



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting Wednesday November 17, 2021 8:30 a.m.

Via video conference due to the COVID-19 global pandemic

1. CALL TO ORDER and ROLL CALL

On Wednesday, November 17, 2021 at 8:30 a.m. via video conference, Chair Cesnik brought the Bassett Creek Watershed Management Commission (BCWMC) to order.

Commissioners, city staff, and others present

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	<i>Vacant Position</i>	Mark Ray
Golden Valley	Stacy Harwell	Jane McDonald Black	Eric Eckman, Drew Chirpich
Medicine Lake	Clint Carlson	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout, Katie Kowalczyk, Bryan Dodds, Jeremy Strehlo
Minnetonka	<i>Absent</i>	<i>Vacant Position</i>	<i>Absent</i>
New Hope	<i>Absent</i>	Patrick Crough	David Lemke, Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	<i>Absent</i>	<i>Vacant Position</i>	<i>Absent</i>
St. Louis Park	Jim de Lambert	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineers	Karen Chandler and Jim Herbert, Barr Engineering		
Recorder	Dawn Pape		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Jocelyn Bremer, Jere Gwin-Lenth, Jen Leonardson		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No comments from the public were made.

3. APPROVAL OF AGENDA

MOTION: Alternate Commissioner McDonald Black moved to approve the agenda. Commissioner de Lambert seconded the motion. Upon a roll call vote, the motion carried 6-0, with the cities of Minnetonka, Robbinsdale, and New Hope absent from the vote.

[Commissioner Harwell and Alternate Commissioner Crough join the meeting.]

4. CONSENT AGENDA

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

- A. Approval of Minutes – October 21, 2021 Commission Meeting
- B. Acceptance of November 2021 Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – October 2021 Administrative Services
 - ii. Keystone Waters, LLC – October 2021 Printing Expenses
 - iii. Barr Engineering – October 2021 Engineering Services
 - iv. Kennedy & Graven – September 2021 Legal Services
 - v. Redpath – October Accounting Services
 - vi. We All Need Food and Water – October 2021 Administrative and Education Services

The general and construction account balances reported in the November 2021 Financial Report are as follows:

Current Assets	Capital Improvement Projects	General Fund	Construction Fund	TOTAL
Checking	1,076,471.83	44,754.40	32,272.00	1,153,498.23
4MP Fund Investment	3,501,105.22	527.14	0.00	3,501,632.36
4M Fund Investment	1,483,511.82	75.29	0.00	1,483,587.11
Total Checking/Savings November 2021	6,061,088.87	45,356.83	32,272.00	6,059,970.07

MOTION: Alternate Commissioner McDonald Black moved to approve the consent agenda. Commissioner de Lambert seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent from the vote.

5. BUSINESS

A. Receive Update on Proposed North Green Loop Development, Minneapolis

Administrator Jester reminded commissioners that this project involves a developer in Minneapolis proposing to build a structure over a key access shaft into the Bassett Creek Tunnel. She reported that she had talked with Minneapolis City Engineer and Deputy Director of Public Works Bryan Dodds about this issue, the language in the easement, and the need for better communication and collaboration in the future.

Commission Engineer Herbert reviewed the responses from the city and the developer on the Commission’s questions and concerns from a September letter on the matter. Issues and responses included items concerning the drop structure and access shaft, the integrity of the box culvert and 3rd Avenue tunnel, and cooperative agreements. Engineer Herbert also outlined activities since the October Commission meeting including ongoing, weekly meetings with the developer, their consultants, and city staff; the developer’s inspection of the tunnel; the developer’s actions to confirm the location and elevation of the tunnel; and the city’s actions to remove the access panels to remove debris and check the integrity of the concrete slabs. He reported that the developer is continuing to refine their options for accessing the tunnel in the future and that the developer is considering crack monitoring within the tunnel during construction. When asked, Engineer Herbert confirmed that that the access shaft is not used during inspections and would only be used for emergency access/evacuation and/or for major tunnel repair and maintenance.

