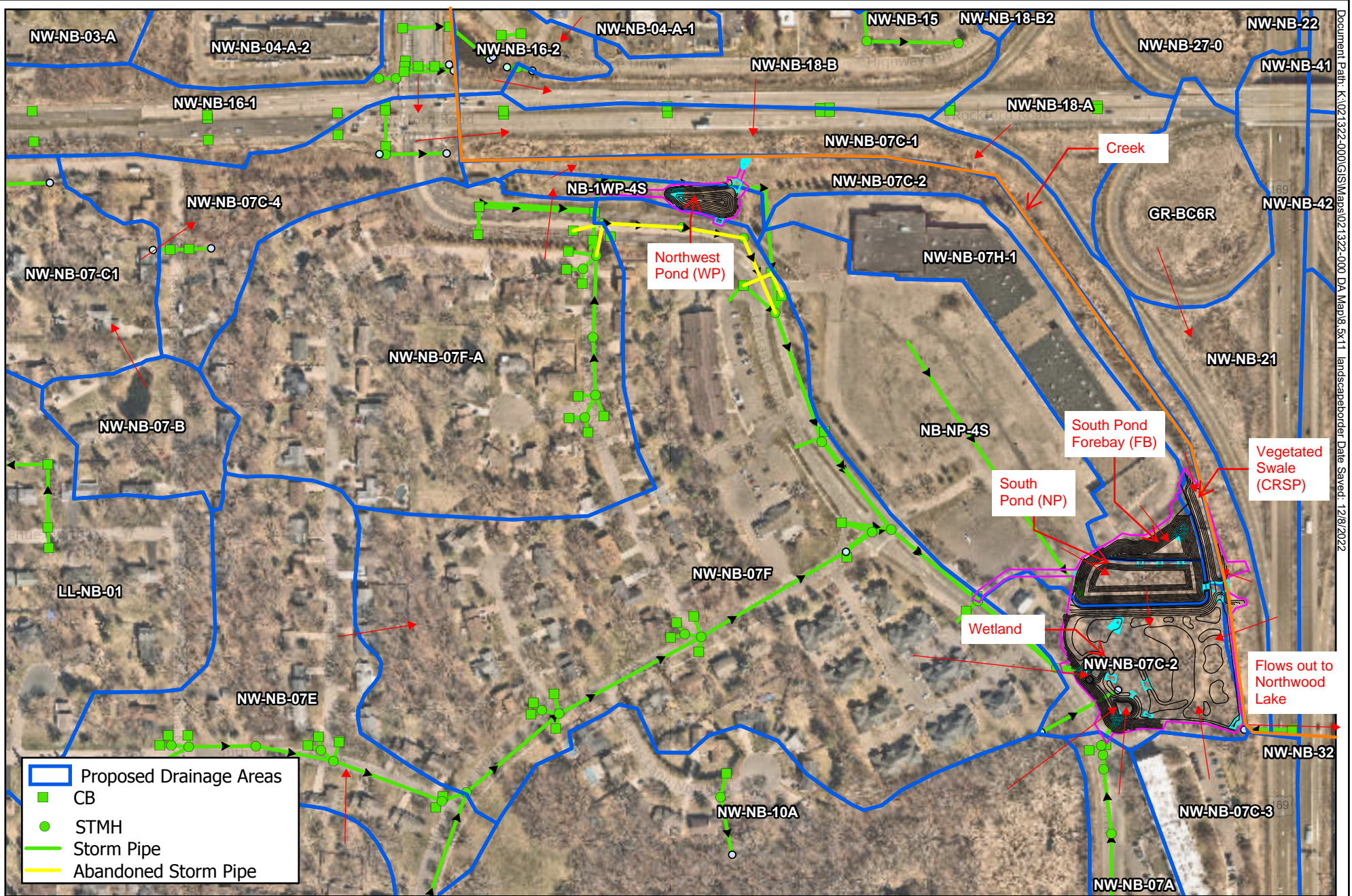
-  Project Location
-  Municipality
-  BCWMC Legal Boundary
-  Major Subwatershed
-  BCWMC Hydrologic Boundary
-  Bassett Creek



0 250 500 Feet



2013 CIP NL-2
 FOUR SEASONS MALL
 AREA WATER QUALITY
 IMPROVEMENT PROJECT
 Plymouth, MN
 LOCATION MAP



Item 5B.
BCWMC 12-15-22
Full Document
Available Online

Bassett Creek Watershed Management Commission (BCWMC)

Requirements for Improvements and Development Proposals

Revised ~~February 2021~~ December 2022



6.3.2 Minnesota Stormwater Manual

A list of approved **BMPs** and corresponding design guidance can be found in the Minnesota Stormwater Manual. The Minnesota Stormwater Manual should be used to determine the currently approved **BMPs** and design guidance. Some **BMPs** may require pretreatment or other design specifications. At the time of the development of this document, the following **BMPs** were included in the Minnesota Stormwater Manual:

- Bioretention Basin/Bioinfiltration Basin/Biofiltration Basin (Rain Garden)
- Swale/Bioswale
- Sand Filter
- Iron Enhanced Sand Filter (Minnesota Filter)
- Green Roof
- Infiltration Basin/Underground Infiltration
- Infiltration Trench
- Permeable Pavement
- Stormwater Pond
- Stormwater **Wetland**
- Tree Trench System
- Stormwater Reuse
- Hydrodynamic Device (e.g. SAFL Baffle)
- Filtration Device
- Stormwater Manufactured Treatment Devices (MTDs)

The Minnesota Stormwater Manual can be found online at:

http://stormwater.pca.state.mn.us/index.php/Main_Page.

