



Bassett Creek Watershed Management Commission

Minutes of Public Hearing & Regular Meeting
Thursday, September 19, 2019
8:30 a.m.
Golden Valley City Hall, Golden Valley MN

1. CALL TO ORDER and ROLL CALL

On Thursday, September 19, 2019 at 8:30 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair Prom called the meeting of the Bassett Creek Watershed Management Commission (BCWMC) to order.

Commissioners and city staff present:

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	<i>Vacant Position</i>	Mark Ray
Golden Valley	Stacy Harwell (Treasurer)	<i>Absent</i>	Eric Eckman
Medicine Lake	Clint Carlson	Gary Holter	Brad Scheib, Susan Wiese
Minneapolis	Michael Welch (Vice Chair)	<i>Vacant Position</i>	Liz Stout
Minnetonka	<i>Absent</i>	<i>Absent</i>	Chris Long, Sarah Schweiger
New Hope	John Elder	Pat Crough (voting member)	Megan Hedstrom
Plymouth	Jim Prom (Chair)	Catherine Cesnik	Ben Scharenbroich
Robbinsdale	<i>Vacant Position</i>	<i>Absent</i>	Richard McCoy
St. Louis Park	<i>Absent</i>	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener		
Legal Counsel	Sarah Sonsalla, Kennedy & Graven		
Presenters/ Guests/Public	McKenzie Erickson (Minneapolis), Shahram Missaghi (City of Minneapolis), Ted Hoshal (Medicine Lake Resident), Rachael Crabb (Minneapolis Park and Rec. Board)		

2. CITIZEN FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 6-0 [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.]

4. CONSENT AGENDA

The following items were approved as part of the consent agenda: August 15, 2019 Commission meeting minutes, acceptance of the September 2019 financial report, payment of invoices, approval to close Lakeview Park Pond Project and move remaining funds to closed project account.

The general and construction account balances reported in the September 2019 Financial Report are as follows:

Checking Account Balance	\$ 564,652.17
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TOTAL GENERAL FUND BALANCE	\$ 564,652.17
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TOTAL CASH & INVESTMENTS ON-HAND (09/11/19)	\$ 4,296,284.06
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CIP Projects Levied – Budget Remaining	\$ (4,449,604.62)
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Closed Projects Remaining Balance	\$ 551,059.67
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2012-2017 Anticipated Tax Levy Revenue	\$ 7,330.29
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2018 Anticipated Tax Levy Revenue	\$ 8,770.47
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Anticipated Closed Project Balance	\$ 567,160.43
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MOTION: Alt. Commissioner Crough moved to approve the consent agenda. Commissioner Anderson seconded the motion. Upon a vote, the motion carried 6-0, [Cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.]

5. PUBLIC HEARING

A. Receive Comments on Proposed 2020 CIP Projects:

Chair Prom opened the public hearing 8:33. Administrator Jester gave a brief overview of each project and the public was asked for comments.

- i. Bryn Mawr Meadows Water Quality Improvement Project (BC-5)
No comments were made.
- ii. Jevne Park Stormwater Improvement Project (ML-21)
Medicine Lake resident, Ted Hoshal, read aloud his letter disapproving of the project. Mr. Hoshal indicated his concern about the cost of the project relative to the project benefits. The letter included thirteen points with Mr. Hoshal’s concerns and possible misconceptions that he has heard about the project. Chair Prom and Commissioner Carlson thanked Mr. Hoshal for his comments.

Commissioner Carlson stated that and Medicine Lake’s project team still support the project, and stated that Mr. Hoshal’s comments should be considered as the project is designed. He also mentioned

that comments had been sought for a long time and it would have been advantageous to consider these points earlier in the process. Medicine Lake resident (and BCWMC TAC member) Susan Wiese reviewed that the project improves drainage and supplies additional flood storage. She noted that since weather patterns seem to be getting wetter, flood control is important. She noted that adjacent homeowners' properties are already holding water and that the education benefits to the project are worthy. Alternate Commissioner Holter also supported the project adding that a side benefit of the project is also safety—ambulances have historically not been able to access driveways due to flooding.

Chair Prom noted that he had concerns regarding potential impacts the project may have on adjacent properties.

- iii. Crane Lake Improvement Project (CL-3)
No comments were made.

- iv. Sweeney Lake Water Quality Improvement Project (SL-8)
No comments were made.

Chair Prom closed the public hearing at 9:07 a.m.

6. BUSINESS

A. Consider Approval of Resolution 19-09 Ordering 2020 Improvements

- i. Ordering 2020 Improvements
- ii. Making Findings Pursuant to Minnesota Statutes Section 103B.251
- iii. Certifying Costs to Hennepin County
- iv. Approving Agreement with City of Minnetonka for Construction of Crane Lake Improvement Project (CL-3)

Administrator Jester gave an overview of the resolution: to order the projects, designate members responsible for construction, make findings pursuant to MN Statutes 103B.251, certify the costs of the 2020 projects to Hennepin County, and approve an agreement with the City of Minnetonka for construction of the Crane Lake Improvement Project. She noted that agreements with the Minneapolis Park and Rec Board for the Bryn Mawr Project and the City of Medicine Lake will be considered at future meetings as the language in those agreements has not been finalized.