Commission Engineer Herbert offered his opinion on the development indicating that this is not an ideal situation, and that it will likely to add to the cost of future tunnel repairs. However, he noted the developer is acting in good faith to provide reasonable access into the future and that working within an interior space during tunnel maintenance might improve conditions. He noted that the project is “moving in the right direction” but he still needs to see final access plans to form a complete opinion.

Minneapolis City Engineer and Deputy Director of Public Works, Bryan Dodds, noted the collaborative process and partnership to protect this critical city asset. He noted the city is committed to close coordination with the Commission during development of the easement language to ensure ongoing, viable access. He noted that the city’s legal team is closely involved with this project’s existing and future easement.

Commission Attorney Anderson noted that the Commission will need an agreement in place granting rights for Commission access to the tunnel to perform the previously agreed upon inspections, repairs, and maintenance. The agreement should clearly outline each entity’s rights and responsibilities. Attorney Anderson also noted the need to review all tunnel access easements for assurances that appropriate access is granted.

Commissioner Welch agreed that appropriate documents need to be in place and that better communication between the Commission and the city is needed. He offered to help in that regard, as needed.

There was some discussion about reimbursement for Commission expenses related to this project and an acknowledgement that the city is the tunnel owner and thus, has MS4 reporting responsibilities with regards to the tunnel. It was also noted that the Commission’s joint and cooperative agreement (JCA) with the City of Minneapolis and the Mississippi Watershed Management Organization (MWMO) may have language about the tunnel and access issues, and that the Commission may need an emergency contingency plan to assign roles and responsibilities in the event of an emergency. There was discussion about the possibility of revising the JCA to include easements, agreements, review costs reimbursements, etc. regarding the tunnel along with an emergency plan.

Staff will continue to work with the city and the developer and will bring additional information to the Commission as appropriate.

B. Review Draft Schedule and Consider Directing Staff to Develop Scope for 2025 Watershed Plan Development

Administrator Jester gave an overview of the draft schedule for Plan development over 2022 – 2025 and requested direction from the Commission on development of a scope and budget for Plan development. Commissioner Welch noted that it is important for the Commission to guide the Plan’s development and implementation. There was discussion on the level of public engagement activities desired by the Commission. It was noted that more involvement with Minneapolis communities would be important for true and authentic outreach to underserved neighborhoods and that outreach in these areas may be dovetailed with new FEMA/flood inundation maps to assess vulnerable communities.

There was consensus that a “medium level” of public engagement effort with an emphasis on outreach in vulnerable and underserved communities is appropriate for planning purposes at this point. Commissioners also agreed that it was appropriate to develop the Plan “in-house” with current staff and contractors, noting that additional hours for the administrator are likely needed and will be discussed with contract discussions with the Administrative Services Committee. Staff will bring a scope of work and budget for Plan development to a future meeting.

C. Assign Delegates to Attend MAWD Annual Meeting

Administrator Jester reported that since BCWMC is a MAWD member, that it should appoint two delegates and one alternate to participate in the MAWD business meeting on December 3rd. Delegates would vote on MAWD’s annual budget, MAWD resolutions, and MAWD bylaws revisions.

MOTION: Chair Cesnik moved to appoint Commissioners Welch and Harwell as delegates to the MAWD meeting and herself as alternate delegate to the MAWD meeting. Alternate Commissioner Crough seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent from the vote.

D. Consider Positions on Resolutions for MAWD Annual Meeting

Administrator Jester noted that resolutions are in the Commission meeting packet and there is an opportunity to discuss at this meeting so delegates understand voting recommendations from commissioners. There was discussion about the best way to gather input from commissioners. It was noted some input is gathered during the MAWD conference and meeting itself so delegates need some leeway on how to vote. It was decided that delegates would meet prior to the MAWD business meeting to discuss the resolutions. Commissioners should offer thoughts on the resolutions at this meeting and not communicate outside this meeting or delegate meeting. Administrator Jester offered her thoughts on some resolutions. No commissioners offered comments.

