



Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting
Thursday, June 16, 2022
8:30 a.m.
Plymouth Maintenance Facility**

1. CALL TO ORDER and ROLL CALL

On Thursday, June 16, 2022 at 8:38 a.m. Chair Cesnik brought 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>	Jane McDonald Black	Drew Chirpich
Medicine Lake	Clint Carlson	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnnetonka	<i>Vacant Position</i>	<i>Vacant Position</i>	<i>Absent</i>
New Hope	Jere Gwin-Lenth	Jennifer Leonardson	<i>Absent</i>
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	<i>Absent</i>	<i>Vacant Position</i>	Mike Sorenson, Richard McCoy
St. Louis Park	<i>Vacant Position</i>	<i>Absent</i>	<i>Absent</i>
Administrator	Laura Jester, Keystone Waters		
Engineers	Karen Chandler, Barr Engineering		
Recording Secretary	<i>Absent</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	None		

Introductions were done.

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No comments from the public were made.

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda with the addition of consideration of registrations for the Salt Symposium. Commissioner Gwin-Lenth seconded the motion. The motion carried 6-0, with the cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.

4. CONSENT AGENDA

The consent agenda was amended to remove item 4D. The following items were approved as part of the consent agenda.

- Approval of May 19, 2022 Meeting Minutes
- Acceptance of June Financial Report
- Approval of Payment of Invoices
 - i. Keystone Waters, LLC – May 2022 Administrative Services
 - ii. Keystone Waters, LLC – May 2022 Meeting Expenses
 - iii. Barr Engineering – May 2022 Engineering Services
 - iv. Kennedy & Graven – April 2022 Legal Services
 - v. Redpath – May 2022 Accounting Services
 - vi. Stantec – WOMP Services
 - vii. Triple D Espresso – Meeting Catering
 - viii. PLM Land and Lake Management – Curly=leaf Pondweed Herbicide Treatment
 - ix. MPCA Invoice – VIC Reimbursement for Main Stem Erosion Repair Project
 - x. MMKR – 2021 Financial Audit
 - xi. Jan Voit – May Meeting Minutes
 - xii. LMCIT – Insurance Renewal

MOTION: Commissioner Welch moved to approve the consent agenda as amended. Commissioner Gwin-Lenth seconded the motion. The motion carried 6-0, with the cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.

5. BUSINESS

Moved off consent: **4D. Approval of Highway 55 and Highway 169 Apartments Project, Plymouth**

Commissioner Welch asked if the City of Plymouth has wetland buffer requirements and if they were being met for this project. Plymouth TAC Member Scharenbroich said that the buffer requirements are not currently being met. They are working with the contractor to ensure the requirements are met. The project will not be approved until it complies with the buffer requirements.

Commissioner Welch noted that this is a large project with a lot of impervious surface being added. He noted that although MIDS requirements are being met through flexible treatment options, there may be missed opportunities and that MIDS requirements may need to be reviewed in the future.

Commissioner Welch asked if buffer information could be included in future development review memos. Administrator Jester explained that buffer information isn't something the Commission reviews, so it isn't submitted to the Commission. She noted it would be necessary to update the review application to get that information from developers. Commission Engineer Chandler stated that she would like to speak with the cities to determine how to streamline this, since they would be providing the information.

MOTION: Commissioner Welch made a motion to approve the Highway 55 and Highway 169 Apartments Project with direction to the Commission Engineer to follow up on the buffer requirements. Alternate Commissioner McDonald Black seconded the motion. The motion carried 6-0, with the cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.

Added to the agenda: **Salt Symposium Registrations**

Chair Cesnik stated that this item is to approve registrations for those commissioners that would like to attend the Salt Symposium in August. At this time, she is interested, as well as Commissioner Harwell, Alternate Commissioner Kennedy, and Administrator Jester.

MOTION: Commissioner Carlson made a to approve the attendance and reimbursement of registration of commissioners, alternate commissioners and the administrator for the Salt Symposium. Commissioner Welch seconded the motion. The motion carried 6-0, with the cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.

A. Consider Approval of 90% Design Plans for Main Stem Lagoon Dredging Project (BC-7)

Commission Engineer Chandler said that Engineer Pat Brockamp could not be in attendance. This is a project to dredge Lagoons D, E, and F in Theodore Wirth Regional Park.

Unlike typical CIP projects, this project is being designed and constructed by the BCWMC. The overall budget for the project is \$2.759M. Funds will come from Capital Improvement Project (CIP) levies, grants, and closed projects. The property is owned by the Minneapolis Park and Recreation Board (MPRB) and it is located in the City of Golden Valley.

