



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting Wednesday, November 16, 2022 8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

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

On Wednesday, November 16, 2022 at 8:34 a.m. Chair Cesnik brought 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	Mark Ray
Golden Valley	Stacy Harwell	Paula Pentel	Drew Chirpich
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnnetonka	<i>Absent</i>	<i>Vacant Position</i>	<i>Leslie Yetka</i>
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	<i>Absent</i>	<i>Vacant Position</i>	Mike Sorenson
St. Louis Park	<i>Vacant Position</i>	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineers	Karen Chandler, Barr Engineering		
Recording Secretary	<i>Absent</i>		
Legal Counsel	Sarah Sonsalla, Kennedy & Graven		
Presenters/ Guests/Public	Jane McDonald Black, Golden Valley Resident		

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

No comments from the public were made.

**3. APPROVAL OF AGENDA**

**MOTION:** Commissioner Gwin-Lenth moved to approve the agenda. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

**4. CONSENT AGENDA**

Chair Cesnik asked to remove Item 4I from the consent agenda. Commissioner Gwin-Lenth requested removing Item 4F from the consent agenda.

**MOTION:** Commissioner Carlson moved to approve the consent agenda without Items 4F and 4I. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

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

- A. Approval of Minutes – October 20, 2022 Commission Meeting
- B. Acceptance of November 2022 Financial Report
- C. Approval of Payment of Invoices
  - i. Keystone Waters, LLC – October 2022 Administrative Services
  - ii. Keystone Waters, LLC – October 2022 Meeting Expenses
  - iii. Barr Engineering – October 2022 Engineering Services
  - iv. Kennedy & Graven – September 2022 Legal Services
  - v. Redpath – October 2022 Accounting Services
  - vi. Triple D Espresso – Meeting Catering
  - vii. Shingle Creek WMC – West Metro Water Alliance
  - viii. Stantec – WOMP Services
- D. Approval of Final Reimbursement to City of Minneapolis for Bassett Creek Main Stem Erosion Repair Project: Cedar Lake Road to Dupont Ave North, 2nd Ave North, plus Fruen Mill Area, (2017CR-M)
- E. Approval to Submit Comments in Support of Minnesota DNR’s Proposed Rulemaking on Aquatic Invasive Species
- G. Approval to Direct Commission Engineer to Submit Flood Control Inspection Report to Cities, Minnesota DNR, U.S. Army Corps of Engineers
- H. Approval of Pay Request from SOLitude Lake Management for Sweeney Lake Alum Treatment

**5. BUSINESS**

**4I. Resolution of Appreciation for Alternate Commissioner McDonald Black**

Administrator Jester reported that Jane McDonald Black had stepped down from her alternate commissioner position. Chair Cesnik read the resolution of appreciation for Jane.

[Commissioner Welch arrives.]

Several commissioners offered their thanks to Ms. McDonald Black and indicated their appreciation for her expertise on the budget committee. Commissioner Harwell thanked Jane for her partnership in representing the city of Golden Valley.

**MOTION:** Commissioner Harwell moved to approve the resolution of appreciation. Chair Cesnik seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

Chair Cesnik introduced the new Golden Valley Alternate Commissioner, Paula Pentel. Ms. Pentel noted that she lives near Sweeney Lake and teaches urban environmental sustainability at the University of Minnesota. She is a former Golden Valley City Council and Environmental Commission member and has been through the MN Water Steward training program.

**4F. Approval of Four Seasons Mall Demolition Project, Plymouth**

After requests for clarification, Commission Engineer Chandler confirmed that because the Four Seasons Mall and parking lot is being demolished and the area will no longer be covered by impervious surface, there would be a reduced risk of downstream flooding. Commissioner Welch noted its advantageous for the site to be pervious but added that future redevelopment should be able to use the current impervious conditions as the basis for water management calculations. Administrator Jester reminded the group that the Commission had approved a TAC recommendation to use current impervious conditions for future redevelopment, sunseting after 20 years. She noted the TAC will be discussing additional items regarding future development at this site during their meeting on December 7<sup>th</sup>.

**MOTION:** Commissioner Welch moved to approve the Four Seasons Mall demolition project with the Commission Engineer's conditions. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

**A. Consider Approving Medicine Lake Lift Station Rehabilitation and Temporary Variance Request for Compensating Floodplain Storage, Medicine Lake**

Commission Engineer Chandler reviewed the project noting that the City of Medicine Lake reconstructed a sanitary lift station on Kaiser Avenue that resulted in 81 cubic yards of fill in the Medicine Lake 100-year floodplain. The station was reconstructed due to concern about possible failure of the existing station. The city intended to provide compensatory storage as part of their Peninsula Road Street and Utility Improvement Project that was approved at the BCWMC meeting in March, but the street project was delayed. Therefore, the sanitary lift station project was completed this summer with no compensatory storage. She noted the almost negligible impact of the floodplain loss on lake levels (less than 0.0015 inches). She reported staff is recommending conditional approval of the sanitary lift station project and a temporary variance of the floodplain impact until December 31, 2024.

