



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting & Public Hearing

Thursday, September 21, 2023

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday, September 21, 2023 at 8:31 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>	Eric Eckman
Medicine Lake	Clint Carlson	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout
Minnetonka	Maryna Chowhan	Stacy Harwell	<i>Absent</i>
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Absent</i>	Mike Sorensen
St. Louis Park	RJ Twiford	<i>Vacant</i>	
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Greg Wilson, Stephanie Johnson - Barr Engineering		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Jami Markle and Brian Vlach (Three Rivers Park District)		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

None

3. APPROVAL OF AGENDA

Administrator Jester requested the addition of a closed session for attorney-client privileged communications regarding the ongoing claim dispute with Fitzgerald Excavating & Trucking, Inc. related to the Main Stem Lagoon Dredging Project.

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 Robbinsdale and Minnetonka absent from the vote.

4. CONSENT AGENDA

Administrator Jester noted the August meeting minutes would be updated to include Nick Macklem present at the meeting.

MOTION: 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 Robbinsdale and Minnetonka absent from the vote.

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

- Approval of the August 17, 2023 Meeting Minutes
- Acceptance of September 2023 Financial Report
- Approval of Payment of Invoices
- Approval of Payment for Pre and Post Road Survey in Lagoon Dredge Project Area
- Approval of Updated Commission Roles and Responsibility Document

5. PUBLIC HEARING

A. Receive Comments on Proposed 2024 CIP Projects

Chair Cesnik opened the public hearing at 8:34 a.m. Administrator Jester reminded commissioners of the 2024 projects included in their approved Capital Improvement Program listed below. And she briefly reviewed the Commission's Equipment Purchase Policy related to the cost share purchase of a high efficiency street sweeper for the City of Golden Valley. Commissioner Hauer asked about the expected life of the projects and long-term maintenance. Commission Engineer Chandler noted that each project's life expectancy is included in the feasibility study for the project and is typically the basis on which the "cost per pound of pollutant removal" is based. Administrator Jester noted that projects are typically implemented by the city where they are located which includes design, construction and long-term maintenance.

[Commissioner Chowhan arrives.]

There were no members of the public present for the hearing. Commissioner Welch asked how this public hearing was noticed and indicated that 8:30 a.m. on a weekday morning is not a convenient time for many residents. He wondered if public hearings should be moved to an evening meeting. Administrator Jester noted the hearing notice was on the online calendar and published in the Commission's official publications including Finance and Commerce and the Sun Post and Sun Sailor. Commissioner Pentel noted that even an evening meeting isn't likely to draw attendees and wondered if an online comment form is possible. There were other suggestions for notifying residents near specific project sites including postcards and through city communications.

- i. [Bassett Cr Main Stem Restoration Project - Regent Ave to Golden Valley Rd](#) (2024-CRM)
- ii. [Ponderosa Woods Stream Restoration Project](#) (ML-22)
- iii. [Sochacki Park Water Quality Improvement Project](#) (BC-14)
- iv. Cost Share Purchase of High Efficiency Street Sweeper (BC-12)

Chair Cesnik closed the public hearing at 8:45 a.m.

6. BUSINESS

A. Review Feasibility Study for Sochacki Park Water Quality Project

Administrator Jester provided a high level overview of the project, noting the draft feasibility study was presented at last month's meeting and that staff is seeking approval of the feasibility study and direction to develop agreements with partners.

Commission Engineer Greg Wilson presented changes from the original draft feasibility study including reviewing how the project meets the BCWMC gatekeeper criteria and water quality goals for the creek in the 2015 watershed plan; how some of the recommended best management practices (BMPs) have been refined to address comments from

commissioners and comments from city staff; that tree removal quantities were added; and some possible funding sources were added. Commission Engineer Chandler noted that the ponds in Sochacki Park are part of the BCWMC Trunk System.

Engineer Wilson reviewed the goals of the project including improving water quality in Bassett Creek and ponds/wetlands in Sochacki Park, enhancing the aquatic vegetation community, and removing contaminated soils and debris from upland areas where ponds are proposed to be created or expanded. He noted that sediment sampling results indicate high PAHs, some lead and cadmium but no PCBs.

Engineer Wilson reviewed the structural BMPs including creation of two new stormwater ponds, dredging and expansion of an existing pond, and a filtration BMP in South Halifax Park. Additional, non-structural BMPs include a water level drawdown of the ponds, an alum treatment in the ponds, and enhanced street sweeping.

[Commissioner Sicora arrives.]

There was a question about additional sediment/soil testing as construction moves forward. Engineer Wilson explained that a Phase II Environmental Assessment would be part of the design process and would include additional soil investigations.

Engineer Wilson further reviewed the structural BMPs:

The new pond (NR-1) on the east side of the existing park trail was revised to remove wetland impacts.

The new pond (SR-3), proposed to be created between a restored prairie and South Rice Pond, was revised to remove wetland and prairie impacts.

The BMP proposed for South Halifax Park (GR-6), where an environmental covenant exists, is proposed to capture street runoff and move it through a permeable treatment barrier with crushed limestone that will remove total phosphorus before water flows into Grimes Pond.

