



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting and Plan Development Workshop
Wednesday, November 20, 2024
8:30 a.m.
Plymouth City Hall, 3400 Plymouth Blvd.

1. CALL TO ORDER and ROLL CALL

On Wednesday, November 20, 2024 at 8:34 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	Jesse Struve
Golden Valley	Paula Pentel	<i>Vacant</i>	Eric Eckman, Drew Chirpich
Medicine Lake		Shaun Kennedy	<i>Absent</i>
Minneapolis	<i>Vacant</i>	<i>Absent</i>	Liz Stout
Minnetonka	<i>Absent</i>	Stacy Harwell	Leslie Yetka (online)
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich, Talori Dunsworth
Robbinsdale	Wayne Sicora	Bob Stamos	Richard McCoy
St. Louis Park	RJ Twiford	<i>Absent</i>	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	Michael Welch (online; partial attendance), Rachael Crabb (Minneapolis Park and Rec Board)		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

Although no members of the public were present at this meeting, Chair Cesnik read a letter of resignation from Golden Valley’s alternate commissioner, Roxanne Gould. Ms. Gould’s letter noted that her resignation was prompted by her disappointment in the management of a wetland area in a local park by the City of Golden Valley. Chair Cesnik expressed gratitude for Ms. Gould’s work to bring attention to Indigenous place names and knowledge, including her and her husband Jim Rock’s work on the BCWMC’s watershed map and the land and water acknowledgement statement.

3. APPROVAL OF AGENDA

MOTION: Commissioner Pentel moved to approve the agenda. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0 with the City of Minneapolis absent from the vote.

4. CONSENT AGENDA

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

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

- Approval of Minutes – October 17, 2024 Commission Meeting
- Acceptance of November Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – October 2024 Administration
 - Keystone Waters, LLC – October 2024 Administrative Expenses
 - Barr Engineering – October 2024 Engineering Services
 - Triple D Espresso – Meeting Catering
 - City of Plymouth – October Accounting Services
 - Kennedy and Graven – September and October Legal Services
 - Stantec – Watershed Outlet Monitoring Program (WOMP) Services
- Approval of Second Amendment to Watershed Map Design Contract

5. BUSINESS

A. Approval of Resolution of Appreciation for Michael Welch

Chair Cesnik read a resolution of appreciation for former Commissioner Welch who served nearly 25 years as a representative from Minneapolis.

MOTION: Commissioner Gwin-Lenth moved to approve the resolution. Commissioner Twiford seconded the motion.

Discussion: Commissioner Gwin-Lenth noted that he frequently attended commission meetings years ago, before being appointed as a commissioner and always appreciated Michael Welch's attention to detail, his expertise, and his institutional knowledge. Chair Cesnik also expressed gratitude for Michael's attention to all pieces of commission business. Administrator Jester also expressed appreciation for Michael's significant contributions over the past 25 years and noted that many of the successful programs, processes, and projects are at least in part due to his leadership.

VOTE: Upon a vote the motion carried 8-0 with the City of Minneapolis absent from the vote.

B. Elect Vice Chair of the Commission

Administrator Jester noted that Michael Welch's resignation leaves a vacancy among Commission officers and that a new vice chair should be elected from among commissioners (not alternate commissioners) at this meeting. She confirmed that a single commissioner could not hold more than one officer position (except for the secretary and treasurer which can be combined into one position).

Commissioner Pentel indicated that she would be willing to serve as vice chair.

MOTION: Commissioner Kennedy moved to elect Commissioner Pentel as vice chair. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0 with the City of Minneapolis absent from the vote.

