



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting

Thursday, October 19, 2023

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday, October 19, 2023 at 8:31 a.m. Chair Cesnik called 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	Ben Perkey
Golden Valley	<i>Absent</i>	Roxanne Gould	Eric Eckman
Medicine Lake	<i>Absent</i>	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnetonka	<i>Absent</i>	Stacy Harwell	Sarah Schweiger
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Absent</i>	Richard McCoy
St. Louis Park	RJ Twiford	<i>Vacant</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Barr Engineering		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	None		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No public comments. Chair Cesnik introduced Roxanne Gould, the new alternate commissioner for the City of Golden Valley. Alternate Commissioner Gould noted that she is a 17-year resident of Golden Valley, that she is an Indigenous environmental educator, and that she is Ojibwe. She said she is honored to serve on the Commission.

3. APPROVAL OF AGENDA

MOTION: Commissioner Gwin-Lenth moved to approve the agenda. Commissioner Twiford seconded the motion. Upon a vote the motion carried 9-0.

4. CONSENT AGENDA

Commissioner Welch requested that items 4A and 4D be removed from the consent agenda.

MOTION: Commissioner Welch moved to approve the consent agenda as amended. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 9-0.

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

- Acceptance of October 2023 Financial Report
- Approval of Payment of Invoices

4A. Approval of Minutes – September 21, 2023 Commission Meeting

Commissioner Welch requested specific revisions to the minutes which Administrator Jester showed on the screen in the room and read aloud.

MOTION: Commissioner Gwin-Lenth moved to approve the revised minutes of the September 21st meeting. Alternate Commissioner Kennedy seconded the motion. Upon a vote the motion carried 9-0.

4D. Approval of Settlement Agreement with Lagoon Dredging Project Contractor

Commissioner Welch requested additional background on the item from Commission Attorney Anderson. Attorney Anderson reported that the settlement agreement provisions negotiated with the project contractor were within the parameters set by the Commission during the closed session of the September meeting. Attorney Anderson reviewed the major components of the settlement agreement including the settlement payment of \$60,000 to the Commission and the release of claims provision. He noted the agreement has been signed by the contractor. It was noted the TAC had discussed the lessons learned from the project and will bring those items to the Commission in the future. The Commission's legal team was commended for good work on the agreement.

MOTION: Commissioner Welch moved to approve the settlement agreement with Fitzgerald Excavating and Trucking. Commissioner Twiford seconded the motion. Upon a vote the motion carried 9-0.

5. BUSINESS

A. Consider Approving Letter of Support for Bassett Creek Valley Community Works Program

Administrator Jester reminded commissioners that Hennepin County Chair Fernando recently convened a second meeting of Bassett Creek Valley stakeholders that she, Commission Engineers Chandler and Johnson, Commissioner Welch and Alternate Commissioner Polzin attended. She reported that at the stakeholder meeting the group received a presentation on the county's Community Works Program and discussed how a program established for the Bassett Creek Valley could help develop a large, regional floodplain and stormwater management project through a multi-jurisdictional partnership. She reported that stakeholders were told they could request the formation of a Community Works Program through correspondence to the county and that the draft letter in the meeting packet was written as a letter of support from the Commission for establishment of a Community Works Program in the Bassett Creek Valley.

There was discussion about the how the Commission may not be able to serve as an official member of a multijurisdictional partnership that would be oversee the Community Works Program, pending interpretation of statute language which says "watershed districts" (rather than "joint powers agreement watershed management organizations") can be members.

Administrator Jester provided more information on the 2019 Bassett Creek Valley – Floodplain and Stormwater Management Study completed by Stantec, which provided the background for this potential Community Works Program. There was discussion about floodplain management in the area.

Commissioners asked if the letter commits the Commission to anything. Administrator Jester recommended some revisions to the letter to convey support for the county to start a Bassett Creek Valley Community Works Program but removing language on how the Commission expects to be involved. Commissioner Polzin agreed that once a program

gets underway, it can be determined who is involved and how but that at this point, Chair Fernando needs to hear that there is support in the first place.

MOTION: Commissioner Welch moved to authorize the Chair to send the letter of support with suggested revisions and for Administrator Jester to informally communicate with Chair Fernando's staff that the Commission is assessing its role in a potential Community Works Program. Alternate Commissioner Harwell seconded the motion.

