



Item 4A.
BCWMC 7-20-23

Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting & Public Hearing

Thursday, June 15, 2023

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday, June 15, 2023 at 8:31 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	<i>Absent</i>
Golden Valley	Paula Pentel	<i>Vacant</i>	Eric Eckman, Drew Chirpich
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Katie Kowalczyk
Minnetonka	Maryna Chowhan	<i>Vacant</i>	<i>Absent</i>
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	Wayne Sicora	Bob Stamos	Mike Sorensen, Richard McCoy
St. Louis Park	RJ Twiford	<i>Vacant</i>	<i>Absent</i>
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Kallie Doeden, Jessica Olson - 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: Commissioner Gwin-Lenth moved to approve the agenda. Commissioner Pentel seconded the motion. Upon a vote the motion carried 7-0. Cities of Medicine Lake and Minnetonka absent from the vote.

4. CONSENT AGENDA

MOTION: Commissioner Gwin-Lenth moved to approve the consent agenda. Commissioner Pentel seconded the motion. Upon a vote the motion carried 7-0 Cities of Medicine Lake and Minnetonka absent from the vote.

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

- Approval of Minutes – May 18, 2023 Commission Meeting
- Acceptance of June 2023 Financial Report
- Approval of Payment of Invoices
- Approval to Support HaHa Wakpadan Pronunciation Video
- Approval of Funding Support for Metro Blooms Programs

5. BUSINESS

[Commissioner Carlson arrives.]

Administrator Jester and Chair Cesnik reminded commissioners that the decisions made on alternatives to implement in Items 5A and 5B would impact the maximum levy request being considered in Item 5D.

A. Review Final Feasibility Study and Choose Option for Main Stem Restoration Project (2024 CR-M)

Commission Engineer Olson gave an overview of the project which would reduce erosion, improve water quality, and improve habitat by restoring up to 7,370 linear feet of streambank from Regent Ave to Golden Valley Road. She noted that a few pieces of information had changed since the Commission reviewed the draft feasibility study at the April meeting. She reviewed the restoration techniques that would be used and relayed how the prioritization scoring was increased for stream sections with public ownership or easements. This change shifted some parcels between alternatives and changed the cost for each alternative slightly. (Three sites shifted from medium priority to high priority; one site shifted from low priority to medium priority.)

[Commissioner Chowhan arrives.]

Engineer Olson noted that 50% of the parcels in Alternative 1 are publicly owned, while 45% and 43% of parcels are publicly owned for Alternatives 2 and 3, respectively. She noted that implementation of any of the options would require coordination with private landowners – something city staff is experienced in and ready to do for this project. She recommended that the Commission implement Alternative 1 (restoring high priority areas), and if funding allows to implement Alternative 2 (restoring high and medium priority areas) or Alternative 3 (restoring high, medium, and low priority areas). Overall, she recommended restoring as many areas as possible, noting that priorities may shift slightly during design and construction due to landowner willingness, access, and bid results.

It was noted that 50% and 90% design plans would be reviewed and approved by the Commission before construction bidding activities. TAC member Chirpich (Golden Valley) noted that residents are very interested in the project so far and no one has indicated opposition. Although he noted some residents could decide not to be involved once more details are available.

Commissioner Welch noted that since adaptive management may be needed during construction, the agreement with the city should specify how the Commission would be involved with potential changes and what discretion would be given to the Administrator. He noted it will be important to define the process to make decisions quickly and take advantage of opportunities if they arise.

There was discussion about the levy funding that could be used for this project given the price tag of just over \$2,000,000 for implementing Alternative 3. Administrator Jester noted that grant funding could be sought for this project and that the current CIP includes levy funding over 2024 and 2025 but could include levy funding in 2026 as well. She showed examples of how the project budget could be spread over three years and the subsequent implications to the levy amounts for 2024, 2025, and 2026.

Commissioner Pentel and Engineer Olson advocated for restoring as many areas as possible during this project because of the savings in mobilization and effort. It was noted the Commission would not likely do restoration work along this stretch again for many years. Engineer Olson noted that restoring all areas (Alternative 3) is the most cost effective for design and scale of the project. Commissioner Chowhan noted that construction and restoration will only be more costly in the future.

MOTION: Commissioner Pentel moved to approve implementation of Alternative 3: restoration of high, medium, and low priorities for the Main Stem Restoration Project (2024 CR-M). Commissioner Chowhan seconded the motion. Upon a vote the motion carried 9-0.

