



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting

Thursday, August 17, 2023

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday, August 17, 2023 at 8:36 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	<i>Absent</i>	Mark Ray
Golden Valley	<i>Absent</i>	<i>Vacant</i>	Eric Eckman
Medicine Lake	Clint Carlson	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout
Minnetonka	<i>Absent</i>	<i>Absent</i>	Leslie Yetka
New Hope	Jere Gwin-Lenth	Jen Leonardson	
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>	Erick Francis
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Greg Wilson, Greg Williams - Barr Engineering		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Steve Christopher (MN Board of Water and Soil Resources), Jami Markle and Brian Vlach (Three Rivers Park District), Linda Loomis (BCWMC Plan Steering Committee),		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

None

3. APPROVAL OF AGENDA

Administrator Jester requested the removal of Item 4H from the agenda. She noted that Minnetonka's Water Resources Management Plan must first be approved by Met Council before watershed approval.

MOTION: Commissioner Gwin-Lenth moved to approve the agenda as amended. Commissioner Carlson seconded the motion. Upon a vote the motion carried 7-0 with the cities of Golden Valley and Minnetonka absent from the vote.

4. CONSENT AGENDA

Commissioner Welch asked to remove item 4D Approval to Appoint TAC Member Eric Eckman to Plan Steering Committee from the consent agenda.

MOTION: Commissioner Carlson 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 Golden Valley and Minnetonka absent from the vote.

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

- Approval of the July 20, 2023 Meeting Minutes
- Acceptance of August 2023 Financial Report
- Approval of Payment of Invoices
- Acceptance of 2022 Financial Audit
- Approval to Change Commission Address to U.S. Post Office Box
- Adoption of Minor Amendment to 2015 Bassett Creek Watershed Management Plan

Item 4D. Approval to Appoint TAC Member Eric Eckman to Plan Steering Committee

Commissioner Welch noted the work of the Plan Steering Committee is well underway and already includes two Technical Advisory Committee (TAC) members on the committee. He voiced concern that the plan's development would be less driven by commissioners and more by city staff. Administrator Jester reviewed the list of committee members which currently includes six commissioners and alternate commissioners, two TAC members, and one community member. Committee Chair Kennedy noted that TAC members are valuable on the committee as they often have details or information that others might not have. It was noted that the committee is making recommendations to the full Commission who has ultimate decision authority on Plan content. Commissioner Welch noted that committee members should not advocate for specific cities but should be planning a holistic watershed approach to resource management. It was also acknowledged that staff or residents of a particular city have specific knowledge about the city that is valuable to the whole watershed.

MOTION: Commissioner Gwin-Lenth moved to approve the appointment of TAC member Eric Eckman to the BCWMC Plan Steering Committee. Commissioner Carlson seconded the motion. Upon a vote the motion carried 7-0 with the cities of Golden Valley and Minnetonka absent from the vote.

5. BUSINESS

A. Review Draft Feasibility Study for Sochacki Park Water Quality Project

Commission Engineer Chandler noted this project's feasibility study was developed through a contract with Three Rivers Park District and used considerable input and review by commissioners and Commission staff. She introduced Engineer Wilson and indicated the purpose of the presentation today was to share concept ideas, answer questions and get feedback from commissioners. She noted the final feasibility study will be presented at the September meeting.

Engineer Wilson noted that Jami Markle and Brian Vlach with Three Rivers Park District (TRPD) are present to help answer questions or provide input, as needed. He reminded commissioners that Sochacki Park is operated by TRPD under a joint powers agreement with the cities of Robbinsdale and Golden Valley. He gave an overview of the project including project location and noted that one of the recommended BMPs (best management practices) is in South Halifax Park, a Robbinsdale city park adjacent to Sochacki Park and on the north side of Grimes Pond. He reviewed how Grimes Pond flows into North Rice Pond, which flows into South Rice Pond and then into Bassett Creek just upstream of Theodore Wirth Park.