Discussion: Alternate Commissioner Gould recommended adding improvements to ecological health among the benefits of a future Community Works Program in the first paragraph of the letter. Commissioner Welch and Alternate Commissioner Harwell agreed to add that to the motion.

VOTE: Upon a vote the motion passed 9-0.

[Commissioner Sicora leaves the meeting.]

B. Consider Approving Recommendations from Technical Advisory Committee

i. Process to Consider Next Steps for Lagoon Dredging Project

Commission Engineer Chandler reported that the TAC reviewed and discussed possible best practices to follow for future dredging projects. She reported that TAC member Ray is reaching out to different entities to gather additional information and that lessons learned from the lagoon dredging project and potential best practices will be brought to a future meeting. TAC member Scharenbroich noted that cities are actively reviewing this item. Commissioner Welch noted that all CIP projects should have a post implementation report with lessons learned.

Commission Engineer Chandler then reviewed information discussed by the TAC on whether to recommend that the Commission complete the Lagoon Dredging Project by dredging to the originally designed 6-foot depth, whether to leave the project as-is, or even consider dredging a different lagoon (such as Lagoon G or Lagoons A, B, or C) in conjunction with additional dredging. She walked through a table of estimated costs and benefits of various future scenarios and noted that completing dredging to 6-feet in the original lagoons would be difficult because the material to be dredged is now deeper and harder to access. She noted that the TAC's recommendation is to consider a potential future project to complete the Lagoon Dredging Project and/or dredge Lagoon G (or Lagoons A, B, and C) in conjunction with the normal review and ranking process of other potential CIP projects during development of the 5-year CIP early in 2024.

Commissioners agreed it was a good idea to evaluate future dredging in this area against other potential CIP projects. There was some discussion about the potential benefits or downsides to dredging Pond G.

ii. Protocol for Monitoring and Analysis of Potential Blue Green Algae Blooms

Administrator Jester reported that the BCWMC was alerted to multiple potential blue green (BG) algae blooms in lakes and ponds over the summer and since BG algae blooms could pose health threats to humans and pets, there is often a request from a resident for the BCWMC to sample and confirm/deny the bloom. She noted that the Commission would benefit from a policy on how to handle such requests and reviewed a TAC-recommended protocol for sampling BG algae blooms. She noted a similar protocol is used by Nine Mile Creek Watershed District; sampling and analyses would only be done if BCWMC monitoring staff are currently sampling a lake and notice a potential bloom or if a member city requests that BCWMC sample a lake (at the city's expense).

iii. Targeting Outreach Through Low Salt, No Salt Minnesota Campaign

Administrator Jester explained that through a new Hennepin County position, the West Metro Water Alliance has a half time education coordinator to significantly augment WMWA's capacity for education and outreach programming. She noted that each of WMWA's four partner watersheds, including BCWMC, can receive time from the coordinator to concentrate on a project or workshop of the watershed's choosing. She reviewed the TAC's recommendation that the Hennepin County educator's time allocated to the BCWMC be used for outreach to targeted properties in the Parkers Lake subwatershed using the Low Salt, No Salt Minnesota campaign materials.

MOTION: Commissioner Gwin-Lenth moved to approve all three TAC recommendations as presented. Commissioner Twiford seconded the motion. Upon a vote the motion passed 8-0 with the city of Robbinsdale absent from the vote.

C. Receive Updates from Plan Steering Committee (PSC)

- i. Receive Update on Plan Development Budget**
- ii. Consider Approving Recommendation to Develop Scope of Work for Medicine Lake TMDL Assessment**
- iii. Receive Update on Committee Progress and Calendar of Work**

Alternate Commissioner Polzin presented the PSC’s report as she was appointed temporary PSC Chairperson for the last meeting. She noted that water quality improvement in Medicine Lake was a high priority as approved by the Commission. She reviewed the PSC’s recommendation to direct the Commission Engineer to develop a scope and budget for an assessment of the status of the Medicine Lake nutrient TMDL so that projects needed to reduce nutrients and remove the lake from the impaired waters list could be identified now and incorporated into the 2025 Watershed Plan.

