



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting Thursday, April 16, 2020 8:30 a.m. Via Online Meeting

Due to the COVID19 pandemic and in accordance with Minnesota Statutes Section 13D.021, on March 16, 2020, Chair Prom declared that until further notice all meetings of the Bassett Creek Watershed Management Commission will be conducted by phone or by electronic means as it is not prudent to hold in person meetings.

1. CALL TO ORDER and ROLL CALL

On Thursday, April 16, 2020 at 8:35 a.m. via Cisco WebEx, 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	Stacy Harwell (Treasurer)	Jane McDonald Black	Eric Eckman
Medicine Lake	<i>Absent</i>	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch (Vice Chair)	<i>Vacant Position</i>	<i>Absent</i>
Minnetonka	Mike Fruen	<i>Vacant Position</i>	Leslie Yetka, Chris Long
New Hope	<i>Absent</i>	<i>Absent</i>	Megan Hedstrom
Plymouth	Jim Prom	Catherine Cesnik	Ben Scharenbroich
Robbinsdale	<i>Vacant Position</i>	Wayne Sicora	Marta Roser, Richard McCoy
St. Louis Park	Jim de Lambert	<i>Absent</i>	<i>Absent</i>
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler and Josh Phillips, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	McKenzie Erickson, resident; Jon Duesman - MPRB Brady DeVoe and Logan Schmidt - Dominion Development and Acquisition, LLC Val Anderson, Adam Austen and Sam Trebesch - Loucks		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda. Alternate Commissioner Holter seconded the motion. Upon a vote, the motion carried 7-0, with the Cities of New Hope and Robbinsdale absent from the vote.

4. CONSENT AGENDA

Commissioner Welch requested to remove “approval of updated data practices policy” from consent agenda.

The following items were approved as part of the consent agenda: March 19, 2020 commission meeting minutes, April financial report, payment of invoices, reimbursement request from St. Louis Park for Westwood Lake Improvement Project (WST-2), agreement with Three Rivers Park District for Medicine Lake Activities, grant agreement for Bryn Mawr Water Quality Improvement Project Clean Water Funds, grant agreement for Lawns to Legumes Neighborhood Demonstration Project in the Harrison Neighborhood, sub-grant agreement with Metro Blooms for Lawns to Legumes Grant Project, Education Committee Recommendations for 2020 Work Plan and Budget, contract with Lawn Chair Gardener for 2020 Educational Services, approval to execute contract for Curly-leaf Pondweed Control on Medicine Lake.

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

Checking Account Balance	864,111.23
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TOTAL GENERAL FUND BALANCE	864,111.23
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TOTAL CASH & INVESTMENTS ON-HAND (4/8/20)	2,884,674.50
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CIP Projects Levied – Budget Remaining	(4,974,126.93)
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Closed Projects Remaining Balance	(578,500.14)
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2012-2017 Anticipated Tax Levy Revenue	8,425.14
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2018 Anticipated Tax Levy Revenue	11,050.60
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Anticipated Closed Project Balance	(559,024.40)
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MOTION: Commissioner Welch moved to approve the consent agenda as amended. Alternate Commissioner Holter seconded the motion. Upon a vote, the motion carried 7-0, with the Cities of New Hope and Robbinsdale absent from the vote.

5. ORGANIZATIONAL MEETING

A. Consider Approval of Dominion Redevelopment Project and 90% Plans for BCWMC CIP Water Quality Project at Four Seasons Mall

Administrator Jester explained that at the December 2019 meeting, Commissioners received a presentation on the proposed redevelopment at the old Four Seasons Mall site in Plymouth. The project plans for pollutant removals “above and beyond” those required by the Commission are now 90% complete and were reviewed by the Commission Engineers. The Commission Engineers recommend conditional approval of the redevelopment project, and conditional approval of the 90% plans for the CIP water quality project as expressed in the engineers’ memo.

[Robbinsdale Alternate Commissioner Sicora joins the meeting]

Logan Schmidt with Dominion and Sam Trebesch with Loucks (Dominion’s consulting engineering firm) presented a plan for the site including mixed-use housing, retail, and a park and ride. The site is currently a large strip mall and parking lot with the North Branch Bassett Creek running along the north and east edge of the site and a large wetland to the south. The proposed redevelopment plan will include four best management practices (BMPs) to improve water quality leaving the site via the North Branch Bassett Creek and entering Northwood Lake east of Highway 169. The BMPs to be built for “above and beyond” pollutant removals include a pond in the northwest corner of the development site, and a large pond and enhanced wetland at the southern edge of the site.