Engineer Wilson reviewed the poor water quality of the three ponds (which are classified as wetlands) along with the BCWMC's 2004 water quality goals for the ponds. He reported on the low dissolved oxygen levels and foul smell. He reported that the project's goal is to reduce total phosphorus in the ponds, reduce the floating plant and curly-leaf pondweed abundance, and establish a native rooted plant community. He indicated that the ponds capture mostly untreated stormwater and that water moves through the ponds quickly (short residence time).

Engineer Wilson reviewed the proposed BMPs including building or expanding four stormwater ponds, removing sediment deltas, correcting erosion, increasing street sweeping, drawing down pond levels to reduce invasive plants and consolidate sediment, and performing an alum treatment of the ponds. He also reviewed field assessments and noted the pond's sediment was found to be contaminated. Engineer Wilson reviewed the results of a Phase I Environmental Site Assessment (ESA) and noted the presence of considerable amounts of construction debris dumped in the 1960s and 1970s. He recommended the completion of a Phase 2 ESA during project design. Engineer Wilson reported on known contamination in South Halifax Park (through an earlier Phase 2 ESA on the site) and the environmental covenant put in place by the MN Pollution Control Agency.

Engineer Wilson relayed the recommended sequence of BMP implementation, the estimated pollutant removals from the BMPs and estimated costs, which assume disposal of contaminated sediment and soil. He noted the BCWMC allocated \$600,000 of CIP funds toward this project and noted that grants and partner funding is being sought for the remainder.

There was discussion about partner funding availability (not currently known), project timeline (construction in 2024 and 2025), and contingency plans if unexpected contamination is discovered (may need to scale back project if out of budget limits). Commissioner Welch noted that these ponds are not currently included on the Commission's priority waterbodies list and asked if there was an actual benefit to the creek. Engineer Wilson reported that if all BMPs were implemented, it would reduce total phosphorus reaching the creek from these ponds by 47%. He reviewed the annual cost per pound of pollutant removal at \$2,500/lb of phosphorus.

TAC member McCoy from Robbinsdale noted that it's unfortunate these ponds were removed from the BCWMC priority waterbodies list and that this area represents the only opportunity for Robbinsdale to improve stormwater quality entering the Bassett Creek watershed. TAC member Eckman from Golden Valley voiced his support for this project and noted the highly collaborative nature of the project that has many benefits including park users, some of whom are from traditionally underserved communities. He noted the project addresses multiple Commission goals including reducing runoff from a known pollutant hotspot, improving habitat, addressing intercommunity drainage, and enhancing education. He also noted the Commission's financial contribution represents approximately 25% of the total project cost.

B. Consider Approval of 2024 Operating Budget

Budget Committee Chair Sicora reviewed the committee's recommendations including 1) setting aside investment income from 2023 and 2024 in a short-term "special projects" fund (expected to be \$300,000 - \$400,000 over 2023 and 2024) while the committee continues to explore options for utilizing the funds; 2) adopting the 2024 budget with an operating budget of \$914,720, total city assessments of \$622,500, and an average increase in city assessments over 2023 levels of 0.8%; and 3) continuing to work with City of Plymouth to transfer accounting tasks to city.

Administrator Jester noted that no member city had commented on the proposed budget sent to them for review in July, even though that version of the budget included an average 10% increase in city assessments over 2023 levels. Committee Chair Sicora noted that a policy regarding investment income and use of the "special projects" funds would be presented at a future meeting and that no investment/special project funding would be utilized without full Commission approval.

MOTION: Commissioner Carlson moved to approve the Budget Committee recommendations. Commissioner Anderson seconded the motion. Upon a vote the motion carried 7-0 with the cities of Golden Valley and Minnetonka absent from the vote.

C. Consider Submitting Resolution to Minnesota Watersheds

Administrator Jester asked if commissioners had ideas or thoughts about submitting resolutions to the Minnesota Watersheds organization for consideration. No ideas were brought forward.

