



## Bassett Creek Watershed Management Commission

### DRAFT Minutes of Regular Meeting & Public Hearing

Thursday, May 20, 2021

8:30 a.m.

Via video conference due to the COVID-19 global pandemic

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

On Thursday, May 20, 2021 at 8:33 a.m. via video conference. Chair Cesnik brought the Bassett Creek Watershed Management Commission (BCWMC) to order.

#### Commissioners and city staff present: 30

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
Medicine Lake	Clint Carlson	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch	<i>Vacant Position</i>	Liz Stout, Katie Kowalczyk
Minnetonka	Mike Fruen	<i>Vacant Position</i>	Leslie Yetka
New Hope	<i>Absent</i>	Patrick Crough (partial attendance)	Megan Hedstrom, Aaron Latterell
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Vacant Position</i>	Marta Roser, Richard McCoy
St. Louis Park	Jim de Lambert	Angela Lawrence (partial attendance)	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters		
<b>Engineer</b>	Josh Phillips, Jen Koehler, Katie Turpin-Nagel, and Karen Chandler, Barr Engineering		
<b>Recorder</b>	Dawn Pape, Lawn Chair Gardener		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	Paul Stewart (Plymouth resident), Joan E. Hauer (Crystal resident), Duane Peterson, Bruce Bahneman		

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

None.

**3. APPROVAL OF AGENDA**

**MOTION:** Commissioner Welch moved to approve the agenda. Commissioner de Lambert seconded the motion. Upon a roll call vote, the motion carried 8-0, with the city of New Hope absent from the vote.

**4. CONSENT AGENDA**

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

Approval of Minutes –April 15, 2021 Commission Meeting; Acceptance of May Financial Report; Approval of Payment of Invoices; Approval of 2020 BCWMC Annual Report; Approval of Agreement with Three Rivers Park District for Medicine Lake Cooperation; Approval of Amendment to Agreement with Dawn Pape; Approval of Resolution 21-05 Not to Waive Monetary Limits on Municipal Tort Liability; Approval of Boone Animal Hospital Development Project, Golden Valley

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

Current Assets	CIP Projects	General Fund	TOTAL
Checking	\$ 384,989.51	\$ 183,190.93	\$ 568,180.44
4MP Fund Investment	\$ 3,501,239.06	\$0	\$3,501,239.06
4M Fund Investment	\$1,483,511.82	\$0	\$1,483,511.82
<b>Total Checking/Savings 4/30/2021</b>	\$ 5,369,740.39	\$ 183,190.93	\$ 5,552,931.32

Commissioner Carlson remarked that he saw good effort on AIS control in Medicine Lake and that he would like to see even more work and tighter control of the boat launch for the next year and beyond.

**MOTION:** Commissioner Welch moved to approve the consent agenda. Commissioner de Lambert seconded the motion. Upon a roll call vote, the motion carried 8-0, with the city of New Hope 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 8:39 a.m. Administrator Jester noted that at the March meeting, the Commission approved a 5-year CIP that requires a minor amendment to the watershed management plan to incorporate new projects into the CIP.

Paul Stewart from the City of Plymouth asked questions about the levy process and CIP. He was looking for clarity and understanding of the cost benefits of the projects and more transparency in the cost to taxpayers. Administrator Jester explained the Commission’s CIP process, including development of feasibility studies to evaluate cost benefits, and opportunities for public involvement including public hearings. Mr. Stewart thanked the Commission for the clarification.

After Commissioner Harwell suggested he might find the information he’s seeking on the website, Mr. Stewart replied that he did review the website, but he wanted more transparency on the tax burden. Chair Cesnik commented that she is interested in a format that would better show the details. Mr. Stewart reiterated that he’s concerned about rising taxes and wanted to better understand what he’s paying for. Commissioner Welch suggested keeping a list of residents interested in certain projects so they can receive emailed updates.

The hearing was closed at 8:55 a.m.

**MOTION:** Commissioner Welch moved to approve extending the comment period on the minor plan amendment to August 3, 2021 per Hennepin County Request. Commissioner de Lambert seconded the motion. Upon a roll call vote, the motion carried 8-0, with the city of New Hope absent from the vote.

**6. Business**

**A. Review Draft Feasibility Study for Medley Park Stormwater Treatment Facility Project**

At the August 2020 meeting, the Commission approved a proposal from the Commission Engineer to prepare a feasibility study for this project. The feasibility study report was prepared with considerable input from Golden Valley staff, review and input from Administrator Jester, and input from the public.

Commission Engineer Katie Turpin-Nagel started by explaining the site conditions and the three main goals for the project: reducing flooding, improving drainage, and improving water quality in Medicine Lake. Secondary goals are habitat restoration and education. Sediment cores indicate that the sediment is contaminated and will require disposal at a landfill.

