



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting Thursday, August 20, 2020 8:30 a.m.

Via video conference due to the COVID-19 global pandemic

1. CALL TO ORDER and ROLL CALL

On Thursday, August 20, 2020 at 8:321 a.m. via video conference, 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	<i>Absent</i>	Jane McDonald Black	Jeff Oliver, Drew Chirpich
Medicine Lake	Clint Carlson	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch (Vice Chair)	<i>Vacant Position</i>	Liz Stout
Minnetonka	Mike Fruen	<i>Vacant Position</i>	Leslie Yetka
New Hope	<i>Absent</i>	Patrick Crough	Megan Hedstrom
Plymouth	James Prom (Chair)	Catherine Cesnik	Ben Scharenbroich
Robbinsdale	<i>Vacant Position</i>	Wayne Sicora	Richard McCoy
St. Louis Park	Jim de Lambert (Secretary)	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler, Barr Engineering Jim Herbert, Barr Engineering		
Recorder	<i>Absent</i>		
Legal Counsel	Sarah Sonsalla, Kennedy & Graven		
Presenters/ Guests/Public	Kelly McIntyre and Kelly Moriarty, City of Minneapolis; Tim Johnson (for Brose Property Project); Julie Benadum (Brown and Caldwell, for Irving Avenue sanitary sewer project)		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

Commissioner Carlson and Alternate Commissioner Holter reported that the water quality in Medicine Lake has been very poor this summer and they have received messages from multiple concerned residents regarding bacteria levels, water quality, and aquatic invasive species. They requested that the BCWMC investigate conditions and noted that residents are wondering what they can do to improve conditions. Administrator Jester noted that although the BCWMC is not monitoring the lake this year, she will contact Three River Park District (TRPD) staff about their observations and monitoring results on the lake this summer. She also noted that the maximum amount of curly-leaf pondweed permitted to be treated was treated early in the summer but that another large area of the plant was recorded and was not treated. She reported that she and TRPD staff have already been in communication with the DNR about allowing a larger area of curly-leaf pondweed treatment next summer. Chair Prom noted that Bass Lake has had poor water quality this year despite an alum treatment last year. Commission Engineer Chandler noted that some lakes are noticing better water quality this summer because it's been a drier year with less runoff.

[Commissioner Fruen joins the meeting.]

3. APPROVAL OF AGENDA

MOTION: Commissioner Carlson moved to approve the agenda. Alternate Commissioner McDonald Black seconded the motion. Upon a rollcall vote, the motion carried 9-0.

4. CONSENT AGENDA

The following items were approved as part of the consent agenda: July commission meeting minutes (with addition of noting chair and secretary positions in list of attendees), August financial report, payment of invoices, approval of Rude Property and Brose Property Shoreline Improvement Projects.

The general and construction account balances reported in the August 2020 Financial Report are as follows:

Checking Account Balance	\$682,193.65
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TOTAL GENERAL FUND BALANCE	\$682,193.65
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TOTAL CASH & INVESTMENTS ON-HAND (8/11/20)	\$4,017,914.04
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CIP Projects Levied – Budget Remaining	(\$4,501,715.65)
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Closed Projects Remaining Balance	\$1,585,040.09
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2015-2018 Anticipated Tax Levy Revenue	\$2,288.14
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2019 Anticipated Tax Levy Revenue	\$4,953.76
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Anticipated Closed Project Balance	\$1,592,281.99
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MOTION: Commissioner Welch moved to approve the consent agenda. Commissioner de Lambert seconded the motion. Upon a rollcall vote, the motion carried 9-0.

5. BUSINESS

A. Consider Variance Request and Approval of Sanitary Sewer Replacement Project, Minneapolis

Administrator Jester reminded commissioners that they received an overview of this project at their June meeting and that since that time the Commission Engineers and city staff and their consultants have been working to answer questions and further develop the project plans. She also noted that she and city staff agreed it would be most efficient for Barr Engineering to perform some modeling on behalf of the city for this project (as noted in the Engineer's memo). Commissioner Welch indicated concern about the fact that Barr Engineering also developed the

Response Action Plan on behalf of the city and that he plans to discuss the possible conflict of interest with the Administrator outside of the meeting.