6. COMMUNICATIONS

- A. Administrator’s Report
 - i. Update on Watershed Tour – Administrator Jester reported that she has spoken with various TAC members about tour stops and is considering a tour near the end of September or early October. She reported the coach bus typically rented for watershed tours had risen in price from \$500 in 2019 to \$1,600 for 2023. There was discussion about commissioner preferences. Including an opportunity for a social gathering was a popular idea. TAC member Ray indicated he is certified to drive a school bus. There were no objections to using a school bus for the tour rather than a coach bus. Using a few larger, personal vehicles for a caravan of tour stops was also discussed as an option.
- B. Engineer – Commission Engineer Chandler reported that the MPCA Construction Stormwater Permit is finalized and most BCWMC comments don’t appear to have been included. She also reported that Commission Engineers had created a graph showing Medicine Lake water levels since the 1970s. Administrator Jester will post online, send to key stakeholders for their information, and include in the September meeting packet.
- C. Legal Counsel – No report
- D. Chair – No report
- E. Commissioners
 - i. Report on Salt Symposium – Alternate Commissioner Hauer attended the symposium but wasn’t in attendance at this meeting to give a report
 - ii. Report on GV Sustainability Fair and National Night Out Events – Alternate Commissioner Kennedy reported that the “roots display” on loan from WMWA was a very effective tool used at Medicine Lake’s National Night Out event. Chair Cesnik reported on attending a Haha Wakpadan event and learning about the possibility of creating a water acknowledgement statement in addition to or instead of a land acknowledgement statement.
- F. TAC Members – No report
- G. Committees – Administrator Jester reported the Education Committee was set to meet soon.

7. INFORMATION ONLY

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notice – Golden Valley
- E. [Stormwater Research Council Annual Report](#)
- F. [MN Aquatic Invasive Species Research Council Showcase](#)

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

[Alternate Commissioner Stamos leaves the meeting.]

8. 2025 WATERSHED PLAN ISSUE IDENTIFICATION & PRIORITIZATION WORKSHOP

Plan Steering Committee (PSC) Chair Kennedy stated the purpose of the workshop was to: 1) ensure there are no issues missing from the list or issues on the list that should be removed, and 2) ensure the PSC’s recommended priority levels are appropriate. He noted the outcome will be a final list of priority issues that will be used to focus the rest of the Plan’s development and the work of the Commission over the life of the Plan. He noted that since the Commission can’t do everything everywhere, it could consider using the 80/20 rule: concentrate 80% of effort and resources on the highest impact and 20% on the low hanging fruit or other areas where outcome is more unknown.

Committee Chair Kennedy walked through each category of issues and asked for input on issues and their priority. Below are outcomes of the discussion.

Waterbody and Watershed Quality:

No issues missing; no issues to be removed; priority levels appropriate.

Discussed how “poor ecosystem health” was an issue in the current Plan but is too broad to be its own issue; it’s

incorporated into many other issues and should be considered through various tools and approaches. There was also a note that some aquatic invasive species (AIS) impact water quality while others do not. It was noted the Commission already has AIS policies, strategies, and a rapid response plan that should be incorporated or referenced in this Plan.

Climate Resilience:

No issues missing; no issues to be removed; priority levels appropriate.

Commissioner Welch noted that the issue of “Impact of climate change on hydrology, water levels, and flood risk” should be the highest priority in this Plan. Committee Chair Kennedy noted it’s important to consider resource allocation – we need to make sure we can actually have an impact on highest priorities. There was discussion about the Bassett Creek Valley and why it was considered a separate issue from other areas that have flooding and stormwater management issues. It was noted that it’s good to have specific focus in the Plan and that for funding opportunities it is good to have it specified in the Plan. Engineer Chandler noted the Bassett Creek Valley Stormwater Study is completed and partnerships are needed to implement it. It was also noted the Bassett Creek Valley is also home to historically underserved communities. Commissioners and TAC members were encouraged to mention additional specific areas in need of resilience. It was noted the Commission’s XPSWMM model could be used to re-examine flood prone areas.

