



Bassett Creek Watershed Management Commission

Regular Meeting
Wednesday November 16, 2022
8:30 – 11:00 a.m.
Council Conference Room
Golden Valley City Hall @ 7800 Golden Valley Rd.

MEETING AGENDA

1. CALL TO ORDER and ROLL CALL

2. PUBLIC FORUM ON NON-AGENDA ITEMS – *Members of the public may address the Commission about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Commission will continue with the agenda. The Commission will take no official action on items discussed at the Forum, except for referral to staff or a Commissions Committee for a recommendation to be brought back to the Commission for discussion/action.*

3. APPROVAL OF AGENDA

4. CONSENT AGENDA (10 minutes)

- A. Approval of Minutes – October 20, 2022 Commission Meeting
- B. Acceptance of November 2022 Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – October 2022 Administrative Services
 - ii. Keystone Waters, LLC – October 2022 Meeting Expenses
 - iii. Barr Engineering – October 2022 Engineering Services
 - iv. Kennedy & Graven – September 2022 Legal Services
 - v. Redpath – October 2022 Accounting Services
 - vi. Triple D Espresso – Meeting Catering
 - vii. Shingle Creek WMC – West Metro Water Alliance
 - viii. Stantec – WOMP Services
- D. Approval of Final Reimbursement to City of Minneapolis for Bassett Creek Main Stem Erosion Repair Project: Cedar Lake Road to Dupont Ave North, 2nd Ave North, plus Fruen Mill Area, (2017CR-M)
- E. Approval to Submit Comments in Support of Minnesota DNR’s Proposed Rulemaking on Aquatic Invasive Species
- F. Approval of Four Seasons Mall Demolition Project, Plymouth
- G. Approval to Direct Commission Engineer to Submit Flood Control Inspection Report to Cities, Minnesota DNR, U.S. Army Corps of Engineers
- H. Approval of Pay Request from SOLitude Lake Management for Sweeney Lake Alum Treatment
- I. Approval of Resolution of Appreciation for Alternate Commissioner McDonald Black

5. BUSINESS

- A. Consider Approving Medicine Lake Lift Station Rehabilitation and Temporary Variance Request for Compensating Floodplain Storage, Medicine Lake (20 min)
- B. Consider Approving Resolution 22-10 Revising Boundary with Shingle Creek Watershed Management Commission (20 min)
- C. Discuss Ability to Compensate Community Members for Participation in Watershed Plan Focus Groups (15 min)

min)

- D. Appoint Delegates for MN Association of Watershed Districts Annual Meeting and Review Proposed Resolutions (20 min)
- E. Discuss Process for Evaluating Staff and Soliciting Proposals for Engineering and Technical Services (15 min)

6. COMMUNICATIONS (10 minutes)

- A. Administrator's Report
 - i. Update on Watershed Plan Development Activities
 - ii. Update on Crane Lake Chlorides Issue
 - iii. Hennepin County Taking Applications for Minnesota Water Stewards
- B. Chair
- C. Commissioners
- D. TAC Members
 - i. Appoint Liaison to December 7th Meeting
- E. Committees
- F. Legal Counsel
- G. Engineer
 - i. Update on Lagoon Dredging Project Construction
 - ii. Update on Bryn Mawr Construction

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices – Plymouth and Golden Valley
- E. MN Stormwater Research Program Highlights 2022
- F. Minnesota Water Stewards Application Materials

8. ADJOURNMENT

Upcoming Meetings & Events

- MAWD Annual Meeting and Conference: December 1 – 2, Arrowwood Resort, Alexandria MN
- BCWMC Technical Advisory Committee: Wednesday December 7th, 10:30 a.m. Wirth Lake Room, Brookview
- BCWMC Regular Meeting: Thursday December 15th, 8:30 a.m., Golden Valley City Hall



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: November 8, 2022

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: Background Information for 11/16/22 BCWMC Meeting

1. **CALL TO ORDER and ROLL CALL**
2. **CITIZEN FORUM ON NON-AGENDA ITEMS**
3. **APPROVAL OF AGENDA – ACTION ITEM with attachment**
4. **CONSENT AGENDA**
 - A. Approval of Minutes – October 20, 2022 Commission Meeting- ACTION ITEM with attachment
 - B. Acceptance of November Financial Report - ACTION ITEM with attachment
 - C. Approval of Payment of Invoices - ACTION ITEM with attachments (online) – I reviewed the following invoices and recommend payment.
 - i. Keystone Waters, LLC – October 2022 Administrative Services
 - ii. Keystone Waters, LLC – October 2022 Meeting Expenses
 - iii. Barr Engineering – October 2022 Engineering Services
 - iv. Kennedy & Graven – September 2022 Legal Services
 - v. Redpath – October 2022 Accounting Services
 - vi. Triple D Espresso – Meeting Catering
 - vii. Shingle Creek WMC – West Metro Water Alliance
 - viii. Stantec – WOMP Services
 - D. Approval of Final Reimbursement to City of Minneapolis for Bassett Creek Main Stem Erosion Repair Project: Cedar Lake Road to Dupont Ave North, 2nd Ave North, plus Fruen Mill Area, (2017CR-M) – ACTION ITEM with attachment – Construction of this [capital improvement project](#) was completed in December 2020 and the Commission approved the final project report in February 2022. Vegetation establishment is now complete along with additional final activities and reporting. Staff recommends approval of this final payment request and returning the project balance of \$295,993 to the Commission’s Closed Project Account.
 - E. Approval to Submit Comments in Support of Minnesota DNR’s Proposed Rulemaking on Aquatic Invasive Species – ACTION ITEM no attachment - The Minnesota Department of Natural Resources proposes to adopt rules under the expedited rulemaking process to classify 13 species of high-risk invasive aquatic plants, fish and invertebrates as prohibited invasive species. Organizations or individuals may submit comments on the expedited rule by December 9th. Staff recommends that the Commission submit a letter supporting the new rule as it would further protect BCWMC lakes and streams from these invasive species. More information is found at: <https://www.dnr.state.mn.us/invasives/invasive-species-program-2022-prohibited-invasive-species-rulemaking.html>.
 - F. Approval of Four Seasons Mall Demolition Project, Plymouth – ACTION ITEM with attachment - The Four Seasons Mall is in the Northwood Lake subwatershed, southwest of Rockford Rd and Hwy 169. Future development plans for the parcel will be submitted under a separate application. This project phase includes demolition of the existing building, removal of the parking lot, and site grading and restoration resulting in 13.1 acres of disturbance. Staff recommends approval with conditions noted in the memo.

- G. Approval to Direct Commission Engineer to Submit Flood Control Inspection Report to Cities, Minnesota DNR, U.S. Army Corps of Engineers – **ACTION ITEM with attachment (full document online)** – *In accordance to the Operation and Maintenance Manual for the Bassett Creek Flood Control Project (FCP), an annual inspection of the FCP features was completed by Commission Engineers. Staff requests approval to submit the inspection report to the appropriate entities. The municipalities are responsible for routine maintenance and repair of the FCP features located within their city and are responsible for submitting the completed FCP Maintenance Record from the previous year’s inspection.*
- H. Approval of Pay Request from SOLitude Lake Management for Sweeney Lake Alum Treatment – **ACTION ITEM with attachment** - *Solitude Lake Management completed the alum treatment on Sweeney Lake October 16 - 22. The work was completed according to the contract and the Commission Engineer recommends approving payment and completing the attached pay request form.*
- I. Approval of Resolution of Appreciation for Alternate Commissioner McDonald Black – **ACTION ITEM with attachment** – *Alternate Commissioner McDonald Black recently resigned her position from the Commission after serving almost nine years. Her accounting expertise was especially valuable to the Commission as chair of the Budget Committee and through discussions on the cost benefits of capital improvement projects. A resolution of appreciation is appropriate.*

5. BUSINESS

- A. Consider Approving Medicine Lake Lift Station Rehabilitation and Temporary Variance Request for Compensating Floodplain Storage, Medicine Lake (20 min) – **ACTION ITEM with attachment (maps available online)** – *The City of Medicine Lake reconstructed a sanitary lift station on Kaiser Avenue that resulted in 81 cubic yards of fill below the Medicine Lake 100-year floodplain. The city intended to provide compensatory storage as part of their Peninsula Road Street and Utility Improvement Project that was approved at the BCWMC meeting in March, but the street project was delayed. Therefore, the sanitary lift station project was completed this summer with no compensatory storage. The City of Medicine Lake is requesting “after-construction” approval and a temporary variance until December 31, 2024. Staff recommends approval with conditions listed in the attached memo.*
- B. Consider Approving Resolution 22-10 Revising Boundary with Shingle Creek Watershed Management Commission (20 min) - **ACTION ITEM with attachment (maps available online)** – *The Shingle Creek WMC recently evaluated and proposed changes to their boundary with adjacent watersheds including the BCWMC. Commission Engineers and TAC members reviewed the proposed changes in relation to the latest XP-SWMM hydrologic boundary. After discussions with SCWMC engineers and some adjustments, the Commission Engineer agrees the proposed revised boundary accurately reflects the most appropriate legal boundary between the SCWMC and the BCWMC and recommends the Commission approve the new boundary by resolution.*
- C. Discuss Ability to Compensate Community Members for Participation in Watershed Plan Focus Groups (15 min) – **DISCUSSION ITEM no attachment** – *We continue to seek input from various community groups as we develop the 2025 Watershed Plan and endeavor to build relationships with groups to understand their experience, knowledge, and priorities surrounding water resources. As part of this work, we plan to engage with specific groups such as members of the Native community and residents of environmental justice or historically underserved communities. In order to honor their giving of time and knowledge, it is appropriate to compensate them financially for their time. I will bring a compensation recommendation to the meeting for discussion.*

- D. Appoint Delegates for MN Association of Watershed Districts Annual Meeting and Review Proposed Resolutions (20 min) – ACTION ITEM with attachment – *The annual MAWD meeting and convention will be held at the Arrowwood Resort in Alexandria MN December 1 - 3. The Commission should appoint two delegates and one alternate delegate to attend the official business meeting at 8:00 a.m. Friday, December 2nd. The business meeting materials are attached, including proposed resolutions that will be discussed and voted on at the meeting.*
- E. Discuss Process for Evaluating Staff and Soliciting Proposals for Engineering and Technical Services (15 min) – DISCUSSION ITEM no attachment – *Near the end of each year the Commission evaluates my performance and that of Engineer Chandler. The evaluation has 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. The Commission should decide how to evaluate staff this year. Following evaluation, the Commission must solicit proposals or letters of interest proposals for at least legal and engineering services.*

6. COMMUNICATIONS (10 minutes)

- A. Administrator’s Report – **INFORMATION ONLY no attachments**
 - i. Update on Watershed Plan Development Activities
 - ii. Update on Crane Lake Chlorides Issue
 - iii. Hennepin County Taking Applications for Minnesota Water Stewards
- B. Chair
- C. Commissioners
- D. TAC Members
 - i. Appoint Liaison to December 7th Meeting
- E. Committees
- F. Legal Counsel
- G. Engineer
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8. ADJOURNMENT

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Bassett Creek Watershed Management Commission

**DRAFT Minutes of Regular Meeting
Thursday, October 20, 2022
8:30 a.m.**

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday, October 20, 2022 at 8:31 a.m. Chair Cesnik brought 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 | <i>Absent</i> |
| Golden Valley | Stacy Harwell | Jane McDonald Black | Jeff Oliver, Drew Chirpich |
| Medicine Lake | Clint Carlson | Shaun Kennedy | <i>Absent</i> |
| Minneapolis | Michael Welch | <i>Absent</i> | <i>Absent</i> |
| Minnetonka | <i>Absent</i> | <i>Vacant Position</i> | <i>Absent</i> |
| New Hope | Jere Gwin-Lenth | Jen Leonardson | Nick Macklem |
| Plymouth | Catherine Cesnik | <i>Absent</i> | Ben Scharenbroich |
| Robbinsdale | <i>Absent</i> | <i>Vacant Position</i> | Mike Sorenson, Richard McCoy |
| St. Louis Park | <i>Vacant Position</i> | <i>Absent</i> | <i>Absent</i> |
| Administrator | Laura Jester, Keystone Waters | | |
| Engineers | Karen Chandler, Jen Koehler, Patrick Brockamp – Barr Engineering | | |
| Recording Secretary | <i>Absent</i> | | |
| Legal Counsel | Dave Anderson, Kennedy & Graven | | |
| Presenters/ Guests/Public | Jacob Rischmiller, ISG | | |

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No comments from the public were made.

3. APPROVAL OF AGENDA

MOTION: Alternate Commissioner McDonald Black moved to approve the agenda. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

4. CONSENT AGENDA

MOTION: Commissioner Anderson moved to approve the consent agenda. Alternate Commissioner McDonald Black seconded the motion. No vote was taken.

Commissioner Welch requested the removal of 4E from the consent agenda.

Alternate Commissioner McDonald Black moved to approve the consent agenda except for item 4E. Commissioner Anderson seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

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

- A. Approval of Minutes – September 15, 2022 Commission Meeting
- B. Acceptance of October 2022 Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – September 2022 Administrative Services
 - ii. Keystone Waters, LLC – September 2022 Meeting Expenses
 - iii. Barr Engineering – September 2022 Engineering Services
 - iv. Kennedy & Graven – August 2022 Legal Services
 - v. Redpath – September 2022 Accounting Services
 - vi. Triple D Espresso – Meeting Catering
 - vii. Stantec – WOMP
 - viii. Metro Blooms – Lawns to Legumes Grant Funded Program
- D. Approval of Bassett Creek Park Pedestrian Bridge Project, Crystal

5. BUSINESS

4E. Approval of Brookview Golf Course Channel Stabilization Project, Golden Valley

Commissioner Welch noted that improving buffers along the creek and ponds within Brookview, a golf course owned by the City of Golden Valley, is a good goal and that the project before the Commission offers a good opportunity for improved buffers. He noted that the mess made by geese is especially bad in this course which could be reduced with larger buffer zones. He recommended that Commission assist with a project to improve buffers. Drew Chirpich and Jeff Oliver with the City of Golden Valley reported that the required 10-foot buffer is in place but consists mostly of reed canary grass. There are new golf course managers who are aware that wider buffers are desired. They reported that establishing wider buffers around some of the ponds in the golf course is ongoing.

[Commissioner Harwell arrives.]

MOTION: Commissioner Welch moved to approve the Brookview Golf Course Stabilization Project and for Commission staff to discuss buffer opportunities with city staff. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

A. Consider Approving 90% Design Plans for SEA School-Wildwood Flood Reduction Project (BC-2,3,8,10)

Commission Engineer Chandler reminded the Commission that the City of Golden Valley is designing and constructing this project through an agreement with the BCWMC and that the city contracted with Barr Engineering for project design. She introduced Jen Koehler from Barr who presented the 90% plans for this project. Ms. Koehler reported they that they have been working closely with Robbinsdale Area Schools since the 50% designs were approved in January. She reported the goals of the project are to reduce flooding around DeCola Ponds D and E and improve water quality that eventually drains to Bassett Creek. She reviewed project components including

increasing the size of the outlet from Pond D, diverting runoff from flowing into DeCola Ponds and instead into water quality treatment structures to be built in Wildwood Park including a basin with iron enhanced sand, an intermittent stream, wet meadows, and prairie areas.

Ms. Koehler compared 90% design components and outcomes with those from 50% designs indicating that the school no longer wished for the school driveway to be reconfigured as shown in 50% plans and that the playground will move onto school property. She reported that overall total phosphorus removal is expected to be slightly less than anticipated with the feasibility study. She noted plans for interactive play and instruction areas, tree removal and replacement, and turf areas restored with a bee lawn mixture. She indicated the estimated cost of the project has not changed since 50% design and that funding for the project is coming from BCWMC CIP, a Flood Reduction grant from the DNR to the city, and city funds. She indicated construction is anticipated spring through fall 2023.

After a question from Alternate Commissioner Kennedy, Ms. Koehler briefly reviewed future projects intended to further reduce flooding around DeCola Ponds. In response to a different question, she noted that keeping the school driveway in place and moving the playground did not change the outcomes of the project and that the schoolteachers and staff are excited about the play and instruction areas. Ms. Koehler also reported this area is not mapped by FEMA.

MOTION: Commissioner Gwin-Lenth moved approval of the 90% design plans for the SEA School-Wildwood Park Flood Reduction Project and authorized the city to proceed with 100% designs, bidding, and construction of the project. Commissioner Harwell seconded the motion. Upon a vote the motion passed 6-0, with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

B. Consider Selection of Contractor and Awarding Contract for Main Stem Lagoon Dredging Project (BC-7)

Administrator Jester reminded the Commission that the Commission, rather than a member city, is constructing this project and must award the construction contract. Commission Engineer Chandler reviewed the engineer's recommendation to award the contract to the lowest responsive and responsible bidder, Fitzgerald Excavating and Trucking. Commissioners reviewed the bid amounts provided by four different companies. It was noted that three of the four bids were below the engineer's estimate and that the lowest bidder was substantially under the engineer's estimate.

Commission Engineer Chandler and Engineer Brockamp reviewed Barr Engineering's experience with Fitzgerald along with input from other cities and watershed organizations who have contracted with Fitzgerald in the past. It was noted that Fitzgerald has considerable experience in pond cleanouts and has a large fleet of trucks for the work. Administrator Jester noted that the engineering services budget for the project may need to be increased but the overall project expenses are expected to stay well within budget.

There was some discussion about the large discrepancy among the bids and the insurance levels held by the contractor. Commission Attorney Anderson noted that the Commission will receive performance and payment bonds typical for a project this size and that the Commission is obligated to accept the lowest responsive and responsible bidder.

Alternate Commissioner Hauer reminded commissioners that while this project is good, dredging does release considerable greenhouse gases. Alternate Commissioner McDonald Black asked if the truck hauling route had been reviewed again to determine if the Minneapolis neighborhood could be avoided for hauling. Administrator Jester reported that she did discuss the hauling route with MPRB staff and acknowledged that there are no good route options; the route to the south would cross a busy pedestrian crosswalk and traffic areas related to the Trailhead facility.

MOTION: Commissioner Welch moved to approve Resolution 22-09 accepting the bid for the Main Stem Lagoon Dredging Project from Fitzgerald Excavating and Trucking, authorizing execution of the contract and delegating change order approval of up to 5% of the total construction contract to the Administrator. Commissioner Carlson seconded the motion. Upon a vote, the motion carried 6-0 with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

After the vote, Commission Engineer Chandler reviewed the next steps in the process.

C. Consider Approval of Recommendation from Technical Advisory Committee on Use of Channel Maintenance Funds

Administrator Jester explained that the Commission maintains a Channel Maintenance Fund to help finance minor stream maintenance, repair, stabilization, sediment removal projects, smaller restoration projects, and/or portions of larger stream restoration projects. She reported that each year, \$25,000 of annual operating funds are transferred to this long-term account and that cities with a portion of the BCWMC Trunk System in their city are allocated a portion of the funds according to a formula. Cities can accumulate funds over time. Currently, the City of Plymouth has \$25,099 in Channel Maintenance Funds available.

Administrator Jester reported that the TAC recommends the Commission approve the City of Plymouth's request to use its \$25,099 to repair a section of Plymouth Creek that was originally included in the Commission's 2010 Plymouth Creek Restoration Project just west of West Medicine Lake Park. She noted that the work was not completed at that time in this section, as the landowners were unwilling to participate in the project. Now, the current landowners are willing to have the project completed in this section of the creek. TAC member Scharenbroich reported that the total project cost is estimated at \$50,000 - \$75,000.

Commission Engineer Chandler reported that Commission Engineers would review the project plans but would not charge a review fee.

Commissioners noted that the overall Channel Maintenance Fund balance is high. Administrator Jester reviewed the amounts available to each city; most are relatively low except Golden Valley with a balance of \$188,000. TAC members noted that the point of the fund was to let it build up over time and then use it on an appropriate project.

[Commissioner Harwell departs the meeting.]

MOTION: Commissioner Welch moved approval of the TAC recommendation and execution of the agreement with the City of Plymouth for use of the Channel Maintenance Funds up to \$25,099. Alternate Commissioner McDonald Black seconded the motion. Upon a vote, the motion carried 6-0 with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

Chair Cesnik called a 5-minute break

[Commissioner Harwell returned to the meeting.]

D. Review Status of 2022 Operating Budget

Administrator Jester reviewed the budget status and described areas that are tracking over budget and other areas that are tracking under budget. She noted the grant revenue, contributions from partnerships, and revenue for review expenses over \$5,000. She reported that she expects the year-end income vs. expenses to be very close. Engineer Chandler noted that a significant portion of the Flood Control Project expenses stemmed from review and negotiation of the development project in Minneapolis over the tunnel and access point.

There was some discussion about need to find a new recording secretary, at least in the interim, until Jan Voit is again able to prepare minutes. Administrator Jester will work to find a new recording secretary.

E. Consider Approving Administrator Attendance at MAWD Conference and Gauge Interest in Commissioner Attendance

Administrator Jester reported that the Minnesota Association of Watershed District's annual meeting and conference will be held in person at Arrowwood Resort in Alexandria December 1 – 3. She requested to attend the conference December 1st and 2nd and the quarterly meeting of the Minnesota Association of Watershed Administrators meeting on November 30th. She reported that she and Commission Engineer Greg Wilson will present on the Sweeney Lake water quality improvement efforts at the conference. She noted that lodging for two nights, mileage, and conference registration is expected to cost approximately \$710, plus her time. She noted that commissioners should also consider attending and that lodging should be booked soon. She reported that at the

November meeting the Commission should appoint two delegates and one alternate delegate to attend the MAWD Business Meeting on the morning of December 2nd.

Commissioner Welch reported that the Diversity, Equity and Engagement workgroup will be part of a workshop on the afternoon of Thursday December 1st. He also reported he would be attending the conference on behalf of his employer. Commissioner Cesnik and Alternate Commissioner Hauer expressed interest in attending. Administrator Jester said she would book appropriate lodging and reach out to commissioners and alternates not in attendance at this meeting.

MOTION: Commissioner Gwin-Lenth moved to approve the Administrator's attendance at the MAWD conference and the attendance of any other commissioners or alternates. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 6-0 with the cities of Robbinsdale, St. Louis Park, and Minnetonka absent from the vote.

6. COMMUNICATIONS

A. Administrator's Report

Administrator Jester reminded commissioners that the November meeting is on a Wednesday, and she gave an update on the progress of the Watershed Management Plan development including meetings with Minneapolis neighborhood groups, progress on analysis of complex issues, and plans for a late February public kick off meeting.

Administrator Jester reported that the work of the Hennepin County Chloride Initiative is wrapping up and pointed to the links to videos in the agenda. She also reported on her presentation to the Golden Valley Historical Society. Commissioners requested copies of the slides.

Administrator Jester reported that she has been discussing high chloride levels in Crane Lake with Minnetonka staff and determining how best to study and/or address the issue.

B. Chair

Chair Cesnik reported on her communications with a property manager about barriers to using Smart Salt certified contractors for winter maintenance and with a high school student interested in assisting with the chloride management issue. With the general consensus of the Commission, Chair Cesnik will continue to discuss possible activities for the high school student including summarizing key presentations of the Salt Symposium.

Administrator Jester will contact MPCA staff about including the Smart Salt certified companies on their website.

C. Commissioners

Alternate Commissioner McDonald Black noted the Commission's work is a good example of democracy in action.

Commissioner Welch reported that the resolution supporting limited liability for chloride applicators will automatically be renewed by MAWD and that the Minnesota Center for Environmental Advocacy has not yet decided on their legislative priorities for the next session but may again include the limited liability issue.

Administrator Jester noted that Commissioner Welch and Alternate Commissioner Hauer participated in a buckthorn bust in Bassett's Creek Park; that Commissioner Harwell and Alternate Commissioners Leonardson and McDonald Black tabled at Golden Valley's Sustainability Fair; and that Alternate Commissioner Polzin tabled at a church event in Robbinsdale. Commissioners thanked the volunteers.

Commissioner Harwell reported she would be attending the Minnesota Association of Floodplain Managers conference next month.

D. TAC Members

TAC member Ben Scharenbroich gave an update on the Four Seasons Mall noting that it would soon be demolished by the city of Plymouth. He also noted that the city is working with Commission staff and will request TAC input at their December 7th meeting on an agreement and framework for city-construction of the stormwater practices using CIP funds.

E. Committees

No reports were given.

F. Legal Counsel

No report was given.

G. Engineer

Commission Engineer Chandler reported on a 28-acre development in Golden Valley (Golden Valley Business Center) that does not trigger approval by the Commission but is large enough to mention. She reported there is no opportunity for above and beyond treatment of stormwater on the site. She also reported that the Sweeney Lake alum treatment was complete. Alternate Commissioner McDonald Black showed photos of the treatment underway.

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices – Plymouth
- E. Sochacki Park Subwatershed Assessment Report

8. ADJOURNMENT

The meeting adjourned at 10:50 a.m.

