



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting

Thursday, May 16, 2024

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday May 16, 2024 at 8:35 a.m. Vice Chair Welch 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	Joan Hauer	Terri Schultz	<i>Absent</i>
Golden Valley	Paula Pentel	<i>Absent</i>	Eric Eckman
Medicine Lake	<i>Absent</i>	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnetonka	Maryna Chowhan	<i>Absent</i>	<i>Absent</i>
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	Wayne Sicora	Bob Stamos (online; no participation)	Richard McCoy, Jenna Wolf
St. Louis Park	<i>Absent</i>	David Johnston	Erick Francis
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Stephanie Johnson, Gabby Campagnola, Jessica Olson (online) – Barr Engineering Co.		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Guests/Public	None		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No public comments.

3. APPROVAL OF AGENDA

MOTION: Commissioner Gwin-Lenth moved to approve the agenda. Commissioner Pentel seconded the motion. Upon a vote the motion carried 8-0. The City of Medicine Lake was absent from the vote.

4. CONSENT AGENDA

Item 4A April meeting minutes was removed 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 8-0. City of Medicine Lake was absent from the vote.

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

- Acceptance of May Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – April 2024 Administration
 - Keystone Waters, LLC – April 2024 Administrative Expenses
 - Barr Engineering – April 2024 Engineering Services
 - Triple D Espresso – Meeting Catering
 - City of Plymouth – April Accounting Services
 - Kennedy and Graven – Legal Services
 - Stantec – WOMP Services
 - INCASE LLC – Watershed Map Designer
- Approval of Resolution 24-06 to Not Waive Monetary Limits on Municipal Tort Liability
- Approval to Reimburse Commissioners and Alternates for MN Watersheds Summer Tour Attendance
- Approval for Administrator to Attend MN Watersheds Summer Tour

4A. Approval of Minutes – April 18, 2024 Commission Meeting

Commissioners noted that the roll call vote tally for Item 5B in the meeting minutes was incorrect. St. Louis Park Alternate Commissioner voted “nay.” The minutes will be amended accordingly. The motion still passed with a vote of 6 to 3.

MOTION: Commissioner Gwin-Lenth moved to approve the April 18, 2024 meeting minutes, as amended. Alternate Commissioner Johnston seconded the motion. Upon a vote the motion carried 8-0. The City of Medicine Lake was absent from the vote.

[Chair Cesnik arrived and began chairing the meeting.]

5. BUSINESS

A. Review Draft Feasibility Study for Plymouth Creek Restoration Project

Commission Engineer Chandler introduced the Barr staff who worked on this project including Gabby Campagnola (present at the meeting) and Jessica Olson (joining the meeting via Zoom). Engineer Chandler reviewed the project location – a 7,000-foot stretch of Plymouth Creek from Dunkirk Lane to 38th Avenue N, behind the Plymouth Ice Center. She showed photos of examples of erosion along the creek and described some of the existing conditions. She noted the project area was broken into four different reaches and that Reach 2 is adjacent to Plymouth Creek Elementary School so there may be some educational opportunities. She noted there is a bike path along much of the creek within the project area. Engineer Chandler reviewed the project goals including reducing erosion (thus improving water quality in the creek and downstream in Medicine Lake), expanding and improving buffer areas, grading the streambank in some places so the creek can access the floodplain, and removing accumulated sediment from a few areas within the creek.

[Alternate Commissioner Kennedy arrives.]

Commission Engineer Chandler reviewed the positive feedback gathered from residents at the public open house and she reviewed various stabilization methods. Engineer Chandler reported that, similar to the Main Stem Restoration Project feasibility study, specific areas of erosion were prioritized as high, medium, or low with criteria that included severity of erosion, property ownership, education potential, access, etc.

Commission Engineer Chandler also reviewed the engineer's recommendation to create a meander in a section of the creek that had been straightened in the past. She noted that meandering the creek had benefits including increasing stream length and sinuosity, lowering velocities, increasing resilience to storm events, enhancing instream and riparian habitat, and enhancing floodplain connectivity.

There was discussion and questions about private property impacts, the benefits of the meander, and whether the function or value of wetlands would be impacted. TAC Member Scharenbroich (Plymouth) reported that much of the project area was in city drainage and utility easement and this type of work is allowed by the city in the easement. Commissioner Welch disagreed with Mr. Scharenbroich but indicated that if the city implements the project, it would be their responsibility to get the appropriate permissions. Engineer Chandler noted the new meander would allow water to spread into the wetland area during high flows.

