



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting Thursday, October 20, 2022 8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

#### 1. CALL TO ORDER and ROLL CALL

On Thursday, October 20, 2022 at 8:31 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  | Joan Hauer             | <i>Absent</i>                                     |
| Golden Valley                    | Stacy Harwell  | Jane McDonald Black    | Jeff Oliver, Drew Chirpich                        |
| Medicine Lake                    | Clint Carlson  | Shaun Kennedy          | <i>Absent</i>                                     |
| Minneapolis                      | Michael Welch  | <i>Absent</i>          | <i>Absent</i>                                     |
| Minnetonka                       | <i>Absent</i>  | <i>Vacant Position</i> | <i>Absent</i>                                     |
| New Hope                         | Jere Gwin-Lenth  | Jen Leonardson         | Nick Macklem                                      |
| Plymouth                         | Catherine Cesnik   | <i>Absent</i>          | 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>                                     |
| <b>Administrator</b>             | Laura Jester, Keystone Waters                                    |                        |   |
| <b>Engineers</b>                 | Karen Chandler, Jen Koehler, Patrick Brockamp – Barr Engineering |                        |   |
| <b>Recording Secretary</b>       | <i>Absent</i>  |                        |   |
| <b>Legal Counsel</b>             | Dave Anderson, Kennedy & Graven                                  |                        |   |
| <b>Presenters/ Guests/Public</b> | Jacob Rischmiller, ISG   |                        |   |

#### 2. PUBLIC FORUM ON NON-AGENDA ITEMS

No comments from the public were made.

**3. APPROVAL OF AGENDA**

**MOTION:** Alternate Commissioner McDonald Black moved to approve the agenda. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

**4. CONSENT AGENDA**

**MOTION:** Commissioner Anderson moved to approve the consent agenda. Alternate Commissioner McDonald Black seconded the motion. No vote was taken.

Commissioner Welch requested the removal of 4E from the consent agenda.

Alternate Commissioner McDonald Black moved to approve the consent agenda except for item 4E. Commissioner Anderson seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

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

- A. Approval of Minutes – September 15, 2022 Commission Meeting
- B. Acceptance of October 2022 Financial Report
- C. Approval of Payment of Invoices
  - i. Keystone Waters, LLC – September 2022 Administrative Services
  - ii. Keystone Waters, LLC – September 2022 Meeting Expenses
  - iii. Barr Engineering – September 2022 Engineering Services
  - iv. Kennedy & Graven – August 2022 Legal Services
  - v. Redpath – September 2022 Accounting Services
  - vi. Triple D Espresso – Meeting Catering
  - vii. Stantec – WOMP
  - viii. Metro Blooms – Lawns to Legumes Grant Funded Program
- D. Approval of Bassett Creek Park Pedestrian Bridge Project, Crystal

**5. BUSINESS**

**4E. Approval of Brookview Golf Course Channel Stabilization Project, Golden Valley**

Commissioner Welch noted that improving buffers along the creek and ponds within Brookview, a golf course owned by the City of Golden Valley, is a good goal and that the project before the Commission offers a good opportunity for improved buffers. He noted that the mess made by geese is especially bad in this course which could be reduced with larger buffer zones. He recommended that Commission assist with a project to improve buffers. Drew Chirpich and Jeff Oliver with the City of Golden Valley reported that the required 10-foot buffer is in place but consists mostly of reed canary grass. There are new golf course managers who are aware that wider buffers are desired. They reported that establishing wider buffers around some of the ponds in the golf course is ongoing.

[Commissioner Harwell arrives.]

**MOTION:** Commissioner Welch moved to approve the Brookview Golf Course Stabilization Project and for Commission staff to discuss buffer opportunities with city staff. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

**A. Consider Approving 90% Design Plans for SEA School-Wildwood Flood Reduction Project (BC-2,3,8,10)**

Commission Engineer Chandler reminded the Commission that the City of Golden Valley is designing and constructing this project through an agreement with the BCWMC and that the city contracted with Barr Engineering for project design. She introduced Jen Koehler from Barr who presented the 90% plans for this project. Ms. Koehler reported they that they have been working closely with Robbinsdale Area Schools since the 50% designs were approved in January. She reported the goals of the project are to reduce flooding around DeCola Ponds D and E and improve water quality that eventually drains to Bassett Creek. She reviewed project components including

increasing the size of the outlet from Pond D, diverting runoff from flowing into DeCola Ponds and instead into water quality treatment structures to be built in Wildwood Park including a basin with iron enhanced sand, an intermittent stream, wet meadows, and prairie areas.

Ms. Koehler compared 90% design components and outcomes with those from 50% designs indicating that the school no longer wished for the school driveway to be reconfigured as shown in 50% plans and that the playground will move onto school property. She reported that overall total phosphorus removal is expected to be slightly less than anticipated with the feasibility study. She noted plans for interactive play and instruction areas, tree removal and replacement, and turf areas restored with a bee lawn mixture. She indicated the estimated cost of the project has not changed since 50% design and that funding for the project is coming from BCWMC CIP, a Flood Reduction grant from the DNR to the city, and city funds. She indicated construction is anticipated spring through fall 2023.