DRAFT

Item 4B.
BCWMC 11-16-22

| Bassett Creek Watershed Management Commission | | | | | | |
|--|--|--|--|-------------------------------------|---------------------|---------------------|
| Statement of Financial Position | | | | | | |
| | | | | Capital Improvement Projects | General Fund | TOTAL |
| ASSETS | | | | | | |
| Current Assets | | | | | | |
| Checking/Savings | | | | | | |
| | | 101 · Wells Fargo Checking | | 130,676.75 | 562,231.43 | 692,908.18 |
| | | 102 · 4MP Fund Investment | | 3,501,986.62 | 30,117.04 | 3,532,103.66 |
| | | 103 · 4M Fund Investment | | 2,483,650.36 | 20,921.31 | 2,504,571.67 |
| | | Total Checking/Savings | | 6,116,313.73 | 613,269.78 | 6,729,583.51 |
| Accounts Receivable | | | | | | |
| | | 111 · Accounts Receivable | | 0.00 | 600.67 | 600.67 |
| | | 112 · Due from Other Government | | 52,806.40 | -0.26 | 52,806.14 |
| | | 113 · Delinquent Taxes Receivable | | 11,396.55 | 0.00 | 11,396.55 |
| | | Total Accounts Receivable | | 64,202.95 | 600.41 | 64,803.36 |
| Other Current Assets | | | | | | |
| | | 114 · Prepays | | 0.00 | 2,978.75 | 2,978.75 |
| | | 116 · Undeposited Funds | | 0.00 | 1,500.00 | 1,500.00 |
| | | Total Other Current Assets | | 0.00 | 4,478.75 | 4,478.75 |
| | | Total Current Assets | | 6,180,516.68 | 618,348.94 | 6,798,865.62 |
| TOTAL ASSETS | | | | 6,180,516.68 | 618,348.94 | 6,798,865.62 |
| LIABILITIES & EQUITY | | | | | | |
| Liabilities | | | | | | |
| Current Liabilities | | | | | | |
| Accounts Payable | | | | | | |
| | | 211 · Accounts Payable | | 268,747.35 | 83,524.66 | 352,272.01 |
| | | Total Accounts Payable | | 268,747.35 | 83,524.66 | 352,272.01 |
| Other Current Liabilities | | | | | | |
| | | 212 · Unearned Revenue | | 438,823.00 | 0.00 | 438,823.00 |
| | | 251 · Unavailable Rev - prop | | 11,396.55 | 0.00 | 11,396.55 |
| | | Total Other Current Liabilities | | 450,219.55 | 0.00 | 450,219.55 |
| | | Total Current Liabilities | | 718,966.90 | 83,524.66 | 802,491.56 |
| | | Total Liabilities | | 718,966.90 | 83,524.66 | 802,491.56 |
| Equity | | | | | | |
| | | 311 · Nonspendable prepaids | | 0.00 | 2,978.75 | 2,978.75 |
| | | 312 · Restricted for improvements | | 4,562,582.00 | 0.00 | 4,562,582.00 |
| | | 315 · Unassigned Funds | | 0.00 | 375,424.57 | 375,424.57 |
| | | 32000 · Retained Earnings | | 1,075,938.11 | 15,876.48 | 1,091,814.59 |
| | | Net Income | | -176,970.59 | 140,544.74 | -36,425.85 |
| | | Total Equity | | 5,461,549.52 | 534,824.54 | 5,996,374.06 |
| TOTAL LIABILITIES & EQUITY | | | | 6,180,516.42 | 618,349.20 | 6,798,865.62 |
| UNBALANCED CLASSES | | | | 0.26 | -0.26 | 0.00 |

Bassett Creek Watershed Management Commission

Statement of Revenues, Expenditures and Changes in Fund Balances - General

| | | Annual Budget | Oct 20 - Nov 16, 22 | Feb 1 - Nov 16, 22 | Budget Balance |
|--------------------------------|--|----------------------|----------------------------|---------------------------|-----------------------|
| Ordinary Income/Expense | | | | | |
| Income | | | | | |
| | 411 · Assessments to Cities | 565,998.00 | 0.00 | 565,998.00 | 0.00 |
| | 412 · Project Review Fees | 60,000.00 | 8,500.00 | 66,626.21 | -6,626.21 |
| | 413 · WOMP Reimbursement | 5,000.00 | 0.00 | 1,875.00 | 3,125.00 |
| | 414 · State of MN Grants | 0.00 | 0.00 | 12,044.48 | -12,044.48 |
| | 415 · Investment earnings | 0.00 | 14,343.55 | 51,038.35 | -51,038.35 |
| | 416 · TRPD Reimbursement | 1,400.00 | 0.00 | 13,900.00 | -12,500.00 |
| | Total Income | 632,398.00 | 22,843.55 | 711,482.04 | -79,084.04 |
| Expense | | | | | |
| 1000 · Engineering | | | | | |
| | 1010 · Technical Services | 145,000.00 | 8,238.00 | 102,332.00 | 42,668.00 |
| | 1020 · Development/Project Reviews | 75,000.00 | 12,457.00 | 84,168.42 | -9,168.42 |
| | 1030 · Non-fee and Preliminary Reviews | 22,000.00 | 1,212.50 | 14,535.00 | 7,465.00 |
| | 1040 · Commission and TAC Meetings | 14,000.00 | 1,026.00 | 10,514.46 | 3,485.54 |
| | 1050 · Surveys and Studies | 10,000.00 | 1,261.50 | 11,683.50 | -1,683.50 |
| | 1060 · Water Quality / Monitoring | 110,000.00 | 3,111.50 | 85,577.15 | 24,422.85 |
| | 1070 · Water Quantity | 8,000.00 | 588.25 | 4,932.76 | 3,067.24 |
| | 1080 · Annual Flood Control Inspection | 12,000.00 | 3,847.52 | 16,664.02 | -4,664.02 |
| | 1090 · Municipal Plan Review | 2,000.00 | 0.00 | 741.50 | 1,258.50 |
| | 1100 · Watershed Monitoring Program | 28,500.00 | 1,417.50 | 18,787.20 | 9,712.80 |
| | 1110 · Annual XP-SWMM Model Updates | 5,000.00 | 0.00 | 8,983.50 | -3,983.50 |
| | 1120 · TMDL Implementation Reporting | 7,000.00 | 0.00 | 1,140.00 | 5,860.00 |
| | 1130 · APM/AIS Work | 13,000.00 | 0.00 | 36,844.06 | -23,844.06 |
| | 1140 · Erosion Control Inspections | 0.00 | 0.00 | 0.00 | 0.00 |
| | 1000 · Engineering - Other | | 0.00 | 0.00 | 0.00 |
| | Total 1000 · Engineering | 451,500.00 | 33,159.77 | 396,903.57 | 54,596.43 |
| 2000 · Plan Development | | | | | |
| | 2010 · Next Gen Plan Development | 18,000.00 | 2,837.50 | 28,781.50 | -10,781.50 |
| | 2000 · Plan Development - Other | | 0.00 | 0.00 | 0.00 |
| | Total 2000 · Plan Development | 18,000.00 | 2,837.50 | 28,781.50 | -10,781.50 |
| 3000 · Administration | | | | | |
| | 3010 · Administrator | 70,848.00 | 5,760.00 | 53,442.00 | 17,406.00 |
| | 3020 · MAWD Dues | 7,500.00 | 0.00 | 7,500.00 | 0.00 |
| | 3030 · Legal | 17,000.00 | 2,192.18 | 15,006.82 | 1,993.18 |
| | 3040 · Financial Management | 13,500.00 | 1,000.00 | 10,500.00 | 3,000.00 |
| | 3050 · Audit, Insurance & Bond | 18,700.00 | 0.00 | 18,118.00 | 582.00 |
| | 3060 · Meeting Catering | 1,300.00 | 161.23 | 1,508.29 | -208.29 |
| | 3070 · Administrative Services | 8,000.00 | 304.23 | 4,801.12 | 3,198.88 |
| | 3000 · Administration - Other | | 0.00 | 0.00 | 0.00 |
| | Total 3000 · Administration | 136,848.00 | 9,417.64 | 110,876.23 | 25,971.77 |
| 4000 · Education | | | | | |
| | 4010 · Publications / Annual Report | 1,300.00 | 0.00 | 1,164.00 | 136.00 |
| | 4020 · Website | 1,800.00 | 0.00 | 546.13 | 1,253.87 |
| | 4030 · Watershed Education Partnership | 18,350.00 | 7,000.00 | 10,850.00 | 7,500.00 |
| | 4040 · Education and Public Outreach | 28,000.00 | 0.00 | 21,815.87 | 6,184.13 |
| | 4050 · Public Communications | 1,100.00 | 0.00 | 0.00 | 1,100.00 |
| | 4000 · Education - Other | | 0.00 | 0.00 | 0.00 |
| | Total 4000 · Education | 50,550.00 | 7,000.00 | 34,376.00 | 16,174.00 |
| | Total Expense | 656,898.00 | 52,414.91 | 570,937.30 | 85,960.70 |
| | Net Ordinary Income | 541,498.00 | -29,571.36 | 706,542.74 | -165,044.74 |
| | Net Income | 541,498.00 | -29,571.36 | 706,542.74 | -165,044.74 |

| Bassett Creek Watershed Management Commission | | | | | | |
|---|--|-----------------------|---------------------|---------------------|---------------------------|----------------------|
| Statement of Revenues, Expenditures and Changes in Fund Balances - Capital Improvement Projects | | | | | | |
| | | | | | | |
| | | Annual Budget | Oct 20 - Nov 16, 22 | Feb 1 - Nov 16, 22 | Inception to Date Expense | Remaining Budget |
| Ordinary Income/Expense | | | | | | |
| Income | | | | | | |
| | 418 · Property Taxes | | 0.00 | 873,225.48 | | |
| | BC2,3,8 · DeCola Ponds B&C Improve | | 0.00 | 0.00 | | |
| | BC23810 · Decola Ponds/Wildwood Park | 0.00 | 0.00 | 0.00 | | |
| | BC5 · Bryn Mawr Meadows | 0.00 | 0.00 | 0.00 | | |
| | BC7 · Main Stem Dredging Project | | 0.00 | 0.00 | | |
| | BCP2 · Bassett Creek Park & Winnetka | 0.00 | 0.00 | 0.00 | | |
| | CRM · Main Stem Cedar Lk Rd-Dupont | 0.00 | 0.00 | 40,297.44 | | |
| | ML12 · Medley Park Stormwater Treatment | | 0.00 | 0.00 | | |
| | ML21 · Jevne Park Stormwater Mgmt | 0.00 | 0.00 | 0.00 | | |
| | NL2 · Four Seasons Mall Area | 0.00 | 0.00 | 0.00 | | |
| | SL1,3 · Schaper Pond Enhancement | 0.00 | 0.00 | 0.00 | | |
| | SL8 · Sweeny Lake Water Quality | 0.00 | 0.00 | 10,010.56 | | |
| | TW2 · Twin Lake Alum Treatment | 0.00 | 0.00 | 0.00 | | |
| | Total Income | 0.00 | 0.00 | 923,533.48 | | |
| Expense | | | | | | |
| | 2017CRM · CIP-Main Stem Cedar Lk Rd-Dupont | 1,064,472.00 | 40,088.80 | 636,449.22 | 768,478.47 | 295,993.53 |
| | 2024CRM · CIP-BS Main Stem Restore | 85,500.00 | 14,854.25 | 19,271.75 | 19,271.75 | 66,228.25 |
| | BC-238 · CIP-DeCola Ponds B&C | 1,600,000.00 | 0.00 | 0.00 | 1,507,985.31 | 92,014.69 |
| | BC-2381 · CIP-DeCola Ponds/Wildwood Pk | 1,300,000.00 | 0.00 | 0.00 | 56,789.39 | 1,243,210.61 |
| | BC-5 · CIP-Bryn Mawr Meadows | 1,835,000.00 | 5,304.38 | 130,651.54 | 258,485.71 | 1,576,514.29 |
| | BC-7 · CIP-Main Stem Lagoon Dredging | 2,759,000.00 | 7,984.50 | 66,376.39 | 180,804.21 | 2,578,195.79 |
| | BCP-2 · CIP- Basset Cr Pk & Winnetka | 1,123,351.00 | 0.00 | 0.00 | 1,066,648.32 | 56,702.68 |
| | ML-12 · CIP-Medley Park Stormwater | 1,500,000.00 | 0.00 | 0.00 | 87,218.61 | 1,412,781.39 |
| | ML-20 · CIP-Mount Olive Stream Restore | 178,100.00 | 0.00 | 0.00 | 43,157.42 | 134,942.58 |
| | ML-21 · CIP-Jevne Park Stormwater Mgmt | 500,000.00 | 0.00 | 1,319.50 | 56,390.75 | 443,609.25 |
| | ML-22 · CIP-Ponderosa Wood Strm Restora | 43,800.00 | 5,743.50 | 8,634.50 | 8,634.50 | 35,165.50 |
| | ML-23 · CIP-Purch High Eff St Sweeper | 81,600.00 | 0.00 | 0.00 | 0.00 | 81,600.00 |
| | NL-2 · CIP-Four Seasons Mall | 990,000.00 | 2,688.00 | 2,688.00 | 187,924.56 | 802,075.44 |
| | PL-7 · CIP-Parkers Lake Stream Restore | 485,000.00 | 1,692.78 | 2,523.78 | 73,436.90 | 411,563.10 |
| | SL-1,3 · CIP-Schaper Pond | 612,000.00 | 0.00 | 16,473.55 | 459,551.97 | 152,448.03 |
| | SL-8 · CIP-Sweeny Lake WQ Improvement | 568,080.00 | 190,391.14 | 216,115.84 | 558,820.63 | 9,259.37 |
| | TW-2 · CIP-Twin Lake Alum Treatment | 163,000.00 | 0.00 | 0.00 | 91,037.82 | 71,962.18 |
| | Total Expense | 16,532,526.00 | 268,747.35 | 1,100,504.07 | 5,829,136.32 | 10,703,389.68 |
| | Net Ordinary Income | -16,532,526.00 | -268,747.35 | -176,970.59 | (5,829,136.32) | |
| | Net Income | -16,532,526.00 | -268,747.35 | -176,970.59 | | |

| Bassett Creek Watershed Management Commission Loong Term Funds | | Total Budget | October 21, 22 November 16, 22 | Year to-Date | Inception to Date | Remaining Budget |
|---|--|-----------------|-----------------------------------|-----------------|----------------------|------------------|
| | | | | | | |
| | Fld1 · Flood Control Long Term Maint | | 0.00 | 0.00 | 179,421.90 | |
| | Fld2 · Flood Control Long Term Exp | 699,980.00 | 0.00 | 0.00 | 484,266.41 | |
| Total | | 699,980.00 | 0.00 | 0.00 | -304,844.51 | 395,135.49 |
| | Flood1 · Emergency FCP Income | | 0.00 | | 0.00 | |
| | Flood2 · Emergency FCP Expense | 500,000.00 | 0.00 | 0.00 | 0.00 | |
| Total | | 500,000.00 | 0.00 | 0.00 | 0.00 | 500,000.00 |
| | Gen · Next gen Plan Development Income | | 0.00 | 0.00 | 8,000.00 | 8,000.00 |
| | Gen1 · Next gen Plan Development Exp | 30,000.00 | 0.00 | | 0.00 | |
| Total | | 30,000.00 | 0.00 | 0.00 | 0.00 | 38,000.00 |
| | Qual · Channel Maintenance Fund | | 0.00 | 0.00 | 20,000.00 | |
| | Qual1 · Channel Maintenance Expense | 440,950.00 | 0.00 | 0.00 | 267,073.30 | |
| Total | | 440,950.00 | 0.00 | 0.00 | -247,073.30 | 193,876.70 |
| | TMDL1 · TMDL Studies Income | | 0.00 | | | |
| | TMDL2 · TMDL Studies Expense | 135,000.00 | 0.00 | | 107,850.15 | |
| Total | | 135,000.00 | 0.00 | 0.00 | -107,850.15 | 27,149.85 |



Item 4D.
BCWMC 11-16-22
Additional
documentation online

Public Works
250 South 4th St. - Room 300
Minneapolis, MN 55401-2268

www.minneapolismn.gov

November 2, 2022

Laura Jester, Administrator
Bassett Creek Watershed Management Commission
16145 Hillcrest Lane
Eden Prairie, MN 55346

RE: Bassett Creek Main Stem Erosion Repair Project: Cedar Lake Road to Dupont Ave North, 2nd Ave North, plus Fruen Mill Area, Project Number 2017CR-M

Dear Ms. Jester:

Please find attached payment documentation totaling \$40,088.80 (\$2,540.50 for design, engineering, construction oversight, and environmental reporting and \$37,548.30 for construction) for the Bassett Creek Main Stem Erosion Repair Project.

This is the final reimbursement request for this project. The final vegetation establishment period has been closed out, The RAP implementation report has been submitted and approved by the MPCA, and all reporting has been completed for the Hennepin County ERF grant.

The City and the Minneapolis Park and Recreation Board (MPRB) are grateful for this partnership with the BCWMC and look forward to working together in the future to improve water quality and habitat within the watershed.

If you have any questions, please don't hesitate to contact me at Elizabeth.stout@minneapolismn.gov or 612-741-8561.

Sincerely,

Elizabeth Stout, P.E. (she/her)
Water Resources Manager
City of Minneapolis – Public Works

Cc: Angie Craft, Minneapolis Public Works
Katie Kowalczyk, Minneapolis Public Works
Michael Welch, Commissioner
Jodi Polzin, Alternate Commissioner



Memorandum

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co. (Barr)
Subject: Item 4F: Four Seasons Mall Demolition – Plymouth, MN
BCWMC November 16, 2022 Meeting Agenda
Date: November 9, 2022
Project: 23270051.53 2022 2298

4F Four Seasons Mall Demolition– Plymouth, MN BCWMC 2022-18

Summary:

Project Proposer: City of Plymouth

Proposed Work: Removal of existing commercial building and grading for future development

Basis for Review at Commission Meeting: Construction in the floodplain

Impervious Surface Area: Decrease approximately 11.5 acres

Project Schedule: December 2022 construction

Recommendation for Commission Action: Conditional approval

General Project Information

The Four Seasons Mall is in the Northwood Lake subwatershed, southwest of Rockford Road and Highway 169. Future development plans for the parcel will be submitted under a separate application. The proposed project phase includes demolition of an existing commercial building, removal of surface parking lot, and site grading and restoration resulting in 13.1 acres of disturbance.

The initial submittal was received on October 11, 2022. The BCWMC engineer reviewed the submittal and provided comments to the City on October 25, 2022. The applicant addressed the comments and submitted revised plans and documentation on November 4, 2022.

Floodplain

The proposed project includes work in the BCWMC 100-year floodplain. The 1% annual-chance (base flood elevation, 100-year) floodplain elevation along the North Branch of Bassett Creek upstream of Rockford Road is 892.9 feet NAVD88. The February 2021 BCWMC Requirements for Improvements and Development Proposals (Requirements) document states that projects within the floodplain must maintain no net loss in floodplain storage and no increase in flood level at any point along the trunk system (managed to at least a precision of 0.00 feet). The proposed demolition project will result in approximately 19,510 cubic yards of cut and no fill in the floodplain. Based on information provided by the applicant, the existing conditions and post-demolition floodplain storage is shown in the following table:

Table A: Four Seasons 100-Year Floodplain Storage

| | Volume below 100-year Floodplain Elevation (892.9 Ft. NAVD88) |
|----------------------------------|--|
| Existing Conditions | 4.69 acre-feet |
| Post-Demolition Condition | 7.17 acre-feet |

As noted in the future development paragraph, the City of Plymouth is requesting that the BCWMC's floodplain analysis of the future development be based on the existing conditions floodplain storage.

Lakes, Streams, and Wetlands

The City of Plymouth is the local government unit (LGU) responsible for administering the Wetland Conservation Act; therefore, BCWMC wetland review is not required. The project is adjacent the North Branch of Bassett Creek. Impacts to the creek are not anticipated as part of the project.

Rate Control

The proposed project does not create one or more acres of new or fully reconstructed impervious surfaces; therefore, BCWMC rate control review is not required.

Water Quality

The proposed project does not create one or more acres of new or fully reconstructed impervious surfaces; therefore, BCWMC water quality review is not required.

Erosion and Sediment Control

The proposed project results in more than 10,000 square feet of land disturbance; therefore, the proposed project must meet the BCWMC erosion and sediment control requirements. Proposed temporary erosion and sediment control features include silt fence, inlet protection, and rock construction entrances. Permanent erosion and sediment control features includes stabilization with seed.

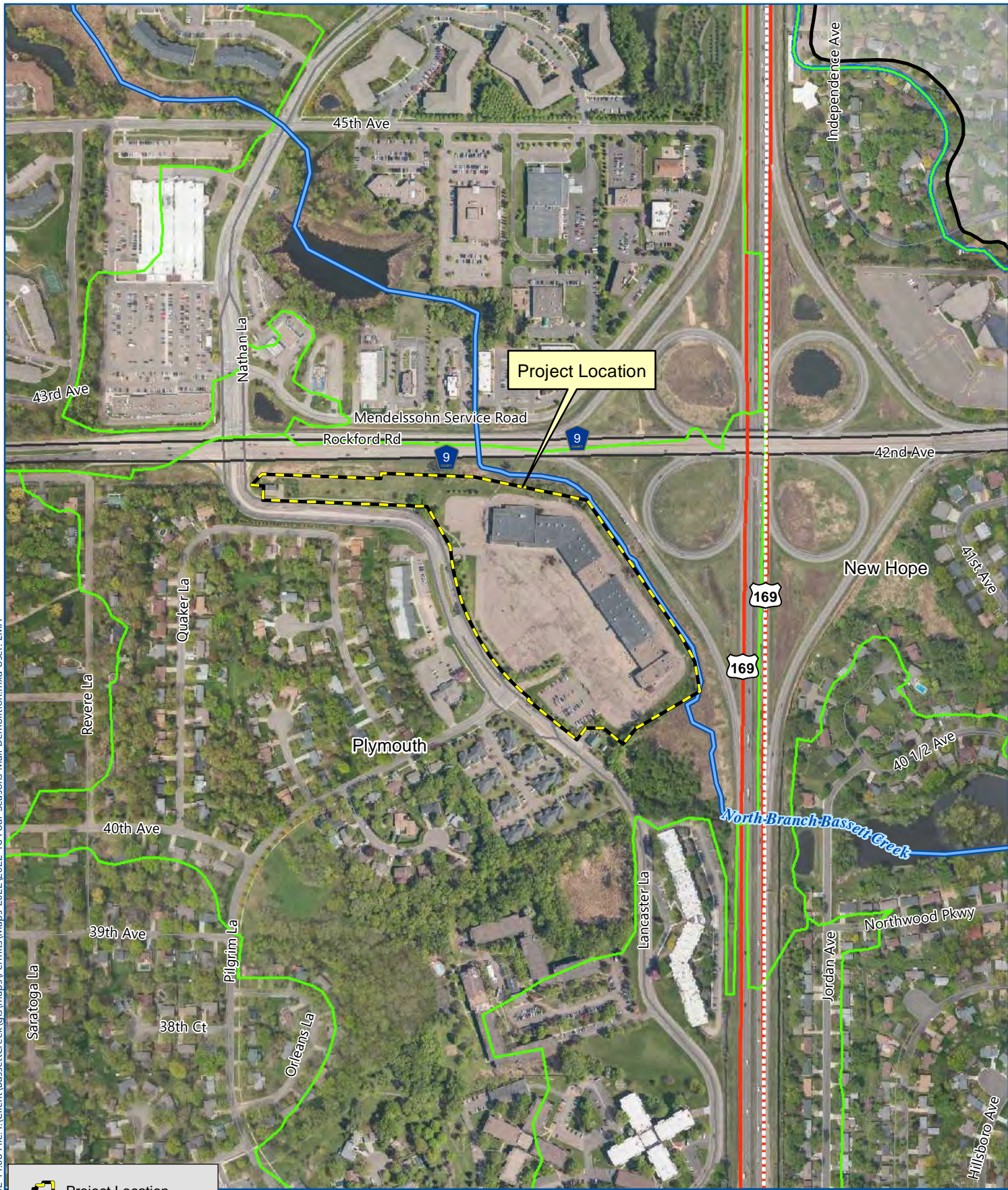
Future Development







The City is working with potential developers to redevelop the Four Seasons Mall site. The BCWMC is also coordinating with the City to implement the Four Seasons Area Water Quality Project NL-2 (Project NL-2) to provide above-and-beyond water quality treatment. The Commission Engineer understands that the BCWMC and the City are working on a cooperative agreement for Project NL-2 and that future development at the site may be based on the site conditions that are in existence now, i.e., prior to demolition and prior to construction of the redevelopment, as more thoroughly clarified in the cooperative agreement and exhibits. The cooperative agreement will be considered by the BCWMC at a future meeting.

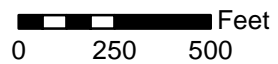
Recommendation

Conditional approval based on the following comments:

1. Although the location of the 100-year floodplain is shown on the plans, the 100-year floodplain elevation (892.9 feet NAVD88) must be identified in the legend or the plans.
2. A note must be added to the plans indicating that timber piling must be removed and carefully handled using a method that will prevent release of creosote and other chemicals into the water and soil.



-  Project Location
-  Municipality
-  BCWMC Legal Boundary
-  Major Subwatershed
-  BCWMC Hydrologic Boundary
-  Bassett Creek



BCWMC #2022-18
FOUR SEASONS
MALL DEMOLITION
Plymouth, MN

LOCATION MAP

Memorandum

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co.
Subject: Bassett Creek 2022 Flood Control Project Inspection
Date: November 9, 2022
Project: 23270051.53 2022 4065

In accordance with the Operation and Maintenance Manual for the Bassett Creek Flood Control Project (FCP), an annual inspection is required to review the condition of the FCP features. The FCP was turned over to the local sponsor during 2002. Therefore, inspection of the FCP features was initialized during the fall of 2002, which was the first formal inspection by the Bassett Creek Watershed Management Commission (BCWMC). Except as noted, the annual inspections have been performed from 2002-2022. Inspections were not performed during 2003, 2011, and 2013 due to BCWMC budget considerations. Some of the municipalities have performed independent inspections of several of the FCP structures. The municipalities are responsible for routine maintenance and repair of the BCWMC FCP features located within their city. The municipalities are also responsible for submitting the completed FCP Maintenance Record from the previous year's inspection. It is important that the BCWMC receive these records, as the inspection and reporting are essential to ensure the BCWMC/municipalities maintain their eligibility to receive federal funds to repair or replace FCP features in the event of a catastrophe.

