



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting
Thursday, December 21, 2023
8:30 a.m.
Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday December 21, 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	Paula Pentel	<i>Absent</i>	Eric Eckman
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	<i>Absent</i>	Jodi Polzin	Liz Stout
Minnetonka	<i>Absent</i>	Stacy Harwell	Leslie Yetka
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	<i>Absent</i>	Bob Stamos	Richard McCoy, Jenna Wolf
St. Louis Park	<i>Absent</i>	David Johnston	Erick Francis
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Stephanie Johnson - Barr Engineering		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public			

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No public comments.

3. APPROVAL OF AGENDA

Administrator Jester requested removing Item 5I Review Results of Staff Evaluations from the agenda. Alternate Commissioner Harwell had noted she will be better prepared to share results of the evaluations at the January meeting.

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

4. CONSENT AGENDA

Upon request from Commission Pentel, Items 4D Approval of Bryn Mawr Meadows CIP Project Partial Reimbursement to MPRB was removed from the consent agenda and Administrator Jester requested the removal of 4F Conditional Approval of Hopkins Crossroads Trail Improvements, Minnetonka 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 9-0.

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

- Approval of Minutes – November 15, 2023 Commission Meeting
- Acceptance of December 2023 Financial Report
- Approval of Payment of Invoices
- Approval to Appoint Chad Guse, City of Plymouth, as BCWMC Deputy Treasurer
- Approval to Direct Commission Engineer to Submit Flood Control Inspection Report to Cities, Minnesota DNR, U.S. Army Corps of Engineers
- Approval of Contract with Stantec for WOMP Services

4D. Approval of Bryn Mawr Meadows CIP Project Partial Reimbursement to MPRB

Commissioner Pentel asked about the status of the Bryn Mawr Meadows Water Quality Improvement Project and inquired about how much additional funding would be requested for reimbursement from the Minneapolis Park and Rec Board (MPRB). Administrator Jester reported that the project is largely complete although a recent post construction survey revealed that a weir was installed at the wrong elevation. She noted that Commission Engineers are working with the MPRB and their contractors to fix that. She also noted that additional project costs of about \$1M would be requested for reimbursement from Minneapolis and the MPRB after a long term maintenance plan and agreement is established between the two entities.

MOTION: Commissioner Pentel moved to approve the reimbursement of \$400,000 to the Minneapolis Park and Rec Board for the Bryn Mawr Meadows construction. Alternate Commissioner Polzin seconded the motion. Upon a vote the motion carried 9-0.

4F. Conditional Approval of Hopkins Crossroads Trail Improvements, Minnetonka

Administrator Jester reported that Alternate Commission Harwell had brought to staff's attention the need for more explicit language in review memos in referencing or describing BCWMC jurisdictional floodplains vs. FEMA floodplains. As such she recommended revising the project review memo to indicate reference to the BCWMC floodplain in the first sentence of the "Floodplain" section and remove reference to the "base flood elevation" which is more commonly used when referencing FEMA floodplains.

Alternate Commissioner Polzin also asked if wetland buffer information was provided at the time of project review. Commission Engineer Chandler noted that wetland buffer requirements are enforced through city ordinances and that buffer information should be submitted to the city with project plans.

MOTION: Alternate Commission Polzin moved approval of the Hopkins Crossroad Trail Improvement Project with the changes to floodplain language suggested by the Administrator and conditions outlined in the memo with the addition of requirement to provide wetland buffer information. Commission Gwin-Lenth seconded the motion. Upon a vote the motion carried 9-0.

5. BUSINESS

A. Consider Budget Committee and Technical Advisory Committee Recommendations

Administrator Jester reported that the Budget Committee met on November 20th to discuss a proposed amendment to the 2024 operating budget and a policy on use of investment income. In the absence of Budget Committee Chair Sicora, she walked through the committee's recommendation on the 2024 budget amendment and noted that amending a budget was not an action often taken or needed but that circumstances warranted it for 2024. She reviewed the recommendations including an increase in total expenses from \$914,720 to \$958,640 (a 4.8% increase) to increase the legal services line item, increase the Plan development line item, and add monitoring of Medicine Lake to the 2024 routine monitoring program. Staff reviewed the accompanying memo that outlined reasons for these increases.

Administrator Jester also noted the committee's recommendation to increase the 2024 income from \$846,940 to \$851,940 by utilizing additional funds from the Plan Development savings account and dipping further into the BCWMC fund balance. She noted this would avoid increasing 2024 city assessments but would likely result in the fund balance being below the recommended level of 50% of annual operating costs.

