



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting

Thursday, January 19, 2023

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday, January 19, 2023 at 8:32 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	Eric Eckman
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnetonka	<i>Absent</i>	<i>Vacant Position</i>	Leslie Yetka
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<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 and Greg Wilson, Barr Engineering		
Recording Secretary	<i>Absent</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Jeff Buch, Bob Stamos		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

Jeff Buch with Pave Drain noted he was attending the meeting to learn about cities and watersheds and how his permeable pavement product might help address watershed management goals.

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda as amended. Alternate Commissioner Pentel seconded the motion. Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

4. CONSENT AGENDA

Items 4A, 4G, and 4Cxi were removed from the consent agenda.

MOTION: Commissioner Gwen-Lenth moved to approve the consent agenda as amended. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

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

- Acceptance of January 2023 Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – December 2022 Administrative Services
 - Keystone Waters, LLC – December 2022 Meeting Expenses
 - Barr Engineering – December 2022 Engineering Services
 - Kennedy & Graven – October 2022 Legal Services
 - Redpath – December 2022 Accounting Services
 - Triple D Espresso – Meeting Catering
 - Stantec – WOMP Services
 - HDR – Website Services
 - Metro Blooms – Lawns to Legumes Grant Projects (2)
 - Metropolitan Council – 2022 CAMP Program Payment
 - Three Rivers Park District – Medicine Lake Boat Launch Inspections
 - CNA Surety – 2023 Bond Insurance
- Approval of Agreement with Redpath & Company for 2023 Financial Services
- Approval of Contract with HDR for 2023 – 2025 Website Hosting and Services
- Approval of Use of West Metro Water Alliance Special Project Funding
- Approval of Comments on Shingle Creek/West Mississippi Watershed Management Plan

4A. Approval of Minutes – December 15, 2022 Commission Meeting

Alternate Commissioner Hauer requested revisions to the minutes to better characterize her comments during the discussion of Item 5Ai about the Four Seasons Mall Water Quality Project. Administrator Jester showed recommended revisions on the screen.

MOTION: Commissioner Welch moved to approve the minutes as amended. Commissioner Jere Gwin-Lenth seconded the motion. Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

4Cxi. Approval to Pay Invoice: Friends of Mississippi River – Bassett’s Creek Park Natural Resources Management Plan

Commissioner Welch asked if the Bassett’s Creek Park Natural Resources Management Plan is complete. Administrator Jester reported she had reviewed a draft version and that it was detailed and ambitious. Commissioner Welch requested a copy of the final plan, when available.

MOTION: Commissioner Welch moved to approve payment of the invoice from Friends of the Mississippi River. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

4G. Approval of 2023 Golden Valley Pavement Management Program

Commissioner Carlson asked for more detail on the project noting that the city of Medicine Lake would be undertaking a road project and considering installing sidewalks. Commission Engineer Chandler noted that the Golden Valley pavement management project did not trigger the BCWMC’s water quality standards for linear

projects. She reported that the project does provide water quality improvements by reducing impervious surface and adding several best management practices (BMPs). She noted these practices were installed to meet the new State MS4 permit requirements for linear standards and that she recommends approval of the project with no conditions. Golden Valley staff member, Eric Eckman, reported that the city had a unique opportunity to purchase a nearby parcel so that additional BMPs could be constructed. He noted that scenario is not typical. He noted that the funds, including some funding from a city floodproofing fund were used for the project. Commissioner Welch noted that actual water quality improvement amounts for this project are not known because they were not required to be reported through the BCWMC review process.

MOTION: Commissioner Carlson moved to approve the project. Alternate Commissioner Pentel seconded the motion. Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

[Commissioner Harwell arrives.]

5. BUSINESS

A. Receive Presentation on Carp Assessment and Water Monitoring Results for Schaper Pond and Sweeney Lake and Consider Recommendation

Commission Engineer Wilson presented the results of the 2022 carp assessment on Schaper Pond and Sweeney Lake along with water quality monitoring results from Sweeney Lake after the alum treatments in 2020 and 2022. He noted that these activities incorporated two different CIP projects: Sweeney Lake Water Quality Improvement Project and the Schaper Pond Diversion Project.