Commission Engineer Chandler provided an overview of the project and the variance request and indicated that previous issues and questions had been resolved to the Commission Engineers' satisfaction aside from a few conditions. Her review of the project included:

- 75-foot section of existing sanitary sewer pipe running under Bassett Creek along the unused Irving Avenue bridge will be replaced
- Construction will include open cut work (rather than tunneling underground) and the creek will be diverted around the area during construction
- Construction is slated for September 2020 – September 2021
- Modeling indicates that the project does not permanently impact the floodplain, even given the removal of the Irving Ave. bridge and increased material to be placed over the pipe in the streambed
- It is a linear project, and the size and nature of the project do not trigger BCWMC erosion and sediment control, water quality, and rate control requirements
- City will require the contractor to develop dewatering and diversion plan and the construction drawings included several required components of the plan. This plan would come to the Commission Engineer as a separate application for review.
- Stream restoration techniques are consistent with the techniques to be used for the BCWMC Erosion Repair Project along this same reach
- Soil adjacent to stream is contaminated so clean fill will be needed where contaminated soil is removed

Engineer Chandler then reviewed the variance request:

- Currently there is 3 feet of cover over the existing pipe; BCWMC requirement = 4 feet of cover; city seeking variance to 2.4 feet of cover
- There are multiple constraints including pipe flow rates and tie-in elevations between new pipe section and existing pipes
- City addressed variance conditions
- City will cover pipe with large riprap to reduce scour over the pipe
- Sheet pile weir located just downstream of pipe will be left in place to further protect streambed from scour
- One of the Engineer's recommended conditions requires the City to regularly inspect cover over the pipe and to have plan in place for maintenance if the pipe is exposed

Engineer Chandler reported that the Commission Engineer feels comfortable recommending approval of the project and the variance request with a few conditions.

There was some discussion about the project review fees. It was noted the city will be invoiced for review costs above \$5,000 as per BCWMC review fee structure.

MOTION: Commissioner Carlson moved to approve the project and the variance request with conditions noted in the Commission Engineer's Review Memo. Commissioner de Lambert seconded the motion.

Discussion: Commissioner Welch noted that he doesn't feel prepared to make a decision about the project at this point because it doesn't appear the risk of damages is fully mitigated. Commission Engineer Herbert noted there were many technical issues analyzed, particularly the protection of the pipe and impacts to the floodplain. He noted the Commission Engineer fully analyzed the city's analyses for scour reduction and that this review was one of the most extensive and exhaustive reviews in recent Commission history. He noted that with regular inspection of the streambed and pipe cover, he feels comfortable recommending approval.

Commissioner Welch noted the directions to the city regarding the inspection plan should be specific and robust. He noted the liability around the project is substantial. Alternate Commissioner Sicora noted that he is comfortable with the analyses of the project. There was further discussion about the inspection plan. Ms. Stout (Minneapolis

TAC member) noted that this project is a \$10M city investment to replace 120-year-old infrastructure. She noted it is in the city's best interest to ensure the project is built properly and inspected regularly. She reported the city already has a robust infrastructure inspection program and this will be added to it.

It was confirmed the motion on the table includes the administrative approval of the dewatering and diversion plan.

VOTE: Upon a roll call vote, the motion passed with 8 voting in favor and the city of Minneapolis abstaining from the vote.