E. Consider Administrator Attendance at MAWD Annual Conference

MOTION: Commissioner Welch moved to approve registration reimbursement for two delegates, one alternate delegate, and Commission Administrator for attendance at MAWD meeting and conference. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent from the vote.

F. Consider Applying for MPCA Climate Resilience Grant

Administrator Jester provided a general overview of this new grant opportunity indicating that staff thinks it would be a good idea to apply to perform a vulnerability assessment, inventory of water infrastructure at risk of flooding, and community engagement for important community asset identification. Commission Engineer Chandler noted that the work of engaging underserved communities and assessing flood vulnerabilities in those areas might dovetail nicely with watershed management plan development work and may help the Commission prioritize its work and projects. It was noted that the Commission's XPSWMM model has already been run for the 500-year event which is a good surrogate for 2050 precipitation levels. There was some discussion about the level of effort for applying for the grant, noting it would take several hours of staff time.

MOTION: Commissioner Harwell moved to direct Commission staff to apply for climate resiliency grant funding. Alternate Commissioner Crough seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent from the vote.

G. Assign Liaison for Technical Advisory Committee Meeting

Commissioner Harwell was appointed Commission liaison to the TAC meeting.

6. COMMUNICATIONS

A. Administrator's Report

- i. Location for 2022 In Person Meetings: Administrator Jester reported that the Bassett Creek South Room at Brookview has been secured for all 2022 BCWMC meetings.

B. Chair - Nothing to report

C. Commissioners

- i. MN Association of Floodplain Managers Award: Commissioner Harwell reported that she attended the annual MN Association of Floodplain Managers meeting on behalf of both her employer and BCWMC. The Commission and the City of Golden Valley were awarded the first Project of the Year Award by the association which she accepted on behalf of the BCWMC at the awards ceremony. Administrator Jester will work with Golden Valley staff on an appropriate place to display the award.

D. TAC Members

- i. TAC Meeting November 22nd 11:00 – 12:30 Virtual

- ii. Update on Recent Smart Salting Trainings: Plymouth TAC member Ben Scharenbroich reported on two recent Smart Salting Trainings – one for parking lots and sidewalks attended by 40 – 50 staff with one private contractor; and a roads course well attended by crews from various cities. He noted the city is committed to hosting annual trainings.

E. Committees

- i. Administrative Services Committee to meet soon

F. Education Consultant

Dawn Pape announced that she is ending her contract with BCWMC effective immediately. She noted the need to care for family members and concentrate on important work related to climate change through her nonprofit. She thanked the Commission for 5 years of collaboration and listed her ideas on how to make the education consultant position more successful including: having an educator involved during the development of the 2025 watershed plan, being given time and budget to build relationships and create an education program integrated rather than separated from watershed work, providing more consistent feedback to the consultant, allowing the consultant time and budget to attend trainings and pertinent meetings, etc. Commissioners offered support and thanked Ms. Pape for her work over the years.

G. Legal Counsel – Nothing to report

H. Engineer

- i. Update on MTD Analyses and MN Stormwater Manual: Commission Engineer Chandler reported that the MPCA and a group of stakeholders including Commission Engineers have been working on adding criteria and standard credits for Manufactured Treatment Devices to the Minnesota Stormwater Manual over the last couple years. This work was requested of the MPCA by the Commission and other watersheds two years ago and is largely complete. Administrator Jester will write a thank you letter to Mike Trojan at the MPCA.

Before the meeting ended, New Hope TAC member Dave Lemke introduced the city's new stormwater specialist Nick Macklem.

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates
- C. Grant Tracking Summary and Spreadsheet
- D. Northside Lawns to Legumes Update
- E. WCA Notices, Plymouth
- F. WCA Notices, Golden Valley

8. ADJOURNMENT - The meeting was adjourned at 11:07 a.m.