



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting

Thursday, March 16, 2023

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday, March 16, 2023 at 8:33 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	<i>Absent</i>	Paula Pentel	Eric Eckman
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Katie Kowalczyk
Minnetonka	<i>Absent</i>	<i>Vacant Position</i>	Leslie Yetka
New Hope	Jere Gwin-Lenth	Jen Leonardson	<i>Absent</i>
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	Wayne Sicora	Bob Stamos	Mike Sorensen, Richard McCoy
St. Louis Park	<i>Vacant Position</i>	<i>Absent</i>	Erick Francis
Administrator	<i>Absent</i>		
Engineers	Karen Chandler, Barr Engineering		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Jami Markle, Three Rivers Park District		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

MOTION: Alternate Commissioner Pentel moved to approve the agenda. Commissioner Welch seconded the motion. Upon a vote the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

4. CONSENT AGENDA

Items 4E, 4F, and 4G were removed from the consent agenda.

MOTION: Alternate Commissioner Pentel moved to approve the consent agenda as amended. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

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

- Approval of Minutes – February 16, 2023 Commission Meeting
- Acceptance of March 2023 Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – February 2023 Administrative Services
 - Keystone Waters, LLC – February 2023 Meeting Expenses
 - Barr Engineering – February 2023 Engineering Services
 - Kennedy & Graven – January 2023 Legal Services
 - Redpath – February 2023 Accounting Services
 - Triple D Espresso – Meeting Catering
 - Stantec – WOMP Services
- Approval of User Agreement with University of Minnesota
- Approval to Submit Letter of Support for Chlorides in Groundwater Study
- Approval to Set Public Hearing on May 18th for Minor Plan Amendment

4E. Approval to Appoint Commissioners to BCWMC Committees

Commissioner Welch asked to table the committee appointments to the April meeting. Commissioner Anderson noted that the Budget Committee meets before the April meeting. Commissioner Welch indicated he had questions about the Plan Steering Committee membership and would like to wait until the April meeting before acting on those appointments.

MOTION: Commissioner Welch moved to approve the proposed appointments to the Budget, Education, and Administrative Services Committees. Commissioner Anderson seconded the motion. Upon a vote the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

4F. Approval of Plymouth 2023 City Center Pavement Rehabilitation

Commissioner Gwin-Lenth asked why the project did not appear to have any water quality mitigation despite a slight increase in impervious surface. Commission Engineer Chandler noted the project does not trigger BCWMC water quality requirements. TAC member Scharenbroich indicated the project is a mill and overlay project that doesn't involve actual reconstruction other than minor adjustments to comply with the ADA.

MOTION: Commissioner Gwin-Lenth moved to approve the Plymouth 2023 City Center Pavement Rehabilitation Project. Commissioner Carlson seconded the motion. Upon a vote the motion carried 6-1, with Minneapolis voting nay and with the cities of Minnetonka and St. Louis Park absent from the vote.

4G. Approval of Resolution of Appreciation for Commissioner Harwell

Chair Cesnik noted Commissioner Harwell's lengthy tenure on the Commission and said her valuable expertise and professionalism would be missed.

MOTION: Commissioner Welch moved to approve the resolution of appreciation for Stacy Harwell. Commissioner Carlson seconded the motion. Upon a vote the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

5. BUSINESS

A. Consider Approval of 2023 Schaper Pond Effectiveness Monitoring

Commission Engineer Chandler reminded Commissioners about the report presented in January on the latest Sweeney Lake water monitoring results and carp population reassessments in Sweeney Lake and Schaper Pond. She indicated that in January commissioners requested a plan for performing additional effectiveness monitoring in Schaper Pond. She reviewed the recommendation to collect a series of grab samples 3 to 5 times in 2023 to understand phosphorus and suspended solids levels longitudinally through the pond before carp are reassessed in 2024. She recommended using up to \$18,000 of Schaper Pond CIP funding for this work in 2023.

Commissioner Welch requested that memos from Barr Engineering to the Commission include an author's name and Chair Cesnik agreed. He also noted that this monitoring scope was requested by the Commission in January.

MOTION: Commissioner Welch moved to approve the Schaper Pond monitoring in 2023 as presented. Alternate Commissioner Pentel seconded the motion. Upon a vote the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

After the vote, TAC member Eric Eckman noted Golden Valley's approval of the monitoring and adaptive management approach.

B. Receive Update and Consider Approving Pay Request #2 for Lagoon Dredging Project

Commission Engineer Chandler provided an update on the amount and timing of sediment hauling for the project. She noted that dredging was completed since the memo in the meeting materials went out. She noted the site restoration will take place in spring.