6.3.3 Stormwater Manufactured Treatment Devices

Stormwater **manufactured treatment** devices (MTDs) may be used toward meeting **BCWMC** flexible treatment options. The project proposer may apply 50% TP and 80% TSS removals for stormwater MTDs identified in the Minnesota Stormwater Manual, providing the stormwater MTDs are designed in accordance with the manufacturers and Minnesota Stormwater Manual recommendations and guidelines. A project proposer may seek acceptance of a higher pollutant removal efficiency by following guidance from the Minnesota Stormwater Manual. The Minnesota Stormwater Manual has guidance regarding removal efficiencies by device and treatment tiers. If the project proposer pursues a treatment tier higher than Tier 1 (50% TP and 80% TSS), documentation must be submitted to demonstrate that Tier 2 or Tier 3 is met. The Minnesota Stormwater Manual guidance for MTD is located at the following link:

Manufactured treatment devices - Minnesota Stormwater Manual (state.mn.us)

~~Project proposers must provide verification that the proposed stormwater MTDs have achieved General Use Level Designation (GULD) certification for phosphorus treatment from the Washington Department of Ecology's Technology Assessment Protocol – Ecology (TAPE) program. The project proposer may then apply 50% TP and 80% TSS removals for stormwater MTDs, as long as the stormwater MTDs are designed in accordance with the manufacturer's and TAPE's recommendations and guidelines.~~

8.0 Other Requirements

8.1 Lakes, Streams, and Wetlands

Multiple waterbodies within the Bassett Creek watershed are on the Minnesota Pollution Control Agency's current impaired waters 303(d) list and Total Maximum Daily Load (TMDL) studies have been completed for the waterbodies. The TMDL studies may have water quality requirements that differ from those outlined in this document. The pollutant waste load allocations specified in MPCA-approved TMDL implementation plans are incorporated into MS4 permits and must be met by municipalities within the waterbodies' watersheds. It is recommended that **BMPs** used to meet TMDL requirements be designed and maintained in accordance with the recommendations in the respective TMDL documents. At the member city's request, the **BCWMC** may review development or redevelopment plans that include **BMPs** that are not otherwise required by **BCWMC** but address TMDL load reduction requirements.

The **BCWMC** will review proposed streambank stabilization projects and streambed degradation control **structures** to evaluate the need for the work, the adequacy of design, unique or special site conditions, energy dissipation, the potential for adverse effects, contributing factors, preservation of natural processes, and aesthetics.

8.2 Diversion of Surface Water Runoff

The **BCWMC** will review diversion plans to determine the effect of the proposal on the Bassett Creek watershed and such plans will be subject to **BCWMC** approval. With respect to diversions, the **BCWMC**:

1. Prohibits any diversions of surface water within, into, or out of the watershed that may have a substantial adverse effect on stream flow or water levels at any point within the watershed.
2. Requires that plans for intra- or inter-watershed diversions must include an analysis of the effects of the diversion on flooding, water quality, and aesthetic quality along the creek.
3. Requires that efforts be made to ensure that there is no fish migration from one watershed to another. (*Policy 42*)

8.3 Utility Crossings and Bridges

1. Utility crossings installed using directional boring shall be at least 4.0 feet below the channel invert.
- ~~1.2.~~ New or reconstructed bridges should be constructed so the cross-sectional area of the channel is not reduced due to the project. Bridge abutments and approaches shall be installed above the 100-year flood elevation and the lowest member of the bridge shall be at least 1 foot above the 100-year flood elevation, as set forth in Section 4.0. If encroachments in the floodplain or channel cross section are proposed, then no-rise to at least a precision of 0.00 feet would need to be demonstrated by modeling the structure and modifying the BCWMC's XPSWMM model.

8.4 Modifications to the Bassett Creek Tunnels

The City of Minneapolis owns, maintains and operates the old Bassett Creek tunnel. The city's responsibility includes maintaining 50 cubic feet per second capacity in the old Bassett Creek tunnel

9.0 Definitions¹

BCWMC: Bassett Creek Watershed Management Commission

Best management practices (BMPs): the structural, non-structural, and institutional controls used to improve the quality of stormwater runoff.

Commercial, industrial, institutional, or public development/redevelopment projects: typically result in larger areas of **impervious surface**, typically in the range of 60 to 80 percent imperviousness. Examples of these developments include shopping malls, stores, schools, hospitals, and warehouses.

Complex projects: include projects that are 40 acres or more, controversial, involve more than one property owner, require detailed hydrologic or hydraulic modeling, require vast changes to infrastructure (such as stormwater systems), include many **wetland** impacts, require extensive environmental review, or involve many different land uses within the same development project

Construction sequencing: a specified work schedule that coordinates the timing of land-disturbing activities and the installation of erosion-protection and sedimentation-control measures

Erosion control: any efforts to prevent the wearing or washing away of the soil or land surface

Floodplain: land adjacent to a water body, which is inundated when the discharge exceeds the conveyance capacity of the normal channel. Often described in the regulatory sense as the extent of the 1% (base flood elevation, 100-year) flood.

Impervious surface: a surface in the landscape that impedes the infiltration of rainfall and results in an increased volume of surface runoff. **Impervious surface** includes but is not limited to building roofs and structures, bituminous and concrete surfaces and compacted ground surfaces such as gravel areas.

Land disturbance: any alteration of the ground surface that could result, through the action of wind and/or water in soil erosion, substantial compaction, or the movement of sediment into waters, **wetlands**, storm sewers, or adjacent property. Land disturbing activity includes but is not limited to soil stripping, clearing, grubbing, grading, excavating, filling, stockpiling soil or earth materials, and the complete removal of an impervious surface down to the underlying soils. Typical, routine farming operations (e.g., plowing, harvesting), mill and overlay projects, and resurfacing projects that do not disturb the underlying soils are not considered to be land disturbing activities for the purpose of these requirements.

Linear project: Construction or reconstruction of a road, rail, trail, or other transportation route, or the construction, repair, or reconstruction of a utility that is not a component of a larger development or redevelopment project. Examples include road and road widening projects, trails, ditch work, road or rail replacement, and utility installation.