B. Receive Update on 2021 Tax Levy Request to Hennepin County

Administrator Jester and several BCWMC commissioners met with County Commissioner Fernando via an online platform. County Commissioner Fernando appreciated that BCWMC took a second look at the 2021 levy and lowered it to an amount just below the 2020 levy. They discussed how Theodore Wirth Regional Park is a community asset, so the Main Stem Lagoon Dredging Project is of great importance. Most of the discussion revolved around the lowering of the levy amount. During the Hennepin County Administrative Committee meeting, County Commissioner Fernando reiterated her appreciation of the BCWMC's work and lowering the original levy request. County Commissioner Opat noted he is comfortable with this levy request and noted that various watershed organizations are funded in different ways, including watershed districts with direct taxing authority vs. watershed management organizations that have a high level of citizen involvement. BCWMC's maximum levy request passed the County Administrative Committee unanimously and then passed the full County Board on consent with no discussion on August 11, 2020.

Commissioner Welch commented that those participating in the meeting with Commissioner Fernando were well prepared, thanks to Administrator Jester's work. He thought it was a good moment for the Commission and a good way to strengthen the relationship with County Commissioner Fernando.

C. Consider Adopting Minor Watershed Plan Amendment

Administrator Jester reviewed her memo in the meeting packet, noted that the amendment included the addition of three CIP projects, and explained the confusion surrounding the proposed revisions to wetland policies in the plan amendment. The language that was reviewed by the public, cities, and other agencies did not include the most updated language. She noted that the proposed language in the plan amendment changes the requirement for cities to develop standards to control bounce, runoff, and inundation to an "encouragement" for cities to do so.

Administrator Jester reported the Commission received no negative comments from member cities, Hennepin County, or review agencies on its proposed minor amendment. She noted the Metropolitan Council did comment that they would like to be included early in the development of the Crane Lake Chloride Reduction Demonstration Project.

Commissioner Welch commented about the need for clear communication and clear standards. He noted that controlling bounce, runoff, and inundation is difficult to enforce, he considers "encourage" satisfactory language. Chair Prom noted his approval of the "encouragement" language as well.

MOTION: Commissioner Welch moved to adopt the minor watershed plan amendment as presented in the packet. Commissioner Fruen seconded the motion. Upon a roll call vote, the motion passed unanimously, with no cities absent from the vote.

D. Consider Proposal to Perform Feasibility Study for Medicine Lake Rd & Winnetka Ave Long Term Flood Mitigation Plan Project: DeCola Ponds - SEA School – Wildwood Park Flood Storage Project (CIP: BC-2, 3, 8, 10)

Commission Engineer Chandler reviewed the proposal and explained that the project is the next project slated for implementation following the DeCola Ponds B and C Improvement Project. Most of the project would be in

Wildwood Park and would address flooding, provide additional floodwater storage, and would include other water quality benefits. The BCWMC CIP project, which is the second phase of the MLRWA Long Term Flood Mitigation Plan, is slated for implementation starting in 2022. Therefore, a feasibility study should begin this fall so it can be approved next spring in time to set the 2022 maximum levy for Hennepin County consideration.

Engineer Chandler noted that the city of Golden Valley already performed some outreach with the school and nearby residents. That input will be incorporated into the feasibility study. The work scope includes the usual items with the typical sequence of meetings as well as field investigations and a review of MPCA databases. Wetland delineations, topographic, utilities, and tree surveys will be performed. There will be “desktop” reviews of threatened and endangered species, cultural resources, and easements. Then concept plans for the expansion of flood storage and water quality at the SEA School and Wildwood Park would be developed. It was noted the concepts will also include modifications to the Pond D outlet system to lower flood elevations on DeCola Pond D. Engineer Chandler reviewed the cost estimate and the schedule for the various study components.

Engineer Chandler reported that the BCWMC’s CIP budget for the project is \$1.3 million, but that additional funds will be needed from the DNR Flood Hazard Mitigation Funds. She noted that depending on when the bonding bill passes at the State legislature, construction may be delayed. Commissioner Welch wondered if the feasibility study should be put on hold until the DNR funding is secured. Golden Valley TAC member, Jeff Oliver, noted that the DNR is committed to providing the Flood Hazard Mitigation Funds and that it is important to be as far along in the process as possible when the bonding bill passes. Commission Engineer Chandler indicated the feasibility study would be viable for about two years before pieces would need to be updated.

