



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting Thursday, June 18, 2020 8:30 a.m.

Via video conference due to the COVID-19 global pandemic

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

On Thursday, June 18, 2020 at 8:33 a.m. via video conference, Vice Chair Welch 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)	Jane McDonald Black	Drew Chirpich
Medicine Lake	<i>Absent</i>	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch (Vice Chair)	<i>Vacant Position</i>	Liz Stout
Minnetonka	<i>Absent</i>	<i>Absent</i>	Leslie Yetka
New Hope	<i>Absent</i>	Patrick Crough	Megan Hedstrom
Plymouth	James Prom	Catherine Cesnik	Ben Scharenbroich
Robbinsdale	<i>Vacant Position</i>	<i>Absent</i>	Marta Roser, Richard McCoy
St. Louis Park	Jim de Lambert	<i>Absent</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters		
<b>Engineer</b>	Karen Chandler, Barr Engineering Jim Herbert, Barr Engineering		
<b>Recorder</b>	Dawn Pape, Lawn Chair Gardener		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	Julie Benadum, Brown and Caldwell Kelly MacIntyre, City of Minneapolis McKenzie Erickson, resident Rachael Crabb, Minneapolis Park and Recreation Board		

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

Resident McKenzie Erickson was present, but didn't have any non-agenda items to discuss.

**3. APPROVAL OF AGENDA**

**MOTION:** Alternate Commissioner Holter moved to approve the agenda, and moving agenda item 5A from an action item to a discussion item. Commissioner Welch seconded the motion. Upon a rollcall vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent.

**4. CONSENT AGENDA**

The following items were approved as part of the consent agenda: May commission meeting minutes, June financial report, payment of invoices, approval of West Broadway Ave (CSAH81) Bridges Reconstruction Project in Minneapolis and Robbinsdale.

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

Checking Account Balance	763,135.24
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TOTAL GENERAL FUND BALANCE	763,135.24
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TOTAL CASH & INVESTMENTS ON-HAND (6/8/20)	3,291,907.52
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CIP Projects Levied – Budget Remaining	(4,548,198.60)
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Closed Projects Remaining Balance	1,583,848.92
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2015-2018 Anticipated Tax Levy Revenue	19,326.30
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2019 Anticipated Tax Levy Revenue	10,952.29
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Anticipated Closed Project Balance	1,614,127.51
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**MOTION:** Commissioner Harwell moved to approve the consent agenda. Alternate Commissioner Cesnik seconded the motion. Upon a rollcall vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent.

**5. BUSINESS**

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

Administrator Jester noted that due to its complexity, this item is for discussion at this meeting and possible action at the July meeting. The city of Minneapolis requested a variance to Section 8.3 of the BCWMC Requirements document for the utility crossing requirement of a minimum depth of 4.0 feet below the channel invert. Julie Benadum, Minneapolis' consultant from Brown and Caldwell, and Kelly MacIntyre with the city, gave a presentation with an overview of the project and the variance request. The proposed linear project includes replacement of 2,300 linear feet of sanitary sewer, including 75 linear feet under Bassett Creek at the unused Irving Avenue bridge. The project will be completed in phases due to the high costs and the pipe will be installed on pilings because soils are contaminated and swampy. The tunneling method for the installation is not possible because of the poor soil conditions, so the city proposed to use an "open cut" channel. Except for removal of the bridge, no permanent changes are expected. During construction, the creek would be diverted around the construction area.

Commissioner Welch commented that this is a huge project and Commissioner Harwell noted its complexity and asked for the Commission Engineer's thoughts on the proposed lower amount of cover over the pipe than

required. Commission Engineer Chandler stated that there is concern about the proposed 2-ft. cover over the pipe and they are hoping to better understand engineering constraints.

There was a brief discussion about flow conditions inside the pipe. It was also noted that the new piles will have a depth of 120-160 feet which will be designed for a 100-year lifespan.

Commission Engineer Herbert clarified that the Commission's 4-foot cover rule came from another project many years ago where the BCWMC required 4 feet of cover and that the engineer's primary concern is scouring within the creek. He commented that he would like to see the pipe covered by at least 3 feet and if that's not possible, would need to see analysis of scour/adequate protection. He noted that the Bassett Creek tunnel just downstream would slow creek velocities under high flow conditions.