The existing pond (SR-4) would be expanded by 2 to 3 times and adjacent erosion would be addressed. He noted that 24 acres of residential area in Robbinsdale drain through that currently undersized pond. When asked, Engineer Wilson noted this pond expansion would not be within the railroad right of way.

Engineer Wilson reviewed a table comparing the different BMPs along with the cost benefit and proposed sequencing of the BMPs. He reported that a 53% reduction in total phosphorus (or approximately 68 lbs/year) is expected from the total project. He reported a total estimated cost of \$1,903,000 and reviewed potential funding sources including \$600,000 from the BCWMC CIP, if officially ordered.

When asked, Engineer Wilson reviewed the known history of the area including farmland, filled wetlands, debris dumping in the 1960's and 70's, and establishment of the current Sochacki Park in 2015. When asked about potential for bacteria reduction, Engineer Wilson that the proposed BMPs are known to reduce bacteria through capture and treatment of stormwater and through photodegradation but that bacteria load reductions were not calculated. It was noted that additional clarity on bacteria reduction should have been included in the report.

MOTION: Commissioner Pentel moved to approve the Sochacki Park Water Quality Project feasibility study. Commissioner Gwin-Lenth seconded the motion.

Discussion: Commissioner Welch reported that he would not support the motion noting that the project wasn't properly initiated and the Commission did not receive information on the subwatershed analysis by Three Rivers Park District that precipitated this project. He noted the ponds in the park are not priority waterbodies but indicated that there is potential for a good project that addresses Commission goals. He noted the feasibility study was rushed and there is no commitment from partners for funding. Administrator Jester noted that until an actual agreement for implementation is executed, the Commission has not yet committed funds. Jami Markle with TRPD noted that TRPD funded the feasibility study and has funding in its CIP for project design. Commissioner Carlson indicated his trust that the partners could come together to support the common goals. Commissioner Pentel noted that this project represents a successful partnership although she agrees it was fast-tracked. She noted it's a different way to implement a project and that she supports the project.

VOTE: Upon a vote the motion passed 8 – 1 with Commissioner Welch voting nay.

B. Consider Approval of Resolution 23-06 Ordering 2024 Improvements

- i. Ordering 2024 Improvements
- ii. Making Findings Pursuant to Minnesota Statutes Section 103B.251
- iii. Certifying Costs to Hennepin County
- iv. Approving Agreement with City of Plymouth for Construction of Ponderosa Woods Stream Restoration Project (ML-22)

Administrator Jester provided an overview of the resolution which accomplishes multiple tasks in one action. She reported the resolution officially orders the 2024 CIP projects and certifies the costs of the projects to Hennepin County for the collection of levy funds in 2024. She noted it also approves an agreement with the City of Plymouth for design, construction, and long-term maintenance of the Ponderosa Woods Stream Restoration Project. She noted that agreements with Golden Valley for the cost share of the street sweeper and the Bassett Creek Main Stem Restoration Project - Regent Ave to Golden Valley Rd are currently being reviewed by the city. The agreement for implementation on the Sochacki Park Water Quality Improvement Project is in development. All three of these agreements would be present for Commission consideration at a future meeting.

Commissioner Hauer asked about the life span of the Sochacki Park project. Engineer Wilson reported the BMPs are designed to last 20 years. Commission Attorney Anderson noted the long term maintenance expectations would be addressed in the cooperative agreement and that the Commission is not responsible for projects' long term maintenance. TAC member Sorensen noted that cities must document BMP maintenance as part of the MS4 permit from the State to the city. He noted that all infrastructure is inspected and put on a maintenance schedule.

MOTION: Commissioner Gwin-Lenth moved to approve Resolution 23-06. Commissioner Pentel seconded the motion.

Discussion: Commissioner Welch noted that for consistency he would not vote to approve this resolution. He noted his desire for the Commission to implement and maintain its own projects. He noted this is a significant but critical change to the Commission's operation. He noted that there is no data or analysis in the record before the commissioners to provide a legal basis for ordering the project to cost share the purchase of a street sweeper and as such, there is no basis for ordering the project.

VOTE: Upon a vote the motion passed 8 – 1 with Commissioner Welch voting nay.

[Chair Cesnik called a 5-minute break.]

C. Consider Approval of Updated 90% Plans for Four Seasons Area Water Quality Improvement Project

Commission Engineer Chandler reminded commissioners that 90% plans for this CIP project were originally approved in December and that a cooperative agreement with the City of Plymouth for implementation of this project was approved at the August Commission meeting. She noted this CIP project is being built before the Four Seasons Mall site is redeveloped and that the 90% plans presented here are slightly revised from the earlier version with some changes to the footprint and a slight reduction in the estimated pollutant removal from about 118 lbs. of total phosphorus to 113 lbs. Engineer Chandler noted that previous action by the Commission allows for the amount of impervious surface existing before the mall was demolished to be used in pollutant removal calculations. She requested explicit approval for a similar provision related to floodplain: that the floodplain impact analysis be based on pre-demolition floodplain conditions.

