



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting & Public Hearing

**Thursday, May 18, 2023**

**8:30 a.m.**

**Golden Valley City Hall, 7800 Golden Valley Road**

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

On Thursday, May 18, 2023 at 8:33 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	<i>Absent</i>
Golden Valley	Paula Pentel	<i>Vacant</i>	Eric Eckman, Drew Chirpich
Medicine Lake	Clint Carlson	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout
Mnettonka	<i>Absent</i>	<i>Vacant Position</i>	Leslie Yetka
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Absent</i>	Mike Sorensen, Richard McCoy
St. Louis Park	RJ Twiford	<i>Vacant</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters, LLC		
<b>Engineers</b>	Karen Chandler, Kallie Doeden, Patrick Brockamp - Barr Engineering		
<b>Recording Secretary</b>	<i>Vacant Position</i>		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	Pam Hove, Plymouth Resident; David Phillips, Don Kovacovich, Paul Deis – Golden Valley Country Club		

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

Pam Hove, a Plymouth resident, and graduate student at University of Wisconsin – Stevens Point, presented preliminary information on a study of aquatic trash in Parkers Lake. She noted the U.S. Environmental Protection Agency now has a uniform tool for monitoring trash and she would like to see it named as an actual pollutant by the MN Pollution Control Agency. She noted the high number of tennis balls in Parkers Lake and unstable trash cans in the park at Parkers Lake. Plymouth staff are working on correcting these items. Ms. Hove may be asked to present her final report at a future meeting.

**3. APPROVAL OF AGENDA**

Administrator Jester requested the addition of two agenda items: 1) Consider appointing Linda Loomis to the Plan Steering Committee; and 2) Consider approving registrations for the MN Watersheds Summer Tour.

**MOTION:** Commissioner Gwin-Lenth moved to approve the agenda as amended. Commissioner Carlson seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

**4. CONSENT AGENDA**

Items 4A and 4F were removed from the consent agenda.

**MOTION:** Commissioner Carlson moved to approve the consent agenda as amended. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

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

- Acceptance of May 2023 Financial Report
- Approval of Payment of Invoices
- Approval of Agreement with Metropolitan Council for 2023 Citizen Assisted Monitoring Program
- Approval of Resolution 23-05 to Not Waive Monetary Limits on Municipal Tort Liability
- Approval of Golden Valley Country Club Improvements
- Approval of Waiver of Conflict for Commission Attorney

**4A. Approval of Minutes - April 20, 2023 Commission Meeting**

Commissioner Welch requested that additional information outlining his comments on Item 4J. Approval of Memorandum of Understanding for Sochacki Water Quality Improvement Project CIP Process be added to the minutes. Administrator Jester read his requested additions aloud.

**MOTION:** Commissioner Welch moved to approve the minutes from the April 20<sup>th</sup> meeting as amended. Commissioner Carlson seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

**4F. Approval of 2022 Annual Report**

Commissioner Pentel commented that the annual report provides an excellent overview of the Commission’s work and appreciated the level of detail and clarity.

**MOTION:** Commissioner Pentel moved to approve the 2022 Annual Report. Commissioner Carlson seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

**5. PUBLIC HEARING**

**A. Receive Comments from Cities and Public on Proposed Minor Plan Amendment**

Chair Cesnik opened the public hearing at 8:46 a.m. Administrator Jester noted the minor plan amendment was proposed in order to update the Capital Improvement Program (CIP) to include the Sochacki Park Water Quality Improvement Project. She reported that several state agencies had sent comments during the 30-day comment period including the MN Board of Water and Soil Resources, MN Pollution Control Agency, MN Department of Natural Resources, MN Department of Agriculture, and the Metropolitan Council. She noted that each agency commended the Commission for keeping an up-to-date CIP and no agencies presented an issue with the proposed amendment. Chair Cesnik called for comments from members of the public or city staff. Hearing none, Chair Cesnik closed the public hearing at 8:50 a.m.

**i. Consider Extending Comment Period to August 8, 2023 per Hennepin County Request**

Administrator Jester reported that Hennepin County needed additional time to review and provide comments on the proposed plan amendment due to their administrative calendar. She recommended approval to extend

the comment period to August 8, 2023.

**MOTION:** Commissioner Gwin-Lenth moved to extend the comment period for the minor plan amendment until August 8, 2023. Commissioner Twiford seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

## 6. BUSINESS

Added Agenda Items:

### Consider Appointing Linda Loomis to the Plan Steering Committee

Administrator Jester reported that Linda Loomis, Golden Valley resident, former Golden Valley Mayor, and former BCWMC Commissioner, requested to be appointed to the Plan Steering Committee. She noted that Ms. Loomis was very involved in the development of the 2015 Watershed Plan and works as the administrator of the Lower Minnesota River Watershed District. Administrator Jester recommended her appointment as an at-large community member.

There was some discussion acknowledging that the committee is advisory to the Commission and there was consensus that each official members of the committee would have an equal vote on the committee in the event a vote was needed.

