



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting
Thursday, April 18, 2024
8:30 a.m.
Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday April 18, 2024 at 8:32 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	Joan Hauer	Terri Schultz	Ben Perkey
Golden Valley	Paula Pentel	Roxanne Gould	Eric Eckman
Medicine Lake	Clint Carlson	Shaun Kennedy (voting member)	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout, Nico Cantarero
Minnetonka	<i>Absent</i>	Stacy Harwell	<i>Absent</i>
New Hope	Jere Gwin-Lenth	Jen Leonardson	<i>Absent</i>
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	Wayne Sicora	Bob Stamos	Richard McCoy, Jenna Wolf
St. Louis Park	<i>Absent</i>	David Johnston	Erick Francis
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Stephanie Johnson – Barr Engineering Co.		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Jim Rock (online)		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No public comments.

3. APPROVAL OF AGENDA

MOTION: Commissioner Gwin-Lenth moved to approve the agenda. Commissioner Pentel seconded the motion. Upon a vote the motion carried 9-0.

4. CONSENT AGENDA

Items 4A, 4E, and 4F were removed from the consent agenda.

MOTION: Commissioner Pentel moved to approve the consent agenda as amended. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 9-0.

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

- Acceptance of April Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – March 2024 Administration
 - Keystone Waters, LLC – March 2024 Administrative Expenses
 - Barr Engineering – March 2024 Engineering Services
 - Triple D Espresso – Meeting Catering
 - City of Plymouth – March Accounting Services
 - Kennedy and Graven – Legal Services
 - Stantec – WOMP Services
- Approval of Agreement with Three Rivers Park District for 2024 Medicine Lake Activities

5. BUSINESS

4A. Approval of Minutes – March 21, 2024 Commission Meeting

Commissioner Welch requested that language in Item 6Ei of the March meeting minutes be revised from “MN Landscapers Association still refuses to support the language in the bill” to “MN Landscapers Association is not willing to join the coalition.”

MOTION: Commissioner Welch moved to approve the March 21, 2024 meeting minutes, as amended. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 9-0.

4E. Approval of 2023 Annual Report

Commissioner Hauer noted that the annual report was a good and thorough document. She noted that the budget pie chart in the executive summary would be helpful when reviewing the operating budget during the year. Commissioner Pentel agreed that the report was well done and useful but noted that Commissioner Hauer was missing from the list of commissioners.

MOTION: Commissioner Gwin-Lenth moved to approve the 2023 Annual Report with the revision noted. Commissioner Hauer seconded the motion. Upon a vote the motion carried 9-0.

4F. Approval of 2024 Plymouth Boulevard Rehabilitation Project

Commissioner Hauer asked where the new stormwater outlets would be located wondering if there was to be more stormwater flowing to Plymouth Creek than currently. Commission Engineer Johnson noted that the Commission Engineers reviewed the project in context of the current BCWMC requirements. Plymouth TAC member Scharenbroich noted on the map where the new stormwater outfalls would be located and indicated that the same amount of stormwater will reach the creek but that it will be treated first, unlike current conditions. He noted that conditions are improving through project implementation. He also confirmed that stormwater volume is not changing (infiltration is not possible due to clay soils). There was further description of the project and discussion on the balance between needed city infrastructure (e.g., improved roadways), and stormwater management. Commissioner Welch noted an error within the project description of the permit memo; the proposed project will result in 9.4 acres of fully

reconstructed impervious and no new impervious area. Commissioner Welch noted that this 9.4 acres of fully reconstructed impervious surface does not require water quality improvements according to BCWMC requirements for linear projects. He advocated for updating the Commission's standards and requirements.

MOTION: Commissioner Hauer moved to approve the Plymouth Boulevard Rehabilitation Project with Commission Engineers' comments and conditions noted in the review memo. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 9-0.

A. Consider Approval of Agreement for Sochacki Park Water Quality Improvement Project Implementation

Administrator Jester noted the agreement with Three Rivers Park District and the City of Robbinsdale to design, construct, and maintain the project was drafted by the Commission Attorney and was reviewed by project partners. She noted the agreement is similar to other typical CIP implementation agreements and incorporates the provisions reviewed and discussed at the March Commission meeting.