Brown and Caldwell Engineer, Julie Benadum, clarified that they plan to move the sheet pile structure in the stream 20 feet downstream of its current location to protect the sanitary pipe. Commission Engineer Herbert stated the revised plans need more sheet pile information.

BCWMC TAC member Stout mentioned that many things are very complicated about this project—not just the soils. Other factors to consider include existing easements, tie in elevations that cannot change, and routing around the Bryn Mawr Meadows Park Project. The pipe will sit upon 80-100 ft. pilings. She also pointed out that decades ago, the Commission's Flood Control Project lowered the creek in this area by 4-5 feet. There was discussion about the size of the proposed pipe (smaller than the existing pipe because it will only convey sanitary flows and not also stormwater); the fact that there's no evidence of sanitary sewer contaminating the creek, but rather it's more likely creek water is entering the pipe; and that the sewer serves homes west of Bryn Mawr Meadows Park. It was noted the project will cost about \$10 million, including contaminated soil cleanup costs.

Commissioners were asked to submit any further comments or questions about the project to Administrator Jester.

**B. Consider Approval of Commission Engineer Recommendations Regarding Flood Control Project**

In October 2019, the Commission Engineer inspected the Bassett Creek Double Box Culvert, which is part of the BCWMC Flood Control Project. Based on inspection observations and evaluation of tunnel condition, several repairs are recommended.

Commission Engineer Herbert reviewed results of the inspection and the Commission Engineer's two recommendations: 1) approve the report and submit it to the proper authorities, and 2) direct the engineers to develop an estimate (opinion) of costs for repairs. Commission Engineer Herbert continued with an overview of how the culvert was originally constructed and reviewed the repairs that need to be made including: shear key joint repair, crack sealing and deposit removal, and repairing exposed reinforcement. He noted the repairs are needed to minimize continuous infiltration and soil transport into the tunnel.

Commission Engineer Herbert noted the repairs would likely cost greater than \$100,000 and that a 2016 BCWMC policy for maintenance and repair of the tunnel should guide the process and outline responsibilities for repairs.

[Chair Prom joined the meeting and assumes role of chairing the meeting.]

Commissioner Welch noted that another way to look at this project is to assess the risks of not doing the repairs. He also mentioned that since it is an expensive endeavor just to enter the tunnel, all necessary repairs should be done at the same time.

**MOTION: Commissioner Welch moved to approve the Commission Engineer recommendations and to have the Commission attorney assess the risks of not performing the repairs. Alternate Commissioner Crough seconded the motion. Upon a rollcall vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent.**

**C. Consider Submitting Letter of Support for U.S. Army Corps of Engineers (ACOE) Mississippi River Middle Pool Drawdown**

Administrator Jester reported the Commission was recently notified by the ACOE that they are developing an Environmental Assessment (EA) for a proposed drawdown of the Middle Pool of the Mississippi River (between Upper and Lower St. Anthony Falls dams). The main purpose of the drawdown is to facilitate ACOE inspections of the concrete walls in this area. The proposed drawdown would take place in the September–November timeframe and offers an excellent opportunity for the BCWMC to perform its 5-year inspection of the deep tunnel (where the Bassett Creek tunnel enters the Mississippi River). The EA is expected to be out for comment later this month. Administrator Jester and Commission Engineers recommend that the Commission submit a letter of support to the ACOE on the proposed drawdown.

There was consensus that a letter of support was an appropriate action. Chair Prom directed Administrator Jester to write the letter for his signature.

**D. Consider Approval of Feasibility Study for 2021 Main Stem Lagoon Dredging Project**

Administrator Jester noted that at the May meeting, the Commission reviewed the feasibility study for this project, received a presentation by the Commission Engineer, and took action approving implementation of Alternative 2, Option 1 (dredging all lagoons to 6-feet). She noted that funding options for that alternative will be discussed in the next item, but that official approval of the feasibility study is also needed.

**MOTION:** Alternate Commissioner Holter moved to approve the Feasibility Study for 2021 Main Stem Lagoon Dredging Project. Commissioner Welch seconded the motion. Upon a rollcall vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent.

[Commissioner Harwell departs the meeting; Alternate Commissioner McDonald Black assumes voting role for Golden Valley.]

**E. Consider Funding Options for Main Stem Lagoon Dredging Project and Set 2021 Maximum Levy**

Administrator Jester reported that the Commission must set a maximum levy amount to be collected by Hennepin County in 2021 for the CIP projects. She noted a final 2021 levy will be set at the September 2020 meeting. She noted that there are four projects slated to begin in 2021, plus two projects that were split between 2020 and 2021 for levy funds.

