



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting

**Thursday, April 20, 2023**

**8:30 a.m.**

**Golden Valley City Hall, 7800 Golden Valley Road**

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

On Thursday, April 20, 2023 at 8:33 a.m. Vice Chair Welch brought the Bassett Creek Watershed Management Commission (Commission) to order and proceeded to chair the meeting in Chair Cesnik's absence.

#### Commissioners, city staff, and others present

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	<i>Absent</i>	Joan Hauer	Mark Ray
Golden Valley	Paula Pentel	<i>Vacant</i>	Eric Eckman
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	<i>Absent</i>	<i>Absent</i>
Mnetonka	Maryna Chowhan	<i>Vacant Position</i>	<i>Absent</i>
New Hope	<i>Absent</i>	Jen Leonardson	Nick Macklem
Plymouth	<i>Absent</i>	Monika Vadali	Ben Scharenbroich, Amy Riegel
Robbinsdale	Wayne Sicora	Bob Stamos	Mike Sorensen
St. Louis Park	RJ Twiford	<i>Vacant</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters, LLC		
<b>Engineers</b>	Karen Chandler and Jessica Olson, Barr Engineering		
<b>Recording Secretary</b>	<i>Vacant Position</i>		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	None		

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

None.

#### 3. APPROVAL OF AGENDA

**MOTION:** Commissioner Pentel moved to approve the agenda. Commissioner Carlson seconded the motion. Upon a vote the motion carried 9-0.

#### 4. CONSENT AGENDA

Item 4J was removed from the consent agenda.

**MOTION:** Commissioner Pentel moved to approve the consent agenda as amended. Alternate Commissioner Hauer seconded the motion. Upon a vote the motion carried 9-0.

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

- Approval of Minutes – March 16, 2023 Commission Meeting
- Acceptance of April 2023 Financial Report
- Approval of Payment of Invoices
- Approval to Appoint Plan Steering Committee Members
- Approval of Resolution of Appreciation for Alternate Commissioner Lawrence
- Approval of Agreement with Met Council for 2023 – 2024 Watershed Outlet Monitoring Program (WOMP)
- Approval of Amendment to Agreement with Stantec for WOMP Tasks
- Approval of Agreement with Three Rivers Park District for Medicine Lake Activities
- Conditional Approval of BNSF Bridge Replacement Project, Minneapolis

Chair Welch noted that Paula Pentel representing Golden Valley had been appointed primary commissioner and the alternate commissioner position was now vacant. He also introduced the new commissioner from St. Louis Park, RJ Twiford.

#### 4J. Approval of Memorandum of Understanding for Sochacki Water Quality Improvement Project CIP Process

Upon request, Administrator Jester provided an overview of this item noting that at the March meeting, the Commission approved the addition of this CIP project to its 5-year CIP (if a minor Plan amendment is approved) with levy funding in 2024 and 2025. And, because this project's implementation schedule is more accelerated than the typical CIP process, commissioners directed staff to develop an agreement or formal understanding among the implementing parties (BCWMC, Three Rivers Park District, City of Golden Valley, City of Robbinsdale) to lay out the process and timing for feasibility study development, minor plan amendment, project ordering, design, etc. She reported the Memorandum of Understanding (MOU) was developed by the Commission Attorney and reviewed and approved by staff with each partner. She noted the MOU was approved by the Golden Valley City Council the previous evening and was on the agenda for the Three Rivers Park District Board of Commissioners that evening.

Chair Welch wondered if the MOU, which he noted was not a legally binding document, was needed at all. Commission Attorney Anderson noted that because Three Rivers Park District (TRPD) intends to invest funds into the project, the MOU helps them understand the BCWMC CIP process and the risks of investing funds into a project that might not ultimately be ordered by the Commission. Chair Welch indicated concern about the feasibility study being directed by TRPD. It was noted the study would be completed by the Commission Engineer and would include all BCWMC feasibility study criteria, building off the already completed comprehensive subwatershed analysis.