Commissioner Harwell noted that while floodplain storage is important, the impact is negligible in this case.

**MOTION:** Commissioner Harwell moved to approve the project with the Commission Engineer's recommended conditions and to approve the temporary variance of floodplain impacts until December 31, 2024. Commissioner Carlson seconded the motion.

Discussion: Commissioner Carlson provided more background on the lift station and street reconstruction project. Commissioner Welch indicated he cannot support the variance request as a matter of principle; he did not find a compelling reason to allow waiving the rules. Commissioner Harwell noted her support of the engineers' professional judgement. Commission Gwin-Lenth asked what happens if storage is not provided by the end of 2024. Engineer Chandler indicated there is no real teeth in the requirement except that the BCWMC operates under a joint powers agreement indicating the necessity for cooperation of member cities. Alternate Commissioner Polzin requested that the item be brought back in mid-2024 to ensure there is a plan for mitigation before the variance expires.

**VOTE:** Upon a vote, the motion carried 5-1 with Crystal, Golden Valley, Medicine Lake, New Hope, and Plymouth voting for the motion; and Minneapolis voting against.

**B. Consider Approving Resolution 22-10 Revising Boundary with Shingle Creek Watershed Management Commission**

Commission Engineer Chandler reported that Shingle Creek WMC recently evaluated and proposed changes to their boundary with adjacent watersheds including the BCWMC. She noted that Commission Engineers and TAC members reviewed the proposed changes in relation to the latest BCWMC XP-SWMM hydrologic boundary, including gathering detailed information from city staff for specific areas where there appeared to be discrepancies between the XP-SWMM boundary and SCWMC proposed boundary. After discussions with SCWMC engineers and some adjustments, the Commission Engineer agrees the proposed revised boundary accurately reflects the most appropriate legal boundary between the SCWMC and the BCWMC and recommends the Commission approve the new boundary by resolution. She noted the changes result in an additional 551 acres in the BCWMC.

Commissioner Harwell asked that the maps be improved so it's easy to identify which parcels lie in each watershed. She also noted she requests her alternate vote on this item because she is a Stantec employee (SCWMC's consulting

engineering firm).

There was discussion about the timing of this effort and Alternate Commissioner Polzin wondered if in some areas of Minneapolis whole blocks, rather than individual parcels could be included in one watershed or the other rather than splitting up blocks. She noted that sometimes more than one parcel is included in a development but each watershed has their own rules, making it difficult. Administrator Jester noted that occasionally BCWMC reviews a project that is split between two watersheds. She noted that in those instances, the engineers agree on which watershed should take review authority and whose rules apply – typically which watershed has the most area in the project site. Commissioner Welch noted that by law, watershed boundaries must follow hydrologic boundaries and there is no technical reason not to approve these revised boundaries. Some city staff reported on how closely they examined specific areas to determine actual drainage patterns.

**MOTION:** Commissioner Welch moved to approve Resolution 22-10 reflecting revised watershed boundaries. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

**C. Discuss Ability to Compensate Community Members for Participation in Watershed Plan Focus Groups**

Administrator Jester told the Commission that seeking input from various community groups continues as the BCWMC develops the 2025 Watershed Plan and endeavors to build relationships with groups to understand their experience, knowledge, and priorities surrounding water resources. She noted that as part of this work, she plans to engage with specific groups such as members of the Native community and residents of environmental justice or historically underserved communities. She recommended that to honor the giving of time and knowledge, it is appropriate to compensate individuals financially for their time and that this is considered a best practice among many organizations. Commissioner Anderson asked about the budget implications of offering financial incentives. Administrator Jester noted that it would be a small amount overall and could be built into the Plan Development budget. Overall, commissioners indicated their support for this recommendation and noted that it would be important to clearly articulate that the information gathered may or may not be used in the final Plan. It was also recommended that a participation agreement and Commission policy be developed and brought to a future meeting.

**MOTION:** Commissioner Harwell moved to approve the Administrator’s recommendation to further explore this idea and bring more detail and specifics to a future meeting. Commissioner Welch seconded the motion.

Discussion: Several commissioners and alternates volunteered to help develop more details for participation and compensation.

**VOTE:** Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

**D. Appoint Delegates for MN Association of Watershed Districts Annual Meeting and Review Proposed Resolutions**

Administrator Jester noted that the Commission should appoint official delegates to the MAWD business meeting to be held in Alexandria MN on December 2<sup>nd</sup>.

[Commissioner Harwell temporarily leaves the meeting.]

**MOTION:** Commissioner Harwell moved to appoint Chair Cesnik and Alternate Commissioner Hauer as delegates to the MAWD business meeting and Commissioner Welch as the alternate delegate. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

The meeting adjourned for a 5-minute break.

[Commissioner Harwell returns to the meeting. Commissioner Anderson departs the meeting.]