B. Review Additional Information and Choose Option for Ponderosa Woods Stream Restoration Project (ML-22)

Commission Engineer Doeden provided a summary of the project which would restore about 1,000 linear feet of an intermittent stream tributary to Medicine Lake. She noted the Commission reviewed the draft feasibility study at the May meeting. She reminded commissioners of the alternatives presented in May including:

Alternative 1: small footprint design

Alternative 1.5: small footprint design with additional buckthorn removal

Alternative 2: medium footprint design (additional buckthorn removal plus more hard armoring of the creek)

Alternative 3: large footprint design (additional buckthorn removal plus re-meandering a portion of the channel)

She reviewed additional information that was gathered in response to questions and comments from the May meeting including pros and cons among each alternative and comparisons with the Medicine Lake Total Maximum Daily Load (TMDL) Study. She reported that total phosphorus reductions from the project would constitute about 0.8% of the total reduction needed according to the Medicine Lake TMDL. At the May meeting, she noted the following qualitative benefits of buckthorn removal and revegetation of the understory on water quality:

- Buckthorn shades out the understory vegetation, which leads to exposed soils and increased erosion potential
- Removing buckthorn and other degraded trees opens the tree canopy and allows sunlight to reach the ground to promote understory vegetation growth (including native plants).
- Buckthorn will continue to re-seed the area if not removed.
- The more buckthorn that can be removed leads to more water quality and habitat improvements

Engineer Doeden reported that the Commission Engineer sought additional quantitative information on the water quality benefits of buckthorn removal and revegetation. Although there is limited information, preliminary research shows that carbon and nitrogen accumulate beneath buckthorn at a higher rate than other plants, which is likely due to buckthorn's higher production of leaf litter that decomposes faster than native plants. This faster decomposition may also result in higher nitrate loads, which could be inferred to higher phosphorus loads. The research has also found that the higher carbon and nitrogen levels attract the invasive earthworm; together, they act to rapidly expose the soil.

Engineer Doeden also reported that the whole project area is within a City of Plymouth drainage and utility easement area.

Engineer Doeden reiterated the Commission Engineer's and city staff's recommendation to implement Alternative 1.5 and explained that Alternative 3 may lead to stagnant water with poor habitat. It was noted that the cost difference between Alternatives 1 and 1.5 was all due to buckthorn removal. Alternate Commissioner Polzin asked if future projects should look at additional buckthorn removal. Administrator Jester noted that although the 2 additional acres of buckthorn management included in Alternatives 1.5, 2, and 3, may seem like upland restoration (which is not a practice undertaken by the BCWMC), the whole area is actually within the floodplain which is directly connected to the creek. Commissioner Pentel noted that the article on the benefits of buckthorn removal included with meeting materials was a compelling reason to implement Alternative 1.5. There was a question about ongoing buckthorn maintenance. TAC member Scharenbroich reported that Plymouth is committed to maintaining the site and already provides similar maintenance on other sites.

MOTION: Commissioner Chowhan moved to approval implementation of Alternative 1.5 for the Ponderosa Woods Stream Restoration Project (ML-22). Commissioner Pentel seconded the motion. Upon a vote the motion carried 9-0.

C. Receive Update on Sochacki Park Water Quality Improvement Project and Feasibility Study

Administrator Jester gave an overview of the Sochacki Park Water Quality Improvement Project reminding commissioners of the project goals to improve water quality in three DNR public water wetlands (Grimes Pond, North and South Rice Ponds) in Robbinsdale and Golden Valley. She reported that the Memorandum of Understanding with Three Rivers Park District and the cities of Robbinsdale and Golden Valley regarding the implementation process for the project was fully executed. She also reviewed funding sources for implementation of all best management practices (BMPs) included in the subwatershed analysis including \$600,000 from BCWMC CIP funds, potential grant funds, and other partner funds. She noted Three Rivers Park District recently submitted a request for congressionally-designated funding.

Commission Engineer Chandler reported on progress of the feasibility study, noting that a kick off meeting was held and was attended by Chair Cesnik, Commissioner Pentel, and Commissioner Sicora. She listed the field investigations that are taking place and noted a public open house and technical stakeholder meeting will be held soon. She noted the draft report will be presented at the August commission meeting.

Chair Cesnik noted her concern with possible contamination at this site and her desire to be involved with the Phase I Environmental Assessment. Alternate Commissioner Hauer also indicated her desire to be involved with the assessment. Engineer Chandler reported that indications are that demolition debris is located on the site, which is different from dealing with an old unregulated landfill of mixed waste.