Administrator Jester reviewed funding required to implement the chosen alternatives for each project. She also reported that she and the Commission's Deputy Treasurer worked to accurately account for future (secured) grant funding and levy funds and projected the Commission's Closed Project Account to be over \$1.6 million. Administrator Jester noted her funding options include using up to \$1.2 million to help fund CIP projects over the next three years.

There was considerable discussion about the high cost of the Main Stem Lagoon Dredging Project, but also the significant water quality improvements at very low cost per pound of pollutant removal. Due to the large amount of contaminated sediment to be removed, the total project cost is estimated at \$3,259,000. Originally, the BCWMC 5-year CIP schedule only included \$400,000 for this project.

Administrator Jester review several options for funding and implementing the Main Stem Lagoon Dredging Project including:

1. Spreading the cost over multiple years
2. Postponing the project for a future year
3. Pursuing funding partners (MPRB, city of Minneapolis, city of Golden Valley)
4. Utilizing BCWMC Closed Project Account Funds
5. Applying for grant funding

**MOTION:** Commissioner Welch moved to approve the maximum levy at \$1,774,780 and implement the Main Stem Lagoon Dredging Project beginning in 2021 by spreading the cost of the project over 3 levy years, using \$1.2M in Closed Project Funds (\$400,000 a year for 3 years), pursuing grant funding for the project, continuing discussions with Minneapolis Park and Rec Board for possible funding, meeting with Hennepin County Commissioner Fernando to review and discuss the project and reviewing any new information at the September meeting ahead of setting the final levy. Alternate Commissioner McDonald Black seconded the motion.

There was a lengthy discussion about the fact that Administrator Jester's recommended 2021 maximum levy request of almost \$1.8 million would be an 18.3% increase over the 2020 levy.

Commissioner Welch pointed out that the Commission was only setting the maximum levy (not the final levy), and they could lower the dollar amount in September. He also noted the county's ERF grant as a viable option and stressed the importance of meeting with Hennepin County Commissioner Fernando.

Alternate Commissioner McDonald Black wondered if more Closed Project Account funding should be used in 2021 and less in later years in order to bring the 2021 maximum levy lower.

Alternate Commissioner Cesnik brought up how COVID constraints might affect the budget. Administrator Jester explained that this is exactly why it makes it a difficult request, but delaying might only make the costs rise.

Commissioner Anderson stated that he cannot accept an 18.3% increase and noted that the Medicine Lake Road Long Term Flood Mitigation Project was funded over 8 years. He suggested that the 3 lagoons could be viewed as three separate projects.

It was reiterated that the action on the table sets the maximum levy and that the final levy amount can be adjusted later in the year after input from Hennepin County Commissioner Fernando, the knowledge of possible grant opportunities, and shifting the use of more Closed Project Account funds earlier.

**VOTE:** Upon a rollcall vote, the motion carried 5-2, with the cities of Crystal and Plymouth voting against and the cities of Minnetonka and Robbinsdale absent from the vote.

**F. Discuss Meeting Format for July 16th BCWMC Meeting**

Administrator Jester noted that the Governor's Executive Order 20-74 says that governmental entities are strongly encouraged to hold remote meetings whenever possible as permitted by state or local authority. She also noted that while it might be possible, the logistics of a hybrid meeting, where some members are in a meeting room and others join from remote locations, would be challenging.

There was a discussion of the pros and cons of holding in-person meetings. Chair Prom and Commissioner Anderson expressed preference for in-person meetings. Alternate Commissioner McDonald Black expressed concern for commission members' health and stated she didn't think it was worth the risk. Other commissioners also noted a preference for an online meeting for July. Administrator Jester was directed to organize another WebEx meeting for July.

**6. COMMUNICATIONS**

**A. Administrator's Report**

**i. Watershed-Based Implementation Funding 2nd Convene Meeting**

Meeting among all partners was held and went well. The group began developing metrics and methods for evaluating projects for potential funding. A third meeting is scheduled for later in the month.

**ii. Update on BWSR's Performance Review and Assessment Program**

The PRAP review of the Commission has been postponed until 2021.

**B. Chair**

Apologized for being late to the meeting and thanked everyone for their patience with these online meetings.

**C. Commissioners**

Nothing to report