Education and Outreach:

No issues missing; no issues to be removed; priority levels appropriate.

The issue of “Insufficient outreach to and relationships with diverse communities” should include a native community perspective and should be reworded to be a positive statement rather than negative. The Commission should consider developing a water acknowledgement statement.

Organizational Effectiveness:

No issues missing; no issues to be removed; priority levels appropriate.

It was acknowledged that the Commission needs to assess its capacity to accomplish the work endeavored by this Plan. There was discussion about the issue of “carbon footprint of the Commission.” There was thought that it might belong in the climate resiliency category. It was noted that a carbon footprint might be considered during CIP project selection, which would make it a more of a process consideration. There was a question on whether considering carbon footprint is required in 8410. It is not, however, the EAW process now includes an assessment of greenhouse gas emissions.

Tools:

Acknowledged that this is not an exhaustive list of all tools available to the Commission. It was noted that T7 – education programs to help cities meet requirements – should be revised to include educating residents, and that T8 – training for new commissioners—should be reworded to include training for new and existing commissioners. There was some discussion about the critical need for Commissioner training and proper on-boarding. City staff could help with some on-boarding. Use of the Commission’s XP SWMM model should be added as a high priority tool and the Commission’s P8 model should be added to T1 – pollutant loading hotspots.

No changes suggested for priority levels of listed tools.

Administrator Jester noted that the Plan Steering Committee would next be developing complete issue statements and measurable goals to address each issue. Anyone is welcome to provide feedback to the Administrator anytime. It was recognized that commissioner involvement is critical and planning should be done comprehensively and with a good understanding by all commissioners.

Steve Christopher with MN Board of Water and Soil Resources (BWSR) indicated that the Commission is on the right track, that identifying pollutant hot spots is critical, and that BWSR is considering developing training and on-boarding for new commissioners/managers.

[A 5-minute break was taken.]

9. CLOSED SESSION PURSUANT TO MINN. STAT. 13D.05, SUBD. 3(b) TO ENGAGE IN ATTORNEY-CLIENT PRIVILEGED COMMUNICATIONS REGARDING ONGOING CLAIM DISPUTE WITH FITGERALD EXCAVATING & TRUCKING, INC. (MAIN STEM LAGOON DREDGING PROJECT CONTRACTOR)

MOTION: Chair Cesnik made a motion to enter a closed session. Commissioner Welch seconded the motion. Upon a vote the motion carried 7-0 with the cities of Golden Valley and Minnetonka absent from the vote.

The closed session was attended by:

City	Commissioner	Alternate Commissioner
Crystal	Dave Anderson	
Golden Valley	<i>Absent</i>	
Medicine Lake	Clint Carlson	Shaun Kennedy
Minneapolis	Michael Welch	Jodi Polzin
Minnetonka	<i>Absent</i>	
New Hope	Jere Gwin-Lenth	Jen Leonardson
Plymouth	Catherine Cesnik	
Robbinsdale	Wayne Sicora	
St. Louis Park	RJ Twiford	
Administrator: Laura Jester		
Engineers: Karen Chandler, Jim Herbert, Patrick Brockamp		
Legal Counsel: Dave Anderson, Michelle Weinberg		

MOTION: Chair Cesnik moved to end the closed session and return to the regular meeting. Commissioner Welch seconded the motion. Upon a vote the motion carried 7-0 with the cities of Golden Valley and Minnetonka absent from the vote.

10. CONSIDER APPROVAL OF TOLLING AGREEMENT WITH MAIN STEM LAGOON DREDGING PROJECT CONTRACTOR

No action was taken.

11. ADJOURNMENT - The meeting adjourned at 12:25 p.m.