



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting

Wednesday, November 15, 2023

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Wednesday November 15, 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	Roxanne Gould	Eric Eckman, Drew Chirpich
Medicine Lake	Clint Carlson	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnetonka	Maryna Chowhan	Stacy Harwell	Leslie Yetka
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	<i>Absent</i>	Bob Stamos	Richard McCoy
St. Louis Park	RJ Twiford	<i>Vacant</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Stephanie Johnson, and Greg Wilson - Barr Engineering		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	David Johnston, St. Louis Park resident; Dave Hutton, Boyd Hansen		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No public comments.

3. APPROVAL OF AGENDA

MOTION: Commissioner Gwin-Lenth moved to approve the agenda. Chair Cesnik seconded the motion. Upon a vote the motion carried 8-0.

4. CONSENT AGENDA

MOTION: Commissioner Gwin-Lenth moved to approve the consent agenda. Commissioner Carlson seconded the motion. Upon a vote the motion carried 8-0 with the city of Minnetonka absent from the vote.

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

- Approval of Minutes – October 19, 2023 Commission Meeting
- Acceptance of November 2023 Financial Report
- Approval of Payment of Invoices
- Approval of Medicine Lake Lift Station Floodplain Mitigation Project

5. BUSINESS

A. Receive Report on Study of Chloride Extraction/Dilution Options for Parkers Lake

Administrator Jester provided background information on the project. At their meeting in September 2022, the Commission approved a scope of work for this study by the Commission Engineer. The study is part of the Commission's CIP project PL-7 that was split into two pieces: the Parkers Lake Drainage Improvement Project and the Parkers Lake Chloride Reduction Project.

Commission Engineer Greg Wilson gave a presentation with results of the study, first noting that Parkers Lake is on the impaired waters list for high chlorides. He reviewed thresholds for State chloride standards, water quality data in the lake, and land uses surrounding the lake. He noted that an estimated 66% of the chlorides are entering the lake from the northeast section of the subwatershed where there is industrial and high density residential land use. He described how chloride laden water sinks to the bottom of the lake and how the lake flushes completely about once every 1.4 years. He reported that the goal of the study was to identify viable options for extracting or diluting chloride in Parkers Lake.

[Commissioner Chowhan arrives.]

Engineer Wilson reviewed the two alternatives evaluated including 1) pumping chloride-laden water from the lake and discharging it to the sanitary sewer; and 2) pumping chloride laden water from the lake, treating it, and returning cleaned water to the lake. He noted that he discussed the possibility of implementing alternative 1 with Metropolitan Council staff at length and submitted documents and data at their request. Ultimately, Met Council staff indicated they would deny a permit application to discharge chloride-laden lake water to the sanitary sewer as it violates their policy to not intentionally pass pollution to downstream resources. (Since the wastewater treatment plant cannot remove chlorides, the pollution would simply be passed onto the Mississippi River.)

[Alternate Commissioner Harwell arrives.]

Engineer Wilson then went on to describe the results of studying two different methods to remove chloride from the lake's hypolimnion: reverse osmosis (RO) and ion exchange (IX). He reviewed the pros and cons of each system along with the overall capital costs, maintenance costs, annual operating costs, and cost per pound of removal which is low compared to typical costs per pound of total phosphorus removal.

Engineer Wilson reported that either the RO or IX system would have to be operated continuously during the open water season. And even then, the lake wouldn't likely meet chloride water quality standards without a 20% reduction in chloride from watershed runoff. Ultimately, due to the lake's shorter than expected residence time, the huge scale of the infrastructure needed, and the annual operating logistics and costs, he recommended the Commission continue to work on chloride source control and consider using an RO or IX system on a smaller scale such as a stormwater pond. He also recommended adding winter chloride sampling in Parkers Lake to better understand the overall mass balance of chloride in the lake.

Commissioner Twiford asked where residue from filtered lake water would go. Engineer Wilson noted the Met Council would likely grant a permit to discharge the residue at the wastewater treatment plant similar to industrial discharge

permit holders. Commissioner Pentel noted that the hundreds of thousands of dollars contemplated for installing and running the treatment system should instead be allocated to source control in the northeast part of the subwatershed. Others agreed that source control was most important. Engineer Wilson noted that the State standard may not be protective enough for sensitive species and may be amended in the future.

There was additional discussion including ideas for reducing salt use, managing it in the stormwater, or treating water that's leaving the lake. Commissioner Welch noted that due to complexity and uncertainty it seems that a more holistic approach is needed, concentrated in the subwatershed area contributing 66% of the pollution.