Commission Engineer Chandler reported on the recommended removal of sediment in two areas where accumulated sediment is impeding flows. She also reported that vegetation management, including buckthorn removal, and expanding and enhancing buffers (usually 25 – 40 feet) would extend throughout much of the project area. She noted that removal of healthy, desirable trees is minimized and that opening the tree canopy in some areas is warranted to establish native grasses and flowers. There was more discussion on tree removal. It was noted that grading of the streambanks sometimes requires tree removal.

Commission Engineer Chandler reviewed the pollutant removals and estimated costs for each option. Option 1 = restoring only high priority areas; Option 2 = restoring high and medium priority areas; Option 3 = restoring high, medium, and low priority areas. It was noted that adding the meander only increases project costs by \$300,000 for options 2 and 3. Pollutant removals range from 43.6 lbs/yr total phosphorus for option 1 to 148.4 lbs/yr total phosphorus for option 3. Engineer Chandler reported that all options have a good cost benefit ranging from \$900 to \$1,146 per pound of total phosphorus removed.

Commissioner Hauer asked how many storm sewers empty into the project area. TAC Member Scharenbroich answered 30. There was more discussion on easements needed from private property owners. TAC Member Scharenbroich reported that there has not been opposition to the project yet but that it's hard to predict if all easements will be secured. There was more discussion about the ability to use drainage and utility easements for this type of work. Commissioner Welch noted that he doesn't know of any litigation, but that drainage and utility easements are not defined in state law. Commission Attorney Sonsalla indicated that she represents many cities and that they often use drainage and utility easements for many different activities including this type of work.

Further discussion noted that the larger project could be ordered and scaled back during design if easements weren't secured, that vegetation management in the buffers mirrored the scale of buffer management in the recent Ponderosa Woods Stream Restoration Project, that the City of Plymouth will actively maintain the restored vegetation areas, and that the U.S. Army Corps of Engineers' stream mitigation credit is not being pursued here.

Commission Engineer Chandler noted the engineer's recommendation to implement Option 3 (restoration of all high, medium, and low priority areas), plus the meander. Commissioner Gwin-Lenth indicated his support for that recommendation noting that there appears to be benefit to including the stream meander and cost benefit to restoring all areas now, consistent with the Main Stem Restoration Project ordered last fall.

There was more discussion on including the meander in the project. Commissioner Polzin noted that it's an additional 10% cost without additional pollutant removal benefit. Commissioner Welch noted that there are natural resources benefits to the meander and that it would be a shame to work in a straightened stream and leave it straight rather than adding the natural meander back into the ecosystem. Various commissioners noted their support for the meander because of its benefit to floodplain connections. It was noted that educational signage was not included in the project costs, but the city could add signage through their own budget.

MOTION: Commissioner Chowhan moved to implement Option 3a to restore all high, medium, and low priority areas plus the meander. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion passed 9-0.

Commissioners agreed the feasibility study was complete and no changes were needed.

B. Consider Adoption of Land and Water Acknowledgement Statement

Chair Cesnik reported that she and Alternate Commissioner Gould had collaborated on the land and water acknowledgement statement. She noted it would be included in the 2025 Watershed Management Plan, posted on the BCWMC website, and used in other places, as appropriate. She noted that the statement is more comprehensive than some other statements. Commissioner Pentel indicated that the statement acknowledges that Native people consider humans to be part of and not separate from the natural world; that they are in relationship. Chair Cesnik agreed, indicating that personhood is more fluid and that all living things are family. Commissioner Pentel noted that the Plan Steering Committee may wish to revisit the BCWMC vision statement if the acknowledgement statement is adopted. There was some minor discussion on particular terms/words that could be changed in the statement including splitting the second sentence of the second paragraph into two sentences, and using “watershed” instead of “BCWMC” in the third paragraph.

MOTION: Commissioner Gwin-Lenth moved to adopt the land and water acknowledgment statement with the minor revisions noted. Alternate Commissioner Kennedy seconded the motion. Upon a vote the motion passed 9-0.

C. Discuss Study of Creek Co-naming Opportunities

Administrator Jester reported that it is appropriate for the Commission to use both the English and Dakota names for the creek in some documents and locations. She noted that, for instance, the Education Committee is recommending that both names be used on the new paper watershed map. She noted the 2025 Watershed Plan and the BCWMC website would also be good places to co-name the creek. She indicated that co-naming the creek right now is not an effort to formally rename the Commission or the creek (such as was done with Bde Mke Ska). There was discussion about the need for a policy or guidance language on where to co-name the creek, that there is a difference between the legal and casual name for the creek, and the possible need to have professional guidance on how to inform the community about the creek names.