Pursuant to BCWMC policy, the municipalities may request reimbursement from the BCWMC for major maintenance and repairs that exceed \$25,000. However, the municipalities must perform regular, routine maintenance and submit the required reporting before requesting and receiving BCWMC reimbursement. This will help prevent the situation wherein the BCWMC pays for maintenance work over \$25,000 because the municipalities neglected routine maintenance for several years. The BCWMC expects the municipalities to inform the Commission in advance (e.g., two years) of their request for reimbursement. The BCWMC will consider adding maintenance and repair projects that are more than \$100,000 to the BCWMC CIP.

Table 1 (at the end of this memo) provides examples of maintenance and repairs that are major or could be major. In addition, the cities (or other road authority) where the FCP features are located are responsible for maintenance, repair and replacement of road crossings, and their corresponding conveyance structures, which were installed as part of the FCP.

The following are the 2022 inspection comments and recommendations:

Plymouth Features

Inspection Date: October 21, 2022

Inspection Personnel: Patrick Brockamp and Josh Phillips (Barr)

1. Plymouth Creek Fish Barrier (Constructed 1987)

- a. There was no flow overtopping the weir or in the creek.
- b. The structure appeared to be in satisfactory condition.
- c. The water level was 2.4 feet below the weir at the time of the inspection.
- d. Sediment has accumulated in the pool upstream of the structure and formed a delta, which was overgrown with vegetation. The deposited sediment was generally creating a meander in the creek toward the east (left) bank. Deposited sediment in the upstream pool has been noted since 2005. Deposited sediment also existed at the structure as shown in the photos.
- e. The railings at the upstream end of the structure, on the east (left) and west (right) sides, have rusted off below the weir level. This is consistent with previous inspections and has been noted since 2015.
- f. The abutment walls have expansion joints in the middle, just upstream of the weir. The west (right) expansion joint gap was first measured in 2002 at 7/8 inches for comparison with future inspections. The west (right) expansion joint gap was measured at 7/8 inches this year.
- g. The top downstream edge of the concrete pile cap forming the weir has deteriorated along its entire length. Deterioration includes loss of cement paste and fines resulting in exposed aggregate. The weir appears to be functioning properly and controlling water to the design elevation.
- h. Three cracks were observed on the downstream west (right) wing wall. This is consistent with previous inspections and has been noted since 2004.
- i. Seven diagonal cracks were observed on the downstream east (left) wing wall. Three of the cracks are more prominently defined, closed cracks. Observation of the three prominent cracks is consistent with previous inspections and has been noted since 2002. The other four cracks are generally closed hairline cracks and less noticeable.
- j. A 14-inch diameter tree was observed growing adjacent to the downstream east (left) wing wall and through the railing.
- k. Small trees and shrubs were observed growing on the embankment and downstream channel banks, including some near the wing walls and railings.

Recommended Action:

- Remove accumulated sediment at structure and from the upstream pool. (Note: In 2010, the City of Plymouth submitted an Environmental Assessment Worksheet (EAW) to the Minnesota Pollution Control Agency (MPCA) for a channel improvements project. The MPCA informed

Note: references to "right" and "left" are with respect to facing downstream.

- the City of Plymouth that the Clean Water Act expressly prohibits the use of creeks, streams, lakes, and wetlands from being used as a pollution treatment system except in extreme situations, therefore dredging of the sediment upstream of the fish barrier, in order to continue to utilize the area upstream of the fish barrier as a sedimentation pond, was prohibited by the MPCA and not permitted. It is recommended that the City of Plymouth coordinate with the MPCA to revisit this issue or discuss viable alternatives to remove the sediment since the project intent was not as a sediment basin but as a fish barrier.)
- Remove trees and vegetation on embankment and channel banks. Chemically treat stumps with Garlon 3A herbicide (or other specialty herbicide for use in wetland sites and waterways) to prevent regrowth.
 - Monitor concrete cracks and the width of the expansion joints.

2. Medicine Lake Outlet Structure (Constructed 1996)

- a. There was no flow passing over the weir or the channel between Medicine Lake and the outlet structure was dry and clear of debris.
- b. The outlet structure appeared to be in satisfactory condition.
- c. The staff gauge was "in the dry" due to "no flow" conditions during the inspection.
- d. Although not part of the flood control project, the storm sewer outfall for local drainage from South Shore Drive in the west (right) bank was nearly full of sediment.
- e. Woody vegetation was observed at either end of the dam where it ties into the banks.
- f. In late May 2019, City of Plymouth staff observed water flowing over the east side, but not the west side, of the Medicine Lake Outlet Structure. The city performed a baseline survey of the dam in the summer of 2019 and found that the east side of the dam was 0.15 feet lower than the west side. Future surveys can be performed to compare against the baseline.

Recommended Action:

- Remove woody vegetation on either end of the dam where it ties into the banks.
- Although not part of the flood control project, the city may want to consider jetting out the sediment that has accumulated in the storm sewer that provides local drainage from South Shore Drive.

Golden Valley Features

Inspection Date: October 21, 2022

Inspection Personnel: Patrick Brockamp and Josh Phillips (Barr), Drew Chirpich and Matthew Jefferson (City of Golden Valley)

1. Wisconsin Avenue Control Structure (Constructed 1987)

- a. The water level was below the lowest staff gauge reading upstream and downstream of the culvert.

Note: references to "right" and "left" are with respect to facing downstream.

- b. The flood gate was closed (down) at the time of the inspection and appeared to be in satisfactory condition.
- c. Deposited sediment was observed in the bottom of the culvert, ranging from 0-2 inches deep. The deposited sediment is consistent with previous inspections and has been noted since 2006.
- d. Some of the gabion baskets upstream and downstream of the culvert have deteriorated or broken and riprap had fallen out of the baskets at some locations. Although the gabion baskets are no longer functioning as installed, no significant erosion was observed. There is evidence of some minor erosion near the staff gauge.
- e. The railings at the upstream and downstream ends of the culvert were in satisfactory condition.
- f. City of Golden Valley staff cleared brush at both the upstream and downstream ends of the culvert.

Recommended Action:

- Monitor deposited sediment in the culvert.
- Monitor upstream and downstream banks for erosion.

2. Golden Valley Country Club – Box Culvert, Overflow Weir, and Downstream Channel (Constructed 1994)

- a. The channel and riprap armoring from Pennsylvania Avenue to the box culvert appeared to be in satisfactory condition.
- b. The box culvert, joints, and railings appeared to be in satisfactory condition.
- c. The overflow weir (earth berm) appeared to be in satisfactory condition and has been maintained by the Golden Valley Country Club staff as manicured fairway turf.
- d. Some sediment deposition was observed on the north (left) bank just upstream of the box culvert on top of the riprap, consistent with previous years.
- e. Some sediment deposition in other upstream areas was observed. This may have been due to low water levels.
- f. A new outfall into the creek has been installed from the development north of the creek along Pennsylvania Avenue.

Recommended Action:

- Monitor sediment deposition on the north (left) bank just upstream of the box culvert.

3. Westbrook Road Crossing (Constructed 1993)

- a. The concrete Bebo culvert appeared to be in satisfactory condition.
- b. In 2022, City of Golden Valley staff repaired the spalled concrete and exposed rebar that were previously observed around the storm sewer pipe entering the culvert on the west (left) side.

Note: references to "right" and "left" are with respect to facing downstream.

- c. In 2022, City of Golden Valley staff repaired deteriorating grout and adjusting rings in the downstream east (right) catch basin.
- d. Longitudinal hairline cracks were observed on the top of sections of the Bebo culvert, extending across the entire section (pre-cast section) width. The cracks are approximately 2 feet off-center of the structure. These cracks are consistent with previous inspections and have been noted since 2002.
- e. A joint gap and separation were observed between the two furthest downstream sections of the culvert and there are signs of pressure points where the last section has pushed against the top of the two wing walls.
- f. Spalled concrete was observed at multiple locations upstream and downstream of the culvert at the top of the wing walls and head wall. This is consistent with previous inspections and has been noted since 2007.
- g. Westbrook Road over the culvert was repaved in 2022.
- h. The railings appeared to be in satisfactory condition.

Recommended Action:

- Monitor cracks in the culvert.
- Monitor joint gap at pressure points.
- Monitor spalled concrete at wing walls and head walls.

4. Regent Avenue Crossing (Constructed 1981-1984)

- a. The concrete Bebo culvert appeared to be in satisfactory condition.
- b. The channel bottom was soft and mucky, and the water level was below the bottom of the staff gauge and not measured.
- c. Spalled concrete was observed at the middle joint of the upstream north (left) wing wall. This is consistent with previous inspections and has been noted since 2002.
- d. A crack was observed at the upstream north (left) wing wall. The crack was near the top of the wing wall and travels at a 45-degree angle down to the headwall. This is consistent with previous inspections and has been noted since 2002.
- e. Multiple cracks were observed at the upstream south (right) wing wall. This is consistent with previous inspections and has been noted since 2008.
- f. A crack was observed at the downstream south (right) wing wall. The crack was near the top of the wing wall and travels at a 45-degree angle down to the headwall. This is consistent with previous inspections and has been noted since 2002.
- g. Flows appeared to have scoured the north (left) side of the creek bottom and deposited sediment on the south (right) side of the creek bottom.
- h. The railings appeared to be in satisfactory condition.

Recommended Action:

- Monitor spalled concrete at the upstream north (left) wing wall.

Note: references to "right" and "left" are with respect to facing downstream.

- Monitor crack at the upstream north (left) wing wall.
- Monitor cracks at the upstream south (right) wing wall.
- Monitor crack at the downstream south (right) wing wall.
- Monitor creek bottom for scouring and deposition and, as needed, armor creek bottom along culvert foundation.

5. Noble Avenue Crossing (Constructed 1981-1984)

- a. The concrete Bebo culvert appeared to be in satisfactory condition.
- b. Longitudinal hairline cracks were observed throughout the length of the top of the culvert, extending across the entire (pre-cast) section width. The cracks were either in the center of the structure or approximately 2 feet off-center of the structure. This is consistent with previous inspections and has been noted since 2002.
- c. Spalled concrete and exposed plastic joint material were observed approximately two feet either side of center throughout the length of the top of the culvert. The cement paste covering the plastic joint material has separated and exposed the plastic. This is consistent with previous inspections and has been noted since 2002.
- d. Spalled concrete was observed at the downstream north (left) wing wall. This is consistent with previous inspections and has been noted since 2002.
- e. Multiple cracks and spalling were observed at the top of downstream north (left) wing wall. The cracking is consistent with previous inspections and has been noted since 2007.
- f. The downstream south (right) wing wall was slightly leaning toward creek. Inspection staff have monitored the offset between the upper portion of the wing wall and the lower portion of the wing wall, which is leaning toward the creek, since 2002 to document movement. The inspection staff's measurements are listed below:

| | | | | | | | | | |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Year* | 2002 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2012 |
| Offset | 5/8" | 5/8" | 11/16" | 1" | 1" | 1" | 1-1/8" | 1-1/8" | 1-1/8" |
| Year* | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
| Offset | 1-1/8" | 1-1/8" | 1-1/8" | 1-1/8" | 1-1/8" | 1-3/16" | 1-3/16" | 1-1/2" | 1-5/16" |

* FCP inspection was not performed in 2003, 2011, or 2013 due to budget considerations.

- g. Minor bank erosion and scour was observed on both sides of the downstream wing walls. This is consistent with previous inspections and has been noted since 2002.
- h. Flows appeared to be scouring the north (left) side of the creek bottom.
- i. The railings appeared to be in satisfactory condition.
- j. The City of Golden Valley installed riprap in 2018 to reinforce the bank and minimize continued erosion at the outside edge of the upstream south (right) wing wall, however some erosion has perpetuated upstream.
- k. There are some downed trees in the creek channel downstream of the culvert.

Note: references to "right" and "left" are with respect to facing downstream.

Recommended Action:

- Remove downed trees in the creek channel downstream of the culvert.
- Monitor cracks and spalled concrete in the culvert and wing walls.
- Monitor bank erosion at downstream wing walls and upstream of installed riprap at upstream south (right) wing wall.
- Monitor creek bottom for scouring and, as needed, armor creek bottom along culvert foundation.

6. Highway 55 Control Structure (Constructed 1987)

- a. The concrete control structure appeared to be in satisfactory condition.
- b. A hairline crack was observed in the east (left) wall of the inlet structure, although it appears that the crack may have been previously sealed with caulk. The crack is positioned in the middle of the wall extending full height. This is consistent with previous inspections and has been noted since 2002.
- c. Erosion was observed around the east (left) side of the structure, likely from road runoff. In the summer of 2021, Minnesota Department of Transportation (MnDOT) crews placed class 5 aggregate on the east (left) side of the structure to access the upstream end of the structure to perform repairs of the double box culvert below Highway 55. The new class 5 aggregate is actively eroding.
- d. MnDOT crews also drilled holes into the structure to install brackets and a temporary plate to block flows through the structure so they could perform repairs. MnDOT removed the plate, brackets, and bolts, but did not fill or repair the bolt holes.
- e. A piece of rebar and relatively small mass of concrete extended into the lower west (right) side of the opening of the low flow weir. A steel threaded rod extended approximately 2 inches from the south face of concrete on the east (left) side of low flow weir. These observations have not been noted in previous years' inspections, but water levels were lower in 2021 and 2022 than previous years, exposing this part of the structure.

Recommended Action:

- Protect the sides of the structure with armoring (rock or riprap) or reinforced vegetation to limit additional erosion. Alternatively, divert road runoff away from the structure.
- Request that MnDOT repair bolt holes with concrete grout.
- Sawcut and remove rebar and concrete chunk on east (left) side of low flow weir.
- Sawcut steel rod to be flush to concrete along south face of concrete on the east (left) side of the low flow weir.
- Monitor hairline crack in the control structure.

Note: references to "right" and "left" are with respect to facing downstream.

Crystal Features

Inspection Date: October 21, 2022

Inspection Personnel: Patrick Brockamp and Josh Phillips (Barr)

1. Markwood Open Channel – Gabion Section (Constructed 1981-1984)

- a. The channel appeared to be in satisfactory condition.
- b. Significant tree and vegetation growth was observed in the gabion section of the channel and the gabion wire is at risk of damage.

Recommended Action:

- Clear woody vegetation growing through the gabions and chemically treat stumps with Garlon 3A herbicide (or other specialty herbicide for use in wetland sites and waterways) to prevent regrowth and protect gabion wire. Consider clearing vegetation every 1-2 years to protect gabion wire, maintain flow capacity, and allow access through the open channel.

2. Markwood Open Channel (Constructed 1981-1984)

- a. The channel appeared to be in satisfactory condition.
- b. Vegetation growth was observed along the side slopes of the channel. Some areas appeared to have been cleared since the previous year's inspection.
- c. Erosion was observed along the toe of the north (left) and south (right) banks. This is consistent with previous inspections and has been noted since 2006.
- d. Some homeowner retaining walls and fences along the channel were leaning toward the channel and, in some cases, appeared to be failing. This is consistent with previous inspections and has been noted since 2009.
- e. The City of Crystal's corrugated metal pipe (CMP) storm sewer, discharging into the channel between 6833 and 6825 Markwood Drive, was in poor condition. The pipe bottom was corroded and there was erosion and undercutting around the pipe end. The pipe was exposed 8 feet, 3 inches, measured on the downstream side.

Recommended Action:

- Clear woody vegetation in the channel. Consider clearing vegetation every 3-5 years to maintain flow capacity and allow access through the open channel.
- Monitor erosion along the toe of the channel banks.
- Although not part of the flood control project, monitor retaining walls and fences for potential failure and obstruction of flow through the channel.
- Although not part of the flood control project, the city may want to consider repairing or replacing the CMP storm sewer.

3. 36th Avenue and Hampshire Avenue Crossing – 8 feet x 6 feet Double Box Culverts (Constructed 1981-1984)

Note: references to "right" and "left" are with respect to facing downstream.

- a. The concrete box culverts, joints and tie bars appeared to be in satisfactory condition.
- b. Riprap has deposited in the box culverts. Some may have washed through the culvert since last year's inspection.
- c. Sediment has deposited in the box culverts, mostly in the downstream half of the box culverts. This is consistent with previous inspections and has been noted since 2016.
- d. On both culverts, the fifth joint from the downstream end had a 2 ½ inch gap, which is a larger gap than the rest of the joints. This is consistent with previous inspections and has been noted since 2010.
- e. Various locations of spalled concrete and exposed reinforcing was observed through both culverts.
- f. Infiltration was observed into the culvert in some years in the past, but no infiltration into the culvert was observed in 2022 due to low water levels and dry conditions.

Recommended Action:

- Remove deposited riprap in the box culverts and replace upstream.
- Monitor sediment in the box culverts.
- Monitor the joint gaps in the box culverts.
- Monitor spalled concrete, and exposed reinforcing in the culverts.

4. Markwood Downstream Overflow (Constructed 1981-1984)

- a. The overflow was in satisfactory condition.

Recommended Action:

- None

5. Markwood 8 feet x 4 feet Box Culvert (Constructed 1981-1984)

- a. This culvert was not entered and was visually inspected from the outside at the downstream end. No obstructions or significant sedimentation was observed, and the box culvert appeared to be in satisfactory condition.

Recommended Action:

- None

6. Georgia Avenue Crossing (Constructed 1981-1984)

- a. The concrete culverts appeared to be in satisfactory condition.
- b. Cracking and potential spalling was observed in the south (right) culvert at the second and fourth joints at approximately the five o'clock position.
- c. Minor erosion was observed between the concrete culverts at the upstream end.
- d. Both culverts appeared to begin to change slope around mid-channel.
- e. There is a downed tree upstream of the culvert that is partially in the creek.
- f. Some riprap has deposited in the north (left) culvert.

Note: references to "right" and "left" are with respect to facing downstream.

Recommended Action:

- Remove deposited riprap in the north (left) culvert and replace upstream.
- Monitor cracking and potential spalling in the south (right) culvert.
- Monitor minor erosion between the concrete culverts on the upstream end.

7. Edgewood Embankment (Constructed 1981-1984)

- a. The concrete culvert appeared to be in satisfactory condition.
- b. The embankment appeared to be in satisfactory condition.
- c. No visible settlement or erosion was observed along the embankment.
- d. Trees and shrubs were observed growing on the embankment.
- e. Three large trees (two oak trees and one maple tree) have fallen downstream of the culvert and the tree branches are extending into the creek channel and could obstruct creek flows.
- f. The natural boulder riprap between the Edgewood embankment and Douglas Drive crossing is significantly overgrown with vegetation.
- g. Spalled concrete was observed at the fifth joint from the upstream end at approximately the 7 o'clock position.
- h. Spalling observed on north (right) side of outlet.
- i. Moderate erosion is occurring on either side of the upstream end of the culvert.
- j. Sediment has accumulated in the pool downstream of the culvert and formed a delta, which had some vegetation growing on it. The deposited sediment was generally creating a meander in the creek toward the south (right) bank.

Recommended Action:

- Remove branches and downed trees that are in the creek channel and could obstruct creek flows.
- Remove trees, shrubs and woody vegetation growing on the embankment.
- Clear woody vegetation in the channel between the Edgewood Embankment and Douglas Drive crossing as needed to maintain flow capacity and allow access through the open channel.
- Monitor spalled concrete at the fifth joint from the upstream end in the culvert.
- Monitor spalling on outlet structure.
- Monitor sediment accumulation in the pool downstream of the culvert.

8. Douglas Drive Crossing (Constructed 1981-1984)

- a. The concrete box culvert was not entered due to low clearance but appeared to be in satisfactory condition.
- b. The grouted riprap installed on either side of the box culvert outlet has started to deteriorate, and a gap has opened between the grout and the wall of the box culvert. This is consistent with previous inspections and has been noted since 2016.

Note: references to "right" and "left" are with respect to facing downstream.

- c. Spalled concrete was observed at the downstream north (left) wing wall.
- d. Sediment has deposited in the bottom of the culvert, ranging from 0-2 inches deep.
- e. Some riprap was observed in the culvert.
- f. On the downstream end of the culvert, settling was observed in the sidewalk on either side of the culvert.
- g. Small trees were observed growing adjacent to the structure at the downstream end.
- h. Although not part of the flood control project, the privately-owned CMP culvert downstream of the Douglas Drive crossing is in poor condition. Sagging of this culvert has been observed during inspections since 2009. The culvert is significantly bowing and settling has occurred on either side of the culvert, which is evident in the road pavement above the structure.

Recommended Action:

- Consider adding a safety railing along the sidewalk at the upstream and downstream end of the culvert.
- Remove riprap from the culvert and replace upstream.
- Monitor deposited sediment in the culvert.
- Monitor grouted riprap at the downstream end of the box culvert.
- Monitor spalled concrete at the downstream north (left) wing wall.
- Monitor settling in the sidewalk at the downstream end of the culvert.
- Although not part of the flood control project, it is recommended that the city coordinate with the property owner to repair or replace the culvert downstream of Douglas Drive.

9. 34th Avenue Crossing (Constructed 1981-1984)

- a. The concrete culvert appeared to be in satisfactory condition.
- b. Some riprap has deposited in the culvert.
- c. Sediment has deposited in the bottom of the culvert, ranging from 0-4 inches deep. This is consistent with previous inspections and 0-12 inches of sediment has been noted in the culvert since 2002.
- d. The tie bars directly upstream and downstream of the manhole connection to the culvert were rusty and flaking. This is consistent with previous inspections and has been noted since 2008.

Recommended Action:

- Remove riprap from the culvert and replace upstream.
- Monitor accumulated sediment in the culvert.
- Monitor tie bars directly upstream and downstream of the manhole connection to the culvert.

Note: references to "right" and "left" are with respect to facing downstream.

10. Brunswick Avenue Crossing (Constructed 1981-1984)

- a. Based on previous years' inspections, the north (left) culvert is at a slightly lower elevation at the upstream end and the north (left) culvert conveys a majority of low flows. However, the culverts were dry during this year's inspections.
- b. Strained and detached tie bars were observed in the north (left) culvert. One joint with broken tie bars was previously re-grouted by the City of Crystal, but the joint reopened and a 1-1/2 inch gap in the joint was observed during the 2008 inspection. A 3-inch gap in the joint has been noted since 2009.
- c. Spalled concrete and exposed reinforcing were observed in various locations in the south (right) culvert.
- d. Fractured pieces of concrete and grout were observed at various joints in both culverts.
- e. Longitudinal and circumferential cracks were observed in both culverts.
- f. Cracks were observed in the road pavement above the structure.
- g. Sediment has deposited in the channel between the Brunswick Avenue crossing and the 32nd Avenue crossing and created two deltas in the channel. The channel was armored with boulder riprap in 2014. The sediment delta has been observed since 2017.
- h. Two boulders had fallen out of place on the south (right) side of the natural boulder wall, between the Brunswick Avenue crossing and the 32nd Avenue crossing and were deposited in the channel bottom.

Recommended Action:

- Repair detached tie bars.
- Repair fractured concrete and grout at joints in the culverts.
- Replace boulders in the natural boulder wall between the Brunswick Avenue crossing and the 32nd Avenue crossing.
- Monitor deposited sediment and vegetation in the channel between the Brunswick Avenue crossing and the 32nd Avenue crossing.
- Monitor spalled concrete and exposed reinforcing in the culverts.
- Monitor minor cracks in the culverts and road.
- Monitor joint separation in north (left) side culvert.

11. 32nd Avenue Crossing (Constructed 1981-1984)

- a. The southwest (right) culvert is at a slightly lower elevation at the upstream end.
- b. The concrete culverts appeared to be in satisfactory condition. The culverts were only visually inspected from the outside at the upstream and downstream ends due to low clearance and high water levels.
- c. In previous years' inspections, water was observed seeping into the north (left) culvert through the bottom of the first joint at the upstream end of the culvert. Water appeared to be seeping below the culvert through the second joint and back into the culvert through the third joint. These observations indicate that the joints are not well sealed and

Note: references to "right" and "left" are with respect to facing downstream.

there is potential for loss of fines (piping) below the culvert. The culverts were dry during this year's inspections.

- d. Concrete erosion along the culvert invert was noted at the upstream side of the north (left) culvert and at the upstream joints.

Recommended Action:

- Seal the upstream joints along the invert of the north (left) culvert to minimize potential loss of material and settling.

12. Bassett Creek Park Pond and Outlet (Constructed 1995)

- a. Bassett Creek Park Pond appeared to be in satisfactory condition.
- b. Sediment has deposited in the northwest corner of Bassett Creek Park Pond and formed multiple deltas, which are overgrown with trees and vegetation. This has been noted since 2006 and the sediment deposition appears to be increasing.
- c. The outlet pipes appeared to be in satisfactory condition.

Recommended Action:

- None

Additional Comments:

- Dredging of Bassett Creek Park Pond and upstream channel improvements (BCP-2) is included in the BCWMC CIP Table 5-3. The BCWMC completed a feasibility study for the dredging of Bassett Creek Park Pond and Winnetka Pond in May 2017. The City of Crystal dredged Winnetka Pond East in 2019. The Bassett Creek Park Pond dredging is included as a future BCWMC CIP project, pending funding.

13. Detention Pond and Outlet Structure (Constructed 1995)

- a. The outlet structure appeared to be in satisfactory condition.
- b. The detention pond appeared to be in satisfactory condition, but a survey is needed to assess accumulated sediment.