MOTION: Commissioner Welch moved to approve the addition of chloride monitoring in the winter in Parkers Lake and to direct the Administrator and Commission Engineer to work with the City of Plymouth to develop a scope of work for a holistic approach to chloride source control in the northeast subwatershed. Commissioner Pentel seconded the motion. Upon a vote the motion passed 9-0.

B. Consider Approving Agreement with City of Plymouth for Accounting Services

Administrator Jester provided background on this item reminding commissioners that the City of Golden Valley financial department staff served as the Commission's accountant and prepared monthly financial reports for decades before stepping back from that role a few years ago. She noted that at the time no other member cities wished to assume that same role so the Commission has been contracting with Redpath & Associates for this work since March 2021. She noted the City of Plymouth now has the staff capacity and interest in providing accounting services to the Commission and that the attached agreement was drafted by the Commission Attorney and reviewed by Plymouth staff. She noted that Plymouth would assume accounting responsibilities February 1st - at the beginning of the Commission's next fiscal year.

MOTION: Commissioner Pentel moved to approve the agreement with the City of Plymouth. Commissioner Maryna seconded the motion.

Discussion: Commissioner Welch indicated he would not support the motion due to the absence of language regarding standard of care. He also noted his belief that mutual indemnification in the agreement was not appropriate. Commission Attorney Anderson noted that the agreement was structured as a joint powers agreement (JPA) and that authority for Plymouth to perform the work comes from the JPA statute. He noted there are responsibilities of both parties and that the activity is cooperative in nature. Commissioner Gwin-Lenth wondered if the language requiring the use of generally accepted accounting practices should be included in the agreement but noted his support of the agreement if recommended by the Commission Attorney.

VOTE: Upon a vote the motion passed 8-1 with Commissioner Welch voting nay.

C. Consider Approving Agreement with City of Golden Valley for Cost Share of High Efficiency Street Sweeper

Administrator Jester provided background information reminding commissioners that at the September meeting the Commission officially ordered this CIP project to cost share the purchase of a high efficiency street sweeper for the City of Golden Valley. She noted the Commission Attorney drafted the agreement which was reviewed by city staff and which follows the Commission's policy on use of CIP funds for capital equipment purchases. She noted Golden Valley staff developed exhibit A in the agreement which also follows the policy noted above and is modeled off a similar exhibit in the 2020 street sweeper cost share project with the City of Plymouth.

MOTION: Commissioner Carlson moved to approve the agreement with Golden Valley. Commissioner Pentel seconded the motion.

Discussion: Commissioner Welch reiterated his position that was discussed at the September meeting when the project was ordered. He noted his belief that a policy is a good start but that Commission expenditures should be based on data and analysis. Administrator Jester noted the various studies in the Twin Cities Metro Area on the benefits of using high efficiency street sweepers to reduce pollutant loading to lakes. There was discussion about the Plymouth Street Sweeping Report that is slated to be presented later in the meeting showing the amount of pollutants being collected by a similar street sweeper. There was discussion about the particular sweeper planned for purchase by Golden Valley and

the areas where sweeping is performed. Chair Cesnik expressed desire for more information on the ability of sweepers to collect excess road salt. Others agreed that data and studies are needed before spending taxpayer dollars and that studies have already proven the effectiveness. Upon being asked, Drew Chirpich with the City of Golden Valley noted the city is ready to purchase the equipment with approval of this agreement. Administrator Jester noted the precedent with purchasing similar equipment, after development of the policy, for Plymouth in 2020. Alternate Commissioner Polzin wondered if the Commission record should include pollutant removal expectations before approving the agreement. There was further discussion about delaying the approval until more is known.

Commissioner Carlson **rescinded his motion** to approve the agreement. Commissioner Pentel agreed to the motion withdrawal.

Commissioner Welch indicated the Commission should rely on the Commission Engineer's professional opinion on benefits. Commission Engineer Chandler noted that she and her team did review pertinent stream sweeping studies by others when the Commission was developing the policy. There was considerably more discussion on appropriate timing for approving the agreement including a desire to have the equipment in time to sweep excess salt in late winter 2024 and early spring.

MOTION: Commissioner Chowhan moved to approve the agreement with the City of Golden Valley. Commissioner Pentel seconded the motion.

Discussion: Drew Chirpich reported on the exact model of sweeper to be purchased and noted it is very similar to the Plymouth street sweeper. Ben Scharenbroich, TAC member with Plymouth corroborated that information. Chair Cesnik noted there is an element of trust that this is an effective best management practice (BMP). Commission Attorney Anderson noted this CIP project was officially ordered by the Commission in September. He noted it may be appropriate to review the policy and add a process for the Commission Engineer to do some level of analysis before ordering. He noted, however, that the policy wasn't developed without data in mind and wasn't arbitrarily applied in this case.