C. Consider Approval of 90% Design for Ponderosa Woods Stream Restoration Project (ML-22)

Commission Engineer Chandler reminded commissioners that the 60% plans for this project were approved in October. She reported that the City of Plymouth and their consultant responded to all comments and incorporated required changes to the 60% plans. She reported that changes resulted in more grading of the streambanks and the addition of several trees slated for removal. The feasibility study estimated that 13 healthy, desirable trees would need to be removed for project construction and access, while the 90% plans report that 23 healthy, desirable trees are planned for

removal. Engineer Chandler reviewed a table showing the species and sizes of the additional 10 trees, along with the reported reason that each tree needs to be removed. Reasons included avoiding wetland impacts for access to the project site, trees that are negatively impacting existing infrastructure, and additional streambank grading.

Commission Engineer Chandler noted that she and Administrator Jester recommend that 1) the city replace trees that will be lost (previously the city did not plan to replace lost trees); and 2) the city talk with each property owner with trees slated for removal to discuss specific trees.

There was discussion about the appropriate number of trees to require for replacement. Plymouth TAC member Scharenbroich noted the tight budget and requested some flexibility on tree replacement planning. He also noted that too many trees along the creek corridor will make vegetation establishment difficult due to shading. There was discussion about the possibility to replace additional trees in the lower end of the project area where buckthorn will be removed. There was discussion on project budget and funding needed for additional trees (at about \$1,000/tree). Administrator Jester noted there is precedence for project budget amendments, if there's a compelling need.

Commission Engineer Chandler continued to review additional recommended conditions for approval of the 90% plans and there was further discussion on the number of trees that should be replaced as part of the project, and how residents who have provided comments look forward to dead, dying, and fallen trees being removed. Plymouth TAC member Scharenbroich noted that the project could incorporate planting new trees in the park across the road from the project site. It was acknowledged that arborists should determine the species, size, and placement of new trees and that flexibility for tree replacements is appropriate.

MOTION: Commissioner Pentel moved to conditionally approve the 90% plans with the Commission Engineer recommendations and to require at least 10 and up to 20 trees to be replaced. Commissioner Hauer seconded the motion.

Discussion: It was noted the motion allows for flexibility and that residents will be notified about their ability to discuss specific tree removals and replacements. There was some discussion about information or QR codes that could be included on the construction sign at the project site.

VOTE: Upon a vote the motion carried 8-0 with the City of Minneapolis absent from the vote.

D. Approval of Agreement with City of Golden Valley for Construction of Bassett Creek Restoration Project Regent Ave. to Golden Valley Rd. (2014CR-M)

Administrator Jester reminded commissioners that at their meeting in September 2023, the Commission officially ordered this project that will restore stream banks along a 7,000-foot section of the creek. She noted that typically the BCWMC enters an agreement with the city where the project is located to both design and construct the project but in this case, the City of Golden Valley requests that the Commission design the project, and that the city construct the project. She reported that the attached agreement was drafted by the Commission Attorney and was reviewed and revised through several iterations between her, Commission Engineers, the Commission Attorney, the city attorney, and city staff. Administrator Jester also noted that the agreement outlines expenses that would be eligible for reimbursement to the city after Commission expenses are paid including items listed in Table 5-1 of the 2015 Watershed Management Plan (both left and right columns).

Golden Valley TAC member Eckman reported that the Commission has more capacity to design the project and provide engineering services. He noted that city time and effort will be needed more for outreach to residents and securing property rights for the work. He confirmed that the city has the capacity for this work if the Commission designs and provides engineering services. Commission Attorney Anderson noted that the Commission is not taking on additional liability for this project.

MOTION: Commissioner Sicora moved to approve the agreement with Golden Valley for the construction of the Bassett Creek Restoration Project. Commissioner Pentel seconded the motion. Upon a vote the motion carried 8-0 with the City of Minneapolis absent from the vote.

E. Appoint Delegates to Minnesota Watersheds Annual Meeting

Administrator Jester reported the Commission should appoint two delegates and one alternate to the MN Watersheds

annual meeting. She reviewed the format of the regional caucus and the annual meeting. Alternate Commissioner Kennedy and Commissioner Hauer said they would be attending the conference. Chair Cesnik noted she may be able to attend and needs to check her schedules. Alternate Commissioner Harwell noted she will be attending the conference on behalf of her employer.