**MOTION:** Commissioner Pentel moved to appoint Linda Loomis to the Plan Steering Committee. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

### Consider Approving Registrations for the MN Watersheds Summer Tour

Administrator Jester reported that the Minnesota Watersheds Summer Tour is in Albert Lea with a meeting and information sessions on June 20 and a field tour on June 21. She requested the ability to attend the event on June 20<sup>th</sup> with registration costs of \$100 and mileage reimbursement. She also noted that the Commission's budget includes funding for registration for commissioners and alternates to attend. Chair Cesnik and Commissioner Carlson expressed interest in attending.

**MOTION:** Commissioner Anderson moved approval for Administrator Jester and any commissioners or alternates to attend the MN Watershed Summer Tour. Commissioner Twiford seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

### A. Review Draft Feasibility Study for Ponderosa Woods Stream Restoration Project (ML-22)

Commission Engineer Chandler introduced Kallie Doeden with Barr Engineering, noting she was the project manager and primary engineer for this project. Engineer Doeden gave a presentation of the feasibility study including the following:

- Project would stabilize and restore 1,100 linear feet of streambanks along an intermittent, non-public stream that flows from a neighborhood area west of Medicine Lake and into the lake through the West Medicine Lake ponds and Plymouth Creek.
- Area includes much buckthorn which shades out understory vegetation, allows for erosion of the bare ground, and spreads buckthorn seeds to other areas.
- Various levels of erosion and channel widening throughout the stretch along with a significant amount of woody debris present within the channel. Project area includes stormwater side channels that funnel water from surrounding streets into the stream.

- Most of the project area is on private property but the city has a drainage and utility easement.
- Stakeholder input from residents shows support for Alternatives 2 and 3, especially buckthorn removal.

Engineer Doeden reviewed the alternatives studied and their estimated costs including:

Alternative 1 – Small Footprint Design: Stream stabilization using bio-engineering techniques, bank and channel grading, and in-channel controls. This alternative also includes installation of and reinforcement of existing riprap. Buckthorn removal occurs at or near streambanks and tributary stormwater channels. Tributary stormwater channels are regraded and stabilized with riprap. Alternative 1 prioritizes minimal land disturbance and tree removal. Estimated project cost of \$252,000

Alternative 1.5 – Small Footprint Design + Additional buckthorn removal: Includes the features of Alternative 1 but expands buckthorn removal to two acres (as in Alternative 2). Estimated project cost of \$297,000

Alternative 2 – Medium Footprint Design: Alternative 1 techniques but with more hard armoring; plus two additional acres of buckthorn removal and additional overbank grading. Estimated project cost of \$429,000

Alternative 3 – Large Footprint Design: Alternative 1 and 2 techniques plus a stream channel re-meander in the downstream reach. The re-meandered section includes grading and bioengineering stabilization throughout. Estimated project cost of \$506,000

Engineer Doeden reported the Commission Engineer recommends implementing Alternative 1 or 1.5 because it will achieve the water quality goals and result in the stabilization of targeted sections of the stream reach, provide significant habitat enhancement and restore floodplain connectivity. She noted Alternatives 1 and 1.5 are cost-effective options that improve stabilization of priority areas of the stream reach (minimizing erosion potential) while minimizing healthy tree removal.

Commissioner Carlson voiced his support for the project. Other commissioners asked about outreach to homeowners who did not attend the open house, wondered about public vs. private property, and asked if there was a way to measure the water quality benefits of removing buckthorn. Plymouth staff noted they will be working with landowners and that a public drainage and utility easement exists through the whole project area (with actual public property at the downstream portion of the project). Engineer Doeden acknowledged there was not a known metric for determining water quality improvements from buckthorn control, but the professional opinion is that a benefit exists (in addition to improving habitat for native species of plants and trees).

Commissioner Welch asked how the pollutant load reduction expected from the project compares to the load reduction required in the Medicine Lake Total Maximum Daily Load (TMDL). Commission Engineers indicated they would work on that calculation and bring it to the next meeting. It was also noted that buckthorn management is a long term commitment. Plymouth staff indicated the city is committed to maintaining CIP projects, including vegetation management.

There was a question about why the city and not the Commission should construct the project. It was noted that on-going maintenance would be needed by the city which is built into the typical CIP agreement with the host city to design, construct, and maintain the project.

There was discussion about pros and cons of Alternative 3. Administrator Jester noted that the alternative requires removal of many more mature trees and the mobilization of more heavy equipment – both of which have climate impacts. She noted that in her experience, stream re-meandering is typically considered for improving in-stream habitat. She wondered how much habitat this stream really offers since it is often dry. It was also acknowledged that Alternative 3 would require additional easements and there would be more impact on private property.

Staff noted they would bring additional information to the June Commission meeting including relative pollutant removal figures and pros/cons to each alternative.

