



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting and Plan Development Workshop
Thursday, August 15, 2024
8:30 a.m.
Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday August 15, 2024 at 8:33 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 (online)	<i>Absent</i>
Golden Valley	Paula Pentel	<i>Absent</i>	Eric Eckman
Medicine Lake	<i>Absent</i>	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout
Minnetonka	<i>Absent</i>	Stacy Harwell	Leslie Yetka
New Hope	Jere Gwin-Lenth	<i>Absent</i>	Nick Macklem
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Absent</i>	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, Greg Williams – Barr Engineering Co.		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Guests/Public	Tim Peschman, Plymouth resident; Mike Sorensen, Minneapolis Park and Rec Board; Jen Dullum, MN Board of Water and Soil Resources; Brian Vlach, Three Rivers Park District		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

Tim Peschman, a resident of Plymouth, read a statement outlining concerns about potential groundwater contamination that may reach Medicine Lake from the site of a future redevelopment project over a closed landfill near Rockford Road and Vinewood Lane. He noted that he presented the same statement at the Plymouth Planning Commission meeting. He noted that the landfill site is not monitored on the west side of the property (although it is monitored on the east side) and is concerned about contaminants reaching Medicine Lake. He noted that heavy rain events result in high flows through a wetland between the landfill property and the lake. Plymouth TAC member Scharenbroich noted that the city is aware of the

landfill and the potential redevelopment of the site. He noted the city has not received a formal application for redevelopment and will thoroughly review the situation when/if they do. Commissioners appreciated the early notification. Commissioner Welch noted that if there is a risk that BCWMC approval of a redevelopment proposal would exacerbate pollution, then the issue is clearly in the Commission's purview, even if the Commission is rarely involved in groundwater issues.

3. APPROVAL OF AGENDA

Administrator Jester requested the addition of an agenda item to approve an amendment to the AIS prevention grant agreement with Hennepin County.

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

4. CONSENT AGENDA

Item 4D: Approval of Creek Edge Townhomes Project, Crystal was removed from the consent agenda.

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

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

- Approval of Minutes - July 18, 2024 Commission Meeting
- Acceptance of August Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC - July 2024 Administration
 - Keystone Waters, LLC - July 2024 Administrative Expenses
 - Barr Engineering - July 2024 Engineering Services
 - Triple D Espresso - Meeting Catering
 - City of Plymouth - July Accounting Services
 - Kennedy and Graven - Legal Services
 - Stantec - Watershed Outlet Monitoring Program (WOMP) Services
 - MMKR - 2023 Financial Audit

5. BUSINESS

New Item: Consider Approval of amendment to AIS Prevention Grant agreement with Hennepin County

Administrator Jester reported that the AIS Prevention grant from Hennepin County for Eurasian watermilfoil treatments on Sweeney Lake expires at the end of the year and includes an AIS early detection workshop. She reported that the EWM treatments and post-treatment surveys were completed but the workshop was not able to be scheduled for this year. Hennepin County is willing to extend the term of the grant agreement until December 31, 2025. She recommends approval of the amended agreement.

MOTION: Commissioner Pentel moved to approve the grant agreement amendment. Alternate Commissioner Kennedy seconded the motion. Upon a vote the motion carried 9-0.

Item 4D. Approval of Creek Edge Townhomes Project, Crystal

Commissioner Welch indicated that the memo included with the meeting materials should include information on how flood storage is being achieved with this project. The record of the Commission's decision needs to include the evidence for the decision, not only a conclusionary statement from the Commission Engineer. He also noted that the project is directly adjacent to the North Branch of Bassett Creek but does not trigger water quality and rate control standards. Commission Engineer Johnson indicated she believed the flood storage is being created through grading at the site and that additional details could be provided. Alternate Commissioner Harwell agreed with Commissioner Welch that documentation should be in the record and that the Commission should ensure the maintenance of the floodplain.

MOTION: Commissioner Welch moved to approve the Creek Edge Townhomes Project on the condition that the Commission

Engineer and Administrator confirm documentation of the floodplain storage and hydraulic connection of storage to the floodplain. Alternate Commissioner Harwell seconded the motion. Upon a vote the motion carried 9-0.