MOTION: Commissioner Twiford moved to appoint Alternate Commissioner Kennedy and Commissioner Hauer as delegates to the MN Watersheds annual meeting and Chair Cesnik as the alternate delegate. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0 with the City of Minneapolis absent from the vote.

F. Review Minnesota Watersheds Resolutions

Administrator Jester reported that the MN Watersheds resolutions will be considered and voted on at the MN Watersheds annual meeting. She reported that after reading each resolution, she agreed with the MN Watersheds' Resolution Committee recommendations. Alternate Commissioner Kennedy reminded commissioners that resolutions stay in effect for 5 years and that the organization is seeing better communication, coordination, and access to legislators with the new lobbying firm. He noted that he also agrees with the committee recommendations.

Commissioner Gwin-Lenth expressed concern about a resolution that proposes to remove water resource enforcement officers. Alternate Kennedy noted he realizes it was a confusing resolution but that water resources enforcement officers are only in non-Metro areas.

G. Receive Update on Four Seasons Area Water Quality Improvement Project

Commission Engineer Johnson reminded commissioners that in July 2023, the Commission approved an agreement with the City of Plymouth to design and construct this project. She noted the Commission approved 90% design plans for the project at its September 2023 meeting and that since then, the city has been working with permitting agencies in order to finalize designs. She noted the project will result in more than 100 lbs of total phosphorus removal per year, but that design plans have changed in order to address permitting requirements. Engineer Johnson reviewed changes from the previously approved plans including a decrease in volume and surface area to the North Wetland; expansion of the grading area in the restored wetland; and a switch from a vegetated swale to a berm that directs flow from North Branch of Bassett Creek to the pond and restored wetland.

This item was information only; the revised 90% plans will be approved administratively by the Commission Engineers.

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

H. Discuss Process for Evaluating Staff and Soliciting Proposals for Engineering and Legal Services

Administrator Jester reported that near the end of each year the Commission evaluates her performance and that of the Commission Engineers. She noted evaluations have been accomplished in a variety of ways over the years usually including commissioners and TAC members providing feedback through quantitative evaluation forms and review by the Administrative Committee. There was discussion about potentially convening the Administrative Services Committee to review/evaluate staff. Commissioner Pentel offered to help update the staff evaluation form and present a revised form at the December Commission meeting.

Regarding the requirement to solicit proposals for technical and legal services, Administrator Jester explained that for at least the past 11 years, the Commission has asked for "letters of interest" proposals rather than full blown proposals because they did not desire a change to engineering and legal consultants.

MOTION: Alternate Commissioner Harwell moved to direct the administrator to solicit letters of interest proposals for engineering and legal services as done in 2022. Commissioner Hauer seconded the motion. Upon a vote the motion carried 8-0 with the City of Minneapolis absent from the vote.

6. COMMUNICATIONS

A. Administrator's Report

- i. Report on Upcoming TMDL Projects – Northwood and Lost Lakes – The MPCA has approved the development of total maximum daily load studies for Northwood and Lost Lakes. The Commission will likely perform subwatershed assessments following the TMDL studies. More information and timeline to come.
- ii. JPA Approval Updates – All nine cities have approved the JPA.

- B. Engineer – No report
- C. Legal Counsel – No report
- D. Chair – Chair Cesnik did not win a seat on the Plymouth City Council but enjoyed the election/campaigning process and learned a lot.
- E. Commissioners – No report
- F. TAC Members
 - i. Commissioner Pentel was appointed as liaison to the 12/18 TAC meeting
- G. Committees – Education Committee met November 12th and will present the updated watershed map and recommendations on creek co-naming at the December 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, Minneapolis

8. PLAN DEVELOPMENT WORKSHOP

Commissioners, TAC members, staff and others broke into four small groups to review, discuss, and recommend revisions to specific issue statements, desired future conditions, and 10-year goals in the Education and Engagement category and the Organizational Effectiveness category.

After 40 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 11:50 a.m.