Engineer Chandler also reported that the MN Department of Labor and Industry is currently investigating the contractor to determine prevailing wage compliance. Prevailing wages are required for at least part of this project due to grant funds from the State. She said the Department of Labor and Industry has been in contact with the Commission Administrator and Engineers and that the Commission Attorney has also been consulted by Commission staff. The Commission Attorney noted the Commission would not be responsible for paying the contractor additional money if they had not been paying prevailing wages, as the contract between the contractor and the Commission clearly states the prevailing wages requirements. He also noted the Commission is simply supplying information to the Department of Labor and Industry but it is not the Commission's responsibility to determine if prevailing wages were paid appropriately.

Alternate Commissioner Polzin requested inspection of the haul route to ensure there was no excessive tracking of sediment and mud. Chair Cesnik asked about the project budget. Engineer Chandler noted that the Commission Engineers review each pay request to ensure the quantities are correct and within the contracted amount. She reported the contracted amount and the remaining balance to pay. There was discussion about the restoration of the site and how important it will be to make sure restoration plans are followed by the contractor.

The Commission Engineer recommended approval of the pay request.

MOTION: Commissioner Welch authorized payment of the pay request in the amount of \$886,217.00 for the Lagoon Dredging Project. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

C. Consider Approval of Budget Amendment for Engineering Services for Bryn Mawr Meadows Water Quality Improvement Project

Commission Engineer Chandler showed some photos of construction progress and reminded commissioners about the partnership with the Minneapolis Park and Rec Board (MPRB) and City of Minneapolis. She also reminded commissioners about prior approvals of amendments (increases) of the project's construction budget and engineering services budget. She noted the likely savings in construction costs due to lower-than-expected hauling

and disposal expenses, including MPRB using clean material onsite.

Commission Engineer Chandler described the tasks that are included in the engineering budget and unexpected items that arose during construction, leading to the request for additional budget. She noted this additional work included the replacement of a city sewer pipe that required design time and a change order for the contractor. She noted the city verbally agreed to reimburse the Commission for the design and administration costs for this extra work. There was discussion about how there is not a mechanism to make design changes such as the replacement of the city sewer pipe in the agreement between the Commission, the MPRB, and the City. Commissioner Welch requested something in writing indicating the city will reimburse the Commission for this extra work.

MOTION: Commissioner Welch moved to authorize increasing the engineering services budget for the Bryn Mawr Meadows Water Quality Improvement Project by \$26,300. Chair Cesnik seconded the motion. Upon a vote the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

D. Review Technical Advisory Committee (TAC) Memo and Consider Approval of TAC Recommendation on 5-year Capital Improvement Program

TAC Chair Ray reviewed the verbal agreement the cities and the MnDNR on upland storage protections for the FEMA mapping, noting that MnDNR is not, and is not planning to, ask the BCWMC or cities to create new or to expand existing regulations regarding protection of upland flood storage areas.

TAC Chair Ray went on to describe the TAC's recommendation to add the Sochacki Park Water Quality Improvement Project to the Commission's 2024/2025 Capital Improvement Program (CIP). Commission Engineer Chandler noted that Three Rivers Park District (TRPD) already sponsored a subwatershed assessment of North Rice Pond, South Rice Pond, and Grimes Pond that resulted in a list of best management practices (BMPs) for implementation to improve water quality and habitat in the ponds and in Bassett Creek downstream. TAC member Eric Eckman noted that the cities of Robbinsdale and Golden Valley, along with TRPD and the Commission would combine funding and seek grant funds to implement the suite of recommended BMPs.

There was some discussion about the discussions between the TAC and the MnDNR about flood storage areas, how incidental storage areas won't be (and can't practically be) managed and protected. Alternate Commissioner Polzin noted that rate control is an important consideration regarding flood storage. Commissioner Sicora noted that rate control is one effective and appropriate mechanism to maintain flood storage.

Regarding the proposed Sochacki Park CIP Project, TAC member Eckman clarified that TRPD is contributing the funding to prepare the designs for this project. Jami Markle with TRPD further described the condition of the ponds within Sochacki Park and the outcomes of the subwatershed assessment and noted the opportunity for partnership among the cities, TRPD and Commission to implement the recommended BMPs. There was some discussion about the estimated amount of pollutant removal expected from the project. TAC member Eckman noted that the requested CIP funds of \$600,000 over two years would be about 25% of the total overall cost.

Alternate Commissioner Polzin pointed out that this project is directly upstream of the Lagoon Dredging Project so would protect investments recently made in the creek. She also noted the accelerated timeline of this project compared to the Commission's regular CIP process and asked about grant funding opportunities. TAC member Eckman reported that getting the project into the Commission's CIP is critical to developing strong grant applications. Engineer Chandler responded to questions and noted that the feasibility study for this project would include cost per pound of total phosphorus removal and includes the future maintenance costs for 30-year project life. Attorney Anderson reminded commissioners that CIP maintenance costs are not something the Commission usually incurs. TAC member Richard McCoy noted that the City of Robbinsdale would own and maintain project components that are built in the city of Robbinsdale.