After a question from Alternate Commissioner Kennedy, Ms. Koehler briefly reviewed future projects intended to further reduce flooding around DeCola Ponds. In response to a different question, she noted that keeping the school driveway in place and moving the playground did not change the outcomes of the project and that the schoolteachers and staff are excited about the play and instruction areas. Ms. Koehler also reported this area is not mapped by FEMA.

**MOTION:** Commissioner Gwin-Lenth moved approval of the 90% design plans for the SEA School-Wildwood Park Flood Reduction Project and authorized the city to proceed with 100% designs, bidding, and construction of the project. Commissioner Harwell seconded the motion. Upon a vote the motion passed 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

**B. Consider Selection of Contractor and Awarding Contract for Main Stem Lagoon Dredging Project (BC-7)**

Administrator Jester reminded the Commission that the Commission, rather than a member city, is constructing this project and must award the construction contract. Commission Engineer Chandler reviewed the engineer's recommendation to award the contract to the lowest responsive and responsible bidder, Fitzgerald Excavating and Trucking. Commissioners reviewed the bid amounts provided by four different companies. It was noted that three of the four bids were below the engineer's estimate and that the lowest bidder was substantially under the engineer's estimate.

Commission Engineer Chandler and Engineer Brockamp reviewed Barr Engineering's experience with Fitzgerald along with input from other cities and watershed organizations who have contracted with Fitzgerald in the past. It was noted that Fitzgerald has considerable experience in pond cleanouts and has a large fleet of trucks for the work. Administrator Jester noted that the engineering services budget for the project may need to be increased but the overall project expenses are expected to stay well within budget.

There was some discussion about the large discrepancy among the bids and the insurance levels held by the contractor. Commission Attorney Anderson noted that the Commission will receive performance and payment bonds typical for a project this size and that the Commission is obligated to accept the lowest responsive and responsible bidder.

Alternate Commissioner Hauer reminded commissioners that while this project is good, dredging does release considerable greenhouse gases. Alternate Commissioner McDonald Black asked if the truck hauling route had been reviewed again to determine if the Minneapolis neighborhood could be avoided for hauling. Administrator Jester reported that she did discuss the hauling route with MPRB staff and acknowledged that there are no good route options; the route to the south would cross a busy pedestrian crosswalk and traffic areas related to the Trailhead facility.

**MOTION:** Commissioner Welch moved to approve Resolution 22-09 accepting the bid for the Main Stem Lagoon Dredging Project from Fitzgerald Excavating and Trucking, authorizing execution of the contract and delegating change order approval of up to 5% of the total construction contract to the Administrator. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 6-0 with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

After the vote, Commission Engineer Chandler reviewed the next steps in the process.

**C. Consider Approval of Recommendation from Technical Advisory Committee on Use of Channel Maintenance Funds**

Administrator Jester explained that the Commission maintains a Channel Maintenance Fund to help finance minor stream maintenance, repair, stabilization, sediment removal projects, smaller restoration projects, and/or portions of larger stream restoration projects. She reported that each year, \$25,000 of annual operating funds are transferred to this long-term account and that cities with a portion of the BCWMC Trunk System in their city are allocated a portion of the funds according to a formula. Cities can accumulate funds over time. Currently, the City of Plymouth has \$25,099 in Channel Maintenance Funds available.

Administrator Jester reported that the TAC recommends the Commission approve the City of Plymouth's request to use its \$25,099 to repair a section of Plymouth Creek that was originally included in the Commission's 2010 Plymouth Creek Restoration Project just west of West Medicine Lake Park. She noted that the work was not completed at that time in this section, as the landowners were unwilling to participate in the project. Now, the current landowners are willing to have the project completed in this section of the creek. TAC member Scharenbroich reported that the total project cost is estimated at \$50,000 - \$75,000.

Commission Engineer Chandler reported that Commission Engineers would review the project plans but would not charge a review fee.

Commissioners noted that the overall Channel Maintenance Fund balance is high. Administrator Jester reviewed the amounts available to each city; most are relatively low except Golden Valley with a balance of \$188,000. TAC members noted that the point of the fund was to let it build up over time and then use it on an appropriate project.

[Commissioner Harwell departs the meeting.]

**MOTION:** Commissioner Welch moved approval of the TAC recommendation and execution of the agreement with the City of Plymouth for use of the Channel Maintenance Funds up to \$25,099. Alternate Commissioner McDonald Black seconded the motion. Upon a vote, the motion carried 6-0 with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

Chair Cesnik called a 5-minute break

[Commissioner Harwell returned to the meeting.]