Jami Markle with Three Rivers Park District indicated his appreciation for the partnership and noted that the site and environment may likely benefit from removing the debris and that some adaptive management may be needed as the project progresses.

There was discussion about why the Commission is only being requested to contribute 25% of the overall estimated costs. TAC member Eckman indicated that many sources, including grant funds are likely coming together and the local expenditure of 25% is a good start for grant match. Alternate Commissioner Hauer requested to review detailed cost share components in the future.

D. Set Maximum 2024 Levy

Administrator Jester reviewed the options for the 2024, 2025, and 2026 levy amounts given the decisions on implementation of alternatives for the above three CIP projects. She recommended levying over all three years (2024, 2025, and 2026) for the Main Stem Restoration Project budget and setting an overall maximum levy request of \$2,238,000 in 2024. Chair Cesnik asked if implementation of Alternative 3 for the Main Stem Restoration Project addresses any equity issues. Commissioner Pentel noted that improving water quality all along the stream benefits everyone, including Minneapolis residents. She noted Bassett Creek was historically part of industrial waste sites with far less investment in environmental improvements until recently. Alternate Commissioner Polzin also noted that Alternative 3 for the Main Stem Restoration Project protects the Commission's investments in the Lagoon Dredging Project just downstream. TAC member Eckman noted that Sochacki Park serves a diverse community.

MOTION: Commissioner Pentel moved to approve a maximum levy request of \$2,238,000 in 2024 from Hennepin County. Commissioner Gwin-Lenth seconded the motion.

Discussion: Commissioner Welch indicated that he would not be voting in favor of the motion, not because he doesn't think the projects should be implemented, but because he believes the Commission has a shortcoming for implementing large projects and his concern with how the Sochacki Park Project is proceeding. Commissioner Gwin-Lenth expressed his desire for more details about the projects. Commissioner Welch reiterated his concern for how the projects are implemented and potential lack of oversight by the Commission on implementation of levy funds. He noted his desire for the Commission to direct all feasibility studies and to design and construct all projects.

VOTE: Upon a vote the motion carried 8-1 with City of Minneapolis voting nay and all others voting aye.

BREAK – 5-minute break was called by Chair Cesnik. [Commissioner Carlson leaves the meeting.]

E. Consider Adopting Fiscal Policy Regarding Investment Income

Administrator Jester noted that at the May meeting, the Commission considered a recommendation from the Budget Committee regarding the investment income allocation and that at the meeting TAC members requested the ability to review the information and possibly make its own recommendation as there are implications to city assessments and available capital funds. She reported the TAC met on June 7th; their recommendation is included in the memo with meeting materials and is articulated below.

i. Review Recommendation from Technical Advisory Committee

TAC Member McCoy reported that investment income should not be funneled away from the program where the investment originated. He noted there is always a huge demand for capital funding and the investment income should be allocated entirely to the CIP fund. He noted that watershed projects are difficult to budget for due to many unknown site conditions and that unallocated funds would be useful or they could be used for new and different watershed programs. Further, he noted it was better to keep city assessments from fluctuating significantly as may happen with variable investment income. He also noted it is a false narrative to say that residents benefit more from lower city assessments.

Commissioner Anderson asked if there were other options considered by the TAC. TAC member Scharenbroich said they briefly discussed capping the investment income to the operating budget and using the rest in the CIP budget. Commissioner Anderson noted that some of the investment income does, indeed, come from investments originating from general funds.

Commissioners asked to review the proposed 2024 operating budget options including implications to city assessments with TAC recommended vs. Budget Committee recommended investment income allocations. It was noted that the TAC recommendation results in about a 10% increase in city assessments over 2023 while the Budget Committee's recommendation results in a 5.8% increase. Administrator Jester noted that the overall budget increase is due to monitoring three lakes rather than the typical two lakes (in order to stay in line with the approved monitoring program), additional flood control project inspections which are offset by a transfer from the long term flood control project account, projected additional development reviews, which are offset by review fees, and slightly higher legal and financial management expenses.

There was consensus that the Budget Committee should review the TAC's recommendation before a policy decision is made.

ii. Review Recommendation from Budget Committee

The Budget Committee's recommendation may change pending discussion of the TAC recommendation. There was no further discussion on the current recommendation.