There was some discussion about the concepts that would be developed including above ground and below ground storage, etc.

MOTION: Commissioner Welch moved to approve the proposal for a feasibility study for Medicine Lake Rd & Winnetka Ave Long Term Flood Mitigation Plan Project: DeCola Ponds - SEA School – Wildwood Park Flood Storage Project. Alternate Commissioner McDonald Black seconded the motion. Upon a roll call vote, the motion passed unanimously, with no cities absent from the vote.

E. Consider Proposal to Perform Feasibility Study for Medley Park Stormwater Treatment Facility (CIP: ML-12)

Commission Engineer Chandler reported that, similar to 5D above, the Medley Park Stormwater Treatment Facility CIP project is slated for implementation starting in 2022. As such, a feasibility study should get started this fall so it can be approved next spring in time to set the 2022 maximum levy for Hennepin County consideration.

The Medley Park Stormwater Treatment Facility is included in the BCWMC’s current CIP as ML-12. The proposed project is in Golden Valley and would address intercommunity flooding issues and improve water quality in Medicine Lake. The feasibility study would develop concepts for anticipated construction and implementation of the project in 2022 and 2023 at an estimated BCWMC cost of \$500,000.

Engineer Chandler noted the feasibility study process would be similar to the DeCola Ponds feasibility study just discussed. She noted the higher cost is due to geotechnical investigations (i.e. soil borings) needed to determine if infiltration is possible, and as well as some additional public engagement. Golden Valley TAC member, Jeff Oliver, stated that the Golden Valley Parks Department has engaged with park users and that the department is supportive of the project.

Commissioner McDonald Black commented on the benefit of turning unusable space into something beneficial.

Engineer Chandler review the proposed budget and schedule for the study.

MOTION: Alternate Commissioner McDonald Black moved to approve the proposal for a feasibility study for the Medley Park Stormwater Treatment Facility (CIP: ML-12). Alternate Commissioner Patrick Crough seconded the motion.

DISCUSSION: Commissioner Welch asked whether Medicine Lake would benefit from the project. Commission Engineer Chandler said that is one aspect that would be studied, including possible reductions in dissolved phosphorus. There was further discussion about the project’s impacts on Medicine Lake and whether or not contamination is likely to be discovered. Chair Prom expressed concern for moving ahead with this project given the high future levy implications due to the Main Stem Lagoon Dredging Project. Administrator Jester reminded commissioners that both of these projects were included in the approved CIP.

VOTE: Upon a roll call vote, the motion passed 8-1, with the City of Plymouth voting against the motion. No cities were absent from the vote.

F. Review 2020 Operating Budget Status

Administrator Jester briefly reviewed the status of the 2020 operating budget stating that since the year is halfway over, it’s a good time to make sure our budget is on track. She noted there are some budget lines currently over budget and others under budget. Staff believe that at the end of the year, expenses will be right around anticipated levels and no budget adjustments are necessary. There was no discussion.

G. Consider Approval of 2021 Operating Budget

Administrator Jester reported that at the May Commission meeting, a proposed 2021 operating budget of \$668,900 and corresponding city assessments were approved for dissemination to member cities for review. She reported that member cities received the proposed budget in June with a request for comments or questions by August 1, 2020 and that no cities indicated concerns with the proposed budget and that the City of Minnetonka stated support. Administrator Jester recommended approving the 2021 operating budget as proposed in May.

MOTION: Commissioner Welch moved to approve the 2021 operating budget. Commissioner McDonald Black seconded the motion. Upon a roll call vote, the motion passed unanimously. No cities were absent from the vote.

H. Consider Submitting Resolution for 2021 MAWD Legislative Platform

Administrator Jester reminded commissioners the Minnesota Association of Watershed Districts (MAWD) Board is taking proposals to consider bringing to the 2021 Legislative platform. Proposed resolutions are due by September 1, 2020 and will be considered at the MAWD annual meeting in December. No potential resolutions were brought forward. Commissioner Welch mentioned that the proposed chloride limited liability legislation (and MAWD resolution) are worth continued support.