A. Consider Approving the Budget Committee Recommendations

- i. **Budget Committee Recommendations**
- ii. **Proposed Changes to Bylaws**
- iii. **2025 Proposed Budget**

Budget Committee Chair Sicora reminded commissioners that at the June Commission meeting, the Commission wasn't able to take action approving an overall budget due to last minute information from the auditor but directed staff to adjust the budget such that city assessments were less than 10% higher than 2024 assessments and that a line item for increased staff capacity was set no lower than \$10,000 and to send the proposed budget to member cities for comment. (No member cities submitted comments on the proposed budget.) He reported that the Budget Committee met on July 17th to review options for finalizing the budget and he reviewed the committee recommendations including adopting an 11-month budget for FY2025 (February 1, 2025 through December 31, 2025), amending the bylaws to shift the fiscal year to a calendar year, and approving the proposed budget that includes city assessments 6% higher than 2024 assessments. Administrator Jester noted that changing the fiscal year would require amending the bylaws with a 7-day notice to member cities and would require informing the Minnesota Office of the State Auditor but doesn't appear to require significant administrative tasks.

Budget Committee Chair Sicora reviewed the benefits of moving the fiscal year to a calendar year in addition to lowering the overall budget in 2025: member cities indicate that moving the BCWMC budget to a calendar year would be helpful in their budgeting process because the BCWMC process would move ahead in the calendar and would be more in line with city budgeting timing; annual reports, audits, grant reporting, and budget communications with the public would be more straightforward with a calendar-based fiscal year.

Commissioner Welch noted that moving the fiscal year ahead on the calendar may make auditing timelines more difficult but that the benefits outweigh the negatives. He also noted the budget is based on the Administrator's current compensation rate without an increase. There was discussion about the administrator's compensation and the potential need for additional staffing and/or a staff transition plan. Administrator Jester noted she has been at the same hourly rate since 2023 but did not request an increase for 2025. There was discussion about how/if to shift funding within the proposed budget to allow for higher administrator compensation. Commissioner Gwin-Lenth also expressed concern that a 12-month budget in 2026 may result in a significant increase in city assessments.

MOTION: Alternate Commissioner Kennedy moved to approve sending the proposed bylaws amendment to cities to incorporate a change to a calendar fiscal year, and to approve the 2025 budget with consideration by the Budget Committee to increase the Administrator's compensation or otherwise shift funding for staffing. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion passed 9-0.

B. Consider Approval of TAC Recommendations for Street Sweeping Prioritization Study

Technical Advisory Committee Chair Scharenbroich reported that at the TAC meeting in June, the TAC reviewed information from the Commission Engineer on a potential enhanced street sweeping prioritization study and heard how other watershed districts are using the results from similar prioritization studies to inform their work. He noted that at the August TAC meeting, the group reviewed a scope and budget for a street sweeping prioritization project in the Bassett watershed which they are recommending to the Commission.

Commission Engineer Johnson noted that street sweeping can be a cost-effective way to remove pollutants and improve water quality. She presented an overview of the enhanced street sweeping prioritization study including a survey of current operations in member cities, development and evaluation of a model of existing conditions, evaluation of seasonal efficiency and the cost benefit of enhanced sweeping, prioritization mapping, considerations of sweeping to reduce chloride pollution, and reporting. She noted that one proposed task involves analyzing Plymouth-specific sweeping data which the city of Plymouth is willing to pay for. Administrator Jester noted that since the purpose of the project is to help prioritize and target work for better water quality benefits, she and the TAC recommend using the Commission's Special Projects fund for the work.

Commissioner Pentel asked about assurances that the results of the study would be used by cities to enhance their street sweeping programs. Engineer Johnson noted that the Commission could encourage or incentivize enhanced street sweeping and noted that one of the benefits of the project is identifying barriers to better sweeping programs. TAC Chair Scharenbroich noted that cities have competing public works activities and that the results of the study could help them to focus efforts toward maximum benefit to BCWMC's priority waters. Commissioner Pentel noted that the study may not be useful for cities with just a small portion in the Bassett Creek watershed. TAC member Eckman indicated his support for the study, noting it would be helpful to prioritize an effective sweeping approach.

There was concern from commissioners about the significant variables involved with the proposal including the impact of weather conditions on street sweeping, project cost, usefulness, and benefit of the study and the fact that it may help cities fulfill regulatory requirements which would not be an appropriate use of commission funds. Engineer Johnson reiterated that the purpose of the study is to provide information to enhance sweeping programs to achieve better water quality outcomes.

MOTION: Commissioner Jere Gwin-Lenth moved to table the item to a future meeting so that additional information and examples of uses of the results can be presented. Alternate Commissioner Harwell seconded the motion.

Discussion: Commissioner Welch noted the Commission did not request this study and wondered where it originated. He noted the memo is addressed to the TAC and not the Commission and indicated there are likely many questions from commissioners due to the lack of context for the need and relation to commission goals.