Alternate Commissioner Polzin also reported that work completed so far on Plan development is over budget. She noted that it’s not surprising given the amount of detail and discussion by the PSC. The Budget Committee could consider a budget amendment or the budget could be adjusted during the 2025 budgeting process.

Alternate Commissioner Polzin also noted the calendar of work for the PSC included with the meeting materials that gives a good overview of the amount of work and discussion yet to be had.

MOTION: Alternate Commissioner Kennedy moved to direct the Commission Engineer to develop a scope of work for the Medicine Lake TMDL status assessment. Commissioner Gwin-Lenth seconded the motion.

Discussion: It was noted that development of the scope would cost about \$1,000 - \$2,000 and that Plymouth staff and Three Rivers Park District staff would likely lend support to the assessment due to their annual monitoring of the lake and Plymouth Creek.

VOTE: Upon a vote the motion carried 8-0 with the city of Robbinsdale absent from the vote.

D. Consider Approving Scope and Budget for Development of Feasibility Study for Plymouth Creek Restoration Project Dunkirk Lane to Plymouth Ice Center

Administrator Jester reported that the project originally slated for 2025, the 3rd project in the Medicine Lake Rd & Winnetka Ave Long Term Flood Mitigation Plan in Golden Valley, is not ready for feasibility study development now nor implementation in 2025. She noted that rather than having a gap in the capital improvement program, she recommends moving the 2026 project to 2025: Plymouth Creek Restoration, Dunkirk Lane to 38th Avenue North behind Plymouth Ice Center (2026 CR-P). She requested that the Commission Engineers work with Plymouth staff to develop a scope and budget for development of a feasibility study for this project which is presented here for Commission’s consideration.

TAC member Eckman noted that the city of Golden Valley is committed to implementation of the original 2025 project, but more time is needed to secure DNR Flood Reduction funding and to work with a landowner where the project is slated to be constructed.

Commission Engineer Chandler walked through the feasibility study proposal noting the proposed stream restoration along 7,000 feet of Plymouth Creek is similar to the Main Stem Restoration Project recently ordered by the Commission. She noted this project may consider remeandering a portion of the stream and may remove accumulated sediment from the stream channel.

[Commissioner Sicora rejoins the meeting. Alternate Commissioner Gould leaves the meeting.]

Engineer Chandler also noted there may be an opportunity to involve adjacent Plymouth Creek Elementary School and that the feasibility study would include a survey of the entire stream length, a drone flight by the city, and desktop analyses. There was some discussion about using drones for surveying sites and the possible need for a drone use policy.

Commissioner Welch noted that both city and BCWMC issues should be identified by the study and that the option for

BCWMC implementation of the project should be considered.

MOTION: Commissioner Gwin-Lenth approved the scope and budget for the feasibility study for the Plymouth Creek Restoration Project for a not to exceed cost of \$111,100. Commissioner Twiford seconded the motion. Upon a vote the motion passed 9-0.

[There was a 5-minute break.]

- E. Consider Amending the Cooperative Agreement for the Bryn Mawr Meadows Water Quality Improvement Project**
 Administrator Jester reminded commissioners about the \$400,000 BWSR Clean Water Fund grant for the Bryn Mawr Meadows Water Quality Improvement Project that expires December 31, 2023. She noted that although \$100,000 in grant funding and \$84,000 in matching funds have been spent to date, construction expenses of \$400,000 should be paid by the end of the year (to cover eligible grant expenses + required matching funds) or the Commission will forfeit the remaining grant funds of \$300,000. She reported construction of the project is complete and through a cooperative agreement with the City of Minneapolis and the Minneapolis Park and Recreation Board (MPRB), the MPRB constructed the project and Minneapolis performed some storm sewer and street reconstruction work. She noted these entities can be reimbursed by the BCWMC with CIP and grant funds but per the agreement, no BCWMC funds will be reimbursed before a maintenance agreement between the MPRB and the City is fully executed. She reported that while work is underway to develop an operation and maintenance plan and subsequent maintenance agreement, an agreement will not be executed by the end of this year.

Administrator Jester noted her and Commission Attorney Anderson’s recommendation for a simple amendment to the cooperative agreement with the MPRB and City allowing reimbursement of \$400,000 prior to full execution of a maintenance agreement. The remaining project funds (likely totaling around \$1M) would not be eligible for reimbursement to the MPRB or the City until the maintenance agreement is fully executed.