**B. Receive Update on Main Stem Lagoon Dredging Project**

Commission Engineer Chandler reviewed the update memo with the Commission indicating that the contractor reported that dredging was complete and demobilized from the site in early March. The project was to remove 39,600 cubic yards (cy) of sediment from Lagoons D, E, and F in Theodore Wirth Park. She also reminded the Commission that pay applications #1 and #2 from the contractor had been paid. She reported that the Contractor submitted progress pay application #3 for work completed through March 31, 2023 and upon review of the pay application Commission Engineers determined that post-construction surveys would be needed to confirm dredge amounts reported by the contractor.

Commission Engineer Chandler reported that two different surveys were conducted: a bathymetric survey of the bottoms of each lagoon and a traditional verification survey of cross-sections with grade rod measurements to confirm the bathymetric results. The surveys determined that the actual dredged quantity was only 25,650 cy. She showed before and after photos of the dredged areas. Engineer Chandler noted that pay application #2 included total dredged quantities of 33,660, indicating that the Commission had overpaid the contractor. Assuming site restoration is completed by the contractor as planned, it is estimated that the Commission overpaid the contractor by \$127,947. Engineer Chandler and Commission Attorney Anderson recommended the Commission send a Notification of Claim letter to the contractor to cover the overpaid funds while retaining the Commission's rights and obligations under the contract. Attorney Anderson noted the limited window of 30 days from the date of the survey to file the claim. He reported the claim notice should be sent no later than tomorrow (May 19<sup>th</sup>).

Administrator Jester noted that at a future meeting the Commission would discuss and decide how or if to proceed with the project given that it was not completed according to plans.

**MOTION:** Commissioner Welch moved to authorize the Commission Attorney to send the Notice of Claim to Fitzgerald Excavating and Trucking. Commissioner Pentel seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

[Chair Cesnik called a 5-minute break.]

[Commissioner Welch and Alternate Commissioner Hauer depart the meeting.]

**C. Consider Recommendations from Budget Committee**

- i. **Review Memo with Notes on 2024 Operating Budget Development**
- ii. **Consider Adopting Fiscal Policy Regarding Investment Income**

Budget Committee Chair Wayne Sicora reported on the committee's discussions to date on the 2024 operating budget. He noted that the final audit figures and action on the proposed policy on investment income are needed to make a recommendation to the Commission at the June meeting. He reported that right now, the draft proposed budget has a 5.8% increase in city assessments. He noted some of the higher budget is due to monitoring three lakes in 2024 rather than the typical two lakes – which follows the approved monitoring plan.

Committee Chair Sicora also reviewed the proposed fiscal policy to allocate investment income evenly between the general fund (operating budget) and the CIP fund. He noted that in 2022 and project income for 2023 is significantly higher than previous years and there is much fluctuation in investment income year to year. He reported that in the past, investment income was allocated on a pro-rated basis depending on the amount in each fund (general vs. CIP).

Plymouth TAC member Scharenbroich asked why the TAC input wasn't sought. He noted that allocating more investment income to the general fund could lower city assessments. Robbinsdale TAC member McCoy advocated for investment income being allocated to the CIP fund so that more funding is available for projects.

Administrator Jester reported the investment income policy could be discussed at the June 7<sup>th</sup> TAC meeting.

Committee Chair Sicora also reported that Commission staff is discussing with Plymouth staff the possibility of moving financial services to the City of Plymouth. He also noted the desire to change the beginning of the fiscal year to January 1<sup>st</sup> rather than February 1<sup>st</sup>.

## 7. COMMUNICATIONS

- A. Administrator's Report – Administrator Jester reported that the Minneapolis Park and Rec Board is planning a shoreline and slope restoration/stabilization project on Twin Lake. Project plans will be reviewed by the city and BCWMC. She also reported that Hennepin County recently hired the Education Coordinator position that will be shared with the West Metro Water Alliance. She also reported that she and Alternate Commissioner Polzin will attend the Harrison Neighborhood Association meeting that night and that Friends of Bassett Creek is looking for volunteers for plantings and invasive species removal.
- B. Chair – No report
- C. Commissioners
  - i. Report on Loppet Sustainability Fair – Commissioner Twiford and Alternate Commissioner Polzin attended along with Administrator Jester. They interacted with many event attendees. Commissioner Pentel noted that she regularly runs the trails near Twin Lake and hopes for a good shoreline restoration plan.
- D. TAC Members
  - i. Appoint Liaison for June 7<sup>th</sup> TAC Meeting – Commissioner Pentel volunteered to be the liaison for the TAC meeting.
- E. Committees – Many meetings coming up. See online calendar and list in agenda.
- F. Legal Counsel – No report
- G. Engineer
  - i. Update on Parkers Lake Chloride Reduction Project – Engineer Chandler reported that the Commission Engineers are working with Met Council on the request to discharge lake water to the sanitary sewer and are investigating reverse osmosis. A report to the Commission is expected this summer.

## 8. 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
- E. Wakes, Waves, Propeller Wash Webinar
- F. [CCX News Story on Sochacki Park Water Quality Improvement Project](#)

## 8. ADJOURNMENT - The meeting adjourned at 10:58 a.m.