Recommended Action:

- Survey the detention pond to determine if the pond has accumulated sediment.

Crystal / Golden Valley Features

Inspection Date: October 21, 2022

Inspection Personnel: Patrick Brockamp and Josh Phillips (Barr)

1. Highway 100 Double Box Culverts (Constructed 1930s, and 2001) and Inlet Structure (Constructed 1995)

- a. The concrete inlet structure appeared to be in satisfactory condition.

Note: references to "right" and "left" are with respect to facing downstream.

- b. Circumferential cracks and areas of spalled concrete with exposed reinforcement were observed in the north (left) box culvert.
- c. Longitudinal cracks, circumferential cracks, and areas of spalled concrete with exposed reinforcement were observed along the top of the south (right) box culvert. MnDOT performed repairs to the culverts in 2007, but cracks have been noted since 2008 and areas of concrete spalling have been noted since 2014.
- d. Deposited sediment was observed in the north (left) box culvert, generally ranging from 6-24 inches deep. This is consistent with previous inspections and 6-24 inches of deposited sediment has been observed in the north (left) box culvert since 2002.
- e. The outlet portion of the structure appeared to be in satisfactory condition.

Recommended Action:

- Monitor accumulated sediment in north (left) box culvert and consider future removal.
- Monitor cracking, spalling concrete, and exposed reinforcement in both box culverts.
- MnDOT should assess the defects and repair, as necessary.

Minneapolis Features

Inspection Date: October 21, 2022

Inspection Personnel: Patrick Brockamp and Josh Phillips (Barr)

1. Open Channel (Constructed 1992)

- a. The open channel, from Van White Memorial Boulevard to the inlet structure, appeared to be in satisfactory condition.
- b. The banks were generally vegetated. Some areas had exposed soil and steep slopes but seemed stable and no obvious signs of bank erosion were noted.
- c. Sediment has deposited and formed a delta on the south (right) side of the channel between the debris barrier and inlet structure. Vegetation was growing on the delta and approximately one-quarter of the channel was blocked by the sediment, debris, and vegetation. This is consistent with previous years' observation.

Recommended Action:

- Remove accumulated sediment and debris on the south (right) side of the channel between the inlet structure and debris barrier.
- Monitor downed tree(s) and debris and remove as needed.

2. Debris Barrier (Constructed 1992)

- a. The debris barrier piles appeared to be in satisfactory condition.
- b. The cable was missing or broken in the center portion of the channel. The middle seven barrier piles did not have a cable attached. The cable should extend from end to end, attached at each post.

Note: references to "right" and "left" are with respect to facing downstream.

Recommended Action:

- Repair or replace the steel cable on debris barrier.
- Monitor for debris and remove as needed.

3. Inlet Structure (Constructed 1992)

- a. The concrete inlet structure appeared to be in satisfactory condition.
- b. Vertical cracks were observed in the concrete on either side of the structure.
- c. Cracks were observed near where the handrail posts are embedded.
- d. The railings appeared to be in satisfactory condition.
- e. Some of the vertical bars have been bent and projecting a slight bow but generally appeared to be in satisfactory condition.
- f. The inlet structure was clear of debris.

Recommended Action:

- Monitor for debris and clear as needed.
- Monitor cracks in the concrete inlet structure.

4. Double Box Culvert (Constructed 1992)

- a. The most recent inspection of the double box culvert was completed in 2019. Inspection of the double box culvert is on a 5-year interval with the next inspection scheduled for 2024.

5. 3rd Avenue Tunnel (Constructed 1990)

- a. The most recent detailed inspection of the 3rd Avenue Tunnel was completed in 2020. Inspection of the 3rd Avenue "deep" tunnel is on a 5-year interval, alternating between a detailed NAASCO inspection and a less comprehensive tunnel inspection, looking for significant changes without coding existing or new defects or preparing a detailed report. The next "less comprehensive" inspection is scheduled for 2025.

6. 2nd Street Tunnel (Constructed 1979)

- a. The most recent inspection of the 2nd Street Tunnel was completed in 2020. Inspection of the entire 2nd Street "deep" tunnel is on a 10-year inspection interval with the next detailed NAASCO inspection scheduled for 2030. Similar to the 3rd Avenue Tunnel a "less comprehensive" inspection of the unsubmerged portions of the tunnel is scheduled for 2025.

Note: references to "right" and "left" are with respect to facing downstream.

Table 1: Routine vs. Major Maintenance and Repairs Items

| Item # | | Routine vs. Major Maintenance and Repairs – as Recommended by the TAC¹ and approved by the BCWMC² |
|---|--|--|
| Routine | | |
| 1 | Vegetation: removal of trees, removal of brush, chemical treatment of stumps, control of noxious weeds, establish vegetation on bare areas | |
| 2 | Removal of debris: woody debris, riprap, trash from channel, inlets, culverts | |
| 3 | Repair erosion; channels, inlet and outlet structures, culvert ends | |
| 4 | Repair/replace riprap: on inlet and outlet ends of culverts, channels, banks | |
| 6 | Remove sediment from channels, structures, culverts, etc. | |
| 10 | Repair/maintain guard rails, handrails and fencing: remove rust, prime and paint, repair damaged rails and posts, replace rusted-out sections, repair cables, replace posts, repair chain link fence | |
| 12 | Repair concrete pipe: repair joints, tie-bolts, spalling, connection to culverts, breakage | |
| 13 | Repair/replace catch basins, manholes, casting assemblies, grates | |
| 14 | Repair/maintain debris barrier: removal of debris, repair cables, replace poles | |
| 15 | Repair/maintain tunnel inlet trash rack: repair/replace trash rack rods (loose or broken, vandalized, bent) | |
| 16 | Street repairs: pavement, curb and gutter, cracks, depressions, settlement | |
| Major | | |
| 5 | Repair/replace gabion baskets | |
| 7 | Remove sediment/dredge ponds, basins, etc. | |
| 17 | Tunnel repairs: concrete and other repairs to the new Bassett Creek tunnel | |
| Could be major depending on extent | | |
| 8 | Repair scouring/undercutting at structures and culvert outlets | |
| 9 | Repair concrete structures: cracking, spalling, breakage | |
| 11 | Culverts/Bebo sections: joints, settlement, separation, concrete spalling, wing walls – movement and breakage | |

¹ Based on needed repairs identified during 2016 FCP inspection.

² Per BCWMC actions at their May 19, 2016 and July 21, 2016 meetings.

Note: references to “right” and “left” are with respect to facing downstream.

PAYMENT REQUEST FORM

Sweeney Lake Alum Treatment Phase II

Owner: Bassett Creek Watershed Management Commission
Class of Work: Chemical Treatment
Project Location: Hennepin County, Minnesota

PAY ESTIMATE NO.1

| | |
|--|----------------------|
| Original Contract Amount..... | \$ <u>185,994.40</u> |
| Contract Changes approved to Date (List Change Order Numbers)..... | \$ <u>- 522.64</u> |
| Revised Contract Price | \$ <u>185,471.76</u> |
| Work Completed to Date (see attached) *..... | \$ <u>185,471.76</u> |
| Retainage to Date, 5%..... | \$ _____ |
| Work Completed to Date Less Retainage to Date | \$ <u>185,471.76</u> |
| Total Amount Previously Certified | \$ _____ |
| Payment Request This Estimate | \$ <u>185,471.76</u> |

*** See attached invoice summarizing completed work and associated costs.**

CERTIFICATE OF CONTRACTOR

I hereby certify that the work and the materials supplied to date, as shown on the attached Request for Payment, represents the actual value of accomplishment under the terms of the contract dated October 5, 2022 between Bassett Creek Watershed Management Commission (OWNER) and Solitude Lake Management (CONTRACTOR) and all authorized changes thereto.

Trina L. Duncan

By

Trina L. Duncan

Title

Business Manager

Approval:

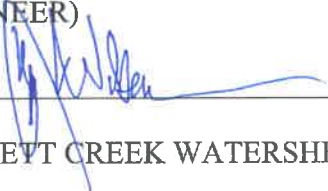
(CONTRACTOR)

Trina L. Duncan

Date

11/08/2022

(ENGINEER)



Date

11/8/22

(BASSETT CREEK WATERSHED MANAGEMENT COMMISSION)

Date



Voice: (888) 480-LAKE • Fax: (888) 358-0088

INVOICE

Invoice Number: PSI-21940
 Invoice Date: 10/26/2022

PROPERTY:

SOLD TO: Bassett Creek Watershed
 Management Commission
 c/o Laura Jester, Keystone Waters LLC
 16145 Hillcrest Lane
 Eden Prairie, MN 55346

| Customer ID | Customer PO | Payment Terms | |
|--------------|-----------------|---------------|----------|
| 11313 | | Net 30 | |
| Sales Rep ID | Shipping Method | Ship Date | Due Date |

| Qty | Item | Unit Price | Extension |
|--------|------------------|-------------|-----------|
| | Description | UOM | |
| | Sweeney Lake | | |
| 1 | Mobilization | 23,394.40 | 23,394.40 |
| 24,029 | Aluminum sulfate | gallon 3.01 | 72,327.29 |
| 11,919 | Sodium aluminate | gallon 7.53 | 89,750.07 |

PLEASE REMIT PAYMENT TO:
 SOLitude Lake Management, LLC
 1320 Brookwood Drive, Suite H
 Little Rock, AR 72202

| | |
|------------------|-------------------|
| Subtotal | 185,471.76 |
| Sales Tax | 0.00 |
| Total Invoice | 185,471.76 |
| Payment Received | 0.00 |
| TOTAL | 185,471.76 |



Item 4I.
BCWMC 11-16-22

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

A RESOLUTION OF APPRECIATION FOR THE SERVICES OF JANE MCDONALD BLACK
TO THE BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

WHEREAS, the Bassett Creek Watershed Management Commission (the "Commission") is a joint powers organization formed by the cities of Crystal, Golden Valley, Medicine Lake, Minneapolis, Minnetonka, New Hope, Plymouth, Robbinsdale and St. Louis Park; and

WHEREAS, the Commission serves as the duly constituted watershed management organization for the Bassett Creek watershed pursuant to the Metropolitan Surface Water Management Act); and

WHEREAS, under the Act and the Commission's joint powers agreement the Commission is charged with responsibility for the management of storm water to protect persons and property from flooding and to protect and preserve the water quality of lakes, streams and wetlands of the Bassett Creek Watershed and downstream receiving waters; and

WHEREAS, Jane McDonald Black served as a representative from the City of Golden Valley for more than eight years from February 2014 to November 2022; and

WHEREAS, Jane actively participated in Commission meetings, and lent her expertise and provided significant advice to the Commission as chair of the Budget Committee 2016 - 2022; and

WHEREAS, Jane participated on several additional Commission committees during her tenure including the Education Committee, Aquatic Plant Management – Aquatic Invasive Species Committee, and the CIP Prioritization Committee; and

WHEREAS, Jane actively participated in outreach efforts and engaged with watershed residents at events in Golden Valley and other member cities; and

WHEREAS, Jane gave generously of her time and talents, without compensation, to protect and improve the environment and to serve the public with integrity, vision, and respect for others.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Bassett Creek Watershed Management Commission, its member cities, and the public hereby express its sincere and grateful appreciation to Jane McDonald Black for her distinguished service to the public.

Adopted by the Board of Commissioners of the Bassett Creek Watershed Management Commission this 16th day of November, 2022.

Chair



Memorandum

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co. (Barr)
Subject: Item 5A: Medicine Lake Lift Station Rehabilitation and Temporary Variance Request –
Medicine Lake, MN
BCWMC November 16, 2022, Meeting Agenda
Date: November 9, 2022
Project: 23270053 2022 2297

5A Medicine Lake Lift Station Rehabilitation and Temporary Variance Request– Medicine Lake, MN BCWMC 2022-17

Summary:

Project Proposer: City of Medicine Lake

Proposed Work: Reconstruction of sanitary lift station

Basis for Review at Commission Meeting: Fill in floodplain; temporary variance request

Impervious Surface Area: No change

Project Schedule: Constructed summer 2022

Recommendation: Consider approval of the variance and conditionally approve the project

General Project Information

The City of Medicine Lake reconstructed a sanitary lift station on Kaiser Avenue that resulted in 81 cubic yards of fill below the Medicine Lake 100-year floodplain. The city had initially intended to construct the lift station and provide compensatory storage as part of the BCWMC #2021-36 Peninsula Road Street and Utility Improvements project that was reviewed and approved at the BCWMCs March 18, 2022, meeting, but the street project was delayed. According to the City, the sanitary lift station improvements were separated from the street project and the schedule was accelerated due to the poor condition of the existing lift station and concerns about failure. Therefore, the City completed the lift station reconstruction project during the summer of 2022 with no compensatory storage.

The City of Medicine Lake is requesting “after-construction” approval of the referenced project and a temporary variance to BCWMC Rule 4.8 (Policy 38), which requires “that projects within the floodplain maintain no net loss in floodplain storage and no increase in flood level at any point along the trunk system.” The city is requesting a temporary variance until December 31, 2024.

Floodplain

The project includes work in the BCWMC (Medicine Lake) 1% annual-chance (base flood elevation, 100-year) floodplain. The February 2021 BCWMC Requirements for Improvements and Development Proposals (Requirements) document states that projects within the floodplain must maintain no net loss in floodplain storage and no increase in flood level at any point along the trunk system (managed to at

least a precision of 0.00 feet). The 1% annual-chance (base flood elevation, 100-year) floodplain elevation of Medicine Lake is 890.4 feet NAVD88. The proposed project resulted in 81 cubic yards of floodplain fill and no compensating storage.

Temporary Variance Request

The City of Medicine Lake requested a temporary variance to Rule 4.8 of the BCWMC Requirements document for the requirement of providing compensatory storage. The city initially planned to provide compensatory storage as part of the City Street and Utilities Project (BCWMC #2021-36 Peninsula Road Street and Utility Improvements). However, the city is unable to move forward with the street and utilities project due to high bid prices, increased borrowing costs, and failure of the State Legislature to pass a bonding bill. Therefore, the city is requesting a temporary variance to provide the compensatory storage later, when the street and utility project moves forward. The city is also exploring other compensatory storage options in case the street project is delayed further. The temporary variance is requested until December 31, 2024.

Section 3.3 of the BCWMC Requirements document indicates that in granting variances, the Commission shall make a finding showing that all the following conditions exist. The October 20, 2022 memorandum from the city's consultant addressed these conditions, as follows.

1. There are special circumstances or conditions affecting the property such that the strict application of the provisions of these standards and criteria would deprive the applicant of the reasonable use of the applicant's land.

"The site is too small to include mitigation within the available property. Additional easement on private property would be required to excavate the required volume for mitigation. Mitigation was planned as part of another project (BCWMC #2021-36 Peninsula Road Street and Utility Improvements), which was delayed due to unforeseen circumstances."

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

"Excavation would be detrimental to the private property owner as well as the lift station and City street."

3. The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the territory in which the property is situated.

"Storage lost due to delayed mitigation would increase the high-water level of the lake less than 0.0015 inches during a 100-year flood until mitigation is accomplished. This temporary increase would be negligible and would not be detrimental to the public welfare of injurious to other property in the territory."

4. In applications relating to a use in the 1% (base flood elevation, 100-year flood) floodplain set forth in Table 2-9 of the Watershed Management Plan, the variance shall not allow a lower degree of flood protection than the current flood protection.

"Storage lost due to delayed mitigation would increase the high-water level of the lake less than 0.0015 inches until mitigation is accomplished, which would be a negligible decrease in the degree of flood protection."

5. The granting of the variance will not be contrary to the intent of taking all reasonable and practical steps to improve water quality within the watershed.

"Granting variance will have no effect on water quality"

It is the opinion of the Commission engineer that the temporary 81 cubic yards of fill in the Medicine Lake floodplain will have a negligible impact on the flood level of Medicine Lake and at any point along the trunk system to at least a precision of 0.00 feet.

Wetlands

The BCWMC is the local government unit (LGU) responsible for administering the Wetland Conservation Act (WCA) in the City of Medicine Lake. There are no wetlands impacted by the lift station project, therefore, BCWMC wetland review is not required.

Rate Control

The lift station project does not create one or more acres of net new impervious surfaces; therefore, BCWMC rate control review is not required.

Water Quality

The lift station project does not create one or more acres of net new impervious surfaces; therefore, BCWMC water quality review is not required.

Erosion and Sediment Control







The lift station project does not result in more than 10,000 square feet of land disturbance or 200 cubic yards of cut and fill; therefore, BCWMC erosion and sediment control is not required.

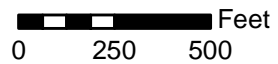
Recommendation

Approval of the temporary variance and conditional approval of the project, based on the following comments:

1. The BCWMC 100-year floodplain elevation for the project site (890.4 feet NAVD88) must be shown on the drawings.
2. The limits of the floodplain fill and calculations showing the fill volume below the 100-year floodplain (for the lift station project) must be shown on the drawings.
3. As discussed with the applicant, we understand Exhibit 1 (Floodplain Earthwork 2022 Street & Utility Imp.) from the February 25, 2022 resubmittal for BCWMC #2021-36 Peninsula Road Street and Utility Improvements has been revised. The revised exhibit that shows cut/fill computations for both the street project and the lift station project must be provided.
4. Compensatory storage must be provided when the street and utility project moves forward or by other storage options before December 31, 2024. Final compensating storage plans must be provided to the Commission Engineer for future review.



-  Project Location
-  Municipality
-  BCWMC Legal Boundary
-  Major Subwatershed
-  BCWMC Hydrologic Boundary
-  Bassett Creek



BCWMC #2022-17
 MEDICINE LAKE
 LIFT STATION
 REHABILITATION
 Medicine Lake, MN
 LOCATION MAP

Memorandum

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Company
Subject: Item 5B – Consider Approving Resolution 22-10 Revising Boundary with Shingle Creek Watershed Management Commission
BCWMC November 16, 2022, Meeting Agenda
Date: November 8, 2022

5B. Consider Approving Resolution 22-10 Revising Boundary with Shingle Creek Watershed Management Commission

Recommendations:

1. Approve Resolution 22-10 Concurring with the Proposed Boundary Changes with Shingle Creek Watershed Management Commission (SCWMC)

Background

On September 19, 2022 the BCWMC received an email from the Shingle Creek Watershed Management Commission (SCWMC) Engineer (Stantec) regarding their recent evaluation and proposed update of the SCWMC legal boundary to better match the hydrologic boundary. As a note, a legal (or jurisdictional) boundary cannot divide parcels. Therefore, a watershed's legal boundary reflects the watershed divide as closely as possible without bisecting parcels. The SCWMC requested that the BCWMC review the information and officially concur with the boundary change through a letter of concurrence and a resolution. To put the boundary change into effect, SCWMC intends to submit a formal petition to BWSR pursuant to the process in Minn. Stat. 103B.215. Such a petition requires a written statement of concurrence from every affected city and watershed organization, including BCWMC.

The BCWMC Engineer reviewed the boundary information in relation to the BCWMC hydrologic boundary recently delineated through the XP-SWMM model update and developed comments and questions about areas of discrepancy along the proposed new SCWMC legal boundary. These comments and questions were incorporated into maps and discussed at the October 5, 2022 TAC meeting. At the meeting it became evident that each impacted city would need to review their boundary more closely and return comments individually. The BCWMC Engineer provided the maps with comments and questions to each city for further review (Crystal, Minneapolis, New Hope, Plymouth, and Robbinsdale). The cities provided feedback to the BCWMC Engineer who then collated all BCWMC comments. The BCWMC Administrator and Engineer met on October 27, 2022 with the SCWMC Engineer to review the comments, questions, and recommended revisions to the proposed SCWMC legal boundary. After some more email discussions back and forth, the SCWMC Engineer provided a final version of the proposed SCWMC boundary on November 8, 2022 that incorporated all comments from the BCWMC Engineer.

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Company
Subject: Item 5B – Consider Approving Resolution 22-10 Revising Boundary with Shingle Creek Watershed Management Commission
 BCWMC November 16, 2022, Meeting Agenda
Date: November 8, 2022
Page: 2

The attached Figures 1 through 5, organized by municipality from upstream to downstream, show the final revised “new” SCWMC/BCWMC legal boundary along with the current/“old” BCWMC legal boundary. Table 1 below summarizes the estimated changes in the Shingle Creek and Bassett Creek watershed areas based on the revisions to the legal boundary as summarized by the SCWMC engineers. Based on the current BCWMC legal boundary, the watershed area is approximately 25,359 acres and will increase by 551 acres to 25,910 acres, an increase of approximately 2% in total watershed area. Because the tax levy through Hennepin County is tied to parcels within the boundary, we expect the Commission’s tax levy potential to change slightly; the amount of change depends on the value of the parcels moved out of the BCWMC versus those moved into the BCWMC.

Table 1: Changes in BCWMC Watershed Area based on SCWMC Boundary Revision

| | Moving into Shingle Creek | | Moving out of Shingle Creek | | Net Gain in Watershed Area for BCWMC |
|--------------------------------|---------------------------|------------------|-----------------------------|------------------|--------------------------------------|
| | Area (acres) | Parcels (number) | Area (acres) | Parcels (number) | Area (acres) |
| Bassett Creek Watershed | 76 | 217 | 627 | 784 | 551 |

We believe this proposed boundary accurately reflects the most appropriate legal boundary between the SCWMC and the BCWMC and recommend the Commission approve the new boundary. SCWMC staff indicated they would provide the new boundary data to Hennepin County for tax levy purposes. The BCWMC Attorney assisted with drafting the resolution and agrees that based on the review and comments of the BCWMC Engineer, the Commission may approve the new boundary.

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

Resolution No. 22-10

RESOLUTION CONCURRING WITH PROPOSED BOUNDARY CHANGES

WHEREAS, the Shingle Creek Watershed Management Commission and the West Mississippi Watershed Management Commission (collectively, the “Requesting WMOs”) have jointly undertaken a process to review and amend as needed their boundaries with neighboring watersheds in accordance with the requirements of Minnesota Statutes, section 103B.215 (“Act”);

WHEREAS, the Act requires the Requesting WMO’s to include with their petition for a boundary change to the Minnesota Board of Water and Soil Resources “a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred.”;

WHEREAS, the Requesting WMOs prepared and provided maps showing the proposed boundary changes (“Boundary Change Maps”), which are incorporated herein by reference; and

WHEREAS, the Boundary Changes identified in the Boundary Change Maps were developed using updated hydrologic information, they more accurately reflect the hydrologic boundaries, and so it is appropriate to issue a written statement of concurrence to change the boundaries as reflected in the Boundary Change Maps submitted by the Requesting WMOs.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Bassett Creek Watershed Management Commission (the “Board”) as follows:

1. The Board concurs with the boundary changes proposed by the Requesting WMO’s and reflected in the Boundary Change Maps.
2. The Board chair is authorized and directed to execute and provide a letter of concurrence to the Requesting WMOs together with a copy of this Resolution.

Adopted this 16th day of November, 2022.

Chair

Attest: _____
Secretary



Bassett Creek Watershed Management Commission

November 16, 2022

Shingle Creek Watershed Management Commission
ATTN: Judie Anderson
3235 Fernbrook Lane N
Plymouth, MN 55447

Re: Petition for Boundary Change, Shingle Creek Watershed Management Commission: Letter of Concurrence

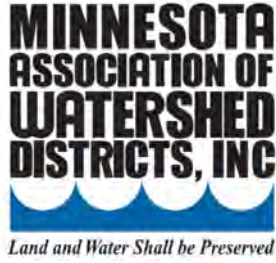
Dear Ms. Anderson,

The Bassett Creek Watershed Management Commission has reviewed and considered the proposal to change the common boundary between the Shingle Creek Watershed and the Bassett Creek Watershed. Pursuant to Resolution #22-10, the Bassett Creek Watershed Management Commission concurs with the proposed petition to change the common boundary.

If you have any questions or comments, please contact BWCMC Administrator Laura Jester at laura.jester@keystonewaters.com or 952-270-1990.

Sincerely,

Catherine Cesnik, Chair



Item 5D.
BCWMC 11-16-22

Minnesota Association of Watershed Districts, Inc.
www.mnwatershed.org

**Minnesota Association of Watershed Districts, Inc.
2022 Annual Conference and Trade Show
December 1-3, 2022
Arrowwood Conference Center, Alexandria, MN**

Member Meeting Materials

Enclosed are the following items:

1. Notice of Annual Meeting
2. Delegate Appointment Form – please return to mnwatershed@gmail.com
3. Proposed Fiscal Year 2023 Budget
4. Draft Strategic Plan
5. Proposed Bylaws Changes
6. Resolutions Information Packet

This packet has been distributed to administrators and managers via email. Please print copies for your organization. No paper copies of this packet will be sent via the U.S. Postal Service.

We are looking forward to seeing you at this year's conference!

**PLEASE BRING THE RESOLUTIONS PACKET WITH YOU TO THE CONVENTION.
EXTRA COPIES WILL NOT BE AVAILABLE ON SITE. THANK YOU!!**



Minnesota Association of Watershed Districts, Inc.
www.mnwatershed.org

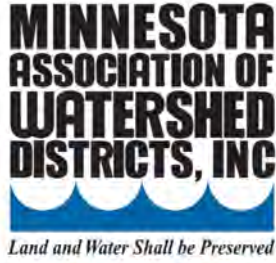
MN Association of Watershed Districts, Inc. 2022 Annual Meeting Notice

NOTICE IS HEREBY GIVEN that the 2022 Annual Meeting of the Minnesota Association of Watershed Districts, Inc. will be held at the Arrowwood Conference Center, Alexandria, MN, beginning at 8:00 a.m. on Friday, December 2, 2022 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2023 budget;
4. To consider and act upon the proposed 2023-2032 Strategic Plan;
5. To consider and act upon the proposed Bylaws changes;
6. To consider and act upon proposed resolutions;
7. To elect three directors, one from each region, for terms ending in 2024; and
8. To consider and act upon any other business that may properly come before the membership.