Commissioner Welch noted that the Jevne Park Project appears to have many hurdles and residents concerned about the project. He noted the Commission does not “force” a city to implement a project it doesn't deem feasible or appropriate. He indicated that perhaps the project could be ordered and funded in a future year.

MOTION: Commissioner Welch moved to approve the resolution without the Jevne Park Stormwater Improvement Project components. Commissioner Harwell seconded the motion.

Discussion: Administrator Jester indicated that her recommendation would be to remove the section ordering the Jevne Park Project, if that was desired, but to keep the final levy amount at \$1.5 million. She indicated that the \$500,000 earmarked for the Jevne Project could be used for the Bryn Mawr or Sweeney Lake projects whose levies are split between 2020 and 2021.

After discussion, Commissioner Welch agreed the motion could be removed from consideration. There was no vote on the motion.

A discussion about the Jevne project ensued. Commissioner Welch indicated that the Commission has a critical link to the city when it orders a project and if the city and the Commission aren't on the same page, it is concerning. He indicated that he's not convinced that proceeding with the project is appropriate at this time. He stated further that the Commission has other projects that are ready to go.

Commissioner Harwell asked about public engagement of the project. Administrator Jester recounted the engagement including two presentations to the city council and one public open house. Commissioner Carlson restated that if the Jevne Park Project moves forward, they can keep Mr. Hoshal's comments in mind by looking at different aspects and possible impacts of the project. He also noted that he generally hears positive comments about the project from the city council and residents.

MOTION: Commissioner Harwell moved to approve the resolution as written and continue to negotiate on the Jevne agreement. Commissioner Carlson seconded the motion.

There was further discussion about Mr. Hoshal's letter. Commissioner Harwell indicated it is not prudent to explore and analyze each point of contention in the letter because some issues, such as PAHs and chlorides, are not meant to be addressed by the project. Commission Engineer Chandler noted that many of the concerns in the letter were already taken into consideration and that the concerns about impacts to the road were not expressed until after the feasibility study was complete and approved. She noted the project could be delayed to coincide with road reconstruction.

Commissioner Carlson stated that the city has taken the issue of the project's potential impact on the road into consideration and is spending separate funds on investigating that situation. He noted the road will be reconstructed in 2-10 years. Commissioner Anderson agreed that the letter from Mr. Hoshal lacked facts and he didn't hear anything that would warrant not moving forward.

Regarding the Sweeney Lake Improvement Project, Commissioner Harwell asked for confirmation that lake monitoring will continue after the project in order to measure the project's impacts on the lake. Administrator Jester noted that monitoring will continue. Commissioner Harwell also recommended continuing with resident engagement and keeping the aerators turned off.

VOTE: A roll call vote was taken: the cities of Crystal, Golden Valley, Medicine Lake, and New Hope voted for the motion; the cities of Minneapolis and Plymouth voted against. The motion passed on a 4 – 2 vote. [The cities of Minnetonka, Robbinsdale and St. Louis Park were absent from the vote.]

B. Receive Update on Main Stem Bassett Creek Erosion Repair Project (2017CR-M)

Liz Stout, TAC member from Minneapolis, summarized the status of the project. She noted construction bids were received in the spring of 2018 with construction slated for the summer of 2018. She indicated that usually these are winter projects, but a significant riparian landowner, Pioneer Paper, requested a construction window of August through September. Ms. Stout reported that before construction could start, they learned that a State Historic Preservation Office (SHPO) permit was needed so the project was delayed for a year. She reported that in July 2019, they met on site with Pioneer Paper representatives and the city's engineers from Barr Engineering to go through access and construction plans. She noted that at the end of August, the City of Minneapolis started ticketing Pioneer Paper for semitrailers that were parked on city streets (an issue unrelated to the stream restoration project). Ms. Stout reported that now Pioneer Paper is no longer willing to partner with the city on this stream project and will not allow access and construction on their property. Ms. Stout recommended that the Commission move forward with the rest of the project, and noted the cost will be about 50% lower and the pollutant removals will go from approximately 27 pounds per year to 19 pounds per year of total phosphorus.

There was some discussion about light rail and significant redevelopment coming to this area; about how the creek is very high right now so working in the winter is better for the project; and that some of the railroad corridor passing through this area has been purchased by a developer. There was agreement that the project should move forward even without the Pioneer Paper piece. The city was asked to bring more information back to the next meeting about possible impacts to the construction contract and implications of not installing VRSS along the Pioneer Paper section.