Commission Attorney Anderson noted there were minor changes (clarifications) made from the version included in the meeting packet which were shown on the screen.

MOTION: Commissioner Sicora moved to approve the agreement with Three Rivers Park District and the City of Robbinsdale for the Sochacki Park Water Quality Improvement Project. Commissioner Pentel seconded the motion.

Discussion: Commissioner Welch noted that he would abstain from the vote noting that the agreement is fine but he continues to feel the process for implementation was not appropriate.

VOTE: Upon a vote the motion carried 8 in favor, 0 opposed, 1 abstention by Commissioner Welch.

B. Consider Approval of Updated Joint Powers Agreement for Member City Review

i. JPA with Tracked Revisions Since March

ii. Proposed JPA Document

Commission Attorney Anderson noted the valuable feedback gathered during the March Commission meeting and noted the changes that were made to the updated JPA (as shown in the memo in the meeting packet) including providing more clarity on voting and allowing cities to compensate commissioners (in addition to the Commission). Administrator Jester also noted the change allowing the Commission to authorize the administrator to disburse Commission funds without two signatures.

Attorney Anderson noted the termination date for the JPA was left blank and should be decided today. Administrator Jester noted that the current JPA's term is 10 years while the previous JPA's term was 20 years. There was considerable discussion on the appropriate term with some commissioners advocating for a 20-year term and/or a term that does not coincide with updating the watershed management plan. Commissioner Welch noted that the Commission will be evaluating the possibility of changing its governance and/or funding structure early in the implementation of the watershed management plan. He advocated for a short term for the JPA such as 3 or 5 years. He noted that he didn't know why the Commission would sign a 20-year JPA while knowing a change to the governance structure is possible. He indicated that sends conflicting messages to member cities and he indicated he is nervous that if a 20-year JPA is approved, member cities may not earnestly engage in analyzing governance structure. Administrator Jester noted the potential timeline of the watershed management plan is for it to be adopted in 2026 and the analysis of governance to be completed in 2027 or 2028. She noted that if the funding structure or governance structure were slated to change significantly, it might take several years before new structures are in place (particularly if special legislation is needed). She noted that perhaps a 7-year term would be appropriate.

Chair Cesnik took a roll call vote to understand leanings of the commissioners. Most commissioners voted for a 10- or 20-year JPA term. There was more discussion about various possible terms including 5-, 10-, and 15-year terms. Commissioner Welch advocated for a 5-year term. There was discussion about the governance structure analysis. It was noted that commissioners and TAC members seem open to the possibility of changing structure or funding and that some people may not know the difference between the various options (such as watershed district vs. watershed management organization). Commissioner Sicora noted that the structure analysis is currently an internal discussion,

mostly with the Plan Steering Committee. He noted the need for a firm setting and “safe” document to be able to move forward and that there is always the option for change. He indicated that 10 years is a minimum for operating responsibly and less than 10 years seems irresponsible. There was further discussion on the complication of syncing the JPA term with watershed plan updates. Commissioner Pentel noted that city councils like stability and that a longer term JPA would be better. Chair Cesnik took another poll on a 7-year vs 12-year term with most people choosing the 12-year term. There was some additional discussion on other term options.

MOTION: Commissioner Pentel moved to approve the draft joint powers agreement with a 12-year term. Alternate Commissioner Harwell seconded the motion. A roll call vote was ordered:

Crystal: No
Golden Valley: Yes
Medicine Lake: Yes
Minneapolis: No
Minnetonka: Yes

New Hope: Yes
Plymouth: Yes
Robbinsdale: Yes
St. Louis Park: Yes

The motion passed 7-2.

C. Consider Approval of Contract for Gathering Content on Native Communities

Administrator Jester reported that the Education Committee recommends that the updated watershed map include a large section describing Native culture, history, and land and water care practices in the Haha Wakpadan area. She noted that Jim Rock (husband of Alternate Commissioner Gould) is a member of the Dakota community and an educator of Indigenous culture. He indicated willingness to develop content for the watershed map and, upon request, submitted a proposal to complete that work. Commission Attorney Anderson explained that since Alternate Commissioner Gould is an interested official the Commission must adopt a resolution approving the contract by unanimous vote and noted the Commission could look for alternate bids if they so choose. The resolution was shown on the screen in the room as it was not included with meeting materials. There was agreement among commissioners that the price of \$2,000 for this work was already quite low and that the Commission is fortunate to have Jim Rock as a watershed resident and resource on Native communities. Attorney Anderson noted that Commissioner Gould cannot discuss the contract being considered but would be allowed to provide input on the Native content.

