



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting
Thursday, March 18, 2021
8:30 a.m.

Via video conference due to the COVID-19 global pandemic

1. CALL TO ORDER and ROLL CALL

On Thursday, March 18, 2021 at 8:31 a.m. via video conference, Chair Cesnik brought the Bassett Creek Watershed Management Commission (BCWMC) to order.

Commissioners and city staff present: 31

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	Jeff Oliver, Eric Eckman, RJ Kakach
Medicine Lake	<i>Absent</i>	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch	<i>Vacant Position</i>	Liz Stout, Katie Kowalczyk
Minnetonka	Mike Fruen	<i>Vacant Position</i>	
New Hope	<i>Absent</i>	Patrick Crough	Megan Hedstrom
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich, Chris LaBounty
Robbinsdale	<i>Absent</i>	<i>Vacant Position</i>	Marta Roser, Richard McCoy
St. Louis Park	Jim De Lambert	<i>Absent</i>	<i>Absent</i>
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler and Jim Herbert*, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Jennell Bilek, Jacqueline Day—Sweeney Lake Association Board Members*, McKenzie Erickson—resident, Ben Carlson*, Brett Arne*, and Steve Christopher — MN BWSR		

*Partial meeting attendance for specific agenda item(s)

2. PUBLIC FORUM ON NON-AGENDA ITEMS

Jaqueline Day and Jennell Bilek, from the Sweeney and Twin Lakes Conservation Association, expressed concern about Twin Lake in Golden Valley, especially the portion in Wirth Park. There is a steep grade down to the shoreline that was once vegetated, but has become increasingly less vegetated and more exposed to erosion due to removal of vegetation by visitors to an unofficial beach. They noted that that in 2014, Minneapolis Park and Recreation Board received a \$600,000 grant for restoration work, but no enhancements or restoration took place near the lake. In addition, many trees have been lost due to oak wilt and there is a lot of invasive buckthorn.

The group believes a sensible solution is to fence off the beach and revegetate the area with native plantings. They would like to see an ecological restoration designation and no trespassing signs in the area. They also want BCWMC to gather more information and participate in a tour of the area to see the problems firsthand.

Jennell Bilek explained that she has been a CAMP volunteer on Twin Lake for four years and has noticed more vegetation clearing over the years. She noted there used to be a good buffer but the area is worsening with each passing year.

Commissioner Harwell asked for photos and follow up information. Commissioner Welch also expressed concern and found the reported lack of action on \$600,000 grant disconcerting. Golden Valley TAC member Jeff Oliver said city staff is aware of the situation and conversations have been going on for months.

Alternate Commissioner McDonald Black said this is complicated because it's in Golden Valley, but it's a Minneapolis Park. She noted that the crowds at this beach are growing.

Chair Cesnik asked where BCWMC jurisdiction lies. Administrator Jester answered that BCWMC is an advocate for water quality but has no direct control over the lake or buffer unless a development project was brought forward. She noted the BCWMC implemented a CIP project in 2015 consisting of an alum treatment, so the Commission has invested in the lake's water quality.

The Commission directed Administrator Jester to gather more information on the issue and past grant funded activities, discuss with city staff, and participate in a meeting and a broader conversation with the various stakeholders. Commissioners Harwell, Welch, Cesnik and Alternate Commissioners McDonald Black and Holter expressed interest in a site walk if that is warranted in the future.

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda. Alternate Commissioner Crough seconded the motion. Upon a roll call vote, the motion carried 8-0, with the city of Robbinsdale absent from the vote.

4. CONSENT AGENDA

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

- Approval of February commission meeting minutes
- Acceptance of March 2021 financial report
- Approval to pay invoices
- Approval of Crystal 2021 Utility Reconstruction Project
- Approval of Resolution of Appreciation for Alternate Commissioner Noon
- ~~Approval of Contract with PLM Lake and Land Management Corp for Curly-leaf Pondweed Treatment, Medicine Lake (removed by Welch)~~
- Approval to Execute Grant Award Notice from MDNR for Curly-leaf Pondweed Treatment

Item 4F Approval of Contract with PLM Lake and Land Management Corp for Curly Leaf Pondweed Treatment on Medicine Lake was removed from the consent agenda by Commissioner Welch.