C. Consider Approval for West Metro Water Alliance (WMWA) to Contract for Project Coordinator Position

Administrator Jester reminded commissioners about the WMWA - a partnership of five local watershed management organizations, including the BCWMC, that works collaboratively on education initiatives. She noted that the BCWMC helps fund WMWA work through an agreement and annual financial contributions and that she regularly attends the monthly WMWA meetings. Administrator Jester reported that she and other WMWA members are requesting the ability to use WMWA Special Project funding to contract with Catherine Cesnik (BCWMC Alternate Commissioner for Plymouth) as a WMWA Project Coordinator. She noted that Ms. Cesnik has been an active participant at WMWA meetings, has interest and expertise in this area of work, and can add a needed level of dedication toward advancing WMWA goals through a contract to work approximately 30 hours per month. Administrator Jester reported that the Commission attorney agrees that conflicts of interest can be avoided by Ms. Cesnik abstaining from Commission votes where WMWA funding or work is being considered. She noted that WMWA is requesting the ability for WMWA's fiscal agent, the Shingle Creek WMC, to enter a contract with Ms. Cesnik. The BCWMC's 2019 education budget includes funding for WMWA, including the amount needed for this position.

Commissioner Welch agreed it was a good idea and requested that the Commission be kept apprised of WMWA's work.

MOTION: Commissioner Welch moved to approve that the Shingle Creek Watershed Management Commission, acting as the West Metro Water Alliance fiscal agent, contract for a Project Coordinator Position. Commissioner Anderson seconded the motion. Upon a vote, the motion carried 5-0. [The cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote, City of Plymouth abstained from the vote.]

D. Discuss Minnesota Association of Watershed District's (MAWD) Annual Meeting Attendance

Administrator Jester reported that MAWD's annual conference and board meeting are scheduled for Dec 5 -7 in Alexandria, MN. She noted that program and registration materials are not yet available, however, the Commission should discuss how many delegates might be appointed and/or other commissioners who may wish to attend. She noted that when registration materials are available later this month, there will be a limited number of hotel rooms available so getting an estimate on the number needed would allow her to reserve rooms quickly. Administrator Jester also requested to attend this year's event including the MN Association of Watershed Administrator's meeting on Dec 4th. She indicated the estimated total for her attendance is \$650 including registration, two nights lodging, and travel expenses.

Chair Prom and Commissioner Harwell indicated their interest in attending.

MOTION: Commissioner Welch moved to authorize Administrator Jester to attend the Minnesota Association of Watershed District Conference Dec. 4-7, 2019. Commissioner Anderson seconded the motion. Upon a vote, the motion carried 6-0. [The cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote]

7. COMMUNICATIONS

A. Administrator's Report

- i. Clean Water Fund Grant Application for Bryn Mawr Meadows Project – The grant application was submitted with a request for \$400,000
- ii. Commissioner Harwell and TAC Member Wiese volunteered to “table” at the Golden Valley Sustainability Day event on Sept. 29th
- iii. North and South Rice Ponds/Sochacki Park - A meeting with a large group of residents, Three Rivers Park District officials and staff, Golden Valley staff and 5 council members, and City of Robbinsdale staff was recently held. At the meeting, Administrator Jester gave a presentation on the 2013 monitoring data from the ponds and results of a 1997 “lake” management plan. The residents are frustrated by the poor water quality, significant algae, and foul smell. Three Rivers Park District is planning to implement water quality improvements in that area and committed to studying the current pond condition next year. Commissioner Harwell stated she wants to stay involved with this issue and was disappointed she wasn't invited to the meeting. Administrator Jester apologized for the oversight.

- iv. The Flood Control Project deep tunnel inspection is on track for the end of November. Administrator Jester noted she would review previous commission action and discussion on commission tour options.
- v. The Smart Salting for Property Managers training is scheduled for Tuesday with plenty of room left for attendees!

B. Chair

- i. Chair Prom reported that Dominion is proceeding with the redevelopment project at the Four Seasons Mall site.

[Chair Prom departs.]

C. Commissioners

- i. Report on Golden Valley Arts and Music Festival – Commissioner Welch and Alternate Commissioner Holter were there and reported that although foot traffic was lighter than usual, they had great conversations with several people.
- ii. Commissioner Welch reported that the “Waters of United States rule” is being rolled back and that reporting isn’t accurate in the New York Times. He summarized that the changes won’t affect the Commission since Minnesota has a robust legal system.

D. TAC Members

- i. Liz Stout introduced Shahram Missaghi, a new Minneapolis TAC member
- ii. Chris Long is the new assistant city engineer with the City of Minnetonka

E. Committees

- i. Nothing to report

F. Legal Counsel

- i. Nothing to report

G. Engineer

- i. Report on Investigation of Flooding Along South Shore Drive in Plymouth – Engineer Chandler gave a brief overview of the results of the investigation. Ben Scharenbroich with the city of Plymouth will follow through with recommendations from the engineer’s technical memo.

8. INFORMATION ONLY (Information online only)

- A. Administrative Calendar
- B. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- C. Grant Tracking Summary and Spreadsheet
- D. Technical Memo on South Shore Drive Flooding
- E. WCA Notice of Decision, Plymouth
- F. WCA Notice of Decision, Golden Valley
- G. WCA Notice of Application – Four Seasons Area, Plymouth

8. ADJOURNMENT

MOTION: Commissioner Carlson moved to adjourn the meeting. Commissioner Anderson seconded the motion. Upon a vote, the motion carried 6-0. [The cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.]

The meeting adjourned at 10:31 a.m.

Signature/Title Date

Signature/Title Date