Manufactured Treatment Device (MTD): A manufactured treatment device (mtd) is a pre-fabricated stormwater treatment structure utilizing settling (sedimentation), filtration, absorptive/adsorptive materials, vortex separation, vegetative components, and/or other appropriate technology to remove

[pollutants from stormwater runoff \(New Jersey Department of Environmental Protection\). MTDs are typically proprietary devices.](#)

MIDS: Minimal Impact Design Standards developed by the Minnesota Pollution Control Agency (MPCA) to minimize stormwater runoff and pollution and preserve natural resources. MIDS includes specific performance goals, flexible treatment options, and the **MIDS** calculator.

Minimum building elevation: the lowest floor of a structure, including the basement.

Nonlinear project: Development, redevelopment and other types of projects that do not meet the definition of a **linear project**.

Priority stream: Main Stem of Bassett Creek, North Branch of Bassett Creek, Sweeney Branch of Bassett Creek, and Plymouth Creek. A map of the priority streams can be found in Figure 2-8 of the Watershed Management Plan.

Rate control: controlling the rate that stormwater is released from localized holding areas into larger conveyance systems

Residential development/redevelopment projects: typically result in smaller areas of **impervious surface**, typically in the range of 25 to 60 percent imperviousness. Examples of these projects include single family home construction, townhome construction, and apartment building construction.

Restriction: as described in the **MIDS** flexible treatment options, one or more of the following factors that prevent full compliance with the **MIDS** volume reduction performance goal:

- i. Karst geology
- ii. Shallow bedrock
- iii. High groundwater
- iv. Hotspots or contaminated soils
- v. Drinking Water Source Management Areas or within 200 feet of drinking water wells
- vi. Zoning, setbacks or other land use requirements
- vii. Excessive cost
- viii. Poor soils (infiltration rates that are too low or too high, problematic urban soils)

Retention: the permanent or temporary storage of stormwater to prevent it from leaving the development site

Retrofit: the introduction of a new or improved stormwater management element where it either never existed or did not operate effectively

Runoff or stormwater runoff: under Minnesota Rule 7077.0105, subpart 41b, stormwater "means precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage." (According to the Federal Code of Regulations under 40 CFR 122.26 [b][13], "stormwater means stormwater runoff, snow melt runoff and surface runoff and drainage."). Stormwater does not include construction site dewatering.



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Laura Jester, Administrator
Date: December 7, 2022

RE: Compensating Community Members for Participation in Focus Groups or Interviews

At the meeting last month, the Commission approved the concept of financially compensating individuals for their time and contributions through participation in focus groups or interviews. The Commission requested the development of a policy and a form or agreement for participating. A few commissioners also volunteered to help frame and refine the participation program.

Attached is a draft incentive policy and participation waiver drafted by me and Commission Attorney Anderson. On December 7th, Commissioners Harwell and Gwin-Lenth and Alternate Commissioners Polzin and Pentel met with me to discuss the program and offer suggestions for approaching this work. TAC member Leslie Yetka with the City of Minnetonka also provided helpful information on the differences in input gathering techniques. The commissioners and I discussed and acknowledged that each technique (i.e., interviews with individuals vs. focus groups) has its own pros and cons and each are used to elicit different types of information. Each technique can provide valuable information on knowledge, attitudes, beliefs, and values that people have. Interviews are good if you hope to understand a person's lived experience while focus groups are effective at gaining community-level thoughts and insights through discussion. Focus groups may be more difficult to schedule. Interviews would be easier to schedule but may require careful selection of key community members.

I am requesting the Commission 1) approve the policy and participation waiver; and 2) approve the approach outlined below with a total budget of \$1,200 from the Watershed Plan Development Budget.

Pre-Interview/Focus Group Communication

Provide participants with a high-level overview of the BCWMC organization structure, responsibilities, and primary activities. Include the definition of a "watershed" as a geographical feature and provide a BCWMC map. Include the water cycle diagram to show how everything is connected.

Native Community

Conduct small focus group meetings (up to 2 meetings each with up to 4 people) with watershed residents who are Native tribal members. Offer \$50 Visa gift cards to each participating member for each meeting. Offer refreshments at the meeting. Total compensation and refreshments = up to \$500.

Connect with Native community members through Golden Valley resident and Dakota tribal member, Jim Rock (who attended the October BCWMC meeting). We may also request the participant list from the

Native Voices Project coordinator to gather more potential participants. Focus group conversations would be facilitated by me; one or two commissioners or city staff members would be encouraged to participate.

Focus group conversations would center on gathering and understanding information such as:

1. A brief history of Native cultures and communities in this area and ideas for honoring that history and the contributions of Native cultures
2. Information on how Native community members continue tribal practices and how water is involved
3. Concerns and issues related to water resources, wetlands, riparian areas and opinions on the most pressing concerns
4. Information on Native practices related to caring for land and water, and how aspects might be incorporated into BCWMC activities
5. Exploring how Native people can be represented on the Board of Commissioners or committees and/or serve as a resource during further Plan development and beyond

Environmental Justice Communities

Conduct either interviews with individuals (by phone, in person, or virtually depending on wishes of interviewee) or small focus group meetings. The best method would be determined through recommendations from community leaders from neighborhood associations, coalitions, or non-profits (e.g., Jordan Area Community Council, Northside Residents Redevelopment Council, Harrison Neighborhood Association, West Broadway Business and Area Coalition, MN Renewable Now non-profit).

Names of potential interviewees or focus group members could be provided by these leaders as well. In some cases, the best interviewee or focus group member may be the community leader themselves. Focus group conversations would be facilitated by me; interviews would be conducted by me. One or two commissioners or city staff members would be encouraged to participate as well.