Engineer Turpin-Nagel proceeded to present three concepts that were evaluated for implementation and explained the details of each. Key considerations for project alternatives included:

Maximizing the amount of permanent pool storage for water quality benefit and maximizing flood storage up to the 100-year event; maximizing the amount of sediment and particulate and dissolved phosphorus removed during frequent storm events; minimizing the permitting required to construct the project; maintaining or improving the functionality of Medley Pond, including water quality, flood control, and habitat functions; minimizing wetland impacts; balancing tree loss and flood storage development and/or replacing removed trees to the extent feasible; and maintaining or improving the functionality of the walking trails and enhancing the park experience.

Concept 1 increases flood storage and water quality treatment with a bio-infiltration basin, new open water wetland, and an expanded pond.

Concept 2 realigns the stream channel, expands the pond, has larger new open water pond, and a bio-infiltration basin.

Concept 3 provides the most flood protection and is recommended by staff because it best balances water quality improvements and flood mitigation, and has a lower cost. In addition, it provides lower annualized cost per pound phosphorus removal, 1.1 acres of native wetland and prairie restoration, and requires less maintenance.

Engineer Turpin-Nagel reviewed the estimated costs of the concepts including construction + contingency, engineering and design. Concept #1 = \$1.848M; Concept #2 = \$2.137M; Concept #3 = \$1.845M.

Commissioner Carlson asked if any other BCWMC CIP projects drain to this area. Administrator Jester answered that they do not.

[Alternate Commissioner Crough joined meeting.]

Commissioner Harwell suggested that several items be added to the report, including flow arrows to show interactivity of ponds, existing stream channel, wetland delineation footprint, which structures are impacted by flooding, show flood levels on graphics, and more information in general about the flood benefits. She also asked if the longer stormwater flow path is good for pretreatment. She also noted her preference Concept #3. Engineer Turpin-Nagel indicated the items can be included next draft. Harwell agreed that Concept 3 was the best concept and wondered if uptake of phosphorus by plants could reduce the dissolved phosphorus levels and whether some type of biofiltration could be incorporated into the concept.

Alternate Commissioner Crough asked if the park is losing a ball field with Concept 3. Staff responded yes, and explained that the ball field hasn't been used for a long time due to persistent wet conditions.

Alternate Commissioner Crough also asked if the debris in the creek will be cleaned up. Commissioner Welch commented that that is a city maintenance issue. City representative Eckman said debris upstream of the pedestrian bridge will be reported to park maintenance staff. Downstream of the bridge debris would be taken care of by the project.

[New Alternate Commissioner Angela Lawrence joined meeting.]

Commissioners Welch and Sicora voiced their support of concepts that reduce dissolved phosphorus since it is so difficult to capture. They wondered if different or innovative methods to capture dissolved phosphorus were explored.

Engineer Turpin-Nagel explained that although dissolved phosphorus would be removed by some plants and in the ponds, it is often re-released when those plants die off in the fall. She noted the project design would look at specific vegetation management.

Golden Valley TAC member, Eric Eckman, stated that he thought all 3 concepts were good and that the city should be able to provide some funding. He noted his preference for Concept 3 due to greater flood reduction impacts and less maintenance.

Commissioner Welch noted that Golden Valley's financial contribution is important because part of the project would be considered maintenance of the existing pond including removal of contaminated sediment. He also stressed that BCWMC needs to remove phosphorus pollution in Medicine Lake and sub-watershed whenever possible. Commissioner Welch also expressed the need for a watershed-wide map of high-priority flooding areas showing where projects should concentrate on flooding. He wondered if there was a way to get the results of Concept 2 for the Concept 3 price. He expressed hesitancy about passing up the opportunity to remove dissolved phosphorus and expressed his support for Concept 2 and noted it was an interesting policy question to compare removal of one or two homes from flood risk to water quality improvements in a public waterbody.

Alternate Commissioner McDonald Black noted that the cost difference is pretty high between concepts 2 and 3 for minimal additional phosphorus reduction. Commissioner Sicora noted that a different medium for filtration or benching could be evaluated and indicated the Commission should be more aggressive on the CIP levy. He also noted he is sympathetic about the difficulty of maintaining certain structures and noted Shingle Creek WMO is exploring innovative techniques.

It was noted that some of these details could be teased out in the design phase. Commissioner Welch suggested that staff refine the proposal and bring it back in June, incorporating Commissioner Sicora's ideas, Commissioner Harwell's suggestions, and Golden Valley funding commitment.

#### **5-minute break**

#### **B. Review Draft Feasibility Study for SEA School-Wildwood Park Flood Reduction Project**

The Commission approved a proposal from the Commission Engineer to prepare a feasibility study for this project at the August 2020 meeting. The report was prepared with considerable input from Golden Valley staff, input from Robbinsdale Schools, review and input from Administrator Jester, and input from the public.