VOTE: Upon a vote the motion carried 9-0.

C. Consider Approving Policy on Diversity, Equity, Inclusion, and Accessibility

Administrator Jester reminded commissioners that they reviewed and discussed a policy related to the Commission's commitment to addressing social inequities in their work. She noted the draft presented at this meeting makes a direct connection to specific areas of watershed work and she recommended approval.

There was a brief discussion about indices of social vulnerability used by different agencies/groups and in different applications to help focus activities. There was a suggestion to change language from "related indices" to "similar indices" in the policy statement. The policy would read:

The BCWMC is committed to understanding issues and prioritizing improvements in diversity, equity, inclusion, and accessibility as they relate to the Commission's work in improving and protecting aquatic ecosystems, building climate resiliency, and reducing flood risk. The BCWMC strives for diverse representation in decision making, robust engagement and communication with historically underrepresented communities, equitable access to information and resources, and use of social vulnerability and similar indices in prioritization of its projects and programs.

MOTION: Commissioner Gwin-Lenth moved to approve the adoption of the policy with the change discussed. Alternate Commissioner Johnston seconded the motion.

Discussion: There was brief discussion on how a social vulnerability index could be used with CIP prioritization.

VOTE: Upon a vote the motion carried 9-0.

D. Consider Submitting Resolutions for Minnesota Watersheds 2025 Platform

Administrator Jester asked if any commissioners wished to propose a potential resolution for consideration by MN Watersheds (resolutions are due September 1). Commissioner Welch noted that Nine Mile Creek WD is considering submitting a resolution advocating for a regulatory approach to chloride management. He noted the Commission could support the resolution by voting for it at the annual MN Watersheds meeting if it's presented there.

6. COMMUNICATIONS

A. Administrator's Report

- i. Update on Hennepin County Comments on 2025 Maximum Levy – at their committee-of-the-whole meeting,

two Hennepin County commissioners commended the Commission's work before they approved the maximum levy request for 2025. The full County Board approved the request at their subsequent meeting.

- ii. Administrator Jester noted that she submitted a letter of support for maintaining current funding levels in the Clean Water Fund to the Clean Water Council.

B. Engineer

- i. Update on Sweeney Lake Carp Box Netting – Commission Engineer Chandler reported that preliminary box netting is being done to determine if a more robust box netting effort would be successful on Sweeney Lake. She noted that no effectiveness monitoring on Schaper Pond is being recommended this year.

C. Legal Counsel – No report

D. Chair – No report

E. Commissioners

- i. Report on Golden Valley Sustainability Fair – Commissioners Pentel and Hauer volunteered at the event and talked with many residents about the benefits of native plants (using the “root pull” display) and gave away the popular dog waste bag dispensers.
- ii. Report on Salt Symposium - Commissioner Hauer said she learned a lot from the event including interesting information on water softening and heated sidewalks. Commission Engineer Chandler reported that Commission Engineer Wilson attended the event and noted good information on using liquid deicers, the need for more groundwater monitoring, and low salt design ordinances being developed by Bolton and Menk.

- F. TAC Members – TAC Chair Scharenbroich reported that the TAC spoke about the joint powers agreement and that letters from cities who oppose any current provisions in the JPA will be submitted to the BCWMC by August 31st, as requested.

G. Committees

- i. Creek Co-naming Subcommittee – This subcommittee met recently to discuss how and where to use both the English and Dakota names for the creek. Their recommendations will be forwarded to the Education Committee at their next meeting.

7. INFORMATION ONLY (Information online only)

- a. Administrative Calendar
- b. CIP Project Updates www.bassettcreekwmo.org/projects
- c. Grant Tracking Summary and Spreadsheet
- d. WCA Notice, Golden Valley

[Alternate Commissioner Harwell leaves the meeting.]

8. PLAN DEVELOPMENT WORKSHOP

Plan Steering Committee Chair Kennedy provided an introduction to the workshop and overview of the purpose of the workshop. He reviewed the plan development progress to date and reminded commissioners that education activities will be presented within their own category in a future workshop.

BREAK INTO SMALL GROUPS

Commissioners, TAC members, and partners broke into four small groups to review, discuss, and recommend revisions to specific issue statements, desired future conditions, and 10-year goals for five issues in the Watershed and Waterbody Quality category and three issues in the Flooding and Climate Resiliency category.

After 45-minutes in small groups, the whole Commission came back together for a brief report out from each small group.

- 9. **ADJOURNMENT** – The meeting adjourned at 11:28 a.m.