Up to 6 community members would be compensated for their time participating in a focus group or interview with the offer of a \$50 Visa gift card for each event (up to two events per person). If a focus group is convened, refreshments would be provided. Total compensation and refreshments = up to \$700.

Conversations would center on questions such as:

1. Where do you live and how long have you lived there?
2. What has changed with regards to the environment or natural resources in your community?
3. Do you have any questions on the BCWMC as an organization or the work we do?
4. Have you and your family or neighbors been impacted by flooding or water damage?
5. Do you or your family members use lakes, streams, or wetlands? How and where? Do you have good access to water resources?
6. What concerns you most about the condition of waters in or near your community? What ideas do you have for addressing those concerns?
7. Understanding that systemic racism and injustices have and continue to impact this community what are examples of how organizations like ours may have exacerbated injustices? What are your ideas for incorporating more equitable projects or programs? How can we better serve this community?
8. Do you feel like you have appropriate representation on boards or commissions or in positions of leadership?
9. What are some ways in which you would like to be involved in caring for or managing water resources?



Bassett Creek Watershed Management Commission

DRAFT Incentive Policy for Participation in Input-Gathering Activities

POLICY STATEMENT AND OVERVIEW

The Bassett Creek Watershed Management Commission (the “BCWMC”) deems it a priority to seek heightened participation and input from the watershed’s residents and other individuals that represent community groups within the watershed to gain insight, experience, and knowledge about water, natural resources, specific projects, and watershed management. Such input is desired to be sought through various input-gathering activities, such as focus groups or interviews, that will be organized by the BCWMC administrator or another BCWMC identified designee. These activities may be used to assist the BCWMC and its committees when identifying issues and developing and prioritizing policies, including, but not necessarily limited to, formulation of its watershed plan.

The BCWMC deems these focus groups and interviews critical to its ability to accomplish its duties and exercise its powers, and therefore it finds that providing individuals participating with monetary consideration in the form of cash or gift cards (“Incentive”) is a valid public purpose expenditure. Providing such an Incentive is necessary not only to acknowledge that the time and knowledge of those participating is valuable, but furthermore because it is imperative for the BCWMC to reduce financial barriers to participating to make sure that a diverse group of individuals is included in these activities. The Incentive, therefore, will benefit the community as a body, directly relates to functions of BCWMC, and it does not have, as its primary objective, the benefit of a private interest. To be eligible for an Incentive, participants must fully participate in the respective activity and execute a Participation and Waiver form in the general form attached to this policy.

The details and elements of each specific input-gathering activity, whether focus groups, interviews, or otherwise, must be preapproved by the BCWMC Board of Commissioners prior to its undertaking. Such preapproval will include a detailed scope of the activity and summary of the Incentive, including, but not necessarily limited to, the following information:

1. The form and general purpose of the input-gathering activity;
2. The form of Incentive and number of individuals authorized to participate;
3. The method of soliciting participation;
4. The funding source for the Incentive (e.g., BCWMC budget line, grant funding, etc.); and
5. The timeframe for the activity and any reporting expectations.

**Approved by the Board of Commissioners of the Bassett Creek Watershed Management
Commission on the ____ day of _____, 20__.**



Bassett Creek Watershed Management

DRAFT Waiver and Participation Form

I, _____, wish to participate in one or more focus groups or interviews (each, an “Event”) initiated by the Bassett Creek Watershed Management Commission (“BCWMC”) for the purpose of providing BCWMC with input, insight, experience, and knowledge about water, natural resources, and watershed management. I understand that the information I provide will be used by BCWMC to help develop policy. I understand that my name and any other information that I provide during Events will be part of the public record and may be shared with BCWMC commissioners, committee members, consultants, and the public, and that such data is considered public data pursuant to Minnesota law. I will not be asked by BCWMC to provide any private or otherwise non-public data during my participation.

Additionally, I understand that BCWMC will provide me with compensation in the form of _____ for each Event that I participate in (“Incentive”) pursuant to BCWMC policy. I understand and agree that I am not considered an employee of BCWMC and that I will not be entitled to any additional compensation or benefits in exchange for my participation in the Events. I further agree to waive, release, and discharge any claim against BCWMC and its members, officials, employees and agents for any personal injury or property damage that may arise from my participation in any Event.

Finally, I understand that, while my input and ideas are valuable and necessary as part of BCWMC’s processes and policy-making endeavors, many factors are considered. I acknowledge that my role is only advisory to BCWMC and that, as a member of the public and Event participant, while I have the ability to provide my input, policy-making authority ultimately rests with the BCWMC Board of Commissioners.

Sign _____

Date _____



Bassett Creek Watershed Management Commission MEMO

Date: December 8, 2022
From: Laura Jester, Administrator
To: BCWMC Commissioners
RE: **Administrator's Report**

Aside from this month's agenda items, the Commission Engineers, city staff, committee members, and I continue to work on the following Commission projects and issues.

CIP Projects (more resources at <http://www.bassettcreekwmo.org/projects.>)