F. Set Proposed 2024 Operating Budget and City Assessments

Administrator Jester indicated that member cities should receive a proposed 2024 budget and city assessments by July 1st so they can comment by August 1st and a final budget can be approved at the August meeting. Chair Cesnik recommended that the Commission send the proposed budget that uses the TAC recommended policy and results in the higher city assessments.

[Commissioner Welch leaves the meeting.]

Budget Committee Chair Sicora indicated his agreement and noted that the Budget Committee still needs to get audit figures and should take into consideration the TAC's recommendations along with comments from cities. It was decided the Budget Committee would meet once all the information was gathered and would come to the August meeting with a final recommendation.

MOTION: Commissioner Sicora moved to submit the 2024 proposed operating budget which incorporates the TAC's recommendation on investment income to member cities for comment. Alternate Commissioner Polzin seconded the motion. Upon a vote the motion carried 9-0.

G. Receive Information on Plymouth Regional Treatment Planning

Commission Engineer Chandler reported that Plymouth staff recently discussed with Commission Engineers and Administrator their plans to incorporate regional treatment for future development when it reconstructs roads around their city center. She noted that the additional treatment capacity would then be available for future redevelopment in the area; she also noted that this scenario is allowed under Commission requirements. She noted the multiple benefits from this approach including better maintenance of the stormwater management features as they'll be city-owned, and treatment of runoff now – even before redevelopment happens. She noted that the Commission will still review the street reconstruction project and any future redevelopment projects in the area and that the most complicated piece will be keeping track of the treatment capacity allocations among projects.

TAC member Scharenbroich noted a feasibility study for the stormwater management features is currently underway. Alternate Commissioner Polzin requested information on how the new treatment would impact the Medicine Lake TMDL and noted that the Commission should see that kind of data (TMDL impacts) regularly. TAC Member Eckman noted that Golden Valley has several regional treatment facilities and that tracking of treatment allocations is key. TAC member Scharenbroich noted that the city's MS4 permit requires that they provide TMDL reporting that tracks pollution reduction figures.

H. Receive Information on Proposed Transition of Commission Engineer

Commission Engineer Chandler reported that she plans to retire at the end of 2025 (after more than 10 years as the Commission Engineer) and will be starting a transition to a new BCWMC primary engineer later this year – first by shadowing her at meetings and gradually taking over more tasks throughout 2024 and 2025. She recommended that Barr engineer Stephanie Johnson be the new primary engineer. There were no concerns voiced by commissioners on that choice. Commissioner Gwin-Lenth appreciated the long-range planning.

I. Receive Update on Main Stem Lagoon Dredging Project

Commission Engineer Chandler reported that a notice of claim was sent to the contractor on May 19th and that site restoration was completed by the contractor on May 26th but she noted that vegetation management is challenging in a drought. She reported that the Commission Engineer sent an official opinion of the claim letter to the contractor with guidance from the Commission Attorney and that the next steps depend on the contractor's response. All future information will be brought to the Commission.

J. Review Status of 2023 Annual Operating Budget

Administrator Jester noted that the Commission is one third of the way through the fiscal year and that the budget is currently on track or slightly under budget in most categories. There were no questions or concerns from commissioners.

6. COMMUNICATIONS

- A. Administrator's Report – Administrator Jester reported on upcoming events related to the Ha Ha Wakpadan oral history project. She said she would send an email with the list of upcoming events to commissioners.
- B. Engineer
 - i. Update on 2023 Water Monitoring Activities – Engineer Chandler reported that monitoring on Sweeney and Twin Lakes is progressing along with Plymouth Creek monitoring. She also reported that Schaper Pond monitoring and WOMP flow monitoring continues on schedule although more rain events would be helpful!
- C. Legal Counsel – Nothing to report.
- D. Chair – Nothing to report.
- E. Commissioners – Nothing to report.
- F. TAC Members
 - i. Update on SEA School – Wildwood Park Flood Reduction Project - TAC member Eckman reported that project construction is about 15% complete and will continue through the summer. He reported a vegetation restoration contractor will be brought in later this summer.
 - ii. Update on Medley Park Water Quality Improvement Project – TAC member Eckman reported that project construction is complete and vegetation restoration is underway.
- G. Committees – Administrator Jester asked commissioners to watch for polls to schedule committee meetings.

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
- E. [Annual Salt Symposium](#)
- F. [MN Watersheds May Newsletter](#)
- G. [BWSR Legislative Summary](#)

8. ADJOURNMENT - The meeting adjourned at 11:20 a.m.

DRAFT