



## Bassett Creek Watershed Management Commission

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

Via video conference due to the COVID-19 global pandemic

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

On Thursday, January 20, 2022 at 8:33 a.m. via video conference, Chair Cesnik brought the Bassett Creek Watershed Management Commission (BCWMC) to order.

#### Commissioners, city staff, and others present

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	<i>Absent</i>	Joan Hauer	Mark Ray
Golden Valley	Stacy Harwell	Jane McDonald Black	Eric Eckman
Medicine Lake	Clint Carlson	Gary Holter	Susan Weise
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout
Minnetonka	<i>Vacant Position</i>	<i>Vacant Position</i>	Leslie Yetka
New Hope	<i>Absent</i>	Patrick Crough	Nick Macklem
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich, Chris LaBounty
Robbinsdale	Wayne Sicora	<i>Vacant Position</i>	Richard McCoy
St. Louis Park	Jim de Lambert	<i>Absent</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters		
<b>Engineers</b>	Karen Chandler, Patrick Brockamp, Jennifer Brekken, Greg Williams, Stephanie Johnson: Barr Engineering		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	Jere Gwin-Lenth, New Hope Resident; Erin Hunker and Tim Wold, SRF; Tyler Pederson, MPRB; Steve Christopher, BWSR		

Chair Cesnik noted that new alternate commissioners joined the meeting today including Joan Hauer from Crystal and Dr. Monika Vadali from Plymouth. She indicated that proper introductions would be made at next month's meeting when there is more time. Chair Cesnik also honored former Commissioner Mike Fruen who passed away in December. She noted a resolution of appreciation for Commissioner Fruen was included with others in the consent agenda.

**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. Alternate Commissioner McDonald Black seconded the motion. Upon a roll call vote, the motion carried 8-0, with the city of Minnetonka absent from the vote.

**4. CONSENT AGENDA**

Chair Cesnik asked that Item 4F: Resolution of Appreciation for Commissioner Jim de Lambert be removed from the consent agenda.

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

- Approval of December 16, 2021 Meeting Minutes
- Acceptance of January 2022 Financial Report
- Approval of Payment of Invoices
  - i. Keystone Waters, LLC – December 2021 Administrative Services
  - ii. Keystone Waters, LLC – December 2021 Meeting Expenses
  - iii. Barr Engineering – December 2021 Engineering Services
  - iv. Kennedy & Graven – November 2021 Legal Services
  - v. Redpath – December Accounting Services
  - vi. We All Need Food and Water – December 2021 Administrative and Education Services
  - vii. Three Rivers Park District – 2021 Medicine Lake Inspection Program Contribution
  - viii. Met Council – 2021 Citizen Assisted Monitoring Program
- Approval of Proposal from MMKR to Perform 2021 Financial Audit
- Approval of Agreement with Redpath & Company for 2022 Financial Services
- Approval of Resolution of Appreciation for James Prom
- Approval of Resolution of Appreciation for Mike Fruen
- Approval of Resolution of Appreciation for Dawn Pape
- Approval to Apply for Second Lawns to Legumes Grant for Implementation by Metro Blooms

The general and construction account balances reported in the January 2022 Financial Report are as follows:

Current Assets	Capital Improvement Projects	General Fund	TOTAL
Checking	\$588,791.06	\$222,371.74	\$811,162.80
4MP Fund Investment	\$3,501,105.22	\$792.12	\$3,501,897.34
4M Fund Investment	\$2,483,511.82	\$117.46	\$2,483,629.28
<b>Total Checking/Savings January 2022</b>	<b>\$6,573,408.10</b>	<b>\$223,281.32</b>	<b>\$6,796,689.42</b>

**MOTION:** Commissioner Carlson moved to approve the consent agenda as amended. Alternate Commissioner McDonald Black seconded the motion. Upon a roll call vote, the motion carried 8-0, with the city of Minnetonka absent from the vote.