The general and construction account balances reported in the March 2021 Financial Report are as follows:
 Checking Account Balance 796,261.95

TOTAL GENERAL FUND BALANCE	796,261.95
TOTAL CASH & INVESTMENTS ON-HAND (3/10/21)	3,739,174.52
CIP Projects Levied – Budget Remaining	(3,796,367.96)
Closed Projects Remaining Balance	1,037,036.09
2015-2018 Anticipated Tax Levy Revenue	1,429.11
2019 Anticipated Tax Levy Revenue	4,499.30
Anticipated Closed Project Balance	1,042,964.50

MOTION: Commissioner Welch moved to approve the revised consent agenda. Commissioner Anderson 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 Information on BWSR Performance Review and Assistance Program (PRAP)

Brett Arne from the MN Board of Water and Soil Resources explained the process of assessing the performance of the BCWMC this spring through a “Level II PRAP” (Performance Review and Assistance Program) review. He provided an overview of the program, the survey commissioners can expect to receive, and BCWMC staff’s responsibility in assisting with the review.

The program uses four levels of review to assess performance ranging from statewide oversight in Level I, to a focus on individual LGU performance in Levels II and III, and to remediation in Level IV. Level I is an annual tabulation of required plans and reports for all LGUs. Level II is a routine, interactive review intended to cover all LGUs at least once every 10 years. A Level II review evaluates progress on plan implementation, operational effectiveness, and partner relationships. This review includes assessing compliance with Level II performance standards and compliance with the Wetland Conservation Act.

Arne explained that information compiled in the report by BWSR will include recommendations and/or commendations and will be brought to a future BCWMC meeting before the information goes into a larger report for the legislature. The Commission staff time needed to assist with the review should be less than 20 hours. The survey will go out next week to all commissioners, alternates, staff, TAC members, and partnering agencies and organizations.

B. Consider Approval of Contracts for Services and Fee Schedules

Administrator Jester reviewed that at the February meeting, the Commission voted to continue contracting with Kennedy & Graven and Barr Engineering for legal and technical services, respectively. At that meeting there were discussions about existing contracts and fee schedules. Administrator Jester was directed to bring

fee schedules to a future meeting for review and approval. Since the existing service contracts with each firm were several years old, each firm was asked to submit updated contracts for Commission consideration at this meeting.

Administrator Jester noted that the Commission Attorney reviewed the Barr contract and that she reviewed the Kennedy & Graven contract. She noted that as written, these agreements are “standing service contracts” and do not have an expiration date, but can be terminated at any time by either party.

i. Legal Services: Kennedy & Graven

MOTION: Commissioner Welch moved to approve the Kennedy & Graven contract for a 2-year term. Commissioner de Lambert seconded the motion.

Discussion: Administrator Jester noted her recommendation to keep the contracts as standing service contracts without expiration dates. She noted the contracts could be reviewed on a regular basis, but she worried about timing and deadlines associated with amending an expired contract in relation to the schedule for soliciting proposals for legal and technical services done biennially.

Commissioner de Lambert added that they could be approved every 2 years or kept as open-ended contracts, as is typically done in other business settings.

Commissioner Welch offered a friendly amendment to his motion to approve the Kennedy & Graven contract for 2 years and a small number of months at the Administrator’s discretion to accommodate schedules and deadlines. Commissioner de Lambert agreed to the motion’s amendment.

Upon a roll call vote, the motion carried 8-0, with the City of Robbinsdale absent from the vote.

ii. Technical Services: Barr Engineering Co.

Commissioner Welch noted that he recommends this contract be revised to include more detail on the expected services, the primary Commission engineers’ names, titles, and specific hourly rates, and notes indicating an acknowledgement that the Commission can contract with other engineering firms for specific projects or studies.