There was agreement that the Education Committee, or perhaps a subset of that committee should discuss and develop recommendations for the Commission. TAC member Eckman expressed desire to be included in the group discussing the matter. Commission Engineer Chandler noted that other waterbodies in the watershed may also have Dakota names.

MOTION: Commissioner Sicora moved to approve development of a policy statement by the Education Committee on how and where waterbodies should be co-named. Commissioner Chowhan seconded the motion. Upon a vote the motion passed 9-0.

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

[Alternate Commissioner Kennedy left the meeting.]

D. Discuss Commission Review of Wetland Impacts and Buffers

Chair Cesnik opened the discussion asking if this item belongs in the Plan Steering Committee or Technical Advisory Committee (TAC). Commissioner Pentel noted that it seems like a TAC item and that it would be good to know how cities already handle wetland issues, hoping to avoid duplication.

Commission Engineer Chandler gave an overview noting there are two different issues to consider: BCWMC involvement in assessing wetland impacts and BCWMC buffer requirements for streams and wetlands. She briefly reviewed the various options of how BCWMC involvement in these issues could be handled in the future and recommended that the Plan Steering Committee consider options during development of the 2025 Watershed Management Plan.

Commissioner Welch noted his appreciation in separating the two issues. He wondered how cities were enforcing the BCWMC buffer requirements, noting that there is never a report on how, where, or if the buffer standards are being enforced. He indicated that the BCWMC-city partnership in enforcing certain standards is important to assess and will inform the 2025 Plan. He recommended that BCWMC staff prepare a report, for the purposes of planning, on how buffer requirements are being enforced. TAC member Eckman indicated his support for that exercise and

noted that perhaps the TAC could weigh in. He advocated for setting aside the wetland impacts item as the State Wetland Conservation Act is in place to address wetland impacts. He also noted that establishing buffers is often a negotiation with developers and takes considerable time. If the Commission Engineer were to take on that role, it may cost considerably more than the \$500 included in the memo.

Administrator Jester committed to polling the member cities to better understand how, when, and where BCWMC buffer standards are being enforced.

E. Receive Update from Plan Steering Committee

Administrator Jester reviewed the progress of the committee as laid out in the progress tracking memo with meeting materials. Administrator Jester noted the Commission should hold another Plan Development Workshop this summer and took a poll on which meeting would work best. It appeared that the August 15th Commission meeting would work best to incorporate a workshop.

F. Receive Update from Budget Committee

Committee member Polzin reported that the committee is working through various budgets and scenarios. She reported that city assessments are likely proposed to increase by a modest amount (although they originally looked to be considerably higher). She noted the committee is also working to establish a policy and/or mechanism for a maintenance levy through the county. She reported a recommended budget would come to the June Commission meeting. Administrator Jester reported that a staff capacity needs statement would also likely be presented in June.

6. COMMUNICATIONS

A. Administrator’s Report

- i. Minnesota Watersheds Summer Tour – Approval for commissioners and alternates to attend (and Administrator Jester) was included with the consent agenda. Administrator Jester noted that the summer tour moves around the state but is being held in St. Paul this year so it’s a good opportunity to attend. She noted she and Commission Engineer Wilson would be giving a talk on the Parkers Lake Chloride Reduction Project during the education sessions at the event.
- ii. Update on Sweeney Lake Eurasian Watermilfoil Eradication Project – EWM was finally tall enough to be surveyed and treated on Wednesday.

B. Engineer – No report

C. Legal Counsel – No report

D. Chair – Chair Cesnik reported that the proposed no wake section in Medicine Lake was opposed by some residents and but is under discussion again.

E. Commissioners – No report

F. TAC Members – Commissioner Pentel was appointed as TAC liaison to June 12th TAC meeting. There was discussion about comments on the JPA due from member cities by June 10th.

G. Committees – Budget Committee meets May 20th; Education Committee meets June 26th

7. INFORMATION ONLY

- A. Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. [Sun Post Article on Sochacki Park Water Quality Improvement Project](#)
- E. Bassett Creek Pollutant Trend Update 2000 – 2020 by Met Council
- F. WCA Notice, Plymouth

8. ADJOURNMENT - The meeting adjourned at 11:01 a.m.