MOTION: Commissioner Gwin-Lenth moved to approve the revised 90% plans and analysis of floodplain impacts to be based on conditions before the mall was demolished.

Discussion: There was discussion about the tributary area draining to this project (from the west and the north), about the importance of chloride reductions, how the city will require chloride management on the developed site, and how the Commission could address chlorides in the 2025 watershed plan.

[Alternate Commissioner Harwell arrives.]

Commissioner Welch requested that project review memos include more analysis of wetland impacts. He asked why the forebay was removed from the plans. TAC member Scharenbroich reported that the Army Corps of Engineers has presented varying permitting direction and currently requires that the forebay be removed from the plans. He noted the city is still working with the Corps on this item as the city believes the forebay is an important protection measure for the rest of the restored wetland.

There was also discussion on the floodplain and the floodway and the life span of the project. TAC member Scharenbroich reported that the south pond would be regularly maintained and that the wetland restoration component should not need maintenance.

VOTE: Upon a vote the motion passed unanimously.

D. Consider Proposal to Update and Reprint Watershed Map

Administrator Jester reported that the Bassett Creek Watershed map (printed, folded green map) has been a popular staple of the Commission’s outreach and education program since it was first developed and printed in 2015. She noted there are very few copies of the map remaining and it’s time to update some of the educational content on the “back of the map.” She recommended approval of the attached agreement with a mapping contractor which was drafted by the Commission Attorney for design and printing of an updated map. She noted the BCWMC Education Committee will be instrumental in creation of the updated content.

There was some discussion on the number of hours in the contract and the printing cost. Many commissioners agreed the contract seemed like a fair estimate of time and printing cost. Administrator Jester noted she thought the map update process could take several months depending on how many times the Education Committee needed to meet. She noted the full Commission would review and approve the Education Committee’s recommendations on map updates before printing.

MOTION: Commissioner Carlson moved to approve the contract with INCASE, LLC for an amount not to exceed \$7,700. Commissioner Chowhan seconded the motion. Upon a vote the motion carried 8 – 1 with Commissioner Welch voting nay.

[Commissioner Chowhan departs the meeting.]

E. Receive Update from Plan Steering Committee

Plan Steering Committee Chair Kennedy thanked commissioners for a productive workshop at the August meeting and reported that the committee began developing complete issue statements and measurable goals for the impaired waters and chloride issues at their September 7th meeting. He noted that work would continue at the next meeting on October 4th.

7. COMMUNICATIONS

A. Administrator’s Report

- i. Update on Watershed Tour – Administrator Jester asked for a show of hands for those who planned to attend the watershed tour. About 12 people raised their hands.
- ii. Report on AIS Rapid Response in Sweeney Lake – Administrator Jester described the actions taken by BCWMC staff, Sweeney Lake Association members, Golden Valley staff, and the DNR to quickly address Eurasian watermilfoil discovered in Sweeney Lake. She reported the lone, small bed of EWM was treated only 5 days after discovery, thanks in part, to the lake association contracting directly with an herbicide applicator and paying for the treatment. She reported a post treatment survey will be conducted in October and paid for by Hennepin County. Commissioners asked Administrator Jester to consider submitting a press release about this story.

- B. Engineer – Commissioner Welch asked the Commission Engineer Chandler about the National Oceanic and Atmospheric Administration’s preparation of “Atlas 15.” He noted it is supposed to be finalized in 2025 and that it will include both historical data and predictions for the future. Engineer Chandler indicated she knew about that and that

multiple Barr staff are tracking progress.

- C. Legal Counsel – No report
- D. Chair – No report
- E. Commissioners
 - i. Commissioners reported that there would not be a Minnetonka commissioner present at the October meeting. Commissioner Pentel reported that she will also be absent for the October meeting.
 - ii. Commissioner Carlson thanked Commissioner Welch for his critical thinking, expertise, and comments during the meeting.
- F. TAC Members – TAC Chair Ray reported that at their September meeting, the committee discussed some “lessons learned” on the Lagoon dredge project and will discuss further at the next meeting. Alternate Commissioner Kennedy was appointed the TAC liaison for the October TAC meeting.
- G. Committees – No report.

8. INFORMATION ONLY

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. [Haha Wakpadan Oral History Podcast](#)
- E. Haha Wakpadan Upcoming Events
- F. WCA Notices Plymouth
- G. Medicine Lake Water Levels 1972-2023 Graphic
- H. [2022 Met Council Lake Quality Report](#)

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 9-0.

The closed session was attended by:

City	Commissioner	Alternate Commissioner
Crystal	Dave Anderson	Joan Hauer
Golden Valley	Paula Pentel	
Medicine Lake	Clint Carlson	Shaun Kennedy
Minneapolis	Michael Welch	Jodi Polzin
Minnetonka		Stacy Harwell
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		
Legal Counsel: Dave Anderson, Michelle Weinberg		

MOTION: Chair Cesnik moved to end the closed session and return to the regular meeting. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 9-0.

10. ADJOURNMENT - The meeting adjourned at 11:23 a.m.