Engineer Wilson reported that carp removal activities in 2020 had reduced carp numbers below the threshold of 100 kg/ha that is known to impact water quality. He reminded commissioners that in 2021, the Commission moved forward with an adaptive approach to carp management rather than installation of long term carp management infrastructure. This adaptive approach included reassessing the carp population in the pond and lake in 2022 to understand how quickly the population might rebound after the significant removal effort in 2020. The Commission also approved stocking panfish in Schaper Pond in hopes they would eat carp eggs and further reduce future carp populations.

Engineer Wilson reported that although carp numbers rebounded slightly, their population in both Schaper Pond and Sweeney Lake are still below 100 kg/ha. He also reported that panfish were not captured in Schaper Pond during the carp survey, indicating that they likely moved into Sweeney Lake and were not effective at reducing the carp numbers in Schaper Pond.

Engineer Wilson then reported on the water quality trends in Sweeney Lake over the last 10 years. He noted that total phosphorus, chlorophyll-a, and Secchi disc transparency levels had all improved and are now within the State standards. He reported the lake is expected to be removed from the impaired waters list in 2024. There was discussion about how working with lake owners and asking them to turn off the year-round aerators was likely the biggest influence on water quality improvement in the last 10 years. Golden Valley TAC member, Eric Eckman, noted that multiple BMPs had been constructed in the lake's watershed over the years along with targeted street sweeping efforts. Commissioner Welch noted that removing a lake from the impaired waters list due to implementation of best management practices is very rare and that the Commission has now accomplished that twice with Wirth Lake and Sweeney Lake.

Engineer Wilson went on to recommend that CAMP and routine BCWMC monitoring continue in Sweeney Lake. He also recommended that the Schaper Pond CIP budget be used to reassess the carp populations in Schaper and Sweeney again in 2024. He also recommended that the Commission plan for box netting of carp in these systems if numbers are found above 100 kg/ha. He recommended a budget of \$10,000 for the reassessment and up to \$50,000 for carp removals, as needed. He noted that if carp numbers do rebound, the Commission should consider other long-term solutions.

Commission Engineer Chandler also noted that with fewer carp in the system, the diversion curtain installed in Schaper Pond will hopefully work to reduce total phosphorus entering Sweeney Lake. She noted that monitoring of

the pond inflows and outflows would be needed to assess the effectiveness of the diversion curtain. She said that the alum treatment in Sweeney Lake will last longer if less new phosphorus enters the lake from the watershed.

When asked, Engineer Wilson explained why the aerators decreased water quality saying they de-stratified the lake, pushing nutrient-laden water from the bottom sediments up through the whole water column. Although more oxygen in the bottom of the lake should inhibit phosphorus release, he noted that in Sweeney Lake, the aerators did not provide enough oxygen and were likely undersized.

MOTION: Commissioner Carlson moved approval of the Commission Engineer’s recommendation to allocate up to \$60,000 for carp population assessment and removal in 2024 and to authorize appropriate subcontracts for that work. Commissioner Welch seconded the motion.

DISCUSSION: Commissioner Welch requested more information on why the Commission Engineer is recommending additional surveys rather than a long term solution. TAC member Eckman noted the city is in favor of the reassessment in 2024 noting that a structural solution would require construction and maintenance by the city and would likely involve the railroad authority making it a more complicated endeavor.

There was consensus that recommendations for future monitoring of Schaper Pond to determine functionality of the diversion project should come to a future Commission meeting. Commissioners also recommended submittal of a press release on Sweeney Lake delisting.

VOTE: Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

B. Discuss Membership in Minnesota Watersheds (formerly MAWD)

i. Review Annual Meeting (tabled from December meeting)

Chair Cesnik reported that the annual Minnesota Watersheds (MW) meeting in December went well, there were good networking opportunities, and the presentations were educational. She noted that MW could be an effective organization. Alternate Commissioner Hauer reported that she attended the Watershed Management Workshop and learned a lot. She also indicated the presentations at the conference were good. Commissioner Welch reported on the Diversity, Equity, and Inclusion session he and Administrator Jester helped facilitate. Commissioner Welch also mentioned that Metro Watersheds (formerly Metro MAWD) meets quarterly; their meetings are worth attending. He also noted that the MW annual conference format will be changed next year to better allow for watershed commissioners and managers to attend conference presentations. There was consensus among commissioners that the Commission should remain a member of MW.