Sincerely,

Ruth Schaefer
Secretary



MN Association of Watershed Districts, Inc. 2022 Delegate Appointment Form

The _____ hereby certifies that it is
name of watershed organization

a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of the MN Association of Watershed Districts, Inc. (MAWD) for the year 2022.

The _____ hereby further certifies
name of watershed organization

the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with their respective watershed district or watershed management organization.

Delegate #1: _____

Delegate #2: _____

Alternate: _____

Authorized by: _____
Signature Date

Title

** Please return this form to mnwatershed@gmail.com at your earliest convenience. **



Minnesota Association of Watershed Districts
2022 MAWD Annual Conference
Arrowwood Convention Center, Alexandria MN

Annual Meeting AGENDA
Friday, December 2, 2022 | 8 a.m.

GENERAL BUSINESS

- 8:01 a.m. Call to Order
8:01 a.m. Approval of Agenda (Action)
8:02 a.m. Approval of 2021 Annual Meeting Minutes (Action) – Linda Vavra
8:05 a.m. Treasurer’s Reports – Linda Vavra
- 2022 Year End Financial Report (Action)
 - 2022 Review of Financial Procedure Report (Action)
 - 2023 Proposed Budget (Action)

REPORTS

- 8:30 a.m. President’s Report – Linda Vavra
8:40 a.m. Interim Executive Director’s Report – Jan Voit
8:50 a.m. MN Board of Water and Soil Resources Report - Executive Director John Jaschke

9:00 a.m. **STRATEGIC PLAN** (Action) – Linda Vavra

9:10 a.m. **BYLAWS HEARING** (Action) – Linda Vavra

9:20 a.m. **RESOLUTIONS HEARING** (Action) – Linda Vavra

Note: There will be two microphones in the room – One to use if you are “FOR” an amendment and one if you are “AGAINST” an amendment. If you wish to testify on a resolution, please proceed to the appropriate microphone and limit your comments to 2 minutes.

Resolution 1 – Support Including at Least One MAWD Member on the Minnesota Department of Health’s Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota

Resolution 2 – Support to Amend State Law to Provide Limited Liability Protection to Smart Salting-certified Commercial Salt Applicators and the Property Owners Who Employ Them

Resolution 3 – Increased Support and Participation for the Minnesota Drainage Work Group

Resolution 4 – Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan

Resolution 5 – Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement

Resolution 6 – Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species

Resolution 7 – Limit Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During Summer Months

Resolution 8 – Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

10:45 a.m. **ADJOURNMENT**

NOTE: Caucus meetings for each MAWD Region will begin at 11:15 a.m. Check the event program for location. The Trade Show ends at noon, so don’t forget to visit our sponsors and vendors one last time.

**Minnesota Association of Watershed Districts
(MAWD)
2021 Annual Business Meeting**

December 3, 2021
Via Zoom



1. Call to Order

The 2021 MAWD Business meeting convened at 1:00 p.m. by MAWD President Mary Texer, Capitol Region Watershed District (CRWD).

2. Agenda

The agenda was reviewed and approved. Peter Fjestad, Buffalo Red River Watershed District moved to approve the agenda. Jill Crafton, Riley Purgatory Bluff Creek Watershed District (RPBCWD) seconded the motion. The motion passed by voice vote.

3. Secretary's Report

The 2020 annual meeting minutes were presented by Ruth Schaefer, Middle Fork Crow River Watershed District (MFCRWD). Ruth Schaefer, MFCRWD moved to approve the Secretary's report. Linda Vavra, Bois des Sioux Watershed District (BDSWD) seconded the motion. The motion passed by voice vote.

4. Treasurer's Report

Sherry Davis White, Minnehaha Creek Watershed District (MCWD) and MAWD Treasurer, presented the following reports:

- *2021 Year End Financial Report.* Linda Vavra, BWSWD moved to approve the 2021 Year End Financial Report. Rick Sanders, CRWD seconded the motion. The motion passed by voice vote.
- *2022 Proposed Budget.* Dennis Kral, Pelican River Watershed District (PRWD) moved to approve the 2022 Proposed Budget. Michael Welch, Bassett Creek Watershed Management Commission (BCWMC) seconded the motion. The motion passed by voice vote.
- *Independent Accountant's Report on Applying Agreed Upon Financial Procedures.* The report, dated November 24, 2021 was prepared by Redpath and Company, Ltd. Cliff Aichinger, Ramsey Washington Metro Watershed District (RWMWD) made a motion to accept the Report on Applying Agreed Upon Financial Procedures report. Jill Crafton, RPBCWD seconded the motion. The motion passed by voice vote.

5. Reports

Reports were given by MAWD President Mary Texer; MAWD Executive Director Emily Javens; Minnesota Association of Watershed Administrators President Scott Henderson; Board of Water and Soil Resources (BWSR) Executive Director John Jaschke; and Clean Water Council (CWC) representative Marcie Weinandt, Rice Creek Watershed District Manager; and CWC Executive Director Paul Gardner.

6. MAWD Resolutions Hearing

MAWD President Mary Texer turned the meeting over to Sherry Davis White, MCWD and MAWD Resolutions Committee Chair, to preside over the MAWD Resolutions Hearing.

Resolution #1 Redirect Clean Water Funds from Soil and Water Conservation District (SWCD) Local Capacity Services to BWSR Accelerated Implementation of Watershed-Based Implementation Funding (WBIF)

Joe Collins, CRWD moved to adopt Resolution #1. Jill Crafton, RPBCWD seconded the motion. Following discussion, the motion and second were withdrawn. Joe Collins, CRWD made the following motion: MAWD supports SWCD Local Capacity Services be funded from county and state general funds and supports the direction of Clean Water Funds to the BWSR Accelerated Implementation of WBIF. Cliff Aichinger, RWMWD seconded the motion. Following further discussion, Joe Collins, CRWD made a motion to amend the motion as follows: MAWD supports SWCD capacity funds to come from county and state general funds. MAWD supports Clean Water Funds being used for implementation and not for capacity. Jill Crafton, RPBCWD seconded the amendment. A vote on the amendment passed by voice vote. A vote on Resolution #1 as amended passed by voice vote.

- **Adopted Resolution 2021-1: NOW THEREFORE BE IT RESOLVED** that MAWD supports SWCD capacity funds to come from county and state general funds. MAWD supports Clean Water Funds being used for implementation and not for capacity.

Resolution #2 Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects

Dennis Kral, PRWD moved to adopt Resolution #2. Janice Haggart, PRWD seconded the motion. Following extensive discussion, Dennis Kral, PRWD made the following amended motion: MAWD supports capacity base funding resources directed to non-metro watershed districts who request this assistance to implement the activities as outlined in approved watershed district watershed management plans or comprehensive watershed management plans. Linda Vavra, BDSWD seconded the amended motion. The amended resolution was adopted by tally voting: 25 delegates in favor, 6 opposed.

- **Adopted Resolution 2021-2: NOW THEREFORE BE IT RESOLVED** that MAWD supports capacity base funding resources directed to non-metro watershed districts who request this assistance, to implement the activities as outlined in approved watershed district water management plans or comprehensive watershed management plans.

Resolution #3 Increased Flexibility in Open Meeting Law to Utilize Interactive Technology (Version 1)

David Ziegler, RPBCWD moved to adopt Resolution #3. Jill Crafton, RPBCWD seconded the motion. Discussion was held on the resolution. Cliff Aichinger, RWMWD made a motion to amend the resolution by removing “without limit on the number of times” and “such remote participation may occur” and adding “up to three times in a calendar year per manager”. Ruth Schaefer, MFCRWD seconded the amended motion. Tally vote was taken on the amendment: 25 delegates in favor, 11 opposed. The amended resolution was adopted by tally voting: 29 delegates in favor, 5 opposed.

- **Adopted Resolution 2021-3: NOW, THEREFORE, BE IT RESOLVED** that MAWD supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, up to three times in a calendar year per manager, and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021;

BE IT FURTHER RESOLVED that MAWD supports changes to the Open Meeting Law requiring watershed district to prepare and publish procedures for conducting public meetings using interactive technology.

Proposed Resolution #4 Increased Flexibility in Open Meeting Law to Utilize Interactive Technology (Version 2)

Because Resolution #3 was adopted, there was no need to vote on proposed Resolution #4.

Resolution #4 Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas

Jackie Anderson, Comfort Lake Forest Lake Watershed District moved to adopt Resolution #4. Linda Vavra, BDSWD seconded the motion. The resolution was adopted by tally voting: 30 delegates in favor, none opposed.

- **Approved Resolution #4: THEREFORE, BE IT RESOLVED**, that MAWD supports expansion of Federal Multi-Peril Crop Insurance to include crop losses within impoundment areas.

Resolution #5 State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption

After extensive discussion Joe Collins, CRWD moved an amended version of Resolution #5. Jill Crafton, RPBCWD seconded the motion. The amended resolution was adopted by tally voting: 31 delegates in favor, 2 opposed.

- **Approved Resolution 2021-5: THEREFORE, BE IT RESOLVED**, that MAWD supports requiring State Agencies to provide a meaningful, not less than 60-day review and comment period from affected local units of government on new or amended water management policies, programs, or initiatives and a response to the comments is required prior to adoption.

Resolution #6 Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro WBIF to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes section 103B

Joe Collins, CRWD moved to adopt Resolution #6. Jill Crafton, RPBCWD seconded the motion. The resolution was adopted by tally voting: 30 delegates in favor, 2 opposed.

- **Approved Resolution 2021-6: THEREFORE, BE IT RESOLVED** that MAWD supports BWSR distribution of metro WBIF among the 23 WMOs with state-approved comprehensive, multi-year 103B watershed management plans. Those plans implement multijurisdictional priorities at a watershed scale and facilitate funding projects of any eligible local government unit (including soil and water conservation districts, counties, cities, and townships).

7. BYLAWS AMENDMENT HEARING

MAWD President Mary Texer presided over the Bylaws Amendment Hearing. Mary Texer, CRWD moved to accept all proposed bylaws changes. Jill Crafton, RPBCWD seconded the motion. Following discussion, Sherry Davis White, MCWD made a motion to amend the resolution with the following language for section 8.1 and to delete section 8.2:

8.1 Resolutions: The Chair of the MAWD Resolutions/Policy Committee will send a request for resolutions, along with a form for submission, to the membership at least three months prior to the annual MAWD membership meeting. Resolutions and their justification ~~must~~ should, whenever possible, be submitted to the MAWD Resolutions/~~Policy~~ Committee in the required format at least 2 months prior to the annual MAWD membership meeting for committee review and recommendation, and must be submitted at least one week prior to the annual MAWD membership meeting. The committee will present these resolutions and their recommendations

to the Board of Directors and the MAWD membership ~~at least 1 month~~ prior to the start of the annual MAWD membership meeting. The Board of Directors may make ~~additional~~ recommendations on ~~each~~ any proposed resolution through its board meeting process. This same procedure will be used when policy issues are to be considered at any special MAWD membership meeting.

~~8.2 Emergency Resolutions. The Legislative Committee will review any emergency resolutions and make recommendations to the Board who will vote the recommended action up or down. The membership will vote to confirm the action at the next membership meeting.~~

Michael Welch, BCWMC seconded the amendment. Tally vote was taken on the amendment: 27 delegates in favor, 1 opposed.

Sherry Davis White, MCWD made a motion to amend the bylaws by adding the following revised language for section 1.2: MAWD will work to secure the capacity of its members to implement their statutory powers and purposes. Michael Welch, BCWMC seconded the amendment. The amended resolution was adopted by tally voting: 24 delegates in favor, 2 opposed.

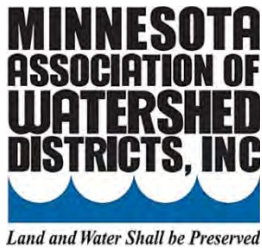
Tally voting was done for the amended bylaws. They were adopted by tally voting: 28 delegates in favor, 1 opposed.

8. Adjournment

The meeting adjourned at 5:24 pm.

Respectfully submitted by,

Ruth Schaefer
MAWD Secretary



Memorandum

DATE: October 31, 2022
TO: MAWD Members
FROM: Jackie Anderson, MAWD Treasurer

RE: **Proposed FY23 Budget and FY22 Financial Statement**

It is important to note that the majority of MAWD's revenue is generated through payment of dues.

INCOME PROPOSED FY23 BUDGET

- The estimated dues for FY23 are based upon payment in full by current members with the new dues structure.
- The estimated income for the annual conference in FY23 is based on actual revenue received in FY19.
- The estimated costs for the Legislative Day at the Capitol and Summer Tour are based on actual costs for FY22 with consideration of the increased costs for venues and food likely in 2023.

EXPENSES PROPOSED FY23 BUDGET

Administration and Program Management

- General Administration – staff: for FY23 includes wages for the new Executive Director (partial salary when hired).
- Benefits/Taxes for Salaried Employee: benefits for the new Executive Director (when hired).
- Administrative and Communications Support: projected expense for half time administrative support.
- Event and Communication Management: projected to the Program Manager for managing MAWD events.

Legislative Affairs

- Lobbyist Contract.

Professional Services

- Costs incurred for legal fees is primarily for review of the watershed handbook and for general legal work.
- Accounting and auditing funds paid to Obremski Ltd. for monthly accounting and bookkeeping services, and to Redpath Ltd. for an annual audit.
- Insurance coverage for errors and omissions insurance for the MAWD Board of Directors, and for general coverage for office, records, and office equipment.

Office Expenses

- Funds paid to Capitol Region Watershed District for office rent.
- Mileage for directors and contractors, as well as office supplies.

Board and Committee Meetings

- Funds paid to directors for serving on the Board of Directors and MAWD Committees.

President

Linda Vavra (Region 1)
Bois de Sioux WD
lvavra@fedtel.net
320-760-1774 | Term 2023

Secretary

Ruth Schaefer (Region 2)
Middle Fork Crow River WD
ruths56288@gmail.com
320-212-5973 | Term 2022

Treasurer

Jackie Anderson (Region 3)
Comfort Lake – Forest Lake WD
mawdjapa@gmail.com
612-819-6906 | Term 2024

Directors

Peter Fjestad (Region 1)
Buffalo Red River WD
pfjestad@prtcl.com
218-731-4630 | Term 2022

Gene Tiedemann (Region 1)
Red Lake WD
gtiedemann@rrv.net
218-289-3511 | Term 2024

Jeff Gertgen (Region 2)
Middle Fork Crow River WD
jgliaison@gmail.com
608-370-3934 | Term 2023

Wanda Holker (Region 2)
Upper Minnesota WD
ewholker@fedtel.net
320-760-6093 | Term 2024
Appointed until Dec 2022

Mary Texer (Region 3)
Capitol Region WD
metexer@gmail.com
651-224-2919 | Term 2023

David Ziegler (Region 3)
Riley-Purgatory-Bluff Creek WD
david_ziegler@outlook.com
952-905-1889 | Term 2022

Jan Voit
Interim Executive Director
admin@mnwatershed.org
507-822-0921

Special projects

- Funds for anticipated costs incurred with handbook development and rebranding the organization.

Education and Events

- Estimated costs for implementing the Annual Conference, Legislative Day at the Capitol, and Summer Tour.

INCOME FY22 ACTUAL

- The FY22 dues were based on the old dues structure.
- The reduced income for the annual conference is due to holding a virtual event.
- The reduced income for the Legislative Day at the Capitol is a result of lower attendance due to the pandemic as well as increased costs for food and the venue.

EXPENSES FY22 ACTUAL

Administration and Program Management

- General Administration – staff: wages and separation pay for the former Executive Director.
- Benefits/Taxes for Salaried Employee: benefits for the former Executive Director.
- Administrative and Communications Support - Contract: funds paid for half time Administrative Support Staff.
- Event and Communication Management: funds paid to the Program Manager for managing MAWD events.

Legislative Affairs

- Lobbyist Contract.

Professional Services

- Costs incurred for legal fees are related to general legal work and the separation agreement.
- Accounting and auditing funds paid to Obremski Ltd. for monthly accounting and bookkeeping services, and to Redpath Ltd. for an annual audit.
- Insurance coverage for errors and omissions insurance for the MAWD Board of Directors, and for general coverage for office, records, and office equipment.

Office Expenses

- Funds paid to Capitol Region Watershed District for office rent.
- Mileage for directors and contractors, as well as office supplies.

Board and Committee Meetings

- Funds paid to directors for serving on the Board of Directors and MAWD Committees.

Education and Events

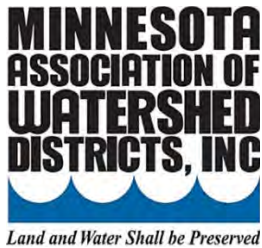
- Estimated costs for implementing the Annual Conference, Legislative Day at the Capitol, and Summer Tour.

The loss reported in FY22 is primarily due to the pandemic impact on registrations for our virtual events, lowering income (revenue), separation pay for the former executive director, legal fees related to the separation agreement, and the additional administrative support costs.

Questions regarding the FY23 proposed budget and/or the FY22 financial information should be directed to Jackie Anderson, Treasurer (mawdjapa@gmail.com or 612-819-6906) or Jan Voit (admin@mnwatershed.org or 507-822-0921).

Minnesota Association of Watershed Districts
 FY22 Financial Report and Proposed FY23 Budget
 October 1, 2021 through September 30, 2022

| | FY2023 | FY2022 | FY2021 | FY2020 |
|--|-----------------|-----------------------|-----------------------|-----------------------|
| | | Oct'21-Sep'22 | Oct'20-Sep'21 | Oct'19-Sep'20 |
| INCOME | BUDGET | FY 2022 ACTUAL | FY 2021 ACTUAL | FY 2020 ACTUAL |
| Dues - Watershed District Members | 222,500 | 188,081 | 202,175 | 221,482 |
| Dues - Watershed Management Organization Members | 18,750 | 15,000 | 7,500 | 2,000 |
| Annual Conference | | | | |
| Annual Conference Registrations | 70,000 | 25,046 | 46,145 | 71,200 |
| Annual Trade Show and sponsorships | 43,500 | 19,779 | 29,616 | 43,120 |
| Pre Conference Workshops | 17,000 | - | - | 17,940 |
| Annual Conference: Other/Prior Year | - | 2,500 | 485 | 5,747 |
| Legislative Day at the Capitol | 6,300 | 4,069 | 2,871 | - |
| Summer Tour | 16,000 | - | - | - |
| MAWD Workshops | 2,500 | - | - | - |
| Interest | 25 | 53 | 31 | 43 |
| TOTAL REVENUES | 396,575 | 254,529 | 288,823 | 361,532 |
| | | | | |
| EXPENSES | | | | |
| Administration & Program Management | | | | |
| General Administration - Staff | 95,000 | 126,390 | 98,250 | 66,147 |
| Benefits / Taxes for Salaried Employees | 26,250 | 29,550 | 25,361 | 24,028 |
| Administrative and Communications Support - Contract | 40,000 | 52,611 | 8,455 | 5,200 |
| Event and Communication Management - Contract | 43,000 | 31,500 | 31,125 | 32,001 |
| Legislative Affairs | | | | |
| Administrative Lobbying - Staff | - | - | - | 29,028 |
| Lobbying - Contracted Services | 45,000 | 40,000 | 40,000 | 40,000 |
| Lobbyist Expenses | 1,000 | 314 | - | 259 |
| Professional Services | | | | |
| Legal Fees | 15,000 | 25,919 | 24,763 | 208 |
| Accounting and Audit Fees | 14,100 | 10,500 | 8,150 | 8,050 |
| Insurance | 2,200 | 2,067 | 1,971 | 1,963 |
| Office Expenses | | | | |
| Rent | 4,800 | 4,800 | 3,600 | 4,800 |
| Mileage and General Office Expenses | 10,000 | 5,467 | 3,514 | 7,125 |
| Dues, Other Organizations | - | - | 385 | 385 |
| Other Special Items | 2,500 | - | 500 | - |
| Memorials | 250 | - | - | - |
| Board and Committee Meeting | | | | |
| Per Diems and Expenses - Directors | 25,000 | 29,195 | 20,225 | 18,504 |
| Board and Committee Meeting Expenses | 1,000 | 2,237 | 172 | 121 |
| Special Projects | | | | |
| WD Handbook, Surveys, rebranding, etc | 5,000 | - | - | - |
| Education and Events | | | | |
| Annual Conference | | | | |
| Annual Conference | 44,500 | 8,744 | 13,966 | 49,734 |
| Annual Trade Show | 3,300 | - | 495 | 411 |
| Pre Conference Workshop: Drainage | 4,000 | - | - | - |
| Pre Conference Workshop: Managers | 1,500 | - | - | - |
| Pre Conference Workshop: Administration | 1,200 | - | - | 149 |
| Other | - | - | - | - |
| Legislative Day at the Capitol | 5,500 | 4,413 | - | 789 |
| Summer Tour | 16,000 | 852 | 1,080 | - |
| Credit Card Processing Fees | 4,100 | 1,017 | 3,065 | 3,914 |
| Special Workshops | 2,500 | - | - | - |
| TOTAL EXPENSES | 412,700 | 375,574 | 285,077 | 292,818 |
| REVENUES OVER (LESS THAN) EXPENSES | (16,125) | (121,045) | 3,746 | 68,714 |
| | | | | |
| STATEMENT OF NET POSITION | | | | |
| Assets, Cash and Equivalents, actual | | 222,050 | 324,904 | 325,921 |
| Dues receivable | | 911 | 8,147 | - |
| Deposits received - deferred, prepaid expenses | | (600) | (15,494) | 962 |
| Liabilities, accounts payable, taxes payable | | (36,388) | (10,542) | (23,772) |
| ENDING NET ASSETS | | 185,974 | 307,015 | 303,111 |



Memorandum

DATE: October 31, 2022
TO: MAWD Members
FROM: Linda Vavra, MAWD President
RE: **Strategic Plan**

President

Linda Vavra (Region 1)
Bois de Sioux WD
lvavra@fedtel.net
320-760-1774 | Term 2023

Secretary

Ruth Schaefer (Region 2)
Middle Fork Crow River WD
ruths56288@gmail.com
320-212-5973 | Term 2022

Treasurer

Jackie Anderson (Region 3)
Comfort Lake – Forest Lake WD
mawdjapa@gmail.com
612-819-6906 | Term 2024

Directors

Peter Fjestad (Region 1)
Buffalo Red River WD
pfjestad@prtcl.com
218-731-4630 | Term 2022

Gene Tiedemann (Region 1)
Red Lake WD
gtiedemann@rrv.net
218-289-3511 | Term 2024

Jeff Gertgen (Region 2)
Middle Fork Crow River WD
jlgliaison@gmail.com
608-370-3934 | Term 2023

Wanda Holker (Region 2)
Upper Minnesota WD
ewholker@fedtel.net
320-760-6093 | Term 2024
Appointed until Dec 2022

Mary Texer (Region 3)
Capitol Region WD
metexer@gmail.com
651-224-2919 | Term 2023

David Ziegler (Region 3)
Riley-Purgatory-Bluff Creek WD
david_ziegler@outlook.com
952-905-1889 | Term 2022

Jan Voit
Interim Executive Director
admin@mnwatershed.org
507-822-0921

Over the last several months, the Strategic Plan Committee met to develop a new Strategic Plan. The plan reflects feedback from members and the Minnesota Association of Watershed Administrators, as well as the collaborative input of the Strategic Plan Committee.

Process undertaken:

- A survey was developed and sent to members in January 2022.
- In March, the Minnesota Association of Watershed Administrators provided feedback on the survey and on MAWD governance.
- The Strategic Plan Committee reviewed the survey results and the feedback from the Minnesota Association of Watershed Administrators.
- Based on the feedback, the first draft of the plan was developed.
- The Strategic Plan Committee reviewed and commented on the first draft. The document was revised based on committee comments. The second draft was sent to our membership and also to non-member watershed districts and watershed management organizations for review and comment.
- Seventeen comment letters were received. Almost all those letters supported the draft plan as written; several offered constructive critiques. The committee gave careful consideration to the comments. The most substantive change made in response was moving the scopes of work for the committees from the Supporting Resources section to the Manual of Policy and Procedures. The other changes throughout the document were wordsmithing.
- The Strategic Plan Committee unanimously supported the third draft of the Strategic Plan at its meeting on October 6.
- Committee members then chose their top two priorities under each goal. Those priorities were the basis for developing the 2023-2024 Executive Director Work Plan.
- The Strategic Plan Committee unanimously supported the 2023-2024 Executive Director Work Plan at its meeting on October 17.
- The Strategic Plan, including the 2023-2024 Executive Director Work Plan was reviewed by the MAWD Board of Directors at the October 24 meeting. The MAWD Board unanimously supported moving the draft Strategic Plan to the membership for approval at the annual business meeting on December 2.

Questions regarding these proposed changes should be directed to Linda Vavra at 320-760-1774 or lvavra@fedtel.net or Jan Voit (admin@mnwatershed.org or 507-822-0921).



DRAFT

MINNESOTA WATERSHEDS

10-Year Strategic Plan

October 2022 Draft

[Abstract](#)

This document defines Minnesota Watersheds' mission and vision for the future and identifies goals, objectives, strategies, and tactics.

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MINNESOTA WATERSHEDS

STRATEGIC PLAN GOALS AND OBJECTIVES

MISSION: To support and advocate for leaders in watershed management.