2019 Medicine Lake Road and Winnetka Avenue Area Long Term Flood Mitigation Plan Implementation Phase I: DeCola Ponds B & C Improvement Project (BC-2, BC-3 & BC-8) Golden Valley (No change since Nov 2021): A feasibility study for this project was completed in May 2018 after months of study, development of concepts and input from residents at two public open houses. At the May 2018 meeting, the Commission approved Concept 3 and set a maximum 2019 levy. Also in May 2018, the Minnesota Legislature passed the bonding bill and the MDNR has since committed \$2.3M for the project. The Hennepin County Board approved a maximum 2019 levy request at their meeting in July 2018. A BCWMC public hearing on this project was held on August 16, 2018 with no comments being received. Also at that meeting the Commission officially ordered the project and entered an agreement with the City of Golden Valley to design and construct the project. In September 2018, the City of Golden Valley approved the agreement with the BCWMC. The [Sun Post](#) ran an article on this project October 2018. Another public open house and presentation of 50% designs was held February 6, 2019. An EAW report was completed and available for public review and comment December 17 – January 16, 2019. At their meeting in February 2019, the Commission approved the 50% design plans. Another public open house was held April 10th and a public hearing on the water level drawdown was held April 16th. 90% Design Plans were approved at the April Commission meeting. It was determined a Phase 1 investigation of the site is not required. The City awarded a contract to Dahn Construction for the first phase of the project, which involves earthwork, utilities, and trail paving and extends through June 2020. Dewatering began late summer 2019. Tree removal was completed in early winter; excavation was ongoing through the winter. As of early June 2020, earth work and infrastructure work by Dahn Construction is nearly complete and trail paving is complete. Vegetative restoration by AES is underway including soil prep and seeding. Plants, shrubs, and trees will begin soon along with placement to goose protection fencing to help ensure successful restoration. The construction phase of this project was completed in June with minor punch list items completed in September. The restoration and planting phase is complete except for minor punch list items and monitoring and establishment of vegetation over three growing seasons. A final grant report for BWSR's Watershed Based Implementation Funding was submitted at the end of January. City staff recently completed a site walk through to document dead or dying trees and shrubs in need of replacement (under warranty). This project (along with Golden Valley's Liberty Crossing Project) recently received the award for "Project of the Year" from the Minnesota Association of Floodplain Managers as part of the overall Project website: <http://www.bassettcreekwmo.org/index.php?CID=433> .

2020 Bryn Mawr Meadows Water Quality Improvement Project (BC-5), Minneapolis: A feasibility study by the Commission Engineer was developed in 2018 and approved in January 2019. The study included wetland delineations, soil borings, public open houses held in conjunction with MPRB's Bryn Mawr Meadows Park improvement project, and input from MPRB's staff and design consultants. Project construction year was revised from 2020 and 2022 to better coincide with the MPRB's planning and implementation of significant improvements and redevelopment Bryn Mawr Meadows Park where the project will be located. A public hearing for this project was held September 19, 2019. The project was officially ordered at that meeting. In January 2020 this project was awarded a \$400,000 Clean Water Fund grant from BWSR; a grant work plan was completed and the grant with BWSR was fully executed in early May 2020. The project and the grant award was the subject of an article in the Southwest Journal in February: <https://www.southwestjournal.com/voices/green-digest/2020/02/state-awards-grant-to-bryn-mawr-runoff-project/>. In September 2020, Minneapolis and MPRB staff met to review the implementation agreement and maintenance roles.

BCWMC developed options for contracting and implementation which were presented at the November meeting. At that meeting staff was directed to develop a memorandum of understanding or agreement among BCWMC, MPRB, and city of Minneapolis to recognize and assign roles and responsibilities for implementation more formally. The draft agreement was developed over several months and multiple conversations among the parties. At the May 2021 meeting the Commission approved to waive potential conflict of the Commission legal counsel and reviewed a proposal for project design by the Commission Engineer. The updated design proposal and the design agreement among all three parties were approved at the June 2021 meeting. Four public open houses were held in the park in 2021 to gather input on park concepts. Project partners met regularly throughout design to discuss schedules, planning and design components, and next steps. Concept designs were approved by the MRPB Board in late 2021. Staff met with MnDOT regarding clean out of Penn Pond and continue discussions. 50% design plans were approved by the Commission at the January meeting; 90% design plans were approved at the March meeting along with an agreement with MPRB and Minneapolis for construction. The agreement was approved by all three bodies. Commission Engineers finalized designs and assisted with bidding documents. Bids were returned in early August. At the meeting in August, the Commission approved moving forward with project construction (through MPRB), and approved a construction budget (higher than previously budgeted) and an amended engineering services budget. MPRB awarded the construction contract. In late November the contractor began the initial earthwork and started on portions of the stormwater pond excavations. Grading, excavating, and removal of the existing storm sewer pipe is currently underway. Project website: <http://www.bassettcreekwmo.org/projects/all-projects/bryn-mawr-meadows-water-quality-improvement-project>

2020 Jevne Park Stormwater Improvement Project (ML-21) Medicine Lake (No change since April): At their meeting in July 2018, the Commission approved a proposal from the Commission Engineer to prepare a feasibility study for this project. The study got underway last fall and the city's project team met on multiple occasions with the Administrator and Commission Engineer. The Administrator and Engineer also presented the draft feasibility study to the Medicine Lake City Council on February 4, 2019 and a public open house was held on February 28th. The feasibility study was approved at the April Commission meeting with intent to move forward with option 1. The city's project team is continuing to assess the project and understand its implications on city finances, infrastructure, and future management. The city received proposals from 3 engineering firms for project design and construction. At their meeting on August 5th, the Medicine Lake City Council voted to continue moving forward with the project and negotiating the terms of the agreement with BCWMC. Staff was directed to continue negotiations on the agreement and plan to order the project pending a public hearing at this meeting. Staff continues to correspond with the city's project team and city consultants regarding language in the agreement. The BCWMC held a public hearing on this project on September 19, 2019 and received comments from residents both in favor and opposed to the project. The project was officially ordered on September 19, 2019. On October 4, 2019, the Medicine Lake City Council took action not to move forward with the project. At their meeting in October 2019, the Commission moved to table discussion on the project. The project remains on the 2020 CIP list. In a letter dated January 3, 2022, the city of Medicine Lake requested that the Commission direct its engineer to analyze alternatives to the Jevne Park Project that could result in the same or similar pollutant removals and/or stormwater storage capacity. At the March meeting, the Commission directed the Commission Engineer to prepare a scope and budget for the alternatives analysis which were presented and discussed at the April meeting. No action was taken at that meeting to move forward with alternatives analysis. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=467>.