VOTE: Upon a vote the motion carried 8-1 with Commissioner Welch voting nay.

[Chair Cesnik called a 5-minute break. Alternate Commissioner Leonardson departs the meeting.]

D. Appoint Delegates to the Minnesota Watersheds Annual Business Meeting

Administrator Jester reported that the Minnesota Watersheds (MW) organization will hold its annual meeting and conference November 28 – December 1 in Alexandria, MN. She noted that as a member of Minnesota Watersheds, the Commission should appoint two delegates and one alternate delegate to represent the Commission at the regional caucus meeting (Region 3) on the morning of Nov 30, and at the business meeting on Dec 1. She also noted a previous approval by the Commission to reimburse any commissioner or alternate for registration and travel costs to attend the conference. There was discussion about which commissioners plan to attend the conference and how valuable previous MW events have been.

MOTION: Commissioner Welch moved to appoint Alternate Commissioners Kennedy and Hauer as delegates to the Minnesota Watersheds annual meeting and to appoint Commissioner Twiford as the alternate delegate. Commissioner Chowhan seconded the motion. Upon a vote the motion passed 9-0.

E. Discuss Minnesota Watersheds Resolutions Packet and Legislative Platform

Administrator Jester reported that at the Minnesota Watersheds' annual business meeting, delegates will discuss and vote on resolutions that would be considered for the 2024 legislative session. Commissioner Welch noted that delegates are free to vote how they wish after considering input from BCWMC staff and commissioners and hearing comments and discussions from other delegates at the meeting. There was a discussion about the six proposed resolutions with Administrator Jester and Commissioner Welch offering brief opinions on each. Administrator Jester was asked to arrange a meeting among delegates to further review and discuss each resolution.

F. Review 2022/2023 Plymouth Street Sweeping Report

Ben Scharenbroich, TAC member with Plymouth reviewed the 2022/2023 street sweeping report. He noted that in the BCWMC, the sweeper has been used for more than 1,000 curb miles. He reviewed Table 2 from the report with

estimated pollutant removal noting that about 1 pound of total phosphorus/mile is gathered along with about 0.3 pounds of chloride/mile. He noted that the sweeper's use is prioritized to subwatersheds without stormwater treatment and the whole city is swept about 4 times per year. He noted it's more difficult to sweep in the winter due to staff availability. He noted that they try to get out as early as possible in the spring and typically perform 2 city-wide sweepings in the fall. When asked, Mr. Scharenbroich noted that staffing is the primary factor limiting more sweeping. He also noted that the city's streets staff are asked to report excess salt use but that the sweeper can only be used on city streets.

G. Receive Update From Plan Steering Committee

Plan Steering Committee Chair Kennedy provided a brief update, reporting that the committee most recently met November 1st to continue developing issue statements and goals. He noted a considerable discussion at the meeting regarding enforcement of erosion control requirements.

[Commissioner Pentel departs the meeting.]

H. Discuss Staff Evaluation Process

Administrator Jester asked how the group would like to evaluate staff for performance in 2023. There was consensus to use the same evaluation form and process as last year with anonymous surveys being returned to Alternate Commissioner Harwell to summarize.

6. COMMUNICATIONS

A. Administrator's Report

Administrator Jester reported that the WOMP station equipment on Van White Blvd had been vandalized and/or stolen once again. She noted the Met Council is hoping to move the equipment back to the Irving Avenue location.

B. Engineer –Commission Engineer Chandler reported that the MPCA's draft 2024 impaired waters list has been published and will be reviewed by Commission Engineers.

C. Legal Counsel – No report

D. Chair – No report

E. Commissioners – Commissioner Carlson noted the upcoming MAISRC anniversary symposium with a registration cost of \$50. Administrator Jester noted she would send information to commissioners.

MOTION: Commissioner Carlson moved approval of registration reimbursement for commissioners or alternates to attend the symposium. Commissioner Chowhan seconded the motion. Upon a vote the motion passed 9-0.

Alternate Commissioner Harwell reported on the Floodplain Managers Conference and encouraged commissioners to look at the Fargo-Moorhead Flood Reduction Project. She also noted she was named the 2023 Floodplain Manager of the Year.

F. TAC Members – No report

G. Committees – No report

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, Golden Valley, New Hope

8. ADJOURNMENT - The meeting adjourned at 11:45 a.m.