Commissioner Welch noted his disappointment that commissioners are just now hearing about this project and the subwatershed assessment. He reminded staff that CIP projects should come to the Commission early so it's the Commission's project. Commissioners need to understand how the project fits into the Commission's CIP and meets Commission goals. Engineer Chandler noted that the Commission Administrator participated on the Sochacki

Subwatershed assessment steering team and that Barr Engineering was hired by TRPD to do the subwatershed assessment so the Commission Engineers were involved but being paid by TRPD. TAC member Eckman noted a feasibility study that meets the Commission's feasibility study criteria would be done and would be paid by TRPD.

Alternate Commissioner Pentel noted she was comfortable with the cost estimates of the project components presented in the report. She also noted the large size of the drainage area to these ponds. She also noted the importance of the partnership between the cities, TRPD and the Commission.

MOTION: Commissioner Sicora moved to approve the TAC's recommendation to add the Sochacki Park Water Quality Improvement Project to the Commission's 2024/2025 Capital Improvement Program for \$600,000. Alternate Commissioner Pentel seconded the motion.

Discussion: Commissioner Welch agreed the Commission needs to be flexible enough to take advantage of opportunities like this.

Commissioner Welch offered an amendment to the motion to direct Commission staff to work with project partners to develop an understanding of the project timing and ordering process, perhaps through an agreement, to ensure the Commission's obligations in ordering the project are met. Commissioner Sicora agreed to Commissioner Welch's friendly amendment.

Commission Attorney Anderson agreed there is a statutory process that needs to be followed and he noted he can work with Administrator Jester to develop an assurances document.

Alternate Commissioner Hauer wondered about how the Commission prioritizes its projects – noting that moving upstream to downstream would be the best approach. TAC member Eckman noted the Main Stem Restoration Project scheduled for 2024 just downstream that will dovetail nicely with the Sochacki Project.

VOTE: Upon a vote the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

6. COMMUNICATIONS

[Alternate Commissioner Hauer departs the meeting.]

A. Administrator's Report

Engineer Chandler noted Administrator Jester's written memo in the packet. She also reported that the Bassett Creek Valley Stakeholder Summit is scheduled for March 29th and is being hosted by the Commission.

B. Chair – Chair Cesnik reported that the shared position with Hennepin County for an education coordinator is open through March 23rd. Engineer Chandler will forward the position announcement to commissioners.

C. Commissioners

- i. Appoint liaison to March 29th TAC meeting - Engineer Chandler noted the TAC will continue discussing the linear project standards. Alternate Commissioner Polzin volunteered to be the TAC liaison.
- ii. Report on MN Watersheds Legislative Event – Commissioner Carlson reported that it was a good event but that many of the legislative priorities deal with issues outside of the Metro area. He noted the discussion centered around ditches, farming, and lawsuits. Commissioner Welch noted that out state watersheds don't have levy authority like Metro watersheds do.
- iii. Comments on February 28th Public Open House – Chair Cesnik reported that 34 people attended and there seemed to be a lot of learning. Engineer Chandler reported that Administrator Jester would bring a report on the open house to the next meeting. Commissioner Welch recommended that the Commission discuss the outreach effort for the plan and "right-sizing" the outreach efforts. Chair Cesnik thought the open house format worked and folks were engaged. She wished for more written input or feedback.
- iv. New Alternate Commissioner from Robbinsdale introduced himself and relayed what drew him to learn more about the Commission and ultimately applied to be appointed. He noted that he is a weather spotter and that the City of Robbinsdale uses the data he collects.
- v. Commissioner Welch reported that the chloride limited liability legislation is essentially dead for this session. There was some discussion about the chloride issue and the challenges to finding a solution.

D. TAC Members

- i. Update on SEA School-Wildwood Park Project Construction Bids – TAC member Eckman reported that the city received 6 bids for the construction of the project, 5 of which were under the engineer’s estimate. The city just awarded a contract to the lowest bidder, Rachel Contracting. He reported the engineers estimate was \$1.9M, Rachel bid \$1.53M.
TAC member Ben Scharenbroich reported that the Discover Plymouth event is happening and the watershed will be represented.

E. Committees

- i. Budget Committee Meeting April 3

F. Legal Counsel – No report

- G. Engineer - Engineer Chandler reported the Main Stem Restoration Project public open house was held March 30th and was well attended. She also noted the draft feasibility studies for that project and the Ponderosa Woods Restoration Project will be presented at the April Commission meeting.

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 - Crystal and Plymouth

8. ADJOURNMENT - The meeting adjourned at 10:50 a.m.