2014 Schaper Pond Diversion Project and Carp Management, Golden Valley (SL-3): Repairs to the baffle structure were made in 2017 after anchor weights pulled away from the bottom of the pond and some vandalism occurred in 2016. The city continues to monitor the baffle and check the anchors, as needed. Vegetation around the pond was planted in 2016 and a final inspection of the vegetation was completed last fall. Once final vegetation has been completed, erosion control will be pulled and the contract will be closed. The Commission Engineer began the Schaper Pond Effectiveness Monitoring Project last summer and presented results and recommendations at the May 2018 meeting. Additional effectiveness monitoring is being performed this summer. At the July meeting the Commission Engineer reported that over 200 carp were discovered in the pond during a recent carp survey. At the September meeting the Commission approved the Engineer's recommendation to perform a more in-depth survey of carp including transmitters to learn where and when carp are moving through the system. At the October 2020 meeting, the Commission received a report on the carp surveys and recommendations for carp removal and management. Carp removals were performed through the Sweeney Lake Water Quality Improvement Project. Results were presented at the February 2021 meeting along with a list of options for long term carp control. Commission took action approving evaluation of the long-term options to be paid from this Schaper Pond Project. Commission and Golden Valley staff met in March 2021 to further discuss pros and cons of various options. At the September 2021 meeting, the

Commission approved utilizing an adaptive management approach to carp management in the pond (\$8,000) and directed staff to discuss use of stocking panfish to predate carp eggs. Commission Engineers will survey the carp in 2022. At the April meeting, the Commission approved panfish stocking in Schaper Pond along with a scope and budget for carp removals to be implemented later in 2022 if needed. Commission staff informed lake association and city about summer activities and plans for a fall alum treatment. Approximately 1,000 bluegills were released into Schaper Pond in late May. Carp population assessments by electroshocking in Sweeney Lake and Schaper Pond were completed this summer. A report on the carp assessment is expected early next year. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=277>.

Sweeney Lake Water Quality Improvement Project, Golden Valley (SL-8) (No change since November): This project was added to the 2020 CIP list after receiving a federal 319 grant from the MPCA. It is partially a result of the carp surveys completed through the Schaper Pond Diversion Project and a study of the year-round aeration on Sweeney Lake. This project will treat curly-leaf pondweed in spring 2020, will remove carp in summer 2020, and will perform an alum treatment on Sweeney Lake in late summer 2020. The project was officially ordered by the Commission after a public hearing in September 2019. A public open house on this project was held via Webex on April 8th with approximately 20 people joining. The open house presentation and a question and answer document are available online. The curly-leaf pondweed herbicide treatment was completed in May. Carp Solutions performed carp tracking and setting nets in early June. The first round of netting resulted in 334 carp removed from Sweeney Lake (mean length 620 mm, mean weight 3.1 kg), representing an estimated 29% of the total population. From Schaper Pond 82 carp removed which likely represents about 17% of the initial population. After another round of carp removals in late July, 118 additional carp were netted from Sweeney. Based on preliminary estimates, approximately 40% of the carp population was removed from Sweeney this summer. The carp biomass was reduced from approximately 129 kg/ha to 79 kg/ha, which is below the threshold where adverse impacts on water quality are expected. The first round of alum treatment was completed in late October. A grant report and payment request were submitted at the end of January. A report on the results of the carp removals and recommendations for future management were presented at the February 2021 meeting. Long term carp management evaluation will happen through the Schaper Pond Diversion Project funding. A one-page overview of 2020 activities and outcomes was developed for the Sweeney Lake Association and [posted online](#) in March. This year, the Commission is continuing carp population assessments and performing an alum treatment this fall. At the September meeting the Commission awarded a contract for the alum treatment. The treatment was completed the week of October 16th. A final report with project outcomes is expected early next year. Project website: [Sweeney Lake Water Quality Improvement Project, SL-8](#)).

2014 Twin Lake In-lake Alum Treatment, Golden Valley (TW-2): (No change since June 2018) At their March 2015 meeting, the Commission approved the project specifications and directed the city to finalize specifications and solicit bids for the project. The contract was awarded to HAB Aquatic Solutions. The alum treatment spanned two days: May 18- 19, 2015 with 15,070 gallons being applied. Water temperatures and water pH stayed within the desired ranges for the treatment. Early transparency data from before and after the treatment indicates a change in Secchi depth from 1.2 meters before the treatment to 4.8 meters on May 20th. There were no complaints or comments from residents during or since the treatment.

Water monitoring continues to determine if and when a second alum treatment is necessary. Lake monitoring results from 2017 were presented at the June 2018 meeting. Commissioners agreed with staff recommendations to keep the CIP funding remaining for this project as a 2nd treatment may be needed in the future. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=278>.

2013 Four Seasons Area Water Quality Project (NL-2) (See Item 5A): At their meeting in December 2016, the Commission took action to contribute up to \$830,000 of Four Seasons CIP funds for stormwater management at the Agora development on the old Four Seasons Mall location. At their February 2017 meeting the Commission approved an agreement with Rock Hill Management (RHM) and an agreement with the City of Plymouth allowing the developer access to a city-owned parcel to construct a wetland restoration project and to ensure ongoing maintenance of the CIP project components. At the August 2017 meeting, the Commission approved the 90% design plans for the CIP portion of the project. At the April 2018 meeting, Commissioner Prom notified the Commission that RHM recently disbanded its efforts to purchase the property for redevelopment. In 2019, a new potential buyer/developer (Dominium) began preparing plans for redevelopment at the site. City staff, the Commission Engineer and I have met on numerous

occasions with the developer and their consulting engineers to discuss stormwater management and opportunities with “above and beyond” pollutant reductions. Concurrently, the Commission attorney has been working to draft an agreement to transfer BCWMC CIP funds for the above and beyond treatment. At their meeting in December, Dominion shared preliminary project plans and the Commission discussed the redevelopment and potential “above and beyond” stormwater management techniques. At the April 2020 meeting, the Commission conditionally approved the 90% project plans. The agreements with Dominion and the city of Plymouth to construct the project were approved May 2020 and project designers coordinated with Commission Engineers to finalize plans per conditions. In June 2021, the City of Plymouth purchased the property from Walmart. The TAC discussed a potential plan for timing of construction of the stormwater management BMPs by the city in advance of full redevelopment. At the August 2021 meeting, the Commission approved development of an agreement per TAC recommendations. The city recently demolished the mall building and removed much of the parking lot. The TAC considered a city request regarding requirements for future development. TAC and BCWMC staff provided recommendations found in Item 5A. The CIP project 90% plans are also considered for approval at this meeting under 5A. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=282>.