There was brief discussion about the need to add Medicine Lake monitoring in 2024. Administrator Jester noted that staff had inadvertently left Medicine Lake monitoring off the regular monitoring schedule because the schedule had been revised a few years back for budgeting purposes and staff forgot to appropriately adjust the schedule moving forward. She noted they have new safeguards against that type of oversight in the future. Commission Engineer Chandler also noted that Medicine Lake is annually monitored by Three Rivers Park District and that BCWMC monitoring adds an additional monitoring site (because the lake is so large) and adds zooplankton and phytoplankton monitoring. She noted TRPD assisting with our monitoring efforts results in a cost savings and there are no duplicative monitoring efforts.

Moving onto the second Budget Committee recommendation, Administrator Jester reviewed the committee's recommended policy regarding the use of investment income. She noted that staff and committee members recommend setting aside the funds in a "special projects fund" with the primary purpose of paying for studies or plans (such as subwatershed analyses) to target and prioritize Commission CIP projects or other programs. She noted that subwatershed analyses are a great tool to determine where and what projects or programs can help "move the needle" toward a resource improvement goal but that there is not currently a good way to fund these large endeavors. She also noted the recommended policy includes some flexibility to use the funds for other purposes only in exceptional circumstances and with consideration of recommendations from the Budget Committee.

Administrator Jester also noted that the Budget Committee had requested input from the Technical Advisory Committee (TAC) on the policy. The TAC recommended that the policy be revised to remove the ability to use the funds for purposes other than targeting studies.

There was considerable discussion on whether or not the policy should include flexibility. Some commissioners noted it could be seen as a "slush fund" which could lead to inappropriate or unsustainable use of the funds. TAC members Scharenbroich and McCoy reiterated the TAC's concern about using the funds to backfill operating budget gaps. Alternate Commissioner Polzin (a Budget Committee member) noted that the committee is very knowledgeable about the fluctuating nature of investment income and that flexible use of the funds would only be after considerable discussion and approval by the Commission. There was a recommendation to add review of potential use of special project funds for activities outside targeting studies to be reviewed by the TAC in addition to the Budget Committee. There was also discussion about how commissioners should be meeting with city staff and have a good understanding of city input. There were more comments from TAC members about how most of the investment funds originated with tax levies intended for CIP projects so that use of investment income for targeting CIP projects is appropriate but use of the funds for other purposes is not. Chair Cesnik noted that even if flexibility was taken out of the policy language, the Commission could revisit the policy and update as needed.

Commissioner Pentel reiterated her position agreeing with TAC members to avoid the "slippery slope" of using the funds for other purposes. She advocated for removing the flexible language from the policy. Alternate Commissioner Polzin noted that even with language allowing some flexibility in the policy, it is meant as a rare possibility only to be used under extenuating circumstances and with significant consideration.

MOTION: Alternate Commissioner Polzin moved to approve the Budget Committee’s recommended policy on use of investment income with the addition of TAC review of any proposed “flexible” use of funds. Commissioner Carlson seconded the motion. Upon a roll call vote the motion passed 5-4 with Commissioners or Alternate Commissioners Anderson, Carlson, Gwin-Lenth, Polzin, and Johnston voting in favor and Commissioners or Alternate Commissioners Pentel, Harwell, Cesnik, and Stamos voting against.

B. Consider Approval of Scope and Budget for Medicine Lake TMDL Status Assessment

Commission Engineer Chandler noted that at the October meeting the Commission directed the Commission Engineer to develop a scope and budget for an assessment of the status of the Medicine Lake nutrient Total Maximum Daily Load (TMDL) study. She walked through the components of the study, first noting the large size of the Medicine Lake subwatershed and the multiple stakeholders involved. She noted the study would include reviewing existing water quality data and sediment analyses data, identifying projects that have already been implemented that would impact the lake, calculating phosphorus load reductions needed to meet water quality standards, and determining the likely internal load of phosphorus. She noted the assessment would result in a list of projects, programs, or practices that could be included in the 2025 Watershed Plan to help reach the goal of delisting the lake. She noted the study does not include additional sediment analyses because TRPD already performed these analyses in 2018 and additional data may not be needed.

Alternate Commissioner Polzin asked if the study could help determine the impact of the Commission’s development requirements and shed light on whether or not the requirements should be updated. Administrator Jester noted the Commission’s current standards have only been in place since 2015 and the TMDL is based on 2006 data. Engineer Chandler noted the study would do a better job of looking forward at the impact of existing standards rather than backward.