Engineer Chandler reviewed 90% plans and highlighted differences from the 50% plans previously approved. The dredging amount remains at 39,000 cubic yards of accumulated sediment. The sediment removal will be done in public waters. The estimated phosphorus reduction is 600 pounds per year at \$226 per pound. Islands are being removed and the lagoons deepened to six feet.

The access to Lagoon D was revised and will now be done through the creek channel to avoid impacts with BNSF railroad property and the MPRB Grand Rounds trail. The Commission Engineer discussed this change with the Department of Natural Resources (DNR) and they did not indicate any issues with it. However, the Engineer will need to survey the channel to better define the access and provide that information to the DNR. The channel survey will be done when the water levels drop.

During the stakeholder involvement, requests were made to include aquatic benches and wildlife fencing. In working with the MPRB and discussing maintenance, permitting, and other issues, no changes were recommended to wildlife exclusion plans and aquatic benches were deemed not necessary.

No changes were recommended for the restoration around the lagoons. The areas disturbed by construction will be restored with a native seed mix. Buffer requirements for the city and the Commission are being met. Discussions are underway with the MPRB about areas that could potentially be improved with a pollinator mix rather than turf grass. There will be no trail closures during construction. One trail crossing will be impacted. The Commission Engineer is coordinating with the Loppet to avoid construction during events.

The MPRB hires a company to conduct pre- and post-construction inspection of the road condition. The roads are not built for trucks and have poor underlying soils. The MPRB assesses a pavement damage fee based on the damage done to the road and for reimbursement of the consultant's pre- and post-construction inspection costs. The Commission Engineer estimates these costs to be about \$20,000.

Construction is planned to begin in January of 2023. The means and methods for dewatering will be determined by the contractor. With the dredge material, the Commission Chair will sign a waste manifest because the Commission is the project owner. Signature authority cannot be delegated. The contractor signs as the transporter.

Three years has passed since the survey of the lagoons was conducted. Contractors may not be comfortable using that survey as a basis for how much they are being paid. The Commission Engineer will perform another survey to evaluate if there has been a change in sediment accumulation.

The permit requirements were reviewed. The State Historic Preservation Office review and EAW have been completed. An MPCA stormwater permit is not required, although the Commission Engineer is following the requirements for this permit. The USACE Section 404 permit certification is nearly complete. The DNR work in public waters permit has been submitted and we are waiting for confirmation of the start of the 30-day comment period. The contractor will submit the MPRB permits. The Commission Engineer will apply for the City of Golden Valley's stormwater permit after bidding.

Coordination with the Commission attorney continues. Stakeholder engagement continues through meetings and other communications. Commission staff will need to reach out to neighborhood associations. The point of the engagement is to inform people about the project and direct them to the project website for more information.

The construction cost shows an increase of \$18,960 over the 50% design cost. The cost is still within the overall budget. The reason for the increase is the unit price for the control of water and dewatering, and access to Lagoon D. The cost for the pollinator lawn is not included. A construction contingency of 10% is included in the cost to account for the ongoing uncertainty in the bidding climate and pending the results of the dredging verification survey. The MPRB fees are also included.

For the schedule, the permitting is happening now. Public engagement will continue through construction. The plan is to come back in August with 100% design plans and specifications for Commission approval authorization to go out for bid. The bid award would be done at the Commission meeting in October. Construction will occur over the winter.

The engineer recommends considering approval of the 90% drawings, authorization to continue design, permitting, and moving forward to get to bidding, and authorization to perform the additional creek channel survey and survey of the lagoons.

An issue was raised about hauling on roadways through North Minneapolis and the potential impact to air quality in the surrounding neighborhoods. The other hauling routes include a longer route on park roadways with potential for pedestrian encounters and more park road impacts, or routes through other residential neighborhoods. These haul route options do not appear to be good choices. There was some discussion about asking the MPRB to review their preferred haul routes and their estimated \$20,000 permit fee. Commission Engineer Chandler stated that it does help that the construction will be done in winter. Windows will be closed and the hauling will occur over a short period of time. No project changes were requested regarding this item.

MOTION: Commissioner Carlson made a motion to approve the 90% plans and the Commission Engineer's recommendations. Commissioner Welch seconded the motion. Discussion was held regarding the 100% design approval and the Commission's approval for the bid process, which could be an item on the consent agenda.

Commissioner Welch requested to amend the motion to approve the 90% drawings, authorizing the Commission Engineer to continue design, permitting, and coordination with BCWMC attorney, and to issue a request for bids at the discretion of the Commission Engineer and Administrator when 100% plans are prepared, and to authorize the Commission Engineer to perform the additional survey in the creek channel between Lagoons E and D, and a verification survey in the lagoons. Commissioner Carlson seconded the amended motion. The motion carried 6-0, with the cities of Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.