Administrator Jester suggested having the main engineers (Karen Chandler and Jim Herbert) and billing rates listed in the agreement. There was lengthy discussion about the level of detail needed, a list of the “typical” tasks, including unforeseen projects, etc. Since there is a wide variety of tasks that may be completed by Barr staff billing at different rates, it is difficult to define all of the staff involved each year.

The item was tabled and will be brought to the next meeting with more specifics about rates of principal engineers and likely placed on the consent agenda.

Commissioner Welch added that because there currently isn’t a problem, it is a good time to set policy and expectations, to potentially avoid future problems. Commissioner de Lambert noted that having a fee range is standard. But having a list of individuals expected to work on particular projects makes sense. Commissioner Harwell agreed and added that BCWMC doesn’t want to restrict possible tasks.

C. Consider Technical Advisory Committee Recommendations

- i. 5-year Capital Improvement Program (CIP)
- ii. Set Public Hearing for Plan Amendment

TAC Chair Mark Ray reported the TAC met on March 5th to discuss the FEMA modeling and mapping project, the 5-year CIP, and the possibility of adding a cost share program for “above and beyond” projects with private

developers. He noted the importance of remembering that the cost of CIP projects is rising because less expensive projects have already been implemented and larger projects are rising to the top. He noted that TAC members use the total phosphorus loading map and scoring matrix to inform their decisions in possible CIP projects. He also noted the TAC discussed the importance of starting a cost share program and decided that due to the likely inability to fund such a program right now, the cost share program idea would be evaluated during development of the next generation plan.

Administrator Jester then described the TAC-recommended 5-year CIP. She started by describing the changes from the last 5-year CIP, noting a significant increase in funds needed for the Medley Park Stormwater Improvement Project, lowered cost of the Lagoon Dredging Project, and lower amount available in the Closed Project Account.

Commissioner Anderson asked how much less Closed Project Account funding is available. Administrator Jester replied there would be approximately \$500,000 less due to an earlier accounting error. Commissioner Anderson also asked about the large budget changes with the Medley Park project. He pointed out that the estimated total levy for 2022 is going up nearly \$200,000 and believes this should be discussed.

Administrator Jester then reviewed the recommended new CIP projects including Plymouth stream restorations, cost sharing purchase of a new street sweeper in Golden Valley, a large flood reduction project in Golden Valley, a small project in Plymouth to be constructed in conjunction with a street reconstruction project, and repairs to the Bassett Creek tunnel. She noted that a minor plan amendment would be needed to add these projects to the CIP.

There was discussion about a variety of topics including a recommendation to include grant funding and city contributions in the CIP table to reflect total project costs as well as leveraged funding; Commissioner Welch's idea for a broad review of the BCWMC CIP program including methods to target and implement projects; the need to continue discussing the cost share program and look at what other watersheds are doing in that regard; and the need to include an "environmental justice" criterion to the CIP scoring matrix and CIP discussions. Commissioner Welch noted that he attended the TAC meeting, appreciated the robust discussion at the meeting and the TAC's careful consideration of potential projects. He also agreed the cost share idea should be discussed during the watershed plan update process in the future.

MOTION: Commissioner de Lambert moved to approve the 5-year CIP as presented and set a public hearing for the May Commission meeting. Alternate Commissioner Crough seconded the motion. Upon a roll call vote, the motion carried 8-0, with City of Robbinsdale absent for the vote.

D. 4F from Consent agenda: Approval of Contract with PLM Lake and Land Management Corp for Curly-leaf Pondweed Treatment, Medicine Lake

Administrator Jester reviewed the BCWMC policy for performing herbicide treatments of curly-leaf pondweed. Commissioner Welch noted that marine liability may need to be added to the contract.

MOTION: Commissioner Welch moved to approve Contract with PLM Lake and Land Management Corp for Curly-leaf Pondweed Treatment on Medicine Lake. Commissioner de Lambert seconded the motion. Upon a roll call vote, the motion carried 8-0, with City of Robbinsdale absent for the vote.