Chair Welch proposed that the BCWMC Administrator work with TRPD to have the feasibility study completed by the BCWMC with reimbursement from TRPD. There was discussion about how the MOU provides a step-by-step iteration of the CIP implementation process but does not legally bind the BCWMC to anything. Commissioner Sicora stated his support for the MOU as a roadmap for TRPD and noted the feasibility study direction is a critical piece of the process. There was also discussion about the logistical challenge to revising the MOU because it was approved by Golden Valley. There was discussion about developing a separate document clarifying the roles in developing the feasibility study. Chair Welch reiterated his desire for the Commission to direct the feasibility study rather than TRPD.

**MOTION:** Commissioner Carlson moved to approve the Memorandum of Understanding for the Sochacki Water Quality Improvement Project. Commissioner Pentel seconded the motion.

Discussion: Chair Welch noted that since the Commission will be asked to fund projects resulting from the study, the Commission, rather than TRPD, should direct the study. Commission Engineer Chandler noted that the Commission does not necessarily have to approve the feasibility study or approve implementation of the practices outlined in the final study. She noted the Commission still has ultimate discretion over what gets implemented with BCWMC CIP funding. It was also reported that Commission staff would be closely involved in the feasibility study throughout its development.

Chair Welch noted that it is important to consider what might go wrong in partnering situations like this, rather than assuming everything will work out exactly as intended. Commissioner Chowhan asked if there is any history among the parties that points to something nefarious happening in this situation. Chair Welch noted that it is more important to set up to avoid problems rather than trying to anticipate specific items going wrong. He offered as an example that TRPD may press for a deviation from a BCWMC policy or protocol for feasibility studies, placing the engineer in a difficult position to push back and insist on adherence to the BCWMC policy. He said he has been involved in situations where such conflicts emerged. He also noted that it is difficult for him to understand how commissioners would think it isn't critical for the commission to direct the engineer in the preparation of a feasibility study.

[TAC members Scharenbroich, Riegel, and Francis leave the meeting]

Golden Valley TAC member Eckman noted that TRPD is the entity risking their funding at this point and reminded commissioners that additional funding can be leveraged from the BCWMC CIP funds.

**AMENDMENT TO MOTION:** Chair Welch moved to amend the motion to add language to the MOU: "This MOU is a statement of mutual interest and cooperation. Nothing herein is legally binding. At such time as the Parties proceed to implement a specific capital project or program, or to formalize other coordination in a binding manner, they will enter into a written agreement that establishes legally binding roles, responsibilities and financial obligations." Alternate Commissioner Hauer seconded the motion.

**VOTE ON AMENDMENT:** Upon a vote of the amendment, the motion failed 2-7 with Minneapolis and Robbinsdale voting in favor of the amendment and all other voting against.

**VOTE ON ORIGINAL MOTION:** Upon a vote of the original motion to approve the MOU as presented, the motion passed 8-1 with Minneapolis voting against the motion and all other voting in favor.

[Chair Welch called a 5-minute break.]

Upon return from the break, Chair Welch indicated his support for directing the Administrator and Commission Engineer to arrange for the Commission to perform the Sohacki Water Quality Improvement Project feasibility study and to prepare a separate agreement with TRPD for reimbursement to the Commission for the study. Commissioner Pentel noted that would be different than the MOU that was just approved. Chair Welch commented that having TRPD direct the study puts the Commission Engineer in a bad position. Commission Engineer Chandler noted that she and her colleagues are in a good position to perform the feasibility study because they fully understand the Commission's feasibility requirements and the information the Commission likes to review before deciding on implementation. She noted the BCWMC Administrator would be closely involved with the study and any commissioners are welcome to be involved as well. Further, she reminded commissioners that the final study and proposed alternatives can be rejected by the Commission and not implemented with BCWMC CIP funds. Administrator Jester noted that the \$600,000 in BCWMC CIP funding slated for the project is only 25% of the estimated total project cost.

**MOTION:** Commissioner Welch moved to direct the Administrator and Commission Engineer to arrange for the Commission to perform the Sohacki Water Quality Improvement Project feasibility study and prepare a separate agreement with Three Rivers Park District for reimbursement. The motion did not receive a second.