**5. BUSINESS**

Moved off consent: **4F: Approval of Resolution of Appreciation for Jim de Lambert**

Chair Cesnik noted that Commissioner de Lambert was stepping down from the Commission. She read the resolution of appreciation. Commissioners and staff thanked Commissioner de Lambert for his leadership as chair and his independent thoughts and balance he brought to the Commission. Commissioners and staff agreed that he would be missed and wished him well. Commissioner de Lambert thanked commissioners and noted he had enjoyed his time on the board and would stay in touch.

**MOTION:** Commissioner Welch moved to approve the resolution of appreciation for Jim de Lambert. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 7-0, with the city of Minnetonka absent from the vote and the city of St. Louis Park abstaining from the vote.

**A. Consider Approval of 50% Design Plans for Bryn Mawr Meadows Water Quality Improvement Project (BC-5)**

Commission Engineer Chandler introduced Stephanie Johnson with Barr Engineering. Engineer Johnson presented information about the project including background information, budget, and design components. She noted that this project was being designed and constructed in conjunction with redevelopment of Bryn Mawr Meadows Park by the Minneapolis Park and Recreation Board (MPRB). She reported on environmental considerations such as contaminated soils and briefly described the Remediation Action Plan (RAP) being developed for the project.

[Commissioner Harwell joins the meeting.]

Engineer Johnson reviewed the estimated construction costs for the project of \$1.198M, which is approximately \$580,000 more than budgeted. Reasons for the higher-than-expected costs include: the budget was based on the feasibility study, which was completed over 3 years ago and construction costs have increased considerably due to the global pandemic's impact on markets, supply chains, and labor availability; there were some adjustments made between feasibility study and design; additional soil contamination was discovered; and work in the right-of-way was added. Finally, Engineer Johnson noted that MPRB hopes to bid the project in April in order to get more favorable bid prices.

Administrator Jester presented some options for funding the project including: removing a project slated for Bassett's Creek Park (BC-11) from the CIP as the MPRB does not have plans to redevelop that portion of the park; increasing the levy to gather additional funds; using some levy funds slated for Medley Park Project that would be offset by a recently awarded Clean Water Fund grant; or a combination of these actions.

Engineer Johnson indicated that Barr engineers had also developed cost saving ideas by altering the designs of the project. She briefly presented a table of options which included impacts to pollutant removal totals and cost benefit figures. She noted there were no "great options" and that significant changes to the design may also necessitate negotiations with the MPRB as the concept plans had already been approved by the MPRB Board of Commissioners.

Commissioners discussed the funding options. The argument was made that increasing the levy, rather than using the funding slated for BC-11, would allow another project to be added to the CIP (or moved earlier in the CIP) in place of BC-11. Administrator Jester noted that recently allocated BWSR watershed-based implementation funds could be used for a future CIP project.

Commissioner Welch reminded the group that Hennepin County Commissioner Fernando recently encouraged the Commission to be ambitious with its implementation and projects. He also noted that BCWMC development standards for the MPRB's park redevelopment plans would need to be followed. He also asked about buffer vegetation and the BCWMC's liability regarding soil contamination.

Engineer Chandler reported the MPRB project will be reviewed under the BCWMC development review process. Engineer Johnson described the plans for native buffer plantings. Jenni Brekken with Barr Engineering further described the RAP and noted the MPRB would enroll in the voluntary investigation and clean-up program (VIC). She noted the BCWMC would not have liability as the MPRB would "own" the RAP. Commissioner Welch asked that Commission Attorney Anderson assist with liability assurances.

Alternate Commissioner Hauer inquired about the carbon footprint of the project. Engineer Chandler noted that such an analysis was not done as it's not typically part of the CIP implementation process. Administrator Jester noted that considering carbon footprints and climate impacts of BCWMC CIP projects may be something to discuss during development of the 2025 Plan as it would be a new endeavor.

There was consensus that the current construction plans are most appropriate and that funding options to cover the budget shortfall could be discussed and decided at a future meeting.

**MOTION:** Commissioner Welch moved to approve the 50% designs for the Bryn Mawr Meadows Water Quality Improvement Project, directed the Commission Engineer to continue to 90% designs, and directed the Administrator and Engineer to work with the Commission Attorney and MPRB regarding liability assurances from the MPCA. Commissioner Carlson seconded the motion.