6. COMMUNICATIONS

A. Administrator's Report

i. Update on Hennepin County Chloride Initiative

Administrator Jester announced that the BCWMC will now be leading the HCCI due to the resignation of the RPBCWD Administrator who was previously coordinating the project. She noted that HCCI is currently working on two projects that were proposed by the BCWMC including the Parkers Lake Chloride Facilitation Project (more below from TAC reports) and the Chloride Management Plan Template Project.

B. Chair

Chair Cesnik noted that there are many items requiring follow up.

C. Commissioners

Representing the MDNR, Commissioner Harwell shared information on the updated FEMA maps that can be viewed without special software. She is seeking comments from member cities, but the maps aren't public, so they cannot be shared. Chair Cesnik asked whether BCWMC is on track? The answer is that BCWMC is on track, but it's more complicated than expected.

Commissioner Welch shared both good and bad news. The bad news is that it appears the chloride limited liability legislation is dead. The good news is that fox, otter, and mink have been spotted along the Bassett Creek restoration project near Fruen Mill. He shared photos. Commissioner Harwell encouraged people to send photos such as these to the MDNR.

Commissioner Harwell asked whether we can collaborate with private applicators to sweep up salt. She noted that more interaction between cities and private applicators is needed.

D. TAC Members

i. Update on Parker's Lake Chloride Reduction Project

Ben Scharenbroich, Plymouth TAC reported significant behind the scenes progress, but didn't have specific sites yet. To find specific sites, the City of Plymouth has taken on additional monitoring and they are working with a consultant to figure out the characteristics of chloride data to target BMPs and education. He publicly thanked Administrator Jester for her support and coordination with HCCI.

E. Committees

Both budget and education committees will be meeting on Monday.

Alternate Commissioner McDonald Black noted that voluntary, unpaid internships don't work for lower income students as they need to earn actual money. She advocated for having a paid internship with BCWMC.

F. Education Consultant

Education consultant Dawn Pape agreed with Alternate Commissioner McDonald Black and shared that she has many ideas for what that intern could work on.

The latest education videos are Pet Friendly Deicers and Time to Sweep the Salt! She reminded commissioners that having members share the videos and posts was the best way to increase their reach and stretch the budget.

G. Legal Counsel

Attorney Anderson thanked the Commission for continuing to contract with Kennedy & Graven and added that he enjoys working with BCWMC.

H. Engineer

- i. Update on 2021 Monitoring Plans for Parkers, Westwood and Crane Lakes. The ice out monitoring is scheduled for April and plant surveys in June and August. And, monitoring will continue on the Sweeney Branch.
- ii. Update on SEA School-Wildwood Park and Medley Park Feasibility Studies—both of these draft studies will be brought to the Commission in May. Both of these projects are getting a lot of stakeholder attention.

Commissioner Carlson asked about holding hybrid meetings in the future. Attorney Anderson answered that according to statute, hybrid meetings are allowed, it is more of a technical issue. Commissioner Carlson noted that BCWMC needs to consider safety of public to participate in meetings and they are likely to stay in step with the state.

7. INFORMATION ONLY (Information online only)

- A. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet
- C. WCA Notices of Decision, Plymouth
- D. 2021 Online Salt Symposium Save the Date—August 3 & 4

8. ADJOURNMENT

Upcoming Meetings & Events

- MAWD Virtual Legislative Event: March 17, 2021, starting at 1:00, [AGENDA](#) (let me know if you wish to attend)
- BCWMC Budget Committee Meeting: March 22, 2021, 1:00 P.M. via Zoom
- BCWMC Education Committee Meeting: March 22, 2021, 4:00 P.M. via Zoom
- Resilient Yards Workshop: March 25, 2021; 6:00 – 9:00 P.M., online <https://bluethumb.org/event/plymouth-resilient-yard/>
- Bassett Creek Watershed Mgmt. Commission Meeting: Thursday April 15th, 8:30 a.m. via Zoom
- Metro MAWD Meeting: April 20, 2021 at 7-9 p.m. online

The meeting was adjourned at 11:14 a.m.

Signature/Title

Date

Signature/Title

Date