There was some discussion about long term maintenance of the project. Attorney Anderson noted the BCWMC requires long term maintenance of its CIP project by member cities, or in this case, by the MPRB and/or the city of Minneapolis.

MOTION: Commissioner Welch moved to authorize execution of the agreement amendment by the chair and secretary. Alternate Commissioner Kennedy seconded the motion. Upon a vote the motion carried 9-0.

F. Receive Update on Status of 2023 Operating Budget

Administrator Jester reported that aside from the Plan Development budget, the operating budget was in good standing with some budget lines being slightly over budget and others being slightly under budget. She noted the budget for legal assistance was higher than normal (even though legal work on the Lagoon Dredging Project came directly from that CIP budget). Commissioner Welch recommended that the Budget Committee consider a budget amendment for 2024 to increase the legal assistance budget.

G. Consider Approving Administrator and Commissioner Attendance at Minnesota Watershed Conference

Administrator Jester reported the Minnesota Watersheds Annual Conference and Meeting is scheduled for November 28 – December 1 in Alexandria, MN and that she would like to attend the Minnesota Association of Watershed Administrators meeting on Nov 28, she is interested in attending a workshop on November 29th, and she is scheduled to give a presentation on the Low Salt, No Salt MN campaign on Nov 30. She requested approval to attend the full conference with a registration cost of \$258 (including a speaker discount) plus 3 nights lodging and mileage for a total estimated cost of \$794, plus her time to attend. She noted the Administrator’s budget line would be used this expense.

MOTION: Alternate Commissioner Kennedy moved to approve the Administrator’s request to attend the MN Watersheds Conference. Commissioner Gwin-Lenth seconded the motion.

Discussion: Commissioner Welch recommended that all commissioners review the agenda and consider attending. He noted the conference this year is better designed to allow commissioners to attend educational sessions as well as meetings. Commissioner Harwell noted she didn’t get a lot out of last year’s meeting and would appreciate a report back from those who attend. Alternate Commissioner Hauer reported she liked the conference and found the presentations helpful. Commissioner Welch noted the conference is good, particularly for new commissioners. He requested the

motion be amended to approve registration and lodging costs for any commissioner who wished to attend.

The motion was amended to include approval of registration and lodging costs for any commissioner or alternate who wished to attend the MN Watersheds Conference.

VOTE: Upon a vote the motion passed 9-0.

6. COMMUNICATIONS

A. Administrator's Report

Administrator Jester reminded commissioners about the Wednesday November Commission meeting. She also noted that the meeting room can now accommodate hybrid meetings. She was directed to work with city staff on arranging for hybrid meetings.

[Alternate Commissioners Harwell and Vadali leave the meeting.]

Administrator Jester reported that a post-treatment survey of aquatic plants in Sweeney Lake found a second small patch of Eurasian watermilfoil near the boat launch. She will work with the lake association and Commission Engineers and other partners on how to address it next year as it's too late to treat this year.

Administrator Jester reported that she recently facilitated an interview with a Minneapolis resident to gather input on the 2025 watershed plan and used the BCWMC's compensation policy to provide the interviewee with a \$50 Visa gift card.

- B. Engineer –Commission Engineer Chandler reported on the development of the Atlas 15 precipitation frequencies.
- C. Legal Counsel – No report
- D. Chair – No report
- E. Commissioners – Commissioner Welch reported that the Commission's BWSR representative, Steve Christopher, is leaving BWSR and moving to Met Council. Commissioners agreed the watershed tour was good.
- F. TAC Members – TAC Chair Ray is leaving his position at the City of Crystal to become the public works director for the City of Burnsville.
- G. Committees – The Education Committee began working on the watershed map update. Additionally, Commissioner Twiford reported that Utepils staff is happy to discuss installation of signs along the creek in the brewery's back patio area.

7. INFORMATION ONLY

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. Bassett Creek Watershed Tour Handout
- E. Ĥaĥa Wakpadaŋ Pronunciation Video
- F. Article on Ĥaĥa Wakpadaŋ Water Ceremony
- G. WCA Notices Plymouth, New Hope

8. ADJOURNMENT - The meeting adjourned at 11:10 a.m.