



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting

Thursday, July 20, 2023

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

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

On Thursday, July 20, 2023 at 8:30 a.m. Chair Cesnik called 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	Paula Pentel	<i>Vacant</i>	Drew Chirpich
Medicine Lake	Clint Carlson	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout
Minnetonka	Maryna Chowhan	Stacy Harwell	Leslie Yetka
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	Wayne Sicora	Bob Stamos	Mike Sorensen, Richard McCoy
St. Louis Park	RJ Twiford	<i>Vacant</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters, LLC		
<b>Engineers</b>	Karen Chandler and Meg Rattei - Barr Engineering		
<b>Recording Secretary</b>	<i>Vacant Position</i>		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	Grace Barcelow and Kris Guentzel, Hennepin County		

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

Chair Cesnik introduced Grace Barcelow, the new Education Coordinator with Hennepin County, working half time with the West Metro Water Alliance (WMWA). Ms. Barcelow noted her experience and Administrator Jester further explained the arrangement between WMWA and the County and reviewed some of Ms. Barcelow's primary objectives.

### 3. APPROVAL OF AGENDA

TAC Member Scharenbroich requested the ability to move Item 5C to the top of the business section due to a prior commitment later in the morning.

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

### 4. CONSENT AGENDA

Commissioner Welch asked to remove item 4A June Meeting Minutes from the consent agenda.

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

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

- Acceptance of July 2023 Financial Report
- Approval of Payment of Invoices
- Approval to Submit Comments on Minnetonka Water Resource Management Plan Update
- Approval of Reimbursement of Salt Symposium Registrations
- Approval to Set Public Hearing for 2024 CIP Projects for September 21<sup>st</sup> BCWMC Meeting
- Approval to Appoint Alternate Commissioner Harwell to Plan Steering Committee

#### Item 4A. Approval of Minutes – June 15, 2023 Commission Meeting

Commissioner Welch recommended some revisions to the meeting minutes, primarily regarding discussion on the 2024 maximum levy.

**MOTION:** Commissioner Gwin-Lenth moved to approve the June 15, 2023 meeting minutes as amended. Commissioner Welch seconded the motion. Upon a vote the motion carried 9-0.

### 5. BUSINESS

#### C. Consider Approval of Agreement with City of Plymouth for Four Seasons Area Water Quality Improvement Project

Administrator Jester briefly reviewed the history of this project noting that several different projects and agreements have been approved but never implemented. She noted that at the December meeting, the Commission directed staff to draft an agreement for construction of the CIP project components with an allocation of 18 pounds of total phosphorus removal as a credit to the city commensurate with city funding, no allowance for wetland banking, and development of a chloride management plan for the site. She reported that the agreement being considered today does not include the requirement for a chloride management plan. Plymouth TAC member Scharenbroich indicated the city is committed to appropriate chloride management at the site but would like flexibility to work with future developers on that issue. He confirmed that if future BCWMC requirements include a chloride management requirement at the time of development, it would certainly be enforced.

Commissioner Welch noted that the Commission could require a chloride management plan through the city agreement (even though it is not currently a Commission requirement). He also indicated that there seem to be too many uncertainties in the agreement, including reimbursement amounts. Commission Attorney Anderson noted that the agreement is the same as other CIP implementation agreements with member cities except for the inclusion of the ability for the city to offer pollutant removal capacity above 100 pounds of total phosphorus to a future developer. He noted the project cost cap is included in Section 5 of the agreement and that changes to the previously approved 90% plans would be brought back to the Commission.

There was considerable discussion about the Commission's desire to address chlorides and the opportunity for a future redeveloper to use chloride reduction techniques at this site. It was noted that chloride management plans were required through the prior agreements with private developers on this site but now the site's exact future is unknown.

It was noted that approving the agreement and allowing the city to move forward on the construction of the CIP project allows for phosphorus reduction even prior to redevelopment of the site which could be years away. Commissioner Welch reiterated some of his concerns with the agreement and his desire to "put a stake in the ground" on chloride management. When asked, TAC member Scharenbroich reported that if the agreement requires chloride management, it likely would not be approved by the city and the city would wait for a redevelopment to renegotiate construction of the CIP project. He reiterated that the city of Plymouth is committed to chloride reduction and agreed the Commission should consider chloride management requirements in the future. Chair Cesnik noted her opinion that "perfect shouldn't be the enemy of the good."