## 5. BUSINESS

### A. Review Draft Feasibility Study for Main Stem Bassett Creek Regent Ave to Golden Valley Rd Restoration Project (2024 CRM)

Administrator Jester provided a high level overview of the Commission's CIP program, noting this project is similar to many other stream restoration projects implemented over the last several years. Commission Engineer Chandler introduced Jessica Olson, Barr Engineering's lead engineer on the project.

Engineer Olson presented the results of the feasibility study for this project, noting the stream reach in the project area extends 7,000 feet between Regent Ave. and Golden Valley Road and meanders through neighborhoods and backyards. She reported that severe erosion with near vertical banks exists in many areas along the reach resulting in sediment and nutrient pollution loading in the creek and downstream, including through the recently dredged lagoons in Theodore Wirth Park.

Engineer Olson reviewed the project goals to reduce sediment and nutrient pollution by stabilizing and restoring streambanks, to preserve and enhance natural features, and prevent future channel erosion. She also reviewed the field investigations and desktop studies performed. Engineer Olson then described the prioritization process and metrics used to assign high, medium, or low priority levels to specific locations along the stream. Metrics included severity of erosion, public ownership/easement, access, trees, habitat improvement potential, existing infrastructure, etc.

Engineer Olson reported that all three concepts developed through the study would use a variety of stabilization and restoration techniques including re-grading and stabilization with bioengineering, stabilization with hard armoring, and installation of J-hook and cross vanes – each of which she described. She presented the following options and their pollutant removal impacts and estimated costs:

Option 1: Restore high priority areas only (3,830 linear feet), annually removing 41.8 lbs of total phosphorus (TP) for estimated cost of \$982,000

Option 2: Restore high and medium priority areas (5,425 linear feet), annually removing 64.8 lbs of TP for estimated cost of \$1,685,000

Option 3: Restore high, medium, and low priority areas (7,370 linear feet), annually removing 82.4 lbs of TP for estimated cost of \$2,118,000

There was discussion on how homeowners are contacted and engaged to determine their interest in participating in the project. It was noted that property access and property owner consent are crucial to the project. Golden Valley TAC member Eckman indicated that city staff contact every homeowner along the reach and noted there are varying degrees of private property, public property, and public easements along the reach. There was discussion about the possibility of contacting homeowners before the project is ordered to better understand the level of cooperation with private property owners. It was noted it is too early in the process for that type of effort. TAC member Eckman wondered if the cooperative agreement with the city could be flexible to allow for more or less funding reimbursed to the city depending on the number of cooperating homeowners. He noted that public engagement started through an online survey and "story map" along with the public open house and that there are always negotiations but typically only a small percentage of landowners need a significant amount of time and conversations.

Engineer Olson indicated the engineer's recommendation is to implement Option #1 due to the funding currently allocated in the CIP along with funding from the city. She noted that if more funding is available, they would recommend stabilizing more areas. She noted there are economies of scale: once you're mobilized and active in an area, the best use of funds is to complete all work at one time rather than returning several years later to stabilize areas previously skipped. Administrator Jester noted that a final decision is not needed at this meeting; that the 2024 maximum levy would be set at the June meeting.

Commissioner Welch noted that additional information on the accessibility of high priority areas is important to understand to make a good decision. He noted that a patchwork of implementation may undermine overall project effectiveness. There was more discussion about the areas in public ownership vs. private property, public property

vs. easements, the existing “patchwork” of stabilization because some landowners have already done some stabilization projects on their own, and how a continuous length of stabilization is best.

Commissioner Carlson indicated his support for whatever option the City of Golden Valley wished to implement. He asked that the final feasibility study include a recommendation from the city. Commissioner Welch asked why the city is offering funding towards the project. TAC member Eckman indicated the funding would not be allocated for specific aspects of the project, but to enhance the overall project so more eroding sites could be restored.

Commissioner Welch noted that consideration should be given to locations where upstream land use might undermine future stability of an area. There was some discussion on using cost per pound pollutant removal as a metric for stream restoration projects. It was noted that the metric is calculated differently for stream restoration projects than for lake restoration projects, and that pollutant removals must be calculated for stream restoration projects if grant funding will be sought.