TAC member Scharenbroich from Plymouth noted the similarity to the Bass Lake TMDL assessment where internal loading was determined to be a large source of phosphorus even though it wasn’t identified in the TMDL. He noted the city is committed to helping with this study and providing as much information as possible. There was some discussion on the age of the sediment data. Engineer Chandler noted that if the existing sediment data are not sufficient, she will report this as soon as possible so the Commission can consider adding sediment testing to the scope and budget. Commissioner Pentel noted her support of the study and acknowledged that it will take time and effort from stakeholders including staff members with various cities.

There was further discussion on the notion of using this study to help determine if Commission development requirements should be updated. Alternate Commissioner Polzin reiterated that this study and perhaps future subwatershed analyses could shed light on the effectiveness of Commission requirements and that the Plan Steering Committee will eventually consider that question when they discuss policies and tools for resource improvements. Alternate Commissioner Harwell noted that stricter requirements will likely increase the cost of development and redevelopment. It was acknowledged that the cost benefit of revising standards should be considered and that perhaps maintenance of existing BMPs is a better area to focus efforts.

MOTION: Commissioner Polzin moved to approve the scope and budget as presented for the Medicine Lake TMDL Status Assessment with funding to come from the Special Projects Fund. Commissioner Anderson seconded the motion. Upon a vote the motion carried 9-0.

[Chair Cesnik called a 5-minute break.]

[Alternate Commissioner Harwell departs the meeting.]

C. Consider Approval of Budget Amendment for Parkers Lake Chloride Dilution/Extraction Study

Commission Engineer Chandler reminded commissioners that at the November meeting, Commission Engineer Wilson presented the results of the Parkers Lake Chloride Dilution/Extraction Study, which was an in-depth and cutting-edge analysis of options to remove chloride from Parkers Lake. She reported she is requesting additional budget of \$4,100 for that study due to its complicated nature and detailed correspondence with permitting agencies. She noted that typically she would come to the Commission requesting additional budget before the work was completed but that this project was moving too quickly and had more than expected questions from the Commission Administrator and

Plymouth staff near the very end of the project. Administrator Jester noted the CIP project budget has a balance of almost \$255,000.

Alternate Commissioner Polzin noted her agreement for the request but noted that information on where funding would come from should have been included in the memo. Commissioner Carlson asked if there were any tasks undertaken that might be considered training or education for Barr staff. Engineer Chandler noted that the project was not new research, just a different application of existing technology. She noted the results would likely be used by other entities. Administrator Jester noted she was proud that the Commission completed this innovative analysis and that information sharing is an important function of government.

MOTION: Commissioner Carlson moved to approve the additional \$4,100 budget for the Parkers Lake Chloride Reduction Project. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0 with City of Minnetonka absent from the vote.

D. Review Draft Comment Letter on 2024 Draft Impaired Waters List

Commission Engineer Chandler reviewed the map of existing impaired waters, proposed impaired waters, existing and proposed delisted waters. She noted Commission Engineers and Administrator have communicated with MPCA regarding discrepancies in proposed listings and she reviewed the comments staff recommends be submitted to the MPCA regarding the draft 2024 impaired waters list.

MOTION: Commissioner Pentel moved to approve submittal of the comment letter on the draft 2024 impaired waters list as presented. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0 with City of Minnetonka absent from the vote.

E. Receive Report on Minnesota Watersheds Annual Conference and Meeting

Administrator Jester reported that it was a good conference, that she and Commissioner Welch helped facilitate a conference session and that she gave a talk about the Low Salt No Salt Minnesota campaign. She also noted that Alternate Commissioner Kennedy was elected to the Minnesota Watersheds Board of Directors. Alternate Commissioner Hauer report that she enjoyed the education sessions and the business meeting went smoothly.

F. Receive Update from Plan Steering Committee

Administrator Jester reported that the Plan Steering Committee (PSC) continues to develop goals and discuss possible implementation actions during their monthly meetings. She noted the Plan TAC which includes review agencies and member cities also met the previous week and provided some good feedback. Finally, she noted that the January Commission meeting would include an important whole-Commission workshop to review and discuss PSC recommendations to date. Commissioners indicated it would be helpful to receive materials for that workshop with as much time as possible for review.