MOTION: Commissioner Harwell moved approval of the resolution and the contract with Mr. Rock. Commissioner Hauer seconded the motion. Upon a vote the motion carried 9-0.

A friendly amendment to the motion removed the paraphrase “with Alternate Commissioner Gould abstaining from the vote” from the resolution (unnecessary as she was not a voting member at this meeting).

Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

D. Review Next Steps in Bassett Creek Valley Discussions

Administrator Jester reported that now is a good time to convene some Bassett Creek Valley (BCV) stakeholders including neighborhood groups, the Redevelopment Oversight Committee (ROC), city council members, and county board members in order to get their input and continue supporting the county’s potential plans to develop a community works program through a multi-jurisdictional partnership for planning and implementation in the BCV. Commissioner Welch noted the Commission should decide its role in this issue. He also noted that the ROC is a group of businesses and neighborhoods in the area that acts as an unauthorized commission of the City of Minneapolis for providing input to the city on redevelopment within the BCV. He noted the city council adopted ROC’s plans for redevelopment many years ago. There was more discussion about the ROC and how the city’s impound lot is an important piece of the discussion on the future of the area. It was noted that the Commission could not be an official member of the multi-jurisdictional partnership but could be involved. Commissioner Welch noted the Commission’s involvement as a stakeholder and convener is a good role. Commissioners Sicora and Harwell noted the request of the Commission is simple and that it’s a good opportunity to be involved. Minneapolis TAC member Stout noted it’s a very challenging area and includes environmental justice issues and the need to avoid gentrification. She noted the Commission’s role in protecting the environment as redevelopment occurs. Engineer Chandler reminded commissioners at that the Bassett Creek Valley issue is included in the Climate Resiliency category in the new watershed plan.

MOTION: Commissioner Welch moved to authorize the administrator to work with Hennepin County to organize a Bassett Creek Valley stakeholder meeting. Alternate Commission Kennedy seconded the motion. Upon a vote the motion carried 9-0.

[Chair Cesnik called for a 5-minute break.]

[Alternate Commissioners Harwell and Stamos leave the meeting.]

E. Consider Technical Advisory Committee Recommendations

TAC Chair Scharenbroich reported that the TAC recommends a 5-year Capital Improvement Program (CIP) that includes dredging in Theodore Wirth Park, with a feasibility study to looking at options for additional dredging in Lagoons D, E, and F vs. new dredging in Lagoon G upstream. He also noted that the TAC considered a Golden Valley request to include replacement or significant repair of a culvert that carries the Sweeney Branch of Bassett Creek just upstream of the confluence with the main stem (and just upstream of Lagoon G in Theodore Wirth Park). TAC Chair Scharenbroich said the TAC does not recommend including it as a CIP project but agreed there is likely a Commission role in repairing or replacing this culvert. Alternate Commissioner Polzin wondered about the timing of the culvert replacement in relation to the possible dredging of Lagoon G. Administrator Jester noted that because the dredging project is slated for 2027, there was time to align the project if that made sense.

MOTION: Commissioner Welch moved to approve the addition of a project to dredge lagoons (either Lagoons D, E, and F, or Lagoon G) in Theodore Wirth Park to the 5-year CIP. Commissioner Pentel seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

TAC Chair Scharenbroich went on to review a TAC recommendation to convert the Commission's hydrologic and hydraulic (H&H) model from XPSWMM to PCSWMM and update the model with new data. He briefly described the various components of the project which is expected to span three years: 2025 – 2027. He noted the TAC recommends completing the whole project as shown in a detailed scope and budget from the Commission Engineer, and to use Flood Control Project (FCP) long term maintenance funds until or unless grant funding is secured or a maintenance levy is collected through Hennepin County.