Discussion: Commissioner Welch indicated his support to “stay the course” with Commission projects and noted that the Bryn Mawr Project impacts diverse communities. There was a question about the possibility of additional cost increases in the 90% plans. Engineer Johnson noted they had conservative estimates to date and did not anticipate additional large increases. There was also a reminder that the Zoom chat feature only be used for logistical purposes during Commission meetings.

Upon a roll call vote, the motion carried 8 – 0 with the city of Minnetonka absent from the vote.

A 5-minute break was called by the Chair. The meeting resumed at 10:05 a.m.

**B. Consider Approval of 50% Design Plans for SEA School-Wildwood Park Flood Reduction Project (BC-2,3,8,10)**

Commission Engineer Chandler reminded the group that the city of Golden Valley is designing and constructing this project through an agreement with the Commission and that this is the 3<sup>rd</sup> project being implemented to address regional flooding in the DeCola Ponds and Medicine Lake Road area. She reviewed the project area, described current and proposed flow patterns, and outlined the project components, including an iron-enhanced infiltration basin, wet meadow, and prairie habitat. She also noted that considerable input was gathered from SEA School staff and Robbinsdale Area Schools due to impacts to the school property and noted another public open house will be held (virtually) on February 3<sup>rd</sup>. Finally, Engineer Chandler reviewed a table comparing the outcomes and expected costs of the project between the feasibility study and these 50% designs. She noted the total project cost was still expected to be approximately \$3.1M and that funding is coming from the Commission (\$1.3M), a flood damage reduction grant to the city from MnDNR (\$1.3M), and city funding (\$.05M).

Commissioner Carlson asked if a change in Golden Valley’s street sweeping practices and equipment might change the total phosphorus reductions expected. Engineer Chandler reported that analysis was not completed, and Golden Valley TAC member Eric Eckman noted that Golden Valley does not yet have a regenerative sweeper. There was discussion about the slightly lower total phosphorus removal expected (4.1 lbs/year estimated in feasibility study compared to 4.0 lbs/year estimated with 50% designs) and the higher amount of restored turf. Engineer Chandler noted that additional pollutant removal opportunities will be sought as design continues. Mr. Eckman noted the various competing uses for the park area and turf including SEA School students and neighborhood residents.

MOTION: Commissioner Harwell moved to approve the 50% drawings for the SEA School-Wildwood Park Flood Reduction Project, and authorized the city to proceed with design, permitting and contract documents and bring 90% design plans to a future Commission meeting. Commissioner Welch seconded the motion. Upon a roll call vote, the motion carried 8 – 0 with the city of Minnetonka absent from the vote.

**C. Consider Approval of Scope and Budget for 2025 Watershed Management Plan Development**

Administrator Jester reminded commissioners that at its November meeting, she and Commission Engineers were directed to develop a scope and budget for development of the 2025 Watershed Management Plan. She began by describing possible committees needed to help guide plan development, and the recommended activities for the first phase of the project: initial stakeholder engagement. TAC member Scharenbroich recommended adding specific engagement with city staff, councils, and commissions, similar to the last planning process. It was agreed that input from member cities should be an important component of early stakeholder engagement and should be explicitly included in the scope.

Administrator Jester continued walking through the stakeholder engagement phase (phase 1) and described phase 2: pre-plan work to address challenging issues. She noted that phase 2 has a wide range for a budget because it's unknown how many issues and how in-depth the discussions and analyses might be.

Engineer Chandler then reviewed phases 3 and 4: development of the plan document and the review process. She noted that phase 3 is where the "heavy lifting" would be for the Commission and a Plan Steering Committee because measurable goals and policies are needed to address priority issues.