As Engineer Chandler introduced Commission Engineer Jen Koehler, she mentioned that although this flood mitigation project has a high price tag, the BCWMC levy is not fully funding the project. She noted that DNR funding will also pay for part of the project costs. Engineer Koehler presented three concepts evaluated for implementation and reiterated that this is part of a much larger flood mitigation project. In 2016, the cities of New Hope, Crystal, and Golden Valley prepared a long-term flood mitigation plan and progress has been made in prior projects. She pointed out this project helps address flooding in ponds D, E, and F. In addition to flooding mitigation, this project provides some water quality and habitat improvements as well as opportunity for education.

According to the field investigations and desktop studies so far, there are no indications of contamination on the project site. Concept 1 includes underground storage, a stream, turf and prairie areas, and a wet meadow. Concept 2 has more open water and a prairie. Concept 3 has a vegetated iron-enhanced filtration basin, a wet meadow, and a prairie. All of them have similar flood reduction benefits but Concept 3 would be better for removing total phosphorus and providing habitat. After reviewing the costs and funding sources, Engineer Koehler recommended Concept 3.

Commissioner Harwell asked whether stormwater reuse was considered and asked about the frequency and duration of how long those areas will be wet. She also pointed out that the area is in the middle of a neighborhood so it could be an opportunity for education. She also wondered about the impact on trees.

Engineer Koehler responded that there is currently no irrigation in the park, so there isn't a need for stormwater reuse. As for duration of inundation, she noted that issue is on the radar as important part of design and more detail could be added to this report. She noted public input was extensive and the City of Golden Valley has the public input report on city's website. She noted concepts were developed based on local input, e.g. keeping the popular pickleball courts.

City of Golden Valley TAC member Eric Eckman reiterated that stormwater reuse did come up, but there isn't currently any need, there is currently no irrigation at the school, and the school isn't interested in irrigation. He will continue to engage with the school on various matters.

Commissioner Sicora recognized the effort and pointed out that he likes the plan for its flexibility and from an operations and maintenance standpoint. Commissioner Welch also favors concept 3 and pointed out that the school is in the Robbinsdale School District and the park is City of Golden Valley property. He mentioned it's important to leverage the \$1.3 million of state funding that adds to the work already being done in the area.

Alternate Commissioner McDonald Black expressed support for the project despite the high cost.

**MOTION: Commissioner Harwell moved to approve the draft feasibility study with comments from the meeting incorporated into a final report for the consent agenda in June and to move forward with implementation of Concept #3. Commissioner Welch seconded the motion.**

Discussion: Commissioner Sicora noted that the full life cycle and maintenance costs are extremely important considerations for this and other projects moving forward.

Upon a roll call vote, the motion carried 8-0, with the city of Minnetonka unavailable.

### **C. Review Budget Committee Recommendations for Proposed 2022 Operating Budget**

The Budget Committee met on March 22nd and April 12th to develop recommendations for the 2022 operating budget and city assessments. Alternate Commissioner McDonald Black went over highlights of why there is a \$37,998 total budget increase: increase in accounting services, technical services, and MAWD membership dues. She explained that the Commission can take action to approve a proposed budget that would then be sent to cities for review and comment. Or, the Commission can request a revised budget for consideration at the June meeting.

Chair Cesnik explained her ideas about how to further reduce the budget using the \$27,500 from the long-term TMDL budget and removing the \$5,000 slated for XP-SWMM updates.

Commission Engineer Chandler provided information on the XP-SWMM model status. The new model is complete and it could be adopted by the BCWMC soon but should incorporate the absolute latest information from the cities. She noted it's been a few years since information was gathered from cities to update the model. The XP-SWMM update budget includes outreach and coordination with cities.

Commissioner Harwell mentioned that the FEMA/DNR project is focused on upland storage issues. Eric Eckman said the XP-SWMM model is a benefit to all cities and there are changes that need to be included. In 2022, there will be new Lidar data with better resolution and contours.

Commissioner Welch complimented the presentation and stated that the next generation plan development needs to be in concert with that planning effort. He noted he was okay with using some TMDL funding but not draining it.

Commissioner Anderson asked why there were separate columns for committee-proposed budget and staff-proposed budget. Administrator Jester explained that the \$10,000 in savings for the water quality monitoring line item was realized after the committee met and just before meeting materials were distributed. She noted that she is proposing allocating some of the \$10,000 in savings to various line items to better reflect possible costs, and then reduced the city assessments with the remaining savings. Commissioner Anderson asked about the reason for increasing various line items and noted committee members should have consulted on the \$10,000 savings.

Administrator Jester clarified that the water quality monitoring savings is actually due to a partnership with the city of Plymouth, who contracts with TRPD on Plymouth Creek monitoring.