Administrator Jester further defined the funding options and noted the Shingle Creek Watershed Management Commission already levies for CIP maintenance through the county. She noted the project could be wholly funded from the FCP long term maintenance fund but then the balance of that fund may be too low to perform actual maintenance when needed in the future. Commissioner Sicora indicated his support of the TAC recommendations and strongly encouraged proposing a maintenance levy through the county as an additional resource. Commissioners noted the importance of a good H&H model.

MOTION: Commissioner Sicora moved to approve the TAC recommendations to 1) direct the Commission Engineer to implement the hydrologic and hydraulic model conversion and update project as presented and to fund the project with Flood Control Project Long Term Maintenance Funds until or unless alternative funding is secured; 2) direct Commission staff to continue exploring grant funding opportunities for the model conversion and update project; and 3) direct Commission staff to explore establishment of a maintenance levy through Hennepin County. Commissioner Hauer seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

TAC Chair Scharenbroich reviewed additional discussions by the TAC (which did not include recommendations to the Commission) regarding the JPA review and approval timeline and the 2025 operating budget. Regarding the TAC's concern about city assessments possibly being greater than 10% more than 2024, Commissioner Welch noted the argument for levy authority rather than reliance on city funds. Commissioner Sicora noted the 2025 budget should reflect current work and noted the future needs of the Commission would be a separate discussion.

F. Receive Update from Plan Steering Committee

Plan Steering Committee Chair Kennedy reviewed the progress of the committee noting that considerable time was spent on how the Commission should operate in the future. He noted the committee will focus more on what the Commission wants to accomplish and then circle back to how to implement. He noted the watershed and waterbody quality category of issues was finalized and that anyone is welcome to attend the committee meetings. Administrator Jester noted this progress tracker would be included in Commission meeting materials each month.

MOTION: Chair Cesnik moved to table the remaining agenda items until a future meeting. Commissioner Pentel seconded the motion. Upon a vote the motion carried 8-0 with City of Minnetonka absent from the vote.

6. COMMUNICATIONS

A. Administrator's Report

- i. Update on Sweeney Lake Eurasian Watermilfoil Eradication Project – EWM is growing more slowly than expected. Commission Engineers are checking growth every two weeks. Residents and the public are asked to stay off the lake.

Various requests for interviews lately including on Sochacki Park Water Quality Improvement Project and history of the Bassett Creek tunnels, and request from MPCA to host a tour stop with college students at Schaper Pond/Sweeney Lake.

Reported on upcoming June 11 BCWMC/MWMO evening meeting centered around the Haha Wakpadan oral history project and that commissioners will receive personal invitations.

B. Engineer

- i. Update on Water Monitoring Activities – Ice out monitoring was March 19th on Cavanaugh/Sunset and Westwood Lakes. TRPD is monitoring Parkers and Medicine Lakes in cooperation with BCWMC; TRPD completed ice out monitoring on April 1. North Branch stream monitoring is underway with equipment being set up and a storm event sample collected April 7th.

Medicine Lake TMDL Assessment project continues to move forward; doesn't appear that additional sediment monitoring is needed. Alternate Commissioner Kennedy requested that the final report include information on the impact of zebra mussels on algae.

- C. Legal Counsel – Commission attorney Anderson continues to work on Bassett Creek Tunnel agreement with City of Minneapolis including negotiating indemnification language. He will be absent from the May meeting; his colleague Sarah Sonsalla will attend in his place.
- D. Chair – Chair Cesnik was appointed to the Plymouth City Council in the ward that includes Medicine Lake. Chair Cesnik plans to attend TRPD's April 25th State of the Parks event.
- E. Commissioners – Commissioner Welch reported the chloride limited liability legislation is dead this year. Also noted that Hwy 55's future is under consideration and may be a huge shift from current use and configuration. Alternate Commissioner Polzin noted a good article in the MinnPost on the topic.
- F. TAC Members – TAC Chair Scharenbroich reported that Plymouth continues to work through Army Corps permitting for Four Seasons Mall site. Commissioner Pentel was appointed as TAC liaison to May 1st TAC meeting.
- G. Committees – Budget Committee meets May 2nd

7. INFORMATION ONLY

- A. Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. Minneapolis Stormwater Management Program Public Hearing

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