**MOTION:** Commissioner Chowhan moved to approve the agreement with the city of Plymouth. Commissioner Carlson seconded the motion.

Discussion: Commission Engineer Chandler noted that there would be an opportunity to encourage chloride management when redevelopment project plans are reviewed. Commissioner Gwin-Lenth noted that he agrees chloride management is critical but would rather be reducing total phosphorus in Northwood Lake now rather than waiting for redevelopment.

**VOTE:** Upon a vote the motion carried 8-1 with Commissioner Welch voting against the motion.

**A. Review 2022 Water Quality Monitoring Reports for Lost and Northwood Lakes**

Commission Engineer Chandler introduced Meg Rattei with Barr Engineering, who gave presentations on results of water quality monitoring on Lost Lake and Northwood Lake in 2022. It was noted that Ms. Rattei has been working on BCWMC lakes for decades.

For Lost Lake, Ms. Rattei reported the lake is not meeting water quality standards for total phosphorus (TP), chlorophyll-a, and water clarity (Secchi disc), noting the TP and chlorophyll-a concentrations have risen significantly over the last 10 years, and Secchi disc readings have declined significantly over the last 10 years. She noted the lake is well oxygenated and that although chloride levels were higher in 2022 than in 2017, the lake meets chloride standards. She also reported Lost Lake has a healthy plant community and reported the abundance of hooded arrowhead, a Minnesota rare and threatened species. Ms. Rattei reported on a large blue-green algae bloom in September along the north shore of the lake, with numbers an order of magnitude above the World Health Organization (WHO) threshold for a moderate probability of adverse health effects to recreational users. Ms. Rattei reported the zooplankton community is good, likely because of the good plant cover. Overall, she reported that Lost Lake has poor water quality but good dissolved oxygen, plants, and zooplankton. She recommended the Commission continue regular monitoring and determine the reason for the significant decline in water quality. TAC member Scharenbroich noted that it's likely that internal loading within the lake is the greatest source of TP.

There was discussion about how homeowners around Lost Lake aerate in the winter, how the lake is too shallow to stratify so it's always mixed, the origin of stormwater reaching the lake (only 4 storm sewer outfalls all from city streets), and the impairment status (Lost Lake currently is not listed as impaired but should be listed given the data). Chair Cesnik noted that she and TAC member Scharenbroich attended the latest lake association meeting as an opportunity to educate residents.

Ms. Rattei then presented results of 2022 monitoring on Northwood Lake. She reported that this lake is a shallow lake with a very large watershed draining into it (North Branch of Bassett Creek flows through the lake). She reported that 2022 TP levels and chlorophyll-a levels were twice as high as previous years; that the lake fails to meet water quality standards for TP, chlorophyll-a, and water clarity (Secchi disc); that chlorophyll-a concentrations have risen significantly over the last 10 years; and water clarity has significantly declined over the last 10 years. She noted that chloride levels are high but do not exceed State standards and that the plant community is considered "fair." She reported that curly-leaf pondweed is extremely dense throughout the lake and that blue green algae levels were above the WHO threshold for moderate probability for adverse health effects. Overall, she reported that water quality in Northwood Lake is

extremely poor but the dissolved oxygen, plant community and zooplankton community are fairly good. Ms. Rattei recommended the Commission continue regular monitoring and determine the reason for the significant decline in water quality.

[Alternate Commissioner Harwell departs the meeting.]

There was discussion about the impact of the drought on lake levels and very little flow through the lake, leading to warm, stagnant water. It was noted that water temperature data would be good to report in the future. It was noted that immediately upstream is the former Four Seasons Mall site which has been closed for 10 years and likely little or no winter salting on large parking lot, yet chloride levels continue to rise. It was noted that there is an active lake association on the lake (Alternate Commissioner Leonardson is the president) that promotes buffers and raingardens, and that the lake gets a fair amount of use by canoers and kayakers.

[Break – Chair Cesnik called for a 5-minute break.]

**B. Receive Update on Main Stem Lagoon Dredging Project**

Commission Engineer Chandler reported that the notice of claim for overpayment was sent to the contractor on May 19<sup>th</sup> and that the Commission Engineer sent their official opinion on the claim on June 12<sup>th</sup>. The contractor asked for an extension of the deadline to respond to the claim. Commission staff approved a deadline of August 3<sup>rd</sup> so the contractor’s response could be reviewed at the August Commission meeting.