ii. Consider Approval of 2023 Dues Payment

MOTION: Commissioner Gwin-Lenth moved to approve payment of the Minnesota Watershed dues for 2023 and stay in the organization. Commissioner Welch seconded the motion. Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

iii. Reminder of Metro MAWD Meetings and Legislative Day at the Capitol

Administrator Jester reviewed the information on the MW Legislative Day noting that registration costs for commissioners would be reimbursed by the Commission. There was discussion about access to legislators and bringing the right information and talking points to them, particularly on the chloride limited liability legislation. Commissioners Carlson and Cesnik along with Alternate Commissioner Hauer expressed interest in attending the event and making appointments with their legislators. Administrator Jester was directed to develop or borrow a fact sheet with talking points on the limited liability legislation and to sign onto any letters of support for the legislation on behalf of the Commission.

MOTION: Commissioner Welch moved to authorize reimbursement of registration expenses for any commissioners or alternates who wished to attend the MW Legislative Day. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis

Park absent from the vote.

Commissioner Welch reported that Administrator Jester recently volunteered to assist Ramsey Washington Metro Watershed District administrator, Tina Carstens, with coordinating the Metro Watersheds group and their meetings.

MOTION: Commissioner Welch approved the Administrator’s role as co-coordinator of Metro Watersheds. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

C. Review Proposals from Engineering and Legal Firms

Administrator Jester reported that the Commission received three engineering proposals (from Barr Engineering; Geosyntec Consultants; and cbec Inc., eco engineering) and one legal proposal (from Kennedy & Graven) in response to a solicitation for letters of interest proposals published in November. She recommended the Commission approve continuing contracts with Barr Engineering and Kennedy & Graven. She noted that current contracts with these firms expire at the end of April. When asked, she noted that Barr Engineering’s 2023 fee schedule was not submitted with the proposal because it wasn’t available at the time but she has since received it. Commissioner Welch commented that the two other engineering firms seemed to have specialized skills that might be useful in future Commission projects. There was some discussion and confirmation that the Commission can use firms other than Barr Engineering for special projects or studies. There was consensus that Barr Engineering has the history and expertise to remain as the primary Commission Engineering firm.

MOTION: Commissioner Welch moved to reauthorize contracts with Barr Engineering and Kennedy & Graven. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 7-0, with the cities of Minnetonka and St. Louis Park absent from the vote.

D. Discuss Format for 2025 Watershed Management Plan Public Kick Off Meeting

Administrator Jester reported that on the afternoon and/or evening of Tuesday, February 28th the BCWMC will host a public kick-off meeting for the 2025 Watershed Management Plan. She noted that per Minnesota Rules 8410.0045 Subp. 5, the BCWMC must publicly notice and host an “initial planning meeting presided over by the organization’s governing body to receive, review, and discuss input” on the 2025 Plan. She referenced the memo included with meeting materials outlining two different meeting formats: open house format and presentation and small group discussions format. She noted that staff recommends the open house format to allow more flexibility in people’s schedules. She also indicated that childcare and refreshments would be provided with either format. Commission Attorney Anderson reported that a quorum of the Commission would be required for the length of the meeting.

There was discussion about the meeting formats and a recommendation to include interactive educational displays and videos, and to provide food. Commissioners acknowledged the importance of hearing from and engaging with members of the public and agreed that an open house format is the more desirable meeting format. There was some concern about the ability to have a quorum present for the duration. A three-hour open house meeting was deemed a sufficient amount of time. There was concern about the meeting date overlapping with city council or commission meetings or other events. Administrator Jester was directed to send a poll to determine the best meeting date.

E. Consider Providing Direction to Staff on Linear Projects Standards in 2025 Watershed Management Plan

This item was tabled until the February meeting.

F. Consider Waiving Conflict of Interest for Commission Engineer

Administrator Jester described a conflict posed for the Commission Engineer noting that Barr Engineering is drafting an amendment to the Minnetonka local Water Resources Management Plan (WRMP) which the Commission Engineer would be required to review. Administrator Jester recommended the Commission waive the conflict for the Commission Engineer because 1) she can review all but some of the technical aspects of the amended plan so the amount of engineering review necessary is limited which may make it difficult to contract separately with a third party; 2) Commission Engineer Chandler is not the actual author of the amended plan

and there is enough separation between Barr Engineering staff in this matter; and 3) Commission Engineer Chandler is likely to review and provide comments that are in the best interest of the BCWMC.