**D. Review Status of 2022 Operating Budget**

Administrator Jester reviewed the budget status and described areas that are tracking over budget and other areas that are tracking under budget. She noted the grant revenue, contributions from partnerships, and revenue for review expenses over \$5,000. She reported that she expects the year-end income vs. expenses to be very close. Engineer Chandler noted that a significant portion of the Flood Control Project expenses stemmed from review and negotiation of the development project in Minneapolis over the tunnel and access point.

There was some discussion about need to find a new recording secretary, at least in the interim, until Jan Voit is again able to prepare minutes. Administrator Jester will work to find a new recording secretary.

**E. Consider Approving Administrator Attendance at MAWD Conference and Gauge Interest in Commissioner Attendance**

Administrator Jester reported that the Minnesota Association of Watershed District's annual meeting and conference will be held in person at Arrowwood Resort in Alexandria December 1 – 3. She requested to attend the conference December 1st and 2nd and the quarterly meeting of the Minnesota Association of Watershed Administrators meeting on November 30th. She reported that she and Commission Engineer Greg Wilson will present on the Sweeney Lake water quality improvement efforts at the conference. She noted that lodging for two nights, mileage, and conference registration is expected to cost approximately \$710, plus her time. She noted that commissioners should also consider attending and that lodging should be booked soon. She reported that at the

November meeting the Commission should appoint two delegates and one alternate delegate to attend the MAWD Business Meeting on the morning of December 2nd.

Commissioner Welch reported that the Diversity, Equity and Engagement workgroup will be part of a workshop on the afternoon of Thursday December 1<sup>st</sup>. He also reported he would be attending the conference on behalf of his employer. Commissioner Cesnik and Alternate Commissioner Hauer expressed interest in attending. Administrator Jester said she would book appropriate lodging and reach out to commissioners and alternates not in attendance at this meeting.

**MOTION:** Commissioner Gwin-Lenth moved to approve the Administrator’s attendance at the MAWD conference and the attendance of any other commissioners or alternates. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 6-0 with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

## 6. COMMUNICATIONS

### A. Administrator’s Report

Administrator Jester reminded commissioners that the November meeting is on a Wednesday, and she gave an update on the progress of the Watershed Management Plan development including meetings with Minneapolis neighborhood groups, progress on analysis of complex issues, and plans for a late February public kick off meeting.

Administrator Jester reported that the work of the Hennepin County Chloride Initiative is wrapping up and pointed to the links to videos in the agenda. She also reported on her presentation to the Golden Valley Historical Society. Commissioners requested copies of the slides.

Administrator Jester reported that she has been discussing high chloride levels in Crane Lake with Minnetonka staff and determining how best to study and/or address the issue.

### B. Chair

Chair Cesnik reported on her communications with a property manager about barriers to using Smart Salt certified contractors for winter maintenance and with a high school student interested in assisting with the chloride management issue. With the general consensus of the Commission, Chair Cesnik will continue to discuss possible activities for the high school student including summarizing key presentations of the Salt Symposium.

Administrator Jester will contact MPCA staff about including the Smart Salt certified companies on their website.

### C. Commissioners

Alternate Commissioner McDonald Black noted the Commission’s work is a good example of democracy in action.

Commissioner Welch reported that the resolution supporting limited liability for chloride applicators will automatically be renewed by MAWD and that the Minnesota Center for Environmental Advocacy has not yet decided on their legislative priorities for the next session but may again include the limited liability issue.

Administrator Jester noted that Commissioner Welch and Alternate Commissioner Hauer participated in a buckthorn bust in Bassett’s Creek Park; that Commissioner Harwell and Alternate Commissioners Leonardson and McDonald Black tabled at Golden Valley’s Sustainability Fair; and that Alternate Commissioner Polzin tabled at a church event in Robbinsdale. Commissioners thanked the volunteers.

Commissioner Harwell reported she would be attending the Minnesota Association of Floodplain Managers conference next month.

### D. TAC Members

TAC member Ben Scharenbroich gave an update on the Four Seasons Mall noting that it would soon be demolished by the city of Plymouth. He also noted that the city is working with Commission staff and will request TAC input at their December 7<sup>th</sup> meeting on an agreement and framework for city-construction of the stormwater practices using CIP funds.

**E. Committees**

No reports were given.

**F. Legal Counsel**

No report was given.

**G. Engineer**

Commission Engineer Chandler reported on a 28-acre development in Golden Valley (Golden Valley Business Center) that does not trigger approval by the Commission but is large enough to mention. She reported there is no opportunity for above and beyond treatment of stormwater on the site. She also reported that the Sweeney Lake alum treatment was complete. Alternate Commissioner McDonald Black showed photos of the treatment underway.

**7. INFORMATION ONLY (Information online only)**

- A. BCWMC Administrative Calendar
- B. CIP Project Updates [www.bassettcreekwmo.org/projects](http://www.bassettcreekwmo.org/projects)
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices – Plymouth
- E. Sochacki Park Subwatershed Assessment Report

**8. ADJOURNMENT**

The meeting adjourned at 10:50 a.m.