B. Set Maximum Levy for 2023 CIPs

Administrator Jester explained that this meeting is the deadline for setting the maximum levy for 2023 CIP projects which happens through Hennepin County. Toward the end of the year, when the final levy is set, the CIP levy could be lowered, but it cannot be increased. This maximum levy is considerably higher than past levies. She will be meeting with Hennepin County Commissioner Fernando before the county considers this at their July meeting. She recommended the Commission set a maximum CIP levy of \$2.207M for the SEA School-Wildwood Park Flood Reduction Project, Medley Park Stormwater Treatment Facility, water quality improvements in Bryn Mawr Meadows Park, and dredging accumulated sediment in Main Stem Bassett Creek Lagoons, Wirth Park. She noted that 30% of project costs are being levied through city funds and grants. Without those funds, doing these projects would be difficult.

There was brief discussion about the need to have cash on hand to reimburse cities for project costs and to pay the contractor for the dredging project early next year. It was also noted that future levies may continue to be higher than in the past due to inflation and other market forces.

[Commissioner Anderson left the meeting.]

MOTION: Commissioner Welch made a motion to authorize the Administrator to issue to Hennepin County the maximum CIP levy for 2023 of \$2,207,000. Alternate Commissioner McDonald Black seconded the motion. The motion carried 5-0, with the cities of Crystal, Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.

C. Report on Haha Wakpandan Community Event and Update on Watershed Plan Development Process

Chair Cesnik reported that she, Commissioner Welch, and Administrator Jester attended the event. It was a wonderful event hosted by Valley Community Presbyterian Church that provided an oral history of Native Americans in the Bassett Creek area. BCWMC had a table display with materials about the Commission. Native community members spoke at the event and the church's land acknowledgement statement was presented. The event felt like this is how change happens and could be truly impactful. Administrator Jester noted that this could dovetail into the Commission's work and Native voices should be included in the next watershed plan. Transcripts and recordings from the project will be available later in the summer.

Administrator Jester gave an update on the Watershed Management Plan (WMP) development process. There will be a Plan Steering Committee workshop on July 11 to review the process and importance of a WMP, to review input

received to date, and review the gaps analysis. Commissioners will also work on a high-level prioritization of issues. A webpage has been created for the WMP update. All the documents the Commission will consider will be posted on this page. A public survey has been created to get input from the public about water resources. There is a QR code that takes a person directly to the survey. It will be available through December 31. The QR code will be added to the website.

Administrator Jester also reported Juan Del Valle, the intern from Dougherty Family College, intern has been working for two weeks. He has been doing job shadowing and is working well on various tasks.

D. Update on 2022 Operating Budget Status

Administrator Jester gave an update on the status of the 2022 Operating Budget. She noted the Commission is on track with almost every budget item. The XP-SWMM model update process cost was more than expected and the APM/AIS activities will be about \$5,000 over budget. Legal fees are running above budget due to longer meetings and increased project involvement. There were no questions or comments.

E. Discuss Membership in Minnesota Association of Watershed District (MAWD)

Administrator Jester spoke with MAWD Executive Director Javens and reviewed information she provided. MAWD lobbies for legislative priorities and follows lawsuits that could potentially impact watershed organizations statewide. She noted MAWD is working to strengthen partnerships and is updating the strategic plan which will be available later this summer for comment. The Commission can strengthen and improve MAWD. They are always looking for committee members, which is an opportunity for the Commission, too. Having representation in this broader organization is important and she recommended keeping the cost for dues in the budget for 2023.

Administrator Jester reviewed some history of WMO involvement in MAWD; WMOs have only been asked to become MAWD members in the last three or four years. The membership dues were originally \$500. The cost has increased over the years. There is a formula for the dues based on estimated watershed market value.

There was some discussion about the benefits to MAWD membership, some of the frustrations (particularly regarding the chloride legislation), and the overall cost. It was noted that the Administrator Jester has been asked to participate on various MAWD committees and meetings. It is nice to have a seat at the table.

Commissioner Gwin-Lenth agreed with the conclusions in Administrator Jester's memo. It is important to provide input on watershed work, priorities, and policies. Commissioner Welch serves on the MAWD Strategic Plan Committee and also agrees with Administrator Jester's recommendations. There is a defensive capacity that MAWD serves. Some of the dynamic about what happens with lobbying is the way one person does the job. You will see the Strategic Plan in September. It is a progressive new direction.