There was some discussion about the new and challenging issues that might be tackled in this plan including addressing environmental justice and chloride pollution. Alternate Commissioner McDonald Black noted that relationships and partnerships will be needed, particularly in Minneapolis neighborhoods and that an intern from Dougherty Family College might be of great help in that regard. Commissioner Welch commented that it's critical the Commission develop, own, and understand the plan so commissioners are able and excited to implement it. He indicated that \$150,000 for plan development is likely an underestimate. He also expressed his desire for the Administrator to drive the plan development process and that only commissioners, alternates, and commission staff be members of the Plan Steering Committee.

[Commissioner Harwell leaves the meeting.]

Commissioner Welch continued, noting that the Commission needs an initial, over-arching sense of what work it wants to accomplish during the life of the plan, that stakeholders should be asked to provide input on a certain set of issues during initial stakeholder engagement, and that the Commission's joint powers agreement (JPA) will need to be considered and may need updating because it expires during this planning process.

Engineer Chandler suggested having a Commission issues identification workshop earlier in the process (such as immediately after receipt of responses to the notification letter) in light of possible changes needed in the JPA. There was some discussion on the pros and cons of Plan Steering Committee meetings vs. two meetings per month of the full Commission.

Steve Christopher with the MN Board of Water and Soil Resources (BWSR) agreed with an earlier statement that the plan's development should be guided by the commissioners with Commission-identified priorities and other stakeholders' input considered.

Staff was directed to consider input at this meeting and bring a revised scope and budget to a future meeting for consideration.

**D. Review Plymouth Street Sweeping Report (ML-23)**

TAC member Ben Scharenbroich (Plymouth) reviewed the report noting that the purchase of the new high efficiency street sweeper was cost shared among BCWMC, Elm Creek WMC, and Shingle Creek WMC. He reviewed the results of the sweeping and reported that an estimated 170 – 232 pounds of total phosphorus had been removed (annually) from Plymouth streets in the Bassett Creek Watershed. Chair Cesnik thanked Mr. Scharenbroich for coordinating this project and upgrading equipment.

**E. Consider Approval of Reimbursement Request for Plymouth Street Sweeping Cost Share (ML-23)**

MOTION: Alternate Commissioner McDonald Black moved approval of reimbursement to city of Plymouth \$75,000 for purchase of the street sweeper. Commissioner Welch seconded the motion. Upon a roll call vote, the motion carried 8 – 0 with the city of Minnetonka absent from the vote.

**F. Receive Report on Staff Evaluations – Tabled and moved to future meeting**

**6. COMMUNICATIONS**

- A. Administrator's Report
  - i. Date and Format for Equity in Watershed Management Workshop – Commissioners indicated the workshop shouldn't be held on a Wednesday or a weekend and shouldn't go past 8:00 p.m.
  - ii. Reminder to Complete Campaign Finance Economic Interest Statement
  - iii. Consider Committees and Leadership Positions – February Meeting
  - iv. Report on Metro MAWD and MN Association of Watershed Administrator Meetings – Brief update provided
  - v. Report on Presentation of East Metro Water Resource Education Program to WMWA - Tabled
- B. Chair - None
- C. Commissioners – Commissioner Welch reported that MAWD's petition to BWSR on rulemaking was denied.
- D. TAC Members – None
- E. Committees – None
- F. Legal Counsel – None
- G. Engineer
  - i. Update on North Green Loop Development, Minneapolis – Access plan is complete and the easement agreement language is being negotiated, including input from Commission Engineer. Administrator Jester reported she had requested a 50-50 cost share with the city for BCWMC Engineering review and assistance with the project. TAC member Liz Stout noted that city staff are reviewing the request.
  - ii. Update on EAW Comments for Main Stem Lagoon Dredging Project – Five agencies provided expected comments and one resident sent 6 pages of comments and questions. Responses were drafted; the city of Golden Valley declared that no Environmental Impact Statement is warranted for the project.

**2. 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. WCA Notice, Plymouth
- E. MN Aquatic Invasive Species Research Center Latest Newsletter [maisrc.umn.edu/newsletter-dec2021](mailto:maisrc.umn.edu/newsletter-dec2021).

**8. ADJOURNMENT** - The meeting was adjourned at 11:55 a.m.