G. Review Final Reports for Mt. Olivet Stream Restoration Project (ML-20) and Parkers Lake Drainage Improvement Project (PL-7) and Consider Reimbursement Requests

- i.** Mt. Olivet Final Report
- ii.** Parkers Lake Final Report
- iii.** Reimbursement Requests

TAC member Scharenbroich with Plymouth presented the final reports for two BCWMC CIP projects recently completed in the city. He noted the projects were designed at the same time by WSB and Associates and were included in one construction bid for efficiency. He reported the Mt. Olivet Stream Restoration Project included much erosion repair along 3 different stream reaches and a wetland restoration component. He noted that due to tree canopy cover and steep banks some of the sections needed more hard armoring such as riprap than originally hoped but that construction followed the approved design plans. He noted that significant gully erosion from the Mt. Olivet church parking lot was repaired and that the stream is tributary to Medicine Lake and thus should help improve water quality in the lake.

For the Parkers Lake Drainage Improvement Project, TAC member Scharenbroich indicated that some erosion repair techniques were used along the drainage way that is tributary to Parkers Lake but that more natural stabilization techniques were able to be constructed. He noted the vegetation is establishing nicely.

TAC member Scharenbroich reviewed the reimbursement request noting that the Mt. Olivet project was slightly over budget but that the city would cover those costs.

MOTION: Commissioner Carlson moved to approve the reimbursement to the City of Plymouth of \$134,942.58 for the Mt. Olivet Stream Restoration Project and \$114,060.00 for the Parkers Lake Drainage Improvement Project. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

[Alternate Commissioner Harwell returns to the meeting.]

Commissioner Harwell requested that her vote be revised from “approve” to “abstain” for the item approved on the consent agenda that approved the contract with Stantec for WOMP services. She noted that because she is an employee of Stantec there is possibly a perceived conflict of interest.

MOTION: Chair Cesnik moved to reconsider Item 4H - the approval of the contract with Stantec for WOMP services. Alternate Commissioner Polzin seconded the motion. Upon a vote the motion carried 8-0 with all members voting aye and Commissioner Harwell abstaining.

MOTION: Commissioner Pentel moved to approve the contract with Stantec for WOMP services. Commissioner Carlson seconded the motion. Upon a vote the motion carried 8-0 with all members voting aye and Commissioner Harwell abstaining.

[Alternate Commissioner Harwell departs the meeting.]

H. Receive Final Report on Main Stem Lagoon Dredging Project and Consider TAC Recommendations on Future Dredging Projects

Commission Engineer Chandler provided a high level overview of the project including the project location and noted that the Commission designed, owned, and constructed the project. She reviewed the original design to dredge Lagoons D, E, and F to a depth of 6 feet and reported that the contractor ended up only dredging to about 4 feet in each pond, hence the settlement agreement and funds returned to the Commission from the contractor. She noted the actual outcomes of the project and then reviewed the lessons learned and a list of TAC recommendations to consider for future dredging projects.

MOTION: Commissioner Carlson moved to approve the TAC recommendations. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion passed 8-0 with the City of Minnetonka absent from the vote.

I. Review Results of Staff Evaluations – removed from the agenda.

6. COMMUNICATIONS

- A. Administrator’s Report - Administrator Jester reminded commissioners about the campaign finance forms they should receive from the State of Minnesota with a deadline for completion by January 30th. She also reported that she will likely help the Sweeney Lake Association with a Hennepin County AIS Prevention Grant Application.
- B. Engineer –Commission Engineer Chandler reported that a technical stakeholder meeting was recently held for the Plymouth Creek Restoration Project
- C. Legal Counsel – No report
- D. Chair – No report
- E. Commissioners – Commissioner Pentel reported that she recently reported to the City of Golden Valley about a large pile of road salt in the Hidden Lakes neighborhood. City staff contacted the homeowners association who required the contractor to clean it up.
- F. TAC Members – The newly elected TAC chair, Ben Scharenbroich, reported that the City of Plymouth had collaborated on an article about reducing salt use and that he had recently reached out to the DNR to get an update on the FEMA mapping project. He noted the next TAC meeting is Feb 7th. Commissioner Pentel volunteered to be the liaison at that meeting.

- G. Committees – The Education Committee continues to work on the watershed map. Commissioner Engineers will be asked to assist with gathering GIS data for the project.

7. INFORMATION ONLY

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices Plymouth
- E. Minnesota Watersheds Statewide Survey Results
- F. Minnesota Watersheds Strategic Plan Accomplishments

- 8. ADJOURNMENT** - The meeting adjourned at 11:12 a.m.