Commissioner Harwell asked about how the “treatment train” (the three ponds) worked together. Dominion answered that clean water won’t prevent dirty water upstream from being treated, it will give it a second chance to be treated. Commission Engineer Chandler said that treatment scenario was accounted for in the P-8 modeling.

Commission Engineer Chandler reported that this development would remove two acres of impervious surfaces meaning there will be less total phosphorus leaving the site. She also reported that there is no floodplain filling, but rather, additional storage will be incorporated into the site. She also noted that rate control and erosion control requirements are being met. Engineer Chandler walked the commission through the significant phosphorus reductions including approximately 101.4 pounds above and beyond required removals. She also reviewed the proposed wetland improvements including grading, creating a meandering flow path, and islands. Commission Engineer Chandler indicated she is confident that at least 100 pounds of total phosphorus would be removed, even though different levels of phosphorus removal were calculated by Loucks vs. the Commission Engineer.

Commission Engineer Chandler summed up her review comments as presented in the review memo. Alternate Commissioner McDonald-Black asked if the “dollars per pound of phosphorus removal” was calculated. The Commission Engineers said they did not calculate that but after a quick calculation, it is estimated to be around \$500/pound of phosphorus.

There was discussion about the use of flexible treatment options, how the southern wetland would be altered to improve water quality treatment, and the underground parking component. Commission Engineer Chandler noted the wetland improvements provide significant pollutant removals calculated at 80 pounds total phosphorus.

Commission Attorney Dave Anderson confirmed that the agreement with Dominion specifies the requirement to achieve at least 100 pounds of total phosphorus removal above the required pollutant removal amounts. He noted the agreement includes itemized documentation and a hold back percentage that is tied directly to full completion of the CIP project.

Commission Engineer Chandler noted that if the comments in the review memo are addressed, she would expect the project to result in at least 100 pounds total phosphorus removal. However, if there are significant changes proposed by Dominion, the project would come back to the Commission.

MOTION: Commissioner Welch moved to authorize the Commission Engineer, in consultation with the Administrator, to provide administrative approval of the Dominion redevelopment project, including the CIP

components, once project plans are finalized. Commissioner Fruen seconded the motion. Upon a vote, the motion carried 8-0, with the City of New Hope absent from the vote.

B. Consider Approval of Agreement with Dominion Regarding Capital Improvement Program Funds

Administrator Jester reported that an agreement with Dominion is needed for the design, construction and maintenance of the CIP components of the redevelopment project. She noted the final agreement language was emailed to commissioners last night with changes tracked from the version sent with meeting materials. She noted the agreement was discussed and negotiated between BCWMC Legal Counsel and attorneys for Dominion, with input and review by herself and the Commission Engineers.

Commissioner Welch asked about the timing for approval of the agreement. Logan Schmidt from Dominion answered there is some flexibility. Commissioner Welch recommended that more time be given for commissioners to review the final agreement language and that this item be brought to the May meeting.

C. Consider Approval of Agreement with City of Plymouth Regarding Dominion Redevelopment Project

This item was held until the May meeting so it could be considered in conjunction with the agreement with Dominion.

D. Review Draft Policy for Use of CIP Funds for Equipment Purchase

Administrator Jester reminded commissioners that at the February meeting, commissioners discussed a TAC recommendation to add cost sharing of the purchase of a high-efficiency street sweeper to the 5-year CIP. Commissioners requested further information and development of a draft policy on using CIP funds to purchase equipment. Staff drafted a policy similar to a policy recently adopted by Shingle Creek and Elm Creek WMCs. Administrator Jester noted that approval of the policy can be considered independently of the street sweeper request from Plymouth in Item 5F below.

There was some discussion of the merit of the policy. Commissioner Welch stated that he didn't support the policy because it seems like a reactionary recommendation and not based on a Commission prioritization of CIP projects. Commissioners/Alternate Commissioners Harwell, Sicora, de Lambert, Holter and Anderson expressed support for the policy, noting that street sweeping and winter maintenance equipment upgrades are two of the few mechanisms for reducing chloride pollution, that it's good to have policies similar to adjacent organizations, that street sweeping is a well-known mechanism to reduce pollution flowing into impaired waters. Alternate Commissioner McDonald Black requested a cost-benefit analysis in order to help prioritize CIP funding.