VISION: To establish excellence and innovation in all watershed-based organizations.

GOALS AND OBJECTIVES:



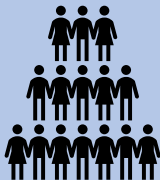
Fortify the infrastructure of Minnesota Watersheds to ensure reliable delivery of services.

- Ensure Minnesota Watersheds governance and management are aligned with the Strategic Plan.
- Develop concentrated communication efforts.
- Empower Minnesota Watersheds to accomplish its goals and objectives.
- Invest in technological resources to accommodate access to information.
- Better utilize member and executive committees for healthy and sustainable Minnesota Watersheds' operations.



Build a watershed community that supports one another.

- Enhance member engagement through inclusivity.
- Grow membership.
- Expand participation at Minnesota Watersheds' events.
- Increase member involvement on committees and the Minnesota Watersheds Board of Directors to assure member needs are met.



Serve as a liaison to collaborate with statewide agencies and associations.

- Increase collaborative efforts between the Board of Water and Soil Resources and Minnesota Watersheds.
- Increase partnership activities with statewide entities.



Ensure strong legislative policies are in place for watershed management.

- Streamline the resolutions and legislative platform processes.
- Articulate clearly defined legislative policies so members and Minnesota Watersheds' representatives can accurately state our positions.
- Focus and prioritize lobbying efforts
- Increase member engagement in the legislative process.



Enhance the skills of watershed district and watershed management organization boards.

- Provide guidance and direction for efficient and effective member board operations.

Introduction

This document is intended to be a **long-range, 10-year Strategic Plan**. Each year the Strategic Plan Committee will make recommendations to the Minnesota Watersheds Board of Directors on the organization's top priorities. The Tactics Timetable will be developed based upon priorities determined by the Strategic Plan Committee and recommended to the Minnesota Watersheds Board of Directors as follows: annual work plan for the Minnesota Watersheds Board of Directors; two-year work plan for the Executive Director; and five- and 10-year work plans based on Strategic Plan Committee priorities and work accomplished. This process will be done to better ensure accomplishing the goals and setting expectations for member watershed districts, watershed management organizations, the Minnesota Watersheds Board of Directors, and the Executive Director.

Definitions

Members – dues paying Watershed districts and Watershed management organizations

Non-members – Watershed districts and Watershed management organizations that have chosen not to pay dues

Strategic Plan

Mission

To support and advocate for leaders in watershed management.

Vision

To establish excellence and innovation in all watershed-based organizations.

Values

Collaborate: work with partners to enhance members' watershed management skills and initiatives.

Efficient: provide services to maximize effective science-based principles for watershed management.

Support: promote and assist members' efforts in watershed management.

Member-driven: seek and consider input to ensure the organization's decisions reflect members' voices.

Transparent: communicate information about the performance, financial position, and governance of the organization in an open and honest manner.

Goals, Objectives, Strategies, and Tactics

Goal 1: Fortify the infrastructure of Minnesota Watersheds to ensure reliable delivery of services.

Objectives, Strategies, and Tactics to Achieve Goal 1

1. Ensure Minnesota Watersheds' governance and management are aligned with the Strategic Plan.
 - Focus the organization's efforts on defined goals, strategies, objectives, and tactics.
 - i. Confirm, each month, that Board of Directors' actions reflect the Strategic Plan.
 - ii. If new issues arise that require significant resources, seek member support before pursuing.
 - iii. Do not adopt major policies or expenditures without staff review and recommendations that consider pros and cons, alternatives, costs, and member perspectives.
2. Develop concentrated communication efforts.
 - Communication plan.
 - i. Develop a communication plan that brings structure and consistency to all Minnesota Watersheds' communication efforts.

- Newsletters.
 - i. Adhere to a consistent process for newsletter development and distribution, as well as a process for posting newsletters on the website.
 - ii. Ensure newsletters are distributed to members and non-members.
- Minnesota Watersheds Board of Directors agendas and meeting packets.
 - i. Distribute agendas and meeting packets directly to each member organization ahead of each meeting and post agendas on the website.
- 3. Empower Minnesota Watersheds to accomplish its goals and objectives.
 - Sufficient staffing.
 - i. Invest in sufficient staff to complete identified strategies and tactics.
 - Suitable policies.
 - i. Set policies that ensure adequate funding for staffing and technological resources.
 - ii. Develop an annual work plan for the Minnesota Watersheds Board of Directors.
- 4. Invest in technological resources to accommodate access to information.
 - Robust website.
 - i. Update the website to be an up-to-date and complete resource for boards and administrators.
 - Efficient internal communication tool.
 - i. Work with Minnesota Association of Watershed Administrators to launch a platform for data sharing.
 - ii. Transition electronic files to the cloud for reliable backup and document sharing among staff.
- 5. Better utilize member and executive committees for healthy and sustainable Minnesota Watersheds' operations.
 - Member committees.
 - i. Maintain four member committees: Awards, Events/Education, Legislative, and Resolutions/Policy.
 - ii. Adjust committee leadership to one manager and one administrator who serve as co-chairs. Continue to populate the committee with one manager and one administrator from each region.
 - iii. Refine committee scopes of work annually.
 - iv. Develop annual work plans for committees.
 - Executive committees.
 - i. Form three executive committees: Governance, Personnel, and Finance.
 - ii. Governance Committee: Members include one Minnesota Watersheds Board member from each region and the Executive Director.
 - 1. Combine the bylaws, Manual of Policy and Procedures, and Committee into one executive governance committee. This committee would handle minor issues and make recommendations to the board. When major reviews or revisions are warranted, form a member committee, as defined above, to perform the assigned work.
 - iii. Personnel Committee: Members include the Minnesota Watersheds President, Vice President, and Treasurer.
 - iv. Finance Committee: Members include the President, Vice President, Treasurer, and Executive Director.
 - 1. The executive finance committee will prepare a budget and make the annual recommendation to the board on dues. Form a member committee, as defined above, when major projects are warranted, such as proposing a new dues structure.

- v. Refine committee scopes of work annually.
- vi. Develop annual work plans for committees.

Goal 2: Build a watershed community that supports one another.

Objectives, Strategies, and Tactics to Achieve Goal 2

1. Enhance member engagement through inclusivity.
 - Change the name of the organization to accurately represent membership.
 - i. Adopt Minnesota Watersheds as the new name of the organization.
2. Grow membership.
 - Develop and share membership benefits information.
 - Meet individually with non-members to address concerns and increase the number of watershed districts and watershed management organizations as Minnesota Watersheds members.
 - i. Start discussions with the 10 non-member watershed districts and 15 non-member Watershed management organizations on the benefits of membership.
 - ii. Use Minnesota Watersheds Regional Directors and/or Administrators to advocate for Minnesota Watersheds around the state.
3. Expand participation at Minnesota Watersheds events.
 - Increase the number of members that attend Minnesota Watersheds events.
 - i. Be inclusive of members and non-members for Minnesota Watersheds events and meetings to maintain a sense of fairness, apply discounts to members.
 - ii. Hold regional caucuses in conjunction with all Minnesota Watersheds events.
 - iii. Increase the current average attendance of members at Minnesota Watersheds events: Legislative Meeting (75), Summer Tour (130), and Annual Conference (500).
4. Increase member involvement on committees and the Minnesota Watersheds Board of Directors to assure member needs are met.
 - Promote the importance of member involvement in the Minnesota Watersheds Board of Directors and on the committees to provide direction and guidance for the organization.
 - i. Ensure members have opportunities to voice concerns and provide input at board and committee meetings.
 - ii. Advocate for Minnesota Watersheds activities through newsletters and the website.

Goal 3: Serve as a liaison to collaborate with statewide agencies and associations.

Objectives, Strategies, and Tactics to Achieve Goal 3

1. Increase collaborative efforts between the Board of Water and Soil Resources and Minnesota Watersheds.
 - Work with Board of Water and Soil Resources leadership to address member concerns.
 - i. Identify points of contention, develop a work plan to address issues, and develop opportunities for reducing concerns.
2. Increase partnership activities with statewide entities.
 - Identify opportunities to work with Minnesota Association of Watershed Administrators, Minnesota Association of Soil and Water Conservations Districts, the Association of Minnesota Counties, the League of Minnesota Cities, Local Government Water Roundtable, Drainage Work Group, Clean Water Council, Red River Watershed Management Board, and others as deemed appropriate to promote watershed management.

- i. Ensure Minnesota Watersheds staff attend Board of Water and Soil Resources, Clean Water Council, and Drainage Work Group meetings and provide updates for members.
- ii. Strengthen the partnership with Minnesota Association of Watershed Administrators through the Executive Director's attendance at Minnesota Association of Watershed Administrators meetings and collaboration on education opportunities at Minnesota Watersheds events.
- iii. Increase opportunities to partner and track collaboration with Minnesota Association of Soil and Water Conservation Districts, League of Minnesota Cities, Local Government Water Roundtable, and Association of Minnesota Counties.
- iv. Advocate for the appointment of effective watershed district board members with Board of Water and Soil Resources and Association of Minnesota Counties.

Goal 4: Ensure strong legislative policies are in place for watershed management.

Objectives, Strategies, and Tactics to Achieve Goal 4

1. Streamline the resolutions and legislative platform processes.
 - Evaluate the current resolutions and legislative platform process.
 - i. Identify alternative methods to achieve concurrence on resolutions, adopt a revised process, or reaffirm the current process.
2. Articulate clearly defined legislative policies so members and Minnesota Watersheds representatives can accurately state our positions.
 - Develop a comprehensive platform of clearly defined policies.
 - i. Work with Minnesota Association of Watershed Administrators and the Resolutions Committee to develop a full legislative policy document that is inclusive of policies that can remain on the books indefinitely or until members approve changes to those positions.
 - ii. Draft expectations for support and advocacy for Minnesota Watersheds representatives that serve on the Board of Water and Soil Resources Board, Clean Water Council, and the Local Government Water Roundtable.
3. Focus and prioritize lobbying efforts.
 - Identify legislative issues impacting the most members.
 - i. Support legislation that promotes watershed management.
 - ii. Fend off legislation that limits member abilities to protect and restore water resources.
 - iii. Ensure the Minnesota Watersheds lobbyist(s) have clear direction on Minnesota Watersheds legislative priorities.
 - iv. Align workload with the resources set aside for lobbying and manage member expectations.
4. Increase member engagement in the legislative process.
 - Encourage member involvement on the resolutions and legislative committees.
 - i. Solicit more direct input from members when setting legislative priorities by surveying members or provide another avenue for members to get feedback to the committee before they make a recommendation to the board.
 - ii. Promote committee membership to ensure members' voices are reflected in the legislative platform.
 - Increase communication with members about legislative activity.
 - i. Provide timely and useful reminders to members about how and when engagement with legislators is needed.

- ii. Present members with information that describes how they can assist the Minnesota Watersheds lobbyist during and outside of the legislative session.
- iii. Host an annual event for members to learn about Minnesota Watersheds' legislative platform and receive guidance on how to discuss and interact with legislators on issues.
- iv. Personally call and invite legislators to attend Minnesota Watersheds events.
- v. Set up appointments with members and legislators.

Goal 5: Enhance the skills of watershed district and watershed management organization boards.

Objectives, Strategies, and Tactics to Achieve Goal 5

1. Provide guidance and direction for efficient and effective member watershed district and watershed management organizations board operations.
 - Offer comprehensive training for watershed district and watershed management organizations boards.
 - i. Provide training sessions at all Minnesota Watersheds events.
 - ii. Increase opportunities for the sharing of knowledge between members at Minnesota Watersheds events.
 - iii. Maintain an up-to-date watershed handbook by reviewing the handbook annually and revising it as warranted.
 - iv. Work collaboratively with BWSR to provide regional training.
 - v. Utilize the expertise, knowledge, and experience of Minnesota Watersheds staff and Minnesota Association of Watershed Administrators in the development of education and training for watershed district and watershed management organization boards.

Supporting Resources

In addition to the Strategic Plan, Minnesota Watersheds has developed supporting resources for its governance and management. The Bylaws and Manual of Policy and Procedures will be reviewed annually and updated as necessary. The Minnesota Watersheds Board of Directors can update all documents except the bylaws which requires adoption by the membership. For the most up-to-date versions of these documents, visit www.mnwatershed.org.

Bylaws

Bylaws are the written rules for conduct of the organization. The Bylaws can be found [here](#).

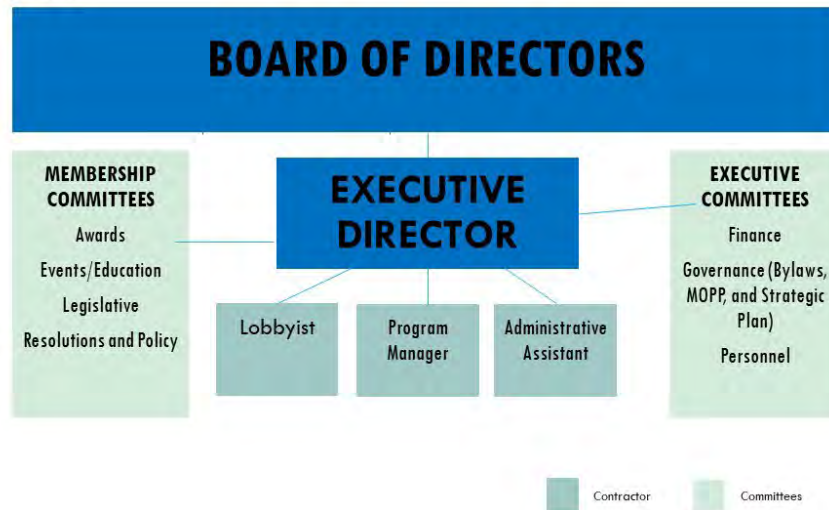
Manual of Policy and Procedures

The Manual of Policy and Procedures is designed to regulate all major decisions, actions, and principles of Minnesota Watersheds. The Manual of Policy and Procedures can be found [here](#).

Organizational Chart

An organizational chart shows the chain of command within an organization and can be found below.

ORGANIZATION CHART



Tactics Timetable

The Tactics Timetable¹ was developed based upon priorities determined by the Strategic Plan Committee and recommended to the Minnesota Watersheds Board of Directors as follows: annual work plan for the Minnesota Watersheds Board of Directors; two-year work plan for the Executive Director²; and five- and 10-year work plans based on work accomplished. This is done to better ensure accomplishing the goals and setting expectations for member watershed districts, watershed management organizations, the Minnesota Watersheds Board of Directors, and the Executive Director.

¹ Hours in the Tactics Timetable are ESTIMATED.

² In addition to the information contained in the Tactics Timetable, the Executive Director also carries out the daily operations of Minnesota Watersheds as shown in the table on page 10. The Tactics Timetable and Daily Operations tables together form the two-year Work Plan for the Executive Director. All hours are ESTIMATED and based on a 40-hour work week containing 2,088 work hours.

| Goal 1. Fortify the infrastructure to ensure reliable delivery of services | Start Date | Completed | Process | 2023 Staff Hours | 2024 Staff Hours |
|---|-------------------|------------------|-------------------------------------|-------------------------|-------------------------|
| Tactics | | | | | |
| <i>Governance and Management</i> | | | | | |
| Confirm, each month, that Board of Directors actions reflect the Strategic Plan | | | Staff review | 24 | 24 |
| Seek member support if new issues arise that require significant resources | | | Staff review | 6 | 6 |
| Staff review and recommendations for major policies or expenditures | | | Staff review | 12 | 12 |
| <i>Communication</i> | | | | | |
| Develop a communication plan | | | Staff development | 160 | 100 |
| Adhere to a consistent process for newsletter development and distribution | 9/30/2022 | Ongoing service | Staff development | 120 | 120 |
| Post newsletters on website | 9/30/2022 | Ongoing service | Board approval | 6 | 6 |
| Distribute newsletters to members and non-members | 9/30/2022 | Ongoing service | Board approval | 6 | 6 |
| Distribute meeting packets directly to members | 10/18/2022 | Ongoing service | Board approval | 6 | 6 |
| Post agendas on website | 10/18/2022 | Ongoing service | Board approval | 6 | 6 |
| <i>Empower Accomplishing Goals and Objectives</i> | | | | | |
| Invest in sufficient staff to complete identified strategies and tactics | | | Board approval | 6 | 6 |
| Set policies that ensure adequate funding for staffing and technology | | | Board approval | 6 | 6 |
| <i>Technological Resources</i> | | | | | |
| Update and maintain website | | | Board approval Staff development | 24 | 33 |
| Work with Minnesota Association of Watershed Administrators to launch a platform for data sharing | | | Board approval Staff development | 40 | 12 |
| Transition electronic files to the cloud for reliable backup and document sharing among staff | | | Board approval Staff development | 80 | 40 |
| | | | | 502 | 383 |

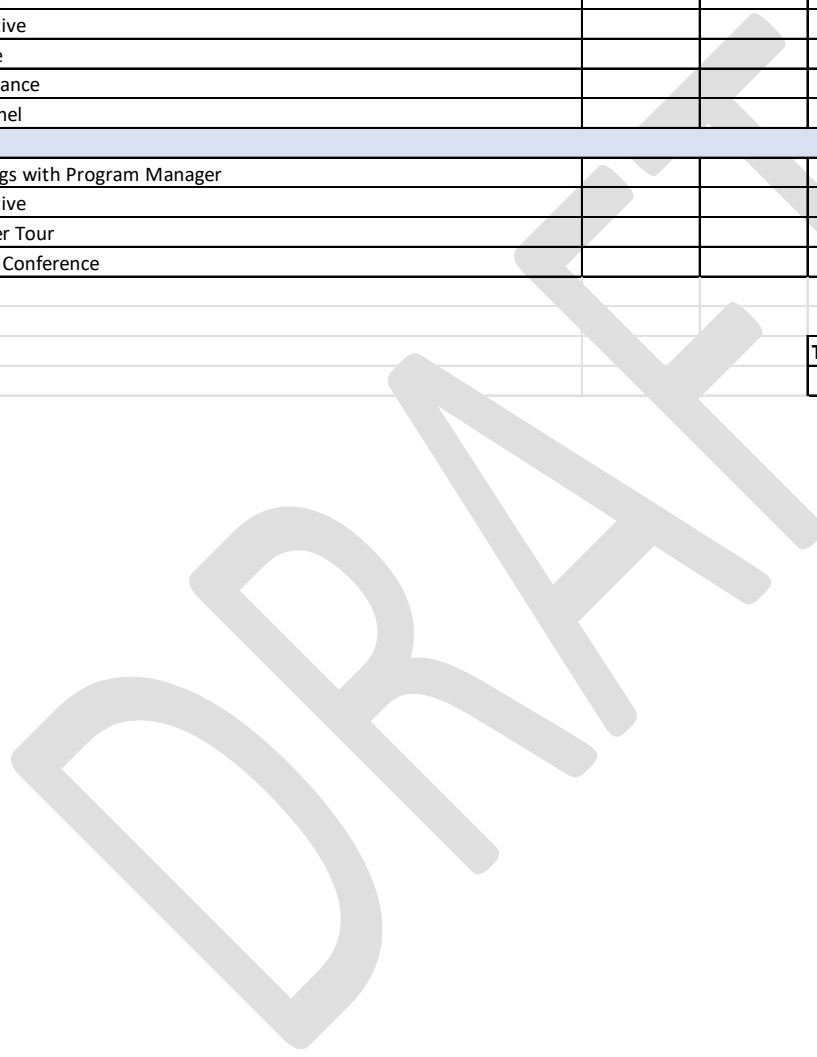
| Goal 2. Build a watershed community that supports one another | Start Date | Completed | Process | 2023 Staff Hours | 2024 Staff Hours |
|--|-------------------|------------------|--|-------------------------|-------------------------|
| Tactics | | | | | |
| <i>Enhance member engagement through inclusivity</i> | | | | | |
| Adopt Minnesota Watersheds as the new name of the organization | | | Board approval | 10 | 0 |
| <i>Grow membership</i> | | | | | |
| Develop and share membership benefits information | | | Staff development | 80 | 40 |
| Meet individually with non-members to address concerns and increase membership | | | Staff development Partnership with MW BOD & MAWA | 200 | 100 |
| <i>Expand participation at MW events</i> | | | | | |
| Include members and non-members in events | | | Board approval | 3 | 3 |
| Hold regional caucuses in conjunction with events | | | Staff development | 12 | 12 |
| | | | | 305 | 155 |

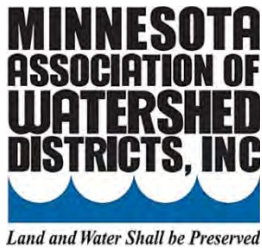
| Goal 3. Serve as a liaison to collaborate with statewide agencies and associations | Start Date | Completed | Process | 2023 Staff Hours | 2024 Staff Hours |
|---|------------|-----------|-------------------|------------------|------------------|
| Tactics | | | | | |
| <i>Increase collaborative efforts between Board of Water and Soil Resources and Minnesota Watersheds</i> | | | | | |
| Identify points of contention and develop opportunities for reducing concerns | | | Staff development | 200 | 120 |
| <i>Identify Opportunities to Partner to Promote Watershed Management</i> | | | | | |
| Attend Board of Water and Soil Resources, Clean Water Council, and Drainage Work Group meetings and provide updates | | | Staff attendance | 110 | 110 |
| Strengthen partnership with Minnesota Association of Watershed Administrators through the Executive Director's attendance at Minnesota Association of Watershed Administrators meetings and collaboration on education opportunities at Minnesota Watersheds' events | | | Staff attendance | 40 | 40 |
| Increase opportunities to partner and track collaboration with Minnesota Association of Soil and Water Conservation Districts, League of Minnesota Cities, Local Government Water Roundtable, Association of Minnesota Counties, and Red River Watershed Management Board | | | Staff development | 40 | 40 |
| Advocate for the appointment of effective watershed board members with Board of Water and Soil Resources and Association of Minnesota Counties | | | Staff outreach | 10 | 10 |
| | | | | 400 | 320 |

| Goal 4. Ensure strong legislative policies are in place for watershed management | Start Date | Completed | Process | 2023 Staff Hours | 2024 Staff Hours |
|--|------------|-----------|--|------------------|------------------|
| Tactics | | | | | |
| <i>Evaluate Current Resolutions and Legislative Platform Process</i> | | | | | |
| Identify alternative methods, adopt revised process, or reaffirm current process | | | Staff development Partnership with MW BOD & MAWA | 60 | 60 |
| <i>Develop Comprehensive Platform of Policies</i> | | | | | |
| Work with Minnesota Association of Watershed Administrators and the Resolutions Committee to develop a full legislative policy position document | | | Staff development Partnership with MW BOD & MAWA | 100 | 180 |
| Draft expectations for support and advocacy for representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable | | | Staff development | 40 | 60 |
| <i>Identify Legislative Issue Impacting Members</i> | | | | | |
| Support legislation that promotes watershed management | | | Staff time | 11 | 60 |
| Fend off legislation that limits abilities to protect and restore water resources | | | Staff time | 10 | 10 |
| Ensure lobbyist(s) have clear direction on legislative priorities | | | Staff time | 20 | 60 |
| Align workload with the resources set aside for lobbying and manage member expectations | | | Staff time | 20 | 80 |
| | | | | 261 | 510 |

| Goal 5. Enhance the skills of watershed district and watershed management organization boards | Start Date | Completed | Process | 2023 Staff Hours | 2024 Staff Hours |
|---|------------|-----------|--|------------------|------------------|
| Tactics | | | | | |
| <i>Offer comprehensive training for watershed district and watershed management organization boards</i> | | | | | |
| Provide training sessions at all Minnesota Watersheds' events | | | Staff development | 40 | 40 |
| Enhance the sharing of knowledge between members at Minnesota Watersheds' events | | | Staff development | 20 | 20 |
| Maintain an up-to-date watershed handbook by reviewing it annually and revising it as warranted | | | Staff development Partnership with MW BOD & MAWA | 100 | 150 |
| Work collaboratively with Board of Water and Soil Resources to provide regional training | | | Staff time | 30 | 80 |
| Utilize the expertise of staff and Minnesota Association of Watershed Administrators in the development of education and training for watershed officials | | | Staff development in partnership with MAWA | 40 | 40 |
| | | | | 230 | 330 |

| Minnesota Watersheds Daily Operations | | | | 2023 Staff Hours | 2024 Staff Hours | |
|--|--|--|--|-------------------------|-------------------------|-------------|
| <i>Tasks</i> | | | | | | |
| <i>Governance and Management</i> | | | | | | |
| Administration | | | | 104 | 104 | |
| Minnesota Watersheds Board Meetings | | | | 120 | 120 | |
| <i>Communication</i> | | | | | | |
| General communication: phone calls, emails, etc. | | | | 104 | 104 | |
| <i>Committee Administration</i> | | | | | | |
| Events-Education | | | | 10 | 10 | |
| Resolutions | | | | 10 | 10 | |
| Awards | | | | 1 | 1 | |
| Legislative | | | | 10 | 10 | |
| Finance | | | | 19 | 19 | |
| Governance | | | | 10 | 10 | |
| Personnel | | | | 2 | 2 | |
| <i>Events</i> | | | | | | |
| Meetings with Program Manager | | | | 50 | 50 | |
| Legislative | | | | 20 | 20 | |
| Summer Tour | | | | 20 | 20 | |
| Annual Conference | | | | 40 | 40 | |
| | | | | 390 | 390 | |
| | | | | | | |
| | | | | | | |
| | | | | Total Hours | 2023 | 2024 |
| | | | | | 2088 | 2088 |





Memorandum

DATE: October 31, 2022
TO: MAWD Members
FROM: Linda Vavra, MAWD President

RE: **Proposed Bylaws Changes**

President

Linda Vavra (Region 1)
Bois de Sioux WD
lvavra@fedtel.net
320-760-1774 | Term 2023

Secretary

Ruth Schaefer (Region 2)
Middle Fork Crow River WD
ruths56288@gmail.com
320-212-5973 | Term 2022

Treasurer

Jackie Anderson (Region 3)
Comfort Lake – Forest Lake WD
mawdjapa@gmail.com
612-819-6906 | Term 2024

Directors

Peter Fjestad (Region 1)
Buffalo Red River WD
pfjestad@prtcl.com
218-731-4630 | Term 2022

Gene Tiedemann (Region 1)
Red Lake WD
gtiedemann@rrv.net
218-289-3511 | Term 2024

Jeff Gertgen (Region 2)
Middle Fork Crow River WD
jlg liaison@gmail.com
608-370-3934 | Term 2023

Wanda Holker (Region 2)
Upper Minnesota WD
ewholker@fedtel.net
320-760-6093 | Term 2024
Appointed until Dec 2022

Mary Texer (Region 3)
Capitol Region WD
metexer@gmail.com
651-224-2919 | Term 2023

David Ziegler (Region 3)
Riley-Purgatory-Bluff Creek WD
david_ziegler@outlook.com
952-905-1889 | Term 2022

Jan Voit
Interim Executive Director
admin@mnwatershed.org
507-822-0921

The Bylaws Committee met on October 18 to discuss proposed Bylaws changes. The proposed changes were also discussed at the MAWD Board meeting on October 24.