There was some discussion about how to move forward on the site. The Commission Engineer and Attorney noted that was an issue to consider later in the process and is dependent on the contractor’s response to the notice of claim.

**D. Consider Directing Staff to Prepare Clean Water Fund Grant Application**

Administrator Jester reviewed staff’s recommendation to submit a Clean Water Fund grant application for the Bassett Creek Main Stem Restoration Project (Regent Ave to Golden Valley Road) (2024CR-M). She reported the grant application is due August 24<sup>th</sup> and the program is administered through the MN Board of Water and Soil Resources (BWSR). She explained that the Commission has been successful at obtaining Clean Water Fund grants in the past, that it is a competitive grant but she believes the project would score well due to its benefits to improve water quality and habitat; and the completion of a comprehensive feasibility study which includes targeted restoration areas and outcomes. She noted her recommendation to request \$300,000 - \$400,000 in grant funding and indicated drafting the application would take about 5 – 10 hours of her time and 2 – 3 hours of the Commission Engineer’s time.

**MOTION:** Commissioner Gwin-Lenth moved to approve directing staff to apply for a Clean Water Fund grant for the Main Stem Restoration Project (Regent Ave to Golden Valley Road). Commissioner Carlson seconded the motion. Upon a vote the motion carried 9-0.

**E. Consider Approving Administrator’s Appointment to MN Association of Watershed Administrator’s Executive Committee**

Administrator Jester reported that at their meeting on June 20<sup>th</sup>, the MN Association of Watershed Administrators (MAWA) elected her to the MAWA Executive Committee pending Commission approval. She reviewed information about the potential time commitment involved and the benefit to the BCWMC.

**MOTION:** Commissioner Chowhan moved to approve Administrator Jester’s appointment to the executive committee of the MN Association of Watershed Administrators. Commissioner Gwin-Lenth seconded the motion.

Discussion: Some commissioners voiced concerns about the time commitment and requested that Administrator Jester note the amount of time the committee work is taking.

**VOTE:** Upon a vote the motion carried 9-0.

**F. Consider Submitting Resolutions to Minnesota Watersheds**

Administrator Jester noted that resolutions for MN Watershed’s consideration are due September 1<sup>st</sup>. She asked if anyone had ideas for resolutions at this point. Commissioner Welch reported he continues to work with a small group of

people on the chloride limited liability legislation. No other ideas were presented at the meeting.

**6. COMMUNICATIONS**

**A. Administrator's Report**

- i. Update on 2022 Audit – Draft audit was reviewed and final audit should be available for the Budget Committee to review at their upcoming meeting.
- ii. 2023 Watershed Tour – After some discussion, there was consensus that a fall bus tour would be good for commissioners and others to view CIP projects and other watershed activities or resources. Administrator Jester will find a date.
- iii. Sochacki Park Water Quality Improvement Project Public Open House – Scheduled for July 26<sup>th</sup> at Robbinsdale City Hall, 4:30 – 7:00 p.m.
- iv. MN Watersheds Survey – Reminder for commissioners and alternates to complete the survey.
- v. Golden Valley Sustainability Fair Volunteers Needed – Commissioner Pentel and Alternate Commissioner Hauer will attend.
- vi. Plans for August Issue Prioritization Workshop – Administrator Jester noted the workshop likely to be held in conjunction with the August 17<sup>th</sup> Commission meeting  
Administrator Jester also reported on her attendance at a recent Haha Wakpadan event in Golden Valley.

B. Engineer – Nothing to report.

C. Legal Counsel – Nothing to report.

D. Chair – Nothing to report.

E. Commissioners – Nothing to report.

F. TAC Members - Nothing to report.

**G. Committees**

- i. Administrative Services Committee – Administrator Jester reported that the committee is revising the Roles and Responsibilities document and is looking at ideas to increase commissioner engagement and knowledge including ideas that would require a change to the JPA such as paying per diems, or lowering the number of commissioners from 9 to 5 or 7. The committee will continue to discuss.
- ii. Budget Committee – Will meet to finalize recommendations on the 2024 budget.
- iii. Plan Steering Committee Meetings – July 11 and August 1

**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. WCA Notices – Plymouth
- E. [Annual Salt Symposium](#)
- F. [2022 Annual Report: MN Aquatic Invasive Species Research Center](#)

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