I. Discuss Meeting Format for September 17th BCWMC Meeting

Chair Prom indicated that the Commission will continue with virtual meetings until he hears a majority of people want to meet in person.

6. COMMUNICATIONS

A. Administrator’s Report

- i. **Bladderwort in Wirth Lake Wetland**—An interesting carnivorous plant was found by WHEP volunteers that isn’t common in urban areas. Education Consultant Pape shared it on social media.
- ii. **Starry Stonewort Control, Medicine Lake** – Starry stonewort is expanding in Medicine Lake. BCWMC, Three Rivers Park District and DNR have been controlling it at the boat launch, but it is now found in 4 other areas of the lake. The DNR recommends continued monitoring and control near the boat launch, but indicates it is no longer feasible to eradicate it. Commission Engineer Chandler suggested staying in touch with MAISRC. Chair Prom asked Administrator Jester to reach out to MAISRC about being part of a research project on starry stonewort control.
- iii. **Bassett Creek Artist**- This artist received a stipend through Freshwater and is developing a coloring book featuring Bassett Creek. She would like help with distribution.
- iv. **Report on Salt Symposium**-Administrator Jester attended this. The first day focused on water softeners, dust suppressants and other non-deicer chloride sources. The second day included a presentation on how much

data is collected by Hennepin County on their salt use. Administrator Jester noted that perhaps the BCWMC and Plymouth could partner with the county to work on reducing salt use around Parkers Lake.

[Chair Prom departs the meeting. Vice Chair Welch leads remainder of meeting.]

B. Chair – Nothing to report.

C. Commissioners

- i. **Report on Salt Symposium**-Alternate Commissioner Cesnik also attended the Salt Symposium and said that it was excellent. Vice-Chair Welch talked about how salt practices and expectations have changed. Kids used to sled down streets, now people expect to go 50 miles per hour down the street. Alternate Commissioner Cesnik also talked about how Iowa Department of Transportation is experimenting with laying salt down only a tire track wide. Commissioner Welch requested that Administrator Jester and Alternate Commissioner Cesnik discuss take-aways from the symposium and how the BCWMC could utilize the information learned.

D. TAC Members – nothing to report

E. Committees - nothing to report

F. Education Consultant

- i. [Latest Education Video on AIS](#)

G. Legal Counsel

- i. Sarah Sonsalla, Kennedy & Graven is stepping in for Dave Anderson while he is on vacation.

H. Engineer

- i. Status of 2020 Lake and Stream Monitoring and M-IBI Inquiry. The engineer showed slides of the monitoring station on Sweeney Lake Branch. This is the first of two years of monitoring in this location. They have collected 5 storm samples and 3 grab samples.

They are also monitoring Sweeney and Twin Lakes this summer. The water quality in these lakes is really good this year. Commissioner McDonald Black asked whether this is a “typical” year. The engineer said since this year is drier, there is less runoff.

Last month there was a presentation about M-IBI and whether any streams in the state are meeting the impairment requirement. MPCA staff will help answer that question after the field season.

The staff gage on Medicine Lake will be replaced. Ben Scharenbroich, TAC with City of Plymouth, suggested using the staff gauge as a public engagement tool. The City of Plymouth committed to assisting with design of a user-friendly gage. The Engineer will coordinate with Plymouth staff regarding the replacement staff gage.

7. INFORMATION ONLY (Information online only)

- A. **A. CIP Project Updates** <http://www.bassettcreekwmo.org/projects>
- B. **Grant Tracking Summary and Spreadsheet**
- C. **2020 BCWMC Administrative Calendar**
- D. **[Sochacki Park Subwatershed Assessment Fact Sheet and FAQs](#)**
- E. **WCA Notice of Application, Plymouth**
- F. **WCA Notice of Decision, Plymouth**

8. ADJOURNMENT Vice-Chair Welch adjourned the meeting at 11:11 a.m.