Those changes are recommended because 1) it has been difficult to fill vacancies on the MAWD Board of Directors and 2) at the Regional Caucus meeting in December of 2021 there was confusion regarding the authority of those in attendance to elect representatives to the MAWD Board of Directors.

Questions regarding these proposed changes should be directed to Linda Vavra at 320-760-1774 or lvavra@fedtel.net or Jan Voit (admin@mnwatershed.org or 507-822-0921).

BYLAWS

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC.

St. Paul, Minnesota

ARTICLE I.

Offices and Corporate Seal

- 1.1 Official Name. The official name of the corporation is the Minnesota Association of Watershed Districts, Inc., hereinafter referred to as MAWD.
- 1.2 Purpose. The purpose of MAWD is to provide educational opportunities, access to information resources, interface with other agencies, facilitate tours, meetings, and lobby on behalf of members. Additionally, MAWD will facilitate the exchange of information to help members better comply with governmental regulations and laws while offering an informed interface with the community or communities being served. MAWD will work to secure the capacity of its members to implement their statutory powers and purposes.
- 1.3 Organized. The corporation is organized as a 501(c)(4) organization. Notwithstanding any provision of the Articles of Incorporation or Bylaws which may be interpreted to the contrary, MAWD shall not authorize or undertake any actions which jeopardize its status as a 501(c)(4) organization.
- 1.4 Office. The registered office of the corporation shall be designated by the Board of Directors.
- 1.5 Corporate Seal. The corporation shall have no corporate seal.
- 1.6 Manual of Policy and Procedures. The Board of Directors has established a management document identified as Manual of Policy and Procedures to support the orderly and timely details of regular operation. It may be revised at any time by a majority vote of the Board of Directors.

ARTICLE II.

Membership

- 2.1 Membership. Each dues-paying watershed district or water management organization duly established and in good standing pursuant to Minnesota Statutes, Chapter 103B or 103D, shall be entitled to membership in this corporation.
- 2.2 Delegates. Alternates. When a watershed district or watershed management organization becomes a member of this corporation, it shall designate from among its board members two delegates to represent it in this corporation. In addition, each member may designate alternate delegates to represent such member in the absence of any originally designated delegate. Thereafter, each member shall annually designate its delegates and alternate delegates so long as it remains a member in good standing of this corporation.
- 2.3 Termination of Membership. Any member that has failed to pay its dues is not in good standing and shall be stricken from the membership roll.

- 2.4 Resignation of Member. Any member may withdraw from this corporation effective immediately by notifying the secretary in writing. Regardless of the date of termination, there shall be no refund of the annual dues paid by the member.
- 2.5 Associate Membership. The Board of Directors may from time to time extend associate membership to this corporation upon payment of dues as determined by the Board of Directors. An associate member shall not be entitled to submit resolutions, vote, or serve on the Board of Directors, but shall otherwise be afforded all the rights and privileges granted to members, their delegates and alternate delegates by law and by the Articles of Incorporation and Bylaws of this corporation.

ARTICLE III. Meetings of Membership

- 3.1 Annual Meeting. An annual meeting of this corporation shall be held to vote for the election of the Board of Directors and to transact such other business as shall properly come before them. Notice of the time and place of such annual meeting shall be mailed, either physically or electronically, by the secretary to all members at least thirty (30) days in advance thereof.
- 3.2 Special Meeting. Special meetings of the members of the corporation shall be called by the president upon request of a majority of directors of the Board of Directors or upon the written request of one-third of the members of the corporation in good standing. This request shall be in writing addressed to the president or the secretary of the corporation. Within thirty days of receipt of said request, the Board of Directors shall, mail (either physically or electronically) notice of said special meeting to all members. This notice shall state the objective of the meeting and the subjects to be considered.
- 3.3 Quorum. A majority of the delegates (two per member) shall constitute a quorum for the transaction of business.
- 3.4 Voting. Any action taken by the members shall be by majority vote of the delegates present unless otherwise specifically provided by these Bylaws. Each member shall be entitled to one (1) vote for each delegate present.

ARTICLE IV. Board of Directors

- 4.1 General Powers. The business activities of the corporation shall be directed and managed by the Board of Directors. The Board of Directors shall be authorized to pay officers and directors of the corporation per diem allowances and expenses as may from time to time be submitted to the Board of Directors, and such other expenses as may from time to time be necessary for the furtherance of the corporation's business, consistent with the rate and provisions of watershed board member per diem allowances and expense reimbursement provided in state law. The Board of Directors is authorized to hire and/or contract for services needed.
- 4.2 Directors to be Elected by Regions. For the purpose of election of the Board of Directors, members are grouped into three regions; three Directors shall be elected from each region, with staggered three-year terms. Members from each region shall elect one director for a three-year term at the annual meeting of the Association. No watershed district or watershed management organization shall have more than one board member elected to be a Director on the Board of Directors of the Corporation. *In the event of a vacancy on the Board of Directors, the Board of Directors may appoint a member for the remaining term from a watershed district or watershed management organization with an existing representative on the Board of Directors if there are no other candidates from the*

region requesting appointment to the position. In the event a vacancy is filled by the Board of Directors, such appointment shall be submitted to the regional caucus for approval at the next regional caucus meeting. Regional caucuses shall elect a Chairman and Recording Secretary from its delegates for the purpose of its election procedure and report the election results to the Convention at a designated time. The member watershed districts and watershed management organizations present at the Regional Caucus meeting shall have full authority to elect a Chairman, Recording Secretary, and representatives to the Board of Directors.

- 4.3 Regions. The Board of Directors may re-align the regions or the members contained therein, it being the intent and purpose that each region contain the approximate same number of members. Any watershed district or watershed management organization in Minnesota not presently a member of this corporation, upon admission to membership, will be assigned to a region by the Board of Directors. Regional membership shall be listed in the Policy and Procedure Manual.
- 4.4 Number, Qualification, and Term of Office. The number of directors constituting the board shall be nine. Each director elected at the annual meeting shall be elected for a three-year term. Directors shall be on the board of a watershed member in good standing of this corporation.
- 4.5 Vacancies. If there be a vacancy among the officers of the corporation or among the directors by reason of death, resignation, termination of membership, or removal as provided by law, the Articles of Incorporation, or these Bylaws, or otherwise or for non-excused absences for three consecutive meetings, such vacancy shall be filled by the Board of Directors until the next Annual Meeting of the Association.
- 4.6 Removal of Directors by Members. At a special meeting of the Board of Directors called solely for that reason, the notice of which meeting shall have been given in writing to members of this board at least thirty days prior thereto and not more than fifty days prior thereto, a super majority of 7 members of this board may remove one or more directors from their term of office without cause.
- 4.7 Meetings, Actions. The Board of Directors shall hold the annual meeting of the Board of Directors immediately after the annual meeting of the members of this corporation, and at such annual meeting shall elect the officers as above provided for. Regular meetings of the Board of Directors shall be held at a time and place to be fixed by resolution or adopted by the majority of the Board of Directors.

The majority of the Board of Directors shall constitute a quorum. Directors may participate and vote in Board of Directors meetings by telephone or other electronic means approved by the Board in the Manual of Policy and Procedures.

Actions may be taken by a majority vote of those Directors present or participating by telephone or other electronic means approved by the Board in the Manual of Policy and Procedures. The secretary of the board shall give written or electronic notice to each director at least ten (10) days in advance of any regular or special directors' meeting. Special meetings may be called at the discretion of the President of the board or upon demand in writing to the secretary by three (3) directors of the Board of Directors.

- 4.8 Conflicts of Interest. Members of the Board of Directors shall act at all times in the best interests of the corporation. This means setting aside personal self-interest and performing their duties in transacting the affairs of the corporation in such a manner that promotes public confidence and trust in the integrity, objectivity, and impartiality of the Board. No Director shall directly or indirectly receive any profit from his/her position as such, and Directors shall serve without remuneration

other than as provided in Section 4.1 of these Bylaws for the payment for reasonable expenses incurred by them in the performance of their duties. The pecuniary interests of immediate family members or close personal or business associates of a Director are considered to also be the pecuniary interest of the Director.

- 4.9 Indemnification. All directors and officers of the corporation shall be indemnified against any and all claims that may be brought against them as a result of action taken by them on behalf of the corporation as provided for and subject to the requirements of Chapter 317A of Minnesota Statutes as amended.

ARTICLE V. Board Officers

- 5.1 Officers and Duties. There shall be four officers of the board, consisting of a president, vice-president, secretary and treasurer. All officers shall be directors of the corporation. Their terms and duties are as follows:

- 5.2 President. The president shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The president shall have the following duties:

- Convene and preside over regularly scheduled board meetings.
- Have general powers and duties of supervision and management as directed by the Manual of Policy and Procedures.
- Appoint such committees as he/she shall deem necessary with the advice and consent of the Board of Directors.

- 5.3 Vice-President. The Vice-President shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The Vice-President shall have the following duties:

- Assume and perform the duties of the president in case of his/her absence or incapacity; and shall chair committees on special subjects as designated by the President.
- Have general powers and duties of supervision and management as directed by the Manual of Policy and Procedures.

- 5.4 Secretary. The Secretary shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The Secretary shall be responsible for preparing and keeping all records of board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each board member, and assuring that corporate records are maintained.

- 5.5 Treasurer. The Treasurer shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The treasurer shall chair the finance committee, maintain account of all funds deposited and disbursed, disburse corporate funds as designated by the Board of Directors, assist in the preparation of the budget, collect membership dues, and make financial information available to board members and the public.

ARTICLE VI.

Fiscal Year, Dues and Annual Review of Financial Procedures

- 6.1 Fiscal Year. The fiscal year of the corporation shall end on September 30 each year.
- 6.2 Membership Dues. Dues will be determined annually by the Board of Directors as specified in the Policies and Procedures Manual.
- 6.3 Annual Dues. Annual dues shall be payable in January of each year. If a member's dues are not paid on or before April 30 of each year, such member's name shall be stricken from the membership roll. Reinstatement shall be upon such terms and conditions as prescribed by the Board of Directors.

The Board of Directors shall have the authority to suspend or defer dues of any newly organized watershed district or watershed management organization that joins this association until such member watershed district or watershed management organization is in actual receipt of its first authorized fund. The Board shall send out the annual dues statement with payment directed to MAWD's accounting firm. The Board of Directors may consider deferring, suspending, or reducing dues to new members or on an individual case basis when an appeal is made by a member because of hardship or funding problems.

- 6.4 Annual Review of Financial Procedures. The Board of Directors of this corporation shall provide for an annual review of financial procedures of all its resources and expenditures. A full report of such review and financial status shall be furnished at each annual meeting of the members. This review will be conducted by an auditing firm selected by the Board of Directors with experience in the field of government and water management. The review results shall be furnished to all members within forty-five days after receipt thereof by the Treasurer.

ARTICLE VII.

Employees

- 7.1 Employees. At the discretion of and under the direction of the Board of Directors, MAWD may choose to hire and administer various employees. Their positions and job expectations shall be individually developed and included in the Policies and Procedures Manual.

ARTICLE VIII.

Resolutions and Petitions

- 8.1 Resolutions: The Chair of the MAWD Resolutions/Policy Committee will send a request for resolutions, along with a form for submission, to the membership at least 3 months prior to the annual MAWD membership meeting. Resolutions and their justification must be submitted to the MAWD Resolutions/Policy Committee in the required format at least 2 months prior to the annual MAWD membership meeting for committee review and recommendation. The committee will present these resolutions and their recommendations to the Board of Directors and the MAWD membership at least 1 month prior to the start of the annual MAWD membership meeting. The Board of Directors may make additional recommendations on each proposed resolution through its board meeting process. This same procedure will be used when policy issues are to be considered at any special MAWD membership meeting.

- 8.2 Petitions: Any member or group of members may submit to the Board of Directors at any time a petition requesting action, support for, rejection of, or additional information on any issue of potential importance to the members. Such petitions require signed resolutions from at least 15 members before a Special meeting of the membership will be convened.

ARTICLE IX.

Chapters

- 9.1 Chapters. Members may form chapters to further the purposes stated in Article II of the Articles of Incorporation, to carry out policies of the Board of Directors, and to suggest policies for consideration by the .

ARTICLE X.

Rules of Order

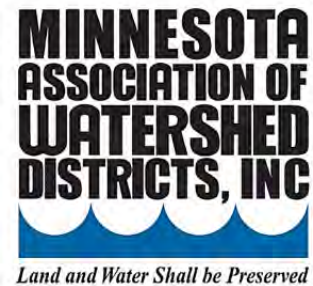
- 10.1 Rules. When consistent with its Articles of Incorporation and these Bylaws, the 12th edition of Robert's Rules of Order Newly Revised shall govern the proceedings of this corporation. For consistency in operation, a copy shall be available for consultation if requested at every scheduled meeting of the and Membership meetings.

ARTICLE XI. Amendments

- 11.1 Amendments. These Bylaws may be amended by a majority vote of the members of this corporation only as provided below.
- 11.2 Annual Meeting. At the annual meeting of the members of this corporation, the Bylaws may be amended by the majority of the members present if there is a quorum at said annual meeting and due notice has been given to the membership of the changes 30 days in advance of the meeting.
- 11.3 Special Meeting. These Bylaws may be amended by the members at a special meeting called for that reason but only by a majority vote of the entire membership of the corporation, and only if there has been thirty days' written notice to all members of such special meeting. Such special meeting may be called upon the request of one-third of the members of this corporation by notice in writing to the secretary or president, which notice shall ask for said special meeting and shall state the proposed Bylaws changes, and upon receipt of such request, the secretary or president must send written, either by mail or electronically, notice of the meeting to the members of this corporation within thirty days of receipt of such request, which shall be not less than thirty days nor more than fifty days of the date of the written notice.

Resolutions Packet

DATE: October 11, 2022
TO: MAWD Board of Directors
FROM: Linda Vavra, Resolutions Committee Chair
RE: **Resolutions Committee Recommendations**



Committee members present: Region 1 Manager Linda Vavra, Bois de Sioux WD (BDSWD) and MAWD Board; and Region 1 Administrators Jamie Beyer, BDWSD and Dan Money, Two Rivers WD.

Other meeting participants: Region 3 Administrators John Hanson, Valley Branch WD, Randy Anhorn, Nine Mile Creek WD, and Nick Tomczik, Rice Creek WD; and Ray Bohn and Jan Voit, MAWD.

Committee members absent: Region 3 Manager Sherry Davis White and Region 3 Administrator James Wisker, Minnehaha Creek WD and Region 2 Manager Ruth Schaefer, Middle Fork Crow River WD. The Region II administrator position is vacant.

The Resolutions Committee met on Tuesday, October 11, 2022 to review and discuss the resolutions submitted by MAWD members. Their recommendations are as follows.

Resolutions Committee Recommendations

| # | Resolution Title | Committee Recommendation |
|---|---|---|
| 1 | Support Including at Least One MAWD Member on the Minnesota Department of Health's Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota | Recommends adoption with amendment |
| 2 | Support to Amend State Law to Provide Limited Liability Protection to Smart Salting-certified Commercial Salt Applicators and the Property Owners Who Employ Them | Recommends adopting Resolution 2022-02 in place of Resolution 2020-17 |
| 3 | Increased Support and Participation for the Minnesota Drainage Work Group | Recommends adoption |
| 4 | Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan | Recommends adoption |
| 5 | Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement | Recommends adoptions |
| 6 | Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species | Recommends support with contingency |
| 7 | Limit Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During Summer Months | Does not recommend adoption |
| 8 | Increased Flexibility in Open Meeting Law to Utilize Interactive Technology | No recommendation |

BACKGROUND INFO on MAWD RESOLUTION 2022-01

Resolution to Request MAWD Support Including at Least One MAWD Member on the Minnesota Department of Health’s Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota

Proposing District: Valley Branch Watershed District
Contact Name: John Hanson
Phone Number: 952-832-2622
Email Address: jhanson@barr.com

Background that led to submission of this resolution:

Stormwater runoff volume control is required through Minnesota’s MS4 program construction stormwater permits, and the rules of many watershed districts and watershed management organizations. Stormwater runoff volume control is typically achieved through infiltration. However, infiltration is prohibited in groundwater contamination and karst areas, including significant areas of the east metro. Stormwater reuse is the only mechanism to achieve volume control in these areas.

The Minnesota Department of health published “[Reuse of Stormwater and Rainwater in Minnesota](#): A Public Health Perspective” in January 2022. A conclusion of that report states, “We have secured funding through the Clean Water Fund to hire a facilitator to create an expanded workgroup to move the Interagency Report recommendations forward and to prioritize and implement research needs.” This resolution modifies the MAWD Resolution 2017-07 to ensure that at least one MAWD member is included in the workgroup.

Ideas for how this issue could be solved:

At least one MAWD member should be included in the workgroup.

Efforts to solve the problem:

Resolution 2017-07 has been in place for five years.

Anticipated support or opposition:

Cities and developers would likely support this effort.

This issue (check all that apply):

| | | | |
|---------------------------------|---------------|---------------------------------|---------------|
| Applies only to our district: | _____ | Requires legislative action: | _____ |
| Applies only to 1 or 2 regions: | _____ | Requires state agency advocacy: | _____ X _____ |
| Applies to the entire state: | _____ X _____ | Impacts MAWD bylaws or MOPP: | _____ |

MAWD RESOLUTION 2022-01

Resolution to Request MAWD Support Including at Least One MAWD Member on the Minnesota Department of Health’s Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota

WHEREAS, stormwater runoff volume control is required through Minnesota’s MS4 program, construction stormwater permits, and the rules of many watershed districts and watershed management organizations, including those of the District; and

WHEREAS, stormwater runoff volume control is typically achieved through infiltration; and

WHEREAS, infiltration of stormwater is prohibited in ground water contamination and karst areas, including significant areas of the east metro; and

WHEREAS, stormwater reuse is the only mechanism to achieve volume control when infiltration is prohibited; and

WHEREAS, the Minnesota Department of Health published “Reuse of Stormwater and Rainwater in Minnesota: A Public Health Perspective” in January 2022; and

WHEREAS, a conclusion of that report states, “We have secured funding through the Clean Water Fund to hire a facilitator to create an expanded workgroup to move the Interagency Report recommendations forward and to prioritize and implement research needs”.

NOW, THEREFORE, BE IT RESOLVED by the Board of Managers of the District to request the Minnesota Association of Watershed District’s support administratively or legislatively including at least one MAWD member on the Minnesota Department of Health’s workgroup to move forward, prioritize, and implement the recommendations of the interagency report on reuse of stormwater and rainwater in Minnesota.

Notes: The Resolutions Committee recommends adoption of Resolution 2022-01 with the amendment shown above.

BACKGROUND INFO on MAWD RESOLUTION 2022-02

Resolution Seeking to Request MAWD Support the Passage and Enactment of a State Law that Provides a Limited-Liability Exemption to Commercial Salt Applicators and Property Owners Using Salt Applicators who are Certified Through the Established Salt Certification Program and Follow Best Management Practices

Proposing District: Nine Mile Creek WD
Contact Name: Randy Anhorn, Administrator
Phone Number: 952-835-2078; Cell: 651-472-4061
Email Address: ranhorn@ninemilecree.org

Background that led to submission of this resolution:

This resolution's purpose is to support amendment of state law to provide limited liability protection to commercial salt applicators who are certified through an established voluntary salt applicator certification program and who follow best management practices, as well as property owners who employ or hire certified commercial applicators.

In 2016, the Minnesota Pollution Control Agency (MPCA) completed the Twin Cities Metropolitan Area Chloride Total Maximum Load Study. The chloride TMDL identified 39 waterbodies that were impaired by chloride (i.e., chloride exceeded levels protective of their aquatic communities). At the time, a chloride TMDL had been completed for Nine Mile Creek, identifying winter maintenance practices – the application of chloride compounds on roads, parking lots, sidewalks and other hard surfaces – as the largest source of chloride in the creek.

According to the MPCA, more than 365,000 tons of road salt is applied in the metropolitan area each year, and approximately 78 percent of it finds its way into lakes, wetlands, or groundwater. One tablespoon of salt contaminates 5 gallons of water.

In 2017, Nine Mile Creek Watershed District submitted a resolution proposing support for certified applicators liability-limitation legislation. The Minnesota Association of Watershed Districts adopted the resolution.

Each year, Stop Over Salting, a community advocacy group has worked with the legislature to pass a such a bill. The concerns of the legal community opposing this legislation have been addressed and the program to provide the education is established. The salt bill needs continued MAWD support to encourage legislators to act.

2022 House File 2908 (unpassed) attached.

Ideas for how this issue could be solved:

Minnesota can significantly reduce overapplication of salt by providing liability limitation from snow and ice slip-and-fall suits to property owners and private property-maintenance professionals who are certified in and conduct their property maintenance in accordance with smart-salting practices.

Efforts to solve the problem:

The Minnesota Pollution Control Agency currently oversees a Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners and managers, and others on how to maintain safe surfaces using salt efficiently. Nine Mile Creek Watershed, along with other watershed districts and public entities, hosts and sponsors Smart Salting trainings for salt applicators. Nine Mile Creek Watershed was also the first watershed district to require implementation of smart-salting practices as part of permitting within the watershed. Other entities, such as Riley Purgatory Bluff Creek Watershed District, have since made similar requirements. The Stop Over Salting coalition continues to advocate for legislation providing liability limitations. Their members also educate property owners and others and sweep up excessive salt applications. The Mississippi Water Management Organization has created public education videos which explain best practices for snow shoveling and salt application. The Hennepin County Chloride Initiative is developing a "Low Salt, No Salt" campaign aimed at reducing salt use through educating homeowner associations, property managers, and communities of faith. Winter Salt Watch, a program of the Izaak Walton League of America, provides simple testing kits for community monitoring of salt levels to gather national data.

Municipal and county public works departments and the Minnesota Department of Transportation have long trained maintenance staff on proper use of salt. Many have adopted and implemented chloride-management policies and best practices, such as the use of liquid salt to prevent icing and reduce salt use. The liability-limiting legislation is needed to incentivize private salt applicators to receive education on how to implement best winter maintenance practices to reduce salt safely.

Anticipated support or opposition:

A broad array of interested parties worked together to develop the bill that was introduced in the last session (HF 2908) and points of contention have been resolved. The legislation is supported but both Republicans and Democrats but has yet to pass.

In addition, multiple organizations signed letters to support the 2022 limited-liability legislation, including:

- Bassett Creek Watershed Management Commission
- Capitol Region Watershed District
- Carnelian-Marine-St. Croix Watershed District
- Coon Creek Watershed District
- Elm Creek Watershed Management Commission
- Mississippi Watershed Management Organization
- Nine Mile Creek Watershed District
- Pioneer-Sarah Creek Watershed Management Commission
- Rice Creek Watershed District
- Riley Purgatory Bluff Creek Watershed District
- Shingle Creek Watershed Management Commission
- West Mississippi Watershed Management Commission
- Valley Branch Watershed District
- Audubon Minnesota
- City of Fridley
- Conservation Minnesota
- Clean River Partners
- CURE (Clean Up the River Environment)
- Clean Water Action Minnesota
- Freshwater Society
- Friends of the Mississippi River
- Friends of Minnesota Scientific and Natural Areas
- Minnesota Ornithologists Union
- Minnesota River Valley Audubon Chapter
- Pollinator Friendly Alliance
- Stop Over Salting
- Vote Climat

This issue (check all that apply):

| | | | |
|---------------------------------|------------------------------|---------------------------------|------------------------------|
| Applies only to our district: | <u> </u> | Requires legislative action: | <u> X </u> |
| Applies only to 1 or 2 regions: | <u> </u> | Requires state agency advocacy: | <u> X </u> |
| Applies to the entire state: | <u> X </u> | Impacts MAWD bylaws or MOPP: | <u> </u> |

MAWD RESOLUTION 2022-02

Resolution Requesting Support to Amend State Law to Provide Limited Liability Protection to Smart Salting-certified Commercial Salt Applicators and the Property Owners Who Employ Them

WHEREAS, chloride contamination of the state’s water resources has been found in urban areas around the state;

WHEREAS, the Minnesota Pollution Control Agency has designated 54 waterbodies in the state as impaired for chlorides;

WHEREAS, the Twin Cities Metro Area Chloride Management Plan and Total Maximum Daily Load studies on Nine Mile Creek and Shingle Creek have indicated that the largest chloride source to our lakes and streams is through the application of chloride compounds on roads, parking lots, sidewalks and other hard surfaces for winter maintenance practices;

WHEREAS, liability for damage or personal injury as a result of snow or ice is one of the main reasons over-salting occurs and many private commercial contractors and property owners are reluctant to implement salt-reduction practices for fear of liability; and

WHEREAS, the MPCA currently administers a voluntary Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners and managers and others on how to maintain safe surfaces using salt efficiently.