Commissioners then briefly discussed each of the eight proposed resolutions that delegates would vote for or against at the MAWD meeting including topics such as MAWD participation on MDH’s stormwater reuse taskforce and

Minnesota Drainage Workgroup; limited liability for winter salt applicators; limiting the use of wake boats in certain lakes; advocating for stable funding for flood damage reduction projects; clarification of statute language regarding watershed project review authority; limiting groundwater use for landscaping; and providing additional flexibility in the open meeting law for use of technology.

In general, there was consensus to support most of the resolutions. There was discussion about how wake boats are an issue on Medicine and Sweeney Lakes and appear to be further eroding shorelines. There was also discussion about declining groundwater levels. Delegates planned to discuss further before the MAWD meeting.

[Alternate Commissioner Pentel leaves the meeting.]

**E. Discuss Process for Evaluating Staff and Soliciting Proposals for Engineering and Technical Services**

Administrator Jester reminded commissioners that near the end of each year the Commission evaluates her performance and that of Commission Engineer Chandler. She noted the evaluation has been accomplished in a variety of ways over the years usually including commissioners and TAC members providing feedback through quantitative evaluation forms and review by the Administrative Committee. She asked how the Commission would like to evaluate staff this year. She also reported that the Commission must solicit proposals or letters of interest proposals for at least legal and engineering services as required by law once every two years.

Commissioners noted that more feedback to staff is always beneficial, that consultants are always willing to receive feedback at any point during the year, that results of the evaluation should drive the solicitation of engineering proposals. It was also noted that the Commission has the ability to request proposals from other engineering firms for specific projects; that the relationship with Barr Engineering is not exclusive.

There was consensus to use the same staff evaluation form as the last two years with responses being sent to Chair Cesnik would be summarize and bring results to the December meeting. There was also consensus to solicit “letters of interest proposals” as in years past.

[Commissioner Harwell leaves the meeting.]

**6. COMMUNICATIONS**

**A. Administrator’s Report**

1. Update on Watershed Plan Development Activities – Administrator Jester and Minneapolis commissioners have been attending Minneapolis neighborhood association meetings. The Jordan Area Community Council meeting was mainly focused on public safety but they also highlighted new gardens and their work with Metro Blooms.
2. Update on Crane Lake Chlorides Issue – Conversations with city staff continue along with investigations on Crane Lake water levels and outlet levels. Administrator Jester noted her desire to move the Crane Lake Chloride Reduction CIP project earlier on the schedule.
3. Hennepin County Taking Applications for Minnesota Water Stewards – Administrator Jester noted the materials in the “information only” section and asked that commissioners disseminate to interested friends or neighbors.

**B. Chair – no report**

**C. Commissioners**

Former Alternate Commissioner McDonald Black reminded commissioners that the CIP funds are separate from the general operating budget. CIP funds shouldn’t accumulate unnecessarily and should be spent.

[Alternate Commissioner Hauer leaves the meeting. No longer a quorum of commissioners.]

Commissioner Welch reported that he attended an event sponsored by Wellington Management and noted a lot of construction and changes in the Bassett Creek Valley. He noted Wellington may be an important partner in conversations about the future of the Valley within the 2025 Plan. Administrator Jester indicated that flooding and water quality challenges in the Bassett Creek Valley are part of the Plan’s “challenging issues” currently being assessed. She reported she has talked with Hennepin County staff about convening a “Bassett Creek Valley Summit”

to discuss issues and a path forward with multiple stakeholders.

**D. TAC Members**

TAC member Mike Sorensen reported that Minneapolis Park and Rec Board is hiring an AIS Specialist. TAC member Ben Scharenbroich reported that Plymouth staff Chris LaBounty gave a presentation at the North American Lake Management Society conference on the Parkers Lake Chloride Reduction Project. He also noted the city is sponsoring a Smart Salting Training session.

For the December 7<sup>th</sup> TAC meeting, Commissioner Welch is the primary liaison while Chair Cesnik is alternate.

**E. Committees**

No reports were given.

**F. Legal Counsel**

No report was given.

**G. Engineer**

Commission Engineer Chandler reported that the pre-construction meeting for the Lagoon Dredging Project is scheduled for November 28<sup>th</sup>. She reported on the discovery of a partially exposed sanitary sewer pipe within the creek bed that is likely to require a different access route to Pond D. Regarding the Bryn Mawr Project, she reported that construction is beginning soon and that more contamination than expected is being discovered.

**7. INFORMATION ONLY (Information online only)**

- A. BCWMC Administrative Calendar
- B. CIP Project Updates [www.bassettcreekwmo.org/projects](http://www.bassettcreekwmo.org/projects)
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices – Plymouth and Golden Valley
- E. MN Stormwater Research Program Highlights 2022
- F. Minnesota Water Stewards Application Materials

**8. ADJOURNMENT**

The meeting adjourned at 11:25 a.m.