2021 Parkers Lake Drainage Improvement Project (PL-7) (No change since July): The feasibility study for this project was approved in May 2020 with Alternative 3 being approved for the drainage improvement work. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020 and entered an agreement with the city of Plymouth to design and construct the project. The city hired WSB for project design which is currently underway. 60% design plans were approved at the June meeting. 90% plans were approved at the August meeting. Construction is complete and vegetation is currently being established. www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project

2021 Parkers Lake Chloride Reduction Project (PL-7) (No change since October): The feasibility study for this project was approved in May 2020 with Alternative 3 being approved for the drainage improvement work. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020 and entered an agreement with the city of Plymouth to implement the project in coordination with commission staff. City staff and I have had an initial conversation about this project. The city plans to collect additional chloride data this winter in order to better pinpoint the source of high chlorides loads within the subwatershed. Partners involved in the Hennepin County Chloride Initiative (HCCI) are interested in collaborating on this project. A proposal from Plymouth and BCWMC for the “Parkers Lake Chloride Project Facilitation Plan” was approved for \$20,750 in funding by the HCCI at their meeting in March. The project will 1) Compile available land use data and chloride concentrations, 2) Develop consensus on the chloride sources to Parkers Lake and potential projects to address these sources, and 3) Develop a recommendation for a future pilot project to reduce chloride concentrations in Parkers Lake, which may be able to be replicated in other areas of Hennepin County, and 4) help target education and training needs by landuse. A series of technical stakeholder meetings were held last fall and winter to develop recommendations on BMPs. A technical findings report was presented at the July 2022 meeting. At the September meeting, the Commission approved a scope and budget for a study of the feasibility of in-lake chloride reduction activities. That study is now underway by the Commission Engineer. Additionally, the city is sampling the stormwater pond at their maintenance facility. Project website: www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project

2021 Mt. Olivet Stream Restoration Project (ML-20) (No change since July): The feasibility study for this project was approved in May 2020 with Alternative 3 being approved for the drainage improvement work. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020 and entered an agreement with the city of Plymouth to design and construct the project. The city hired WSB for project design which is currently underway. 60% design plans were approved in June. 90% plans were approved at the August. Construction is complete and vegetation is currently being established. www.bassettcreekwmo.org/projects/all-projects/mt-olivet-stream-restoration-project

2021 Main Stem Lagoon Dredging Project (BC-7): The feasibility study for this project was approved in May 2020 with Alternative 2-all (dredge all three lagoons to 6-foot depth) being approved. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020. Rather than entering an agreement with a separate entity to design and construct this project, the Commission will implement the project in close

coordination with the MPRB. At their meeting in November, the Commission approved a timeline for implementation and the Commission Engineer was directed to prepare a scope of work for project design and engineering. The engineering scope and budget were approved at the May 2021 meeting. Design and permitting got underway in summer 2021. Dredging of all three lagoons is planned for winter 2022/2023. A grant agreement for the \$250,000 Watershed Based Implementation Funding grant was approved at the January 2021 meeting. The project work plan was approved by BWSR. In the spring 2021 the Commission approved a grant agreement for a Hennepin County Opportunity Grant for this project. An Environmental Assessment Worksheet was approved by the Commission at their October 2021 meeting and was submitted for a 30-day comment period by the City of Golden Valley as the RGU. A meeting of project stakeholders was held December 7th and 50% designs were approved at the December 2021 meeting. Comments were received on the EAW from multiple review agencies and one private citizen. Agency comments were relatively minor and expected. Comments from the citizen were more complex and detailed. Responses to comments were developed the RGU (city of Golden Valley) made an official declaration that no Environmental Impact Statement is needed. Staff reviewed a request from a resident to add “safety” benches to the ponds, reviewed reference materials and discussed in detail with MPRB. Determined safety benches aren’t appropriate or needed for this project and responded to the resident. 90% plans were approved at the June meeting. A project flyer and FAQs page were developed in conjunction with MPRB staff. They are posted on the webpage and were distributed to MPRB and Loppet staff at the Chalet and Trailhead. At the October meeting the Commission awarded the construction contract to the lowest responsive, responsible bidder: Fitzgerald Excavating and Trucking. Commission Engineers, Commission Attorney, and I are working to collect and finalize and execute all contract documentation. A pre-construction meeting was held November 28th. Tree removal and pond access route establishment will happen in December. Dredging will start in January if conditions are favorable. Project website:www.bassettcreekwmo.org/projects/all-projects/bassett-creek-main-stem-lagoon-dredging-project