It was noted during discussion that the Commission's conflict of interest policy should be revised for clarity and brought back to the Commission for approval.

Commissioner Harwell noted her agreement with the Administrator's recommendation. Commissioner Carlson asked if this was a good opportunity to hire a different engineering firm to review the Minnetonka WRMP. Commissioner Welch agreed that working with a different firm on certain projects may be beneficial, this task was too small to contract with a different firm. Instead, he recommended waiving the conflict for the Commission Engineer but including additional measures to reduce the conflict such as prohibiting any work by Commission Engineer Chandler on the Minnetonka WRMP. Engineer Chandler reported that to date she had only relayed BCWMC policies to Barr staff working on the WRMP and was fully prepared to review the Plan on behalf of the BCWMC.

MOTION: Commissioner Harwell moved to waive the conflict of interest for Commission Engineer Chandler to review the Minnetonka local Water Resources Management Plan (WRMP) and prohibit Engineer Chandler from interacting with her colleagues with regards to working on WRMP. Commissioner Welch seconded the motion.

DISCUSSION: Commissioner Carlson reported he would abstain from the vote due to his desire to hire a different firm for the Plan review.

VOTE: Upon a vote, the motion carried 6-0, with the cities of Minnetonka and St. Louis Park absent from the vote and the city of Medicine Lake abstaining.

6. COMMUNICATIONS

A. Administrator's Report

- i. Campaign Finance Forms – Reminder to complete and submit the form from the State
- ii. Audit Conflict of Interest Forms – Reminder to complete and submit the form
- iii. Administrator Schedule for February and March Meetings – Administrator Jester will be assisting her parents with medical needs the week of February 6th. The February meeting packet may be posted later than normal. If needed, the Commission Engineer can provide paper copies of the packet.

Administrator Jester will be out of the country in early March, including the week the meeting packet is prepared and the week of the March meeting itself.

There was consensus that no printed packets would be available for the February and March meetings. (City staff can supply commissioners or alternates with paper copies, as needed.)

MOTION: Commissioner Welch moved to appoint Commission Engineer Chandler as interim administrator March 4 – 18. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Minnetonka and St. Louis Park absent from the vote

- iv. Winter Photo Needed – If anyone has good winter photos with a lake or stream, please send them to Administrator Jester for the website.
- v. Bassett Creek Valley Summit – this event is planned for March 29 or March 30. The goal of the summit and future meetings is to develop a multi-jurisdictional partnership to implement projects in the Bassett Creek Valley plan. The BCWMC would be the convener at the initial meeting, with Commissioner Welch as the officiator. The group would elect a chair for future meetings.

B. Chair – No report

C. Commissioners

Commissioner Welch noted the MPCA is issuing a new construction stormwater permit that is currently out for review. He noted the Commission should have the Commission Engineer and possibly the Commission Attorney to review it and come back to the February meeting with any recommended comments; comments are due March 3. He also noted that the new US Army Corps of Engineers/USEPA rule regarding the change to the "Waters of the United States" definition may impact Federal permitting requirements.

D. TAC Members

The January 4th meeting was cancelled due to weather. Chair Cesnik was appointed liaison to the February 1st TAC meeting; Commissioner Harwell and Alternate Commissioner Jodi Polzin were appointed liaisons to the March 1st TAC meeting. It was noted that TAC liaisons should feel free to offer advice or opinions at the TAC meetings.

E. Committees - No report.

F. Legal Counsel - No report.

G. Engineer

Commission Engineer Chandler reported that weather conditions including high temperatures and rain have been challenging for the Lagoon Dredging Project. She also noted the Commission Engineers have had to remind the contractor to complete administrative items. Alternate Commissioner Polzin wondered about the noise ordinance noting the dredging seems to continue until 9:30 p.m.

Regarding the Bryn Mawr Project, Engineer Chandler that piles are currently being driven and geotech inspectors have been onsite.

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notice of Decision, Plymouth
- E. [New Ruling on U.S. EPA's Water Protections](#)
- F. [CCX Local News Segment on Bassett Creek Restoration Project](#)
- G. [City of Madison WI Salt Ordinance](#)

8. ADJOURNMENT - The meeting adjourned at 11:30 a.m.