[Commissioner Harwell departs.]

MOTION: Commissioner Fruen moved to approve the policy on the use of CIP funds for city equipment purchases. Alternate Commissioner Sicora seconded the motion.

Discussion: Chair Prom noted that this is a precedent setting decision; that this policy is in line with Commission purposes, and the street sweepers and other equipment upgrades are one very important way to reduce chlorides.

Upon a vote, the motion carried 6-2, with the Cities of Minneapolis and Golden Valley voting against the motion; and the City of New Hope absent from the vote.

E. Consider Approval of TAC Recommendations on 5-year Capital Improvement Program

i. Staff Memo on Street Sweeper Cost Share

Administrator Jester noted that given the policy just approved, the Commission should consider Plymouth's request to add cost sharing a high efficiency street sweeper to the 5-year CIP. She noted that staff reviewed available

literature on the pollution mitigating abilities of street sweeping which are presented in the memo with meeting materials. Additionally, Ben Scharenbroich (TAC member with Plymouth) informed the Commission that street sweeping is recognized by the Minnesota Pollution Control Agency as a viable best management practice. He shared a memo with additional information on the practice and expected pollutant removals in relation to costs. He also noted that in general, cities cannot sweep effectively until the ice and snow is out of the curb line but with this enhanced regenerative air sweeper, sweeping can start earlier. Mr. Scharenbroich continued to explain that in the Medicine Lake TMDL, street sweeping was listed as a practice to help meet the goals of the TMDL and that this sweeper could help address TMDLs for chloride in Parkers Lake, Plymouth Creek, and Bassett Creek. Finally, he shared that a City of Edina study found costs ranging between \$150-\$190/pound of phosphorus, which is very cost effective.

There was discussion about the various studies on effectiveness of street sweepers. Commission Engineer Chandler clarified that sweeping in the fall greatly reduces phosphorus and sweeping early in the spring reduces chloride. She mentioned that the added benefit of removing chloride even if the streets weren't completely clear is a great benefit. Mark Ray (TAC member with Crystal) noted that sweepers also reduce solids entering ponds and allow for less frequent pond dredging.

MOTION: Alternate Commissioner McDonald Black moved to approve adding to the CIP the cost sharing of a high efficiency street sweeper to the 2021 CIP list at a cost of \$75,000. Alternate Commissioner Sicora seconded the motion. Upon a vote, the motion carried 7-1, with the City of Minneapolis voting against the motion and the City of New Hope absent from the vote.

ii. TAC Recommended 5-year CIP and Project Fact Sheets

Administrator Jester reminded commissioners that the complete 5-year CIP needs to be set as it impacts the minor plan amendment and public hearing slated for the May meeting. She also noted approving the projects to be included on the 5-year CIP is a separate decision from setting the 2021 maximum levy which would happen after review of the feasibility studies for the 2021 projects at the May and June meetings.

Administrator Jester gave a brief overview of the Crane Lake Chloride Reduction Project and Leslie Yetka (TAC member with Minnetonka) explained that the previous Crane Lake Improvement Project wasn't successful at finding a viable strategy for chloride management, so they are looking at alternatives such as re-using the brine runoff from Ridgedale Mall. Chris Long (Minnetonka) stated he wanted to explore brining and expand the discussion with Met Council. He noted the mall site presents a great opportunity to address chlorides. Commissioner Welch noted support for the project.

Mr. Scharenbroich provided an overview of the proposed Plymouth Creek Restoration Project from Old Rockford Rd. to Vicksburg Lane, which would include a partnership with an adjacent school and would hopefully engage private residents along the creek.

MOTION: Commissioner Welch moved to approve the TAC's recommendations on the 5-year CIP. Alternate Commissioner Sicora seconded the motion. Upon a vote, the motion carried 8-0, with the City of New Hope absent from the vote.

F. Review Draft Feasibility Study for Main Stem Lagoon Dredging Project

Chair Prom tabled this item until the May meeting.

6. Communications

A. Administrator's Report

- i. Adjusted Hennepin County Max Tax Levy Timeline – no decision needed until June Commission meeting