Commission Engineers will adjust some of the prioritization in the study in response to the discussion here and a final report will be brought to the May or June Commission meeting.

[Commissioner Carlson leaves the meeting.]

#### **B. Discuss Development of Policy on Diversity, Equity, Inclusion, and Access**

Administrator Jester noted that Commissioner Welch recommended that the Commission develop a policy on DEIA principles that identifies how and why equity principles are important to accomplishing Commission goals. She referenced an example of a policy from the Nine Mile Creek Watershed District (NMCWD) included with meeting materials. Commissioner Welch indicated that since the Commission is not an organization focused on social issues, it should connect its work to DEIA principles through a sound policy. He noted the simplicity of NMCWD’s policy came after much discussion with their board.

Commissioner Pentel commented and Commissioner Chowhan agreed that the NMCWD policy was bland and she hoped for more overt language about reaching marginalized communities and including diverse and underrepresented voices. She suggested the Administrative Services Committee discuss. Administrator Jester noted that such a policy might also be developed through the 2025 Watershed Plan development process. There was consensus that the Administrative Services Committee should discuss this item.

#### **C. 2025 Watershed Plan Updates**

- i. Receive Update on Plan Development Activities
- ii. Review Report on Public Open House

Administrator Jester reviewed highlights of the progress on the 2025 Watershed Plan development; the scope and budget for which were approved in March 2022. She noted the Plan Steering Committee would start meeting in late May or early June, that she continues to try to engage with Minneapolis neighborhoods and underrepresented communities, that a Commission workshop would be held this summer to define and prioritize issues (with recommendations from the Plan Steering Committee), and that the Plan TAC, which includes agencies and technical partners, would also meet in the summer.

Administrator Jester also briefly reviewed the report on the public open house held in late February and highlighted some of the feedback received.

Commissioner Hauer indicated her appreciation for the map of CIP projects and would like to see the map included in the annual report.

**6. COMMUNICATIONS**

- A. Administrator's Report
  - i. Report on Bassett Creek Valley Summit – Presentations from the event available under “Bassett Creek Valley” at [www.bassettcreekwmo.org/projects](http://www.bassettcreekwmo.org/projects) - Reported that the event was held March 29<sup>th</sup> with 35 attendees; Hennepin County Commissioner Fernando will convene the partners in June.
  - ii. Update on Bryn Mawr Meadows Project Reimbursement – Reported that Minneapolis Park and Rec Board agreed to pay the Commission for additional design costs related to new city infrastructure and they will invoice the city
  - iii. Volunteers Needed for Loppet Sustainability Fair – New St. Louis Park Commissioner, RJ Twifold, volunteered to help at the fair.
- B. Chair – No report
- C. Commissioners
  - i. Appoint liaison to May 3<sup>rd</sup> TAC meeting – No TAC meeting on May 3<sup>rd</sup> after all
- D. TAC Members
  - i. Report on TAC Meeting March 29<sup>th</sup> – Administrator Jester reported that the TAC continued discussions about linear project standards, options, and pros/cons. The item will go to the Plan Steering Committee for discussion.
- E. Committees
  - i. Report on Budget Committee Meeting April 3 – Reviewed proposed 2024 budget and discussed where investment income should be utilized. Commissioner Sicora was appointed committee chair.
  - ii. Next Budget Committee Meeting May 1
  - iii. Administrative Services Committee Meeting April 25 – The committee will discuss the JPA and roles/responsibilities document
- F. Legal Counsel – No report
- G. Engineer - Engineer Chandler reported that the Bryn Mawr CIP project is continuing and still has construction cost savings. She also reported that Commission Engineers are evaluating the outcomes of the Lagoon Dredging Project and pay requests from the contractor.

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

- A. BCWMC Administrative Calendar
- B. CIP Project Updates [www.bassettcreekwmo.org/projects](http://www.bassettcreekwmo.org/projects)
- C. Grant Tracking Summary and Spreadsheet
- D. [2022 Lake Water Quality Report, Met Council](#)
- E. West Metro Water Alliance 2022 Report
- F. WCA Notices – Plymouth

**8. ADJOURNMENT** - The meeting adjourned at 11:00 a.m.