Alternate Commissioner McDonald Black was grateful that there was discussion with MAWD. She is thankful that Commissioner Welch is on the Strategic Plan Committee. Having the ability to set state level policy and legislation can have a huge impact. She is in favor of continuing membership.

Chair Cesnik said that as a commissioner for the City of Plymouth, she recognizes the value of a legislative advocacy organization. She thinks \$7,500 is quite high for membership dues for an organization that is not focused on issues important to BCWMC. There is something to be said for keeping it in the budget and deciding later. Given that it is such a tight budget year, this is an easy item to let go.

F. Consider Approval of 2023 Proposed Operating Budget and Changes to Review Fee Schedule

Administrator Jester stated that she updated the proposed budget based on discussion at the May meeting and that the Budget Committee had not met since the May Commission meeting. The TAC met and recommended changes to the project review fees as described in the proposed fee schedule. This budget reflects keeping MAWD dues and changing review fees to the TAC recommendation, which increases income. For the APM/AIS work, she has received calls from Medicine Lake residents requesting more control of curlyleaf pondweed. This budget item is already three times higher than in the past because the Commission is doing more work in this area. This is in line with the Commission policy to work on AIS that is impacting water quality and a lake's overall ecology.

Commissioner Welch asked for clarification of the fee changes. Crystal TAC Member Ray explained the discussion held at the TAC meeting. The TAC determined that fees for city projects should include the add-ons fees. All projects are not equal, some are more complex than others. To use the add-on fee closes the budgetary difference. Cities without projects won't be subsidizing projects in other cities. The more complex projects are paying a more equitable fee.

Alternate Commissioner McDonald Black said that the TAC recommendations do a nice job of matching the actual expenses to revenues. Commission Attorney Anderson stated that this closes the gap. Add-on fees were not previously charged to city projects.

MOTION: Alternate Commissioner McDonald Black made a motion to approve the 2023 Proposed Operating Budget with MAWD Dues and the Changes to the Review Fees. Alternate Commissioner Kennedy seconded the motion. Chair Cesnik stated that she is voting no because the MAWD dues are included. The motion carried 4-1, with the cities of Medicine Lake, Golden Valley, Minneapolis, and New Hope in favor and the city of Plymouth opposed. The cities of Crystal, Minnetonka, Robbinsdale, and St. Louis Park were absent from the vote.

G. Consider Purchase of Dissolved Oxygen Sensor for Annual Stream Monitoring

Commission Engineer Chandler gave an overview of the recommendation to purchase a new sensor/datalogger for collecting continuous dissolved oxygen measurements. It would be only for the Commission’s use in the stream monitoring program. Because of the way it is made, it will save time and money. The cost is \$1,350.

MOTION: Alternate Commissioner McDonald Black made a motion to purchase a dissolved oxygen sensor for annual stream monitoring. Commissioner Welch seconded the motion. The motion carried 5-0, with the cities of Crystal, Minnetonka, Robbinsdale, and St. Louis Park absent from the vote.

6. COMMUNICATIONS

A. Administrative Report

- i. Freshwater Event at Utepils
Administrator Jester said that Freshwater is holding a membership appreciation event at Utepils on Bassett Creek. They are hoping that someone from the Commission will speak at the event. Chair Cesnik is available. All commissioners are welcome to attend. Information about the event will be sent to commissioners.

B. BCWMC Intern - The intern was not present.

C. Chair – No report

D. Commissioners – No reports

E. TAC Members

- i. June 1 Meeting Report
There was robust discussion at the June meeting about the XP-SWMM model update.
- ii. Next Meeting July 6 – Need Liaison Committees
Alternate Commissioner Kennedy will attend.

F. Committees – No reports

G. Legal Counsel – No report

H. Engineer

- i. Update on Sweeney Lake and Schaper Pond Activities
Commission Engineer Chandler reported that Carp Solutions would like to start their electrofishing next week. Administrator Jester is coordinating with the lake association. Bluegill stocking was completed on May 24.
- ii. Update on Water Monitoring Activities
Commission Engineer Chandler reported that water quality reports will be available in July. For 2022, ice out monitoring was done and the June monitoring is complete. Monitoring was done on Northwood, Lost and Sweeney Lakes. There was high chloride in Northwood at ice out. Monitoring is also being done on Plymouth Creek with the Three Rivers Park District and the City of Plymouth.

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- C. Grant Tracking Summary and Spreadsheet
- D. Wetland Conservation Act Notices
- E. Stormwater Summit www.wef.org/StormwaterSummit
- F. Salt Symposium Early Registration bolton-menk.regfox.com/salt-symposium-2022

8. ADJOURNMENT - MOTION: Commissioner Welch made a motion to adjourn the meeting at 10:55 a.m.