[Commissioner Harwell leaves meeting; Alternate Commissioner McDonald Black becomes Golden Valley representative for remainder of the meeting.]

The Commission asked the Budget Committee to reconvene and bring a revised budget to the June meeting.

#### **D. Consider Approval of Waiver of Conflict for Commission Attorney**

Commission Legal Counsel Anderson recently learned that colleagues at his firm occasionally represent the City of Minneapolis on highly specialized public finance and real estate projects. Although those projects are completely unrelated to the Bryn Mawr Meadows Water Quality Improvement Project, he requests a waiver of conflict in order to continue working on the Commission's behalf on the Bryn Mawr Meadows Water Quality Improvement Project agreement between the Commission, MPRB, and the City of Minneapolis.

**MOTION:** Commissioner Welch moved approval to waive the conflict of interest. Commissioner Sicora seconded the motion. Upon a roll call vote, the motion carried 9-0.

#### **E. Consider Conditional Approval of Proposal for Bryn Mawr Meadows Water Quality Improvement Project Design by Commission Engineer**

At the November 2020 meeting, the Commission requested a scope of work from the Commission Engineer to provide design and project engineering for this CIP project for an amount not to exceed \$183,000. The project is slated to be implemented within Bryn Mawr Meadows Park and adjacent city streets and designed and constructed in conjunction with the MPRB's design and reconstruction of Bryn Mawr Meadows Park. It was noted that an agreement with the MPRB and the City of Minneapolis is slated for consideration at the June Commission meeting.

Commission Engineer Chandler reviewed the proposal to design the project and explained that the CIP project will provide "above and beyond" water quality treatment. The BCWMC will build upon the feasibility study concepts to design the CIP project features, assuming MPRB staff or their consultant will prepare the plans and specifications for the larger park reconstruction project, will coordinate all public engagement and obtain permits. BCWMC will work closely with the MPRB, their design consultants, and City of Minneapolis staff throughout the design process to ensure all components will work seamlessly into the park reconstruction project and existing city infrastructure. BCWMC engineers will prepare supplemental documents for the BCWMC's above-and-beyond water quality improvement work to be used for bidding and construction.

Engineer Chandler further explained that they will prepare an engineer's opinion of probable construction costs for the CIP project and will submit the 50% and 90% plans to the Commission. She noted that we already know the soil is contaminated, so no further testing needs to be done. However, there is a budget for testing as needed if further problems arise. Engineer Chandler reviewed the deliverables, estimated costs, and schedule.

Commissioner Welch noted the various assumptions included in the proposal. He suggested that the Commission Engineer coordinate with MPRB to remove as many assumptions as possible so there is more confidence in the proposal and include the revised proposal on the June consent agenda.

## 7. COMMUNICATIONS

### A. Administrator's Report

- i. Update on PRAP – All documentation was submitted to BWSR over the last few weeks. BWSR will draft a report to be presented to the Commission at a future meeting.
- ii. Update on Hybrid Meeting Options-Continuing to explore; number of microphones is the limiting factor.
- iii. Update on Twin Lake  
Golden Valley will now hold a conservation easement along the lake north of the MPRB property, on Regency Hospital land. The fence between the park and hospital land is being fixed to deter trespassers from entering or leaving the park via hospital land. The MPRB did not approve the MOU with the City of Golden Valley. The lack of a formal partnership limits the city's and BCWMC's ability to address issues on park land but staff will continue to work on the issue.
- iv. Salt Symposium Early Bird Registration Open
- v. WCCO Interview  
Administrator Jester and Golden Valley Mayor Shep Harris were interviewed for a "Discovering Minnesota" segment that aired on WCCO TV.

### B. Chair

Nothing to report

### C. Commissioners

Welch complimented leadership on WCCO interview. He wondered if the Commission and Golden Valley can talk to Brookview about excessive goose feces and the potential water quality impacts. He also mentioned that there is a tree planting event on Saturday in Bassett's Creek Park.

### D. TAC Members

Nothing to report

### E. Committees

Nothing to report

### F. Education Consultant

Education consultant Dawn Pape reported on the new video available and the "Making Connections" Series

### G. Legal Counsel

Nothing to report

### H. Engineer

- i. CAMP monitoring volunteer reported significant blue-green algae concern on Lost Lake. Engineers will continue to monitor the problem.

## 8. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- C. Grant Tracking Summary and Spreadsheet
- D. Hennepin County Climate Action Plan – Adopted
- E. BWSR Snapshots Featuring Northside Lawns to Legumes Project

## 8. ADJOURNMENT

**MOTION:** Commissioner Fruen moved to adjourn. Commissioner Welch seconded the motion.

The meeting was adjourned at 11:55 a.m.