2022 Medley Park Stormwater Treatment Facility (ML-12): The feasibility study for this project is complete after the Commission Engineer’s scope of work was approved last August. City staff, Commission Engineers and I collaborated on developing materials for public engagement over the fall/early winter. A project kick-off meeting was held in September, an internal public engagement planning meeting was held in October, and a Technical Stakeholder meeting with state agencies was held in November. A [story map of the project](#) was created and a survey to gather input from residents closed in December. Commission Engineers reviewed concepts and cost estimates have been reviewed by city staff and me. Another public engagement session was held in April to showcase and receive feedback on concept designs. The feasibility report was approved at the June meeting with a decision to implement Concept #3. At the July meeting the Commission directed staff to submit a Clean Water Fund grant application, if warranted. A grant application was developed and submitted. Funding decisions are expected in early December. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and construct the project. The city hired Barr Engineering to develop the project designs which are now underway. The BCWMC received a \$300,000 Clean Water Fund grant from BWSR in December 2021. 50% design plans were approved in February. A public open house on the project was held March 3rd at Brookview. A grant work plan was developed in March and a grant agreement was approved at the March meeting. 90% plans were approved at the May meeting and final plans and bid documents were developed by the city’s consultation (Barr Engineering). Construction began in November (see photo) and is moving along at a good pace. The initial phase of construction should be completed by the end of the year. Restoration plans are currently being finalized and the city hopes to bid restoration work early next year.

www.bassettcreekwmo.org/projects/all-projects/medley-park-stormwater-treatment-facility



2022 SEA School-Wildwood Park Flood Reduction Project (BC-2, 3, 8, 10) (No change since Nov): The feasibility study for this project is complete after the Commission Engineer’s scope of work was approved last August. A project kick-off meeting with city staff was held in late November. Meetings with city staff, Robbinsdale Area School representatives, and technical stakeholders were held in December, along with a public input planning meeting. A virtual open house video and comment form were offered to the public including live chat sessions on April 8th. The feasibility study report was approved in June with a decision to implement Concept #3. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and construct the project. The city hired Barr Engineering to develop the project designs which are now underway. A virtual public open house was held February 3rd. 50% Design Plans were approved at the January meeting. A public open house was held September 29th. 90% were approved at the October Commission meeting. Construction bidding through the city is expected in the coming days. Project webpage: www.bassettcreekwmo.org/projects/all-projects/sea-school-wildwood-park-flood-reduction-project.

Administrator Report November 7 – December 7, 2022

Subject	Work Progress
CIP	<ul style="list-style-type: none"> • <u>Four Seasons Water Quality Improvement Project</u>: Coordinated with Plymouth staff to develop materials for TAC meeting to review Plymouth request regarding future development standards • <u>Main Stem Lagoon Dredging Project</u>: Arranged for signatures to execute construction contract; arranged and attend pre-construction meeting with contractor, Commission Engineers, and MPRB staff; reviewed information related to new plans for access to Pond D • <u>Main Stem Restoration Project Regent Ave to Golden Valley Road Project</u>: Arranged and participated in technical stakeholder meeting with agencies, city staff, TRPD, and Commission Engineers; edited and posted meeting agenda; reviewed storyboard text for public outreach • <u>Ponderosa Woods Stream Restoration Project</u>: Developed project webpage; arranged technical stakeholder meeting for agencies, city staff, and Commission Engineers and reviewed meeting agenda
Henn Co. Chloride Initiative	<ul style="list-style-type: none"> • Set up small group meeting to review next steps • Provided feedback to professional marketing firm • Reviewed webpage for needed content • Participated in accepting MAWD’s Program of the Year Award with Commissioners Cesnik and Welch at the MAWD conference • Met with Minneapolis Green Corp member to review HCCI program 
Administration	<ul style="list-style-type: none"> • Developed agenda; reviewed invoices and submitted expenses spreadsheet to Redpath; developed Administrator’s report; reviewed bank statements, investment statements and financial report; reviewed memos and documents for Commission meeting; disseminated Commission meeting information to commissioners, staff, and TAC; updated online calendar; participated in pre-meeting call with Chair Cesnik and Commission Engineer; drafted meeting follow up email; ordered catering for December Commission meeting; • Drafted TAC and staff recommendations from December 7th TAC meeting and sent to members for review • Drafted November Commission meeting minutes • Participated in DEI workgroup meeting • Filed resolution and sent concurrence letter on watershed boundary update to SCWMC • Developed article to solicit letters of interest proposal from legal and engineering firms; submitted for official publication • Sent staff evaluation forms to commissioners and TAC members • Corresponded with MPCA and Commission Engineers re: Northwood Lake TMDL timing • Updated “For Developers” webpage to remove references to MTD pre-application form and fee; reviewed Commission Engineers’ suggested edits to Requirements Document • Reviewed and corresponded with Attorney Anderson about contract with Stantec for WOMP work in 2023

MAWD	<ul style="list-style-type: none"> • Reviewed MAWD resolution and business meeting packet • Registered delegates for MAWD conference and arranged lodging • Arranged and attended meeting of delegates to discuss resolutions • Attended MN Association of Watershed Administrators meeting in Alexandria • Assisted with developing presentation on Sweeney Lake with Commission Engineer Wilson for presentation at MAWD conference; gave presentation • Attended MAWD conference, trade show, banquet, and networking events in Alexandria
Grant Work	<ul style="list-style-type: none"> • Updated spreadsheet tracking BCWMC grants and corresponded with BCWMC accountant on funds received • Discussed Hennepin AIS grant with county staff to determine path forward • Completed grant application for DNR AIS treatment lottery-based grant • Developed WOMP expense report and submitted to Met Council • Participated in meeting re: 2021 Watershed Based Implementation funding projects
2025 Watershed Management Plan	<ul style="list-style-type: none"> • Attended and gave Plan update/input request at Bryn Mawr Neighborhood Association Meeting • Attended Jordan Area Community Council annual meeting • Attended Northside Resident Redevelopment Council meeting; gave Plan update/input request presentation • Reviewed linear project requirements updated comparison table and possible revisions to BCWMC requirements for discussion with TAC • Discussed/researched concept of financially compensating focus group members • Assisted with development of policy and participation waiver form with Attorney Anderson • Met with some commissioners to discuss focus group/interview program and developed proposal for Commission consideration • Input data from paper surveys received in mail • Met with Commission Engineers for bi-weekly check in meeting