NOW THEREFORE BE IT RESOLVED that the Minnesota Association of Watershed Districts supports enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators who are certified through the established state salt-applicator certification program and follow best management practices.

Notes: The Resolutions Committee recommends adoption of Resolution 2022-02 in place of Resolution 2020-17.

BACKGROUND INFO on MAWD RESOLUTION 2022-03

Resolution Seeking Increased Support and Participation for the Minnesota Drainage Work Group

Proposing District: Bois de Sioux Watershed District
Contact Name: Jamie Beyer, Administrator
Phone Number: 320-563-4185
Email Address: bdswd@runestone.net

Background that led to submission of this resolution:

There have been recent efforts by special interest groups to enact changes to 103E drainage law without initiation or vetting by the Minnesota Drainage Work Group – despite special interest membership in the Minnesota Drainage Work Group. Bills that bypass referral to the Drainage Work Group erode the Drainage Work Group’s reputation and risk the passage of legislation that does not benefit drainage authorities across the state.

Ideas for how this issue could be solved:

Efforts must be made to elevate the reputation of the Drainage Work Group. This can be done by increasing MAWD member participation in meetings and increasing MAWD and MAWD member communications about the work the Drainage Work Group does.

Efforts to solve the problem:

Our district has a board manager, engineer, and attorney that participate in Drainage Work Group meetings. We strongly encourage all drainage authorities to be an active and vocal member of this group. Lately, the group has been working in a defensive mode, but the Drainage Work Group could also serve to make improvements to 103E drainage law and general drainage project proceedings.

Anticipated support or opposition from other governmental units?

BWSR, other Drainage Work Group members, watershed districts, AMC

This issue (check all that apply):

| | | |
|---------------------------------------|---------------------------------------|-------|
| Applies only to our district: _____ | Requires legislative action: _____ | X |
| Applies only to 1 or 2 regions: _____ | Requires state agency advocacy: _____ | _____ |
| Applies to the entire state: _____ | Impacts MAWD bylaws or MOPP: _____ | _____ |

MAWD RESOLUTION 2022-03

Resolution Seeking Increased Support and Participation for the Minnesota Drainage Work Group

WHEREAS, the Minnesota Drainage Work Group (DWG) provides consensus recommendations and evaluations in response to drainage related topics, including those related to Minnesota Statute Chapter 103E Drainage Law. The DWG also provides reports to the Legislature; and

WHEREAS, the Minnesota Board of Water and Soil Resources provides coordination and facilitation per Minnesota Statute 103D.101:

*Subd. 13. **Drainage stakeholder coordination.** The Board of Water and Soil Resources shall work with drainage stakeholders to foster mutual understanding and provide recommendations for drainage system management and related water management, including recommendations for updating the drainage law in chapter 103E and other related provisions. The board may convene informal working groups or work teams to develop information, education, and recommendations*

WHEREAS, membership on the DWG is open and voluntary; and

WHEREAS, recently several destructive drainage bills have been brought to the legislature without prior consideration, comment, or recommendation from the DWG;

NOW, THEREFORE, BE IT RESOLVED that the Bois de Sioux Watershed District, acting as a drainage authority in Traverse, Wilkin, and Grant Counties, requests that:

1. MAWD communications increase awareness of the DWG (meeting dates and links, topics, minutes, reports) amongst MAWD members; and
2. MAWD training opportunities strongly encourage participation in the DWG by watershed staff and board managers (for watersheds that serve as ditch authorities or work on drainage projects) – for e.g., add agenda space for DWG member updates, host a DWG meeting as part of a regular MAWD event; and
3. In preparation for MAWD member legislative visits, MAWD staff add a standing reminder for watershed drainage authorities to inform legislators on the existence, purpose and outcomes of the DWG, and reinforce the legitimacy of the DWG as a multi-faceted problem-solving body; and
4. During MAWD staff BWSR visits, MAWD staff regularly seek updates on how facilitation of the DWG is leading to improvements for member drainage authorities and convey this information to MAWD members.

Notes: The Resolutions Committee recommends adoption of Resolution 2022-03.

BACKGROUND INFO on MAWD RESOLUTION 2022-04

Resolution Seeking Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan

Proposing District: Bois de Sioux Watershed District
Contact Name: Jamie Beyer, Administrator
Phone Number: 320-563-4185
Email Address: bdswd@runestone.net

Background that led to the submission of this resolution:

Minn. Stat. § 103D.605 provides a process for a watershed district to construct a project with government aid or as part of a plan. Our watershed district uses this process. For project establishment, Subdivision 5 has a mix of related actions required by the [watershed district managers](#) and the [BWSR board members](#):

After the project hearing, if the [managers](#) find that the project will be conducive to public health, promote the general welfare, and is in compliance with the watershed management plan and the provisions of this chapter, [the board](#) must, by order, establish the project. The establishment order must include the findings of the [managers](#).

Ideas for how this issue could be solved:

After following the Minn. Stat. § 103D.605 process, we found that the BWSR board was not expecting to order the establishment of individual watershed district projects.

Efforts to solve the problem:

Our regional BWSR staff support the removal of the BWSR board decision point.

Anticipated support or opposition:

Our regional BWSR staff encouraged us to submit this resolution and helped us write it.

This issue (check all that apply):

| | | | |
|---------------------------------|---------------|---------------------------------|---------------|
| Applies only to our district: | _____ | Requires legislative action: | _____ X _____ |
| Applies only to 1 or 2 regions: | _____ | Requires state agency advocacy: | _____ |
| Applies to the entire state: | _____ X _____ | Impacts MAWD bylaws or MOPP: | _____ |

MAWD RESOLUTION 2022-04

Resolution Seeking Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan

WHEREAS, Minn. Stat. § 103D.605 provides a process for watershed district project establishment with federal/state government aid or as part of the watershed management plan; and

WHEREAS, Minn. Stat. § 103D.605, Subd. 5 requires specific findings by watershed district managers, followed by an order by the BWSR board that includes the findings by watershed district managers; and

WHEREAS, both establishment mechanisms identified in this statute (federal/state government aid and watershed management plans) require approvals outside of watershed districts, by the very nature of the mechanisms themselves.

NOW, THEREFORE, BE IT RESOLVED that the Bois de Sioux Watershed District requests that MAWD and BWSR work together to clarify Minn. Stat. § 103D.605, Subd. 5.

Notes: The Resolutions Committee recommends adoption of Resolution 2022-04.

BACKGROUND INFO on MAWD RESOLUTION 2022-05

Resolution Seeking to Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement

Proposing District: Bois de Sioux, Two Rivers, and Rice Creek Watershed Districts
Contact Name: Jamie Beyer, Administrator; Dan Money, Administrator; and Nick Tomczik, Administrator
Phone Number: 320-563-4185; 218-843-3333; and 763-398-3079
Email Address: bdswd@runestone.net

Factual points which provide background to, or a basis for, the issue addressed by this resolution:

1. Each time flooding occurs within the State of Minnesota, millions of dollars in damages occur to public infrastructure, cropland, business, and private property. Since 1993, flooding and extreme runoff events from spring snowmelt and from summer rainfall are occurring more frequently and with higher intensity.
2. In the past two legislative sessions (2021 & 2022), a total of only \$17 million of bonding money has been appropriated to the DNR Flood Damage Reduction grant program. The DNR alone shows a current need of over \$166 million for projects that have applied for funding.
3. FEMA and MN HSEM have incurred significant expense to repair and rebuild public infrastructure. Hazard mitigation grants are underfunded.
4. Proven programs such as the Red River Flood Damage Reduction Work Groups 1998 mediation agreement have provided the means to design and construct multi-purpose projects that accomplish significant flood control as well as benefits to water quality and habitat.
5. Counties, Cities, Watershed Districts, Townships, and others many times do not have the resources to construct projects to reduce the effects of severe and repeated flooding, nor do they have the resources to continually repair infrastructure following a devastating flood. The DNR also states that there are \$61,377,150 in state funds that have been requested for community project and \$61,377,150 requested for watershed district projects, for a total need of \$156,241,900. Looking at the average provided to the FHM program over the past five years, at current funding levels it will take 16 years to fund the existing project needs.

Based upon the above facts, what is the proposed solution to the problem described above:

The proposed solution to this problem is to incorporate a mechanism to provide stable funding to the DNR’s Flood Damage Reduction program, to HSEM’s Hazard Mitigation Grant Program, the MN Outdoor Heritage Fund, Clean Water Fund, and other programs to cost share on multi-purpose projects that address inter-related water issues of provide flood prevention, flood damage reduction, water quality and quantity issues providing natural resources enhancement. A suggested amount is \$30 million per year for each program for a period of 10 years.

Efforts to solve the problem:

In general, there is broad bipartisan support for flood hazard mitigation projects – state funds are leveraged 1:1 with local funds and are used to implement projects that prevent flood damage to public and private infrastructure. These projects mitigate damages from current and future climate change impacts. Watershed Districts in the Red River Valley have aggressively lobbied for funds but have been derailed by broader bonding bill politics.

Anticipated support or opposition:

It is unknown what the reaction to this proposal will be. Given the lack of funding in recent years but the high demand for funding to construct projects, it is assumed that it would be favorable.

This issue (check all that apply):

| | | | |
|---------------------------------|---------------|---------------------------------|---------------|
| Applies only to our district: | _____ | Requires legislative action: | _____ X _____ |
| Applies only to 1 or 2 regions: | _____ | Requires state agency advocacy: | _____ |
| Applies to the entire state: | _____ X _____ | Impacts MAWD bylaws or MOPP: | _____ |

MAWD RESOLUTION 2022-05

Resolution Seeking to Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement

WHEREAS, severe flooding is known to occur repeatedly within the State of Minnesota as indicated by the 14 Presidential disaster declarations for severe rainfall and flooding that have been declared in the past 29 years; and

WHEREAS, each flood event costs both public and private entities millions of dollars for repair and replacement of public infrastructure, damage to homes, and damage to cropland that is damaged by flooding; and

WHEREAS, flooding also has severe and repeated impacts to water quality and wildlife habitat resulting from erosion, sedimentation, nutrient loading, raw sewage discharges, chemical spillage, and other sources; and

WHEREAS, climate studies indicate that over the past 30 years temperatures have warmed and the intensity and duration of rainfall has increased, leading to long-term changes; and

WHEREAS, it is estimated that for every dollar spent on flood damage reduction mitigation there is a six dollar return on investment; and

WHEREAS, the Red River Basin Flood Damage Reduction Work Group, established in 1998 through a mediation agreement, has established a proven model to jointly design projects that will have multi-purpose projects that provide benefits for flood damage reduction and natural resources enhancement; and

WHEREAS, watershed management organizations were established to address water issues on the watershed scale; and

WHEREAS, FEMA and MN HSEM provide resources to repair infrastructure following a flood, however very limited resources are available for prevention of flooding; and

WHEREAS, the DNR's Flood Damage Reduction grant program and the HSEM's Hazard Mitigation Grant Program and Disaster Assistance Contingency Account have been successful tools for local governments to utilize to design and build projects to reduce and prevent flooding; and

WHEREAS, the DNR's FDR program and HSEM's HMG and Disaster Assistance programs are severely underfunded and have not been adequately funded by the State of Minnesota, and

WHEREAS, current funding sources for flood damage reduction generally do not fund natural resources concerns such as water quality and habitat, and in turn water quality and habitat funding sources generally do not fund flood damage reduction.

NOW, THEREFORE, BE IT RESOLVED that the Minnesota Association of Watershed Districts collaborate with the Red River Watershed Management Board and State Agencies to seek funding from the Minnesota Legislature to provide stable sources of funding through existing or potentially new programs that provide flood damage reduction and/or natural resources enhancements. A suggested sustainable level of funding is \$30 million per year for the next 10 years.

Notes: The Resolutions Committee recommends adoption of Resolution 2022-05.

BACKGROUND INFO on MAWD RESOLUTION 2022-06

Resolution Seeking to Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Terry Jeffery, Interim District Administrator
Phone Number: 952-807-6885
Email Address: tjeffery@rpbcwd.org

Background that led to the submission of this resolution:

Riley Purgatory Bluff Creek Watershed District identified 13 primary goals in its 10-year watershed management plan “Planning for the Next Ten Years” (2018). Of these, two are adversely affected by the inadequate regulation of the operation of wake boats on area lakes:

- #8. Protect, manage, and restore water quality of district lakes and creeks to maintain designated uses.
- #10. Preserve and enhance habitat important to fish, waterfowl, and other wildlife.

RPBCWD recognizes the importance of a stable and healthy shoreline for purposes of water quality, fisheries habitat, and overall lake health. Erosive forces, such as through wave action, can cause shoreline recession, the loss of emergent vegetation, and the introduction of sediment to the water column. Erosion of shorelines and sediment accumulation in near-shore areas are often accelerated by human activities.

Studies performed by RPBCWD identified internal loading as a significant contributor to lake eutrophication in the watershed. One of the more effective management practices for the control of in-lake phosphorous is the application of the flocculant aluminum sulfate. Aluminum sulfate (alum) settles onto the lake bottom, binding to the substrate particles and preventing the release of phosphorous back into the water column. RPBCWD’s observations were that propellor wash interacts with lake bottoms at some depth but it is unclear to what extent this impacts the efficacy of alum treatments.

In February of 2022, the University of Minnesota St. Anthony Falls Laboratory published the results of a study on wave characteristics of wakes produced by recreational boats designed specifically for wake surfing and how those compare to non-wake surfing recreational watercraft. This study found that at 100 feet, the wave heights of wake surfing boats were 3 to 10 inches higher than non-wake surfing boats depending upon a number of factors. It further concluded that waves generated by wake-surfing boats contained 3 to 9 times the total energy of non-wake surf boats and had a greater than 6-fold increase in maximum power.¹

The authors noted that they had collected velocity and turbulence data associated with propellor wash but the analysis of these data will be used in a later study. (They are currently securing funding for this phase of the study.) Propellor wash will interact with the thermocline and lake bottom at some depth. It is not well understood how this impacts sediment scour and suspension, vegetation growth, and efficacy of in-lake treatments such as aluminum sulfate.

A 2018 report from the Oregon State Legislature summarizes studies on the various effects of wake boats, noting that boat speed is a primary factor in influencing wave size.² Also cited in this report is a report by the Scientific and Technical

¹ SAFL Project Report No. 600, *A Field Study of Maximum Wave Height, Total Wave Energy, and Maximum Wave Power Produced by Four Recreational Boats on a Freshwater Lake*; Mar, Jeffrey, Reisgraf, Andrew, Herb, William, Lueker, Matthew, Kozarek, Jessica, Hill, Kimerly (2022) Available online: [BoatGeneratedWakeWaveReport_Feb12022_Final.pdf \(umn.edu\)](https://www.safll.org/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf)

² Item E: Staff report on safety around wake sports statewide. (2018) Oregon State Legislature. Available online: <https://olis.leg.state.or.us/liz/2018R1/Downloads/CommitteeMeetingDocument/144261>. See also Sara Mercier-Blais & Yves Prairie. (2014) Project evaluation of the impact of the waves created by the type of boats wake boat on the shores of Lake Memphremagog and Lovering; Ruprecht, Glamore, Cogland. (2015) Wakesurfing: Some Wakes are More Equal than Others. Available online: https://www.researchgate.net/publication/294799932_Wakesurfing_Some_Wakes_are_More_Equal_than_Others.

Advisory Committee to the Chesapeake Bay Program that demonstrates a positive correlation between the size of boat wakes and the extent of shoreline erosion as well as sediment resuspension and nearshore turbidity.³

Other public groups and units of government have begun to observe issues related to the use of wake boats on lakes. The Southeast Wisconsin Regional Planning Commission has begun studying the issue within its jurisdiction, reviewing the impacts of recreational boating on North Lake in Waukesha County.⁴

A report to the City Council of Prior Lake, MN, assesses environmental impacts from high-speed boats on the state's lakes. The report summarizes studies focused on ecological impacts caused by waves, including shore and bank erosion, decreased water clarity, water quality degradation, and harm to aquatic plant and animal species. Shallow waters feel the most direct impacts of boat wakes, as well as shoreline areas adjacent to less than 1,000 feet of open water, making near-shore habitat where water depth is approximately 10 feet or less— the littoral zone—the most important to protect.⁵

In spring 2019, Vermont considered legislation presented in Senate Bill 69 “to restrict or prohibit the use of wake boats in certain public waters.”⁶ The bill, as introduced, proposes to limit wake boat speed within 200 feet of shoreline, imposing a \$500 fine per violation, and proposes to restrict use of wake boats in certain public waters based on the size of the water body, the use of adjacent land, scenic beauty, or other recreational factors. ⁷ While the bill did not progress in the 2019 session, it may be re-introduced during a future session.

Wake boats also exacerbate invasive-species risks to lakes. RPBCWD identified several strategies to manage non-native and invasive aquatic species in area lakes. A 2019 University of Minnesota Aquatic Invasive Species Research Center study showed that the large-volume water holding ballast tanks of wake boats provide zebra mussels and larvae a great opportunity for inter-lake transport. These boats are not designed to fully drain all ballast tank water.⁸

Ideas for how this issue could be solved:

We have identified three potential interrelated solutions:

1. Limiting wake boats to areas of lakes sufficiently distant from shorelines to allow boat-generated waves to adequately dissipate and lessen energy before affecting shorelines; and
2. Banning wake boats wakes in shallow lake areas where waves created by wake boats detrimentally affect sediment, aquatic vegetation, and aquatic habitat; and
3. Requiring wake boats to be designed and existing boats to be modified to enable complete drainage and decontamination of ballast tanks to stop the spread of aquatic invasive species.

Efforts to solve the problem:

Anticipated support or opposition:

The Minnesota Department of Natural Resources is already engaged in an education campaign, "Own Your Wake - for Everyone's Sake," encouraging responsible boat use near shorelines. DNR also actively promotes and enforces state AIS law, requiring boat ballast tanks to be emptied by a shoreline or waterway before being transported. We anticipate seeking DNR support for and leadership of legislation reflecting strategies to solve issues caused by wake boating. We will

³ *Id.* See also USDA NRCS. (1997) Slope Protection for Dams and Lakeshores: Minnesota Technical Note 2 (reviewing shoreline erosion processes and causes).

⁴ Southeastern Wisconsin Regional Planning Commission (SEWRPC). Memorandum - Preliminary Morphology, Water Level, Water Quality, and Wave Propagation Update for North Lake, Town of Merton, Waukesha County. March 2021

⁵ City of Prior Lake, Agenda Item #16. Information Item: A review of environmental impacts from high-speed boats on Indiana's public freshwater lakes; Administrative Cause no. 10-029V. Available online: <https://www.cityofpriorlake.com/documents/WSUM/info17.pdf>.

⁶ Bruce Durgin. (2019) Wakeboard Boats Believed to Damage Lakes. The Federation of Vermont Lakes and Ponds. Available online: <http://vermontlakes.org/wp-content/uploads//FOVLAP-Newsletter-Spring-2019-Final-digital.pdf>

⁷ Vermont Legislature (2019). Bill as Introduced: S.69. Available online: <https://legislature.vermont.gov/Documents/2020/Docs/BILLS/S-0069/S-0069%20As%20Introduced.pdf>

⁸ Dave Orrick. (2019) Zebra Mussel's Best Friend: Wakeboard Boats, New U Study Finds. Livewell also Tested. Accessed through the Minnesota Aquatic Invasive Species Research Center (MAISRC), <https://www.maisrc.umn.edu/news/wakeboards>.

also engage member communities within our watershed to address the issue of wake boats and their impacts on aquatic environments.

This issue (check all that apply):

| | | | |
|---------------------------------|---------------|---------------------------------|-------------------|
| Applies only to our district: | _____ | Requires legislative action: | _____ X _____ |
| Applies only to 1 or 2 regions: | _____ | Requires state agency advocacy: | _____ maybe _____ |
| Applies to the entire state: | _____ X _____ | Impacts MAWD bylaws or MOPP: | _____ |

MAWD RESOLUTION 2022-06

Resolution Seeking to Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species

WHEREAS, watershed districts conserve the state's water resources "by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources." Minn. Stat. 103D.201, subd. 1;

WHEREAS, wake boats driven in Minnesota lakes result in scouring of lake bottoms, disturbance of lake sediment, damage to aquatic plants, erosion of lake shoreline, disturbance of and damage to aquatic habitat, and transfer of water potentially harboring aquatic invasive species in ballast tanks increasing transfer among Minnesota lakes;

WHEREAS, options to limit the water-resource impacts of wake boats include: restricting areas of operation within a waterbody and which waterbodies are suitable for their operation; defining the minimum depth of water in which wake boats can be operated in a manner which creates a wake; and requiring wake boats to be designed, and existing boats to be modified, to enable complete drainage and decontamination of ballast tanks to reduce the spread of AIS;

WHEREAS, the Minnesota Department of Natural Resources is engaged in an education campaign, "Own Your Wake - for Everyone's Sake," encouraging responsible boat use near shorelines, and actively enforces state AIS law, requiring boat ballast tanks to be emptied by a shoreline or waterway before being transported;

WHEREAS, the University of Minnesota's St. Anthony Falls Laboratory plans to study the effect of propellor wash on lake bottoms and shorelines; and

WHEREAS, other states have begun to regulate wake boat minimum distance from shoreline and limit the water bodies in which wake boats make operate, and these regulations can provide templates for regulations in Minnesota;

NOW, THEREFORE, BE IT RESOLVED that the Minnesota Association of Watershed Districts will work with the Minnesota Department of Natural Resources to utilize the research findings from the St. Anthony Falls Laboratory and seek legislation to achieve one or more of the following:

- a) limit lakes and areas of lakes in which wake boats may operate;
- b) require new and existing wake boats to be able to completely drain and decontaminate their ballast tanks; and
- c) Provide funding for additional research on the effects of wake boats on aquatic systems.

Notes: The Resolutions Committee recommends adoption of Resolution 2022-06 contingent upon the proposer providing the specific location within the St. Anthony Falls Laboratory research findings that support items a, b, and c.

BACKGROUND INFO on MAWD RESOLUTION 2022-07

Resolution Seeking to Limit Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During Summer Months

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Terry Jeffery, Interim District Administrator
Phone Number: 952-807-6885
Email Address: tjeffery@rpbcd.org

Background that led to the submission of this resolution:

Riley Purgatory Bluff Creek Watershed District seeks to address depletion of valuable groundwater resources in Minnesota. 60% of homeowners with irrigation systems in the Twin Cities Metro Area used far more water than they needed to water their lawns⁹. The use of groundwater to irrigate urban and suburban lawns during particular hours of the day during the summer poses needless use of such water during times when evaporation rates are highest, thus wasting precious water resources, many of which take thousands of years to replenish.

Watering lawns (either via landscape irrigation system or manual watering) between noon and sundown generally results in higher evaporation rates than watering morning hours. Watering lawns in the evening has the potential to make lawns susceptible to disease when hot and humid conditions are combined with excess moisture. Watering lawns in the early morning is the most ideal as evaporation demands are low and wind deflection is less of an issue.¹⁰

Irrigating urban and suburban lawns during or shortly after precipitation events, when soils are saturated, not only wastes a significant amount of groundwater, but also increases runoff and potential pollution of streams, lakes and wetlands.

Ideas for how this issue could be solved:

Encourage the Department of Minnesota Natural Resources to investigate statewide regulations of urban and suburban lawn watering practices. Including but not limited to:

- Restricting the hours during which irrigation of lawns is allowed (with the exception of irrigation from water capture and reuse systems)
- Enforcement of Minnesota State Statute 103G.298 requiring that “all automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjusted either by the end user or the professional practitioner of landscape irrigation services.”
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to be trained and certified in the installation and use of EPA water sense technologies.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to register with the DNR and pay an annual fee to be divided among the cities and counties in which they do business based upon the amount of business done in each city and county.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to certify that the systems comply with restrictions regarding sensor technology as well as time restrictions.

Efforts to solve the problem:

⁹University of Minnesota Extension, *Planting Grass Seed? Most Twin Citians water lawns ‘way too much’*, 2017, <https://twin-cities.umn.edu/planting-grass-seed-most-twin-citians-water-lawns-way-too-much>

¹⁰ University of Minnesota Extension Turfgrass Science and Metropolitan Council, *Efficient Water Use On Twin Cities Lawn Through Assessment, Research, and Demonstration*, 2016, <https://metro council.org/Wastewater-Water/Publications-And-Resources/WATER-SUPPLY-PLANNING/Twin-Cities-Lawn-Irrigation-System-Surveys-And-Ass.aspx>

Anticipated support or opposition:

Cities faced with providing adequate water supplies should support reasonable restrictions on the use of ground water to avoid the expense of drilling new wells and building new treatment facilities.

This issue (check all that apply):

| | | | |
|---------------------------------|---------------|---------------------------------|-------|
| Applies only to our district: | _____ | Requires legislative action: | _____ |
| Applies only to 1 or 2 regions: | _____ | Requires state agency advocacy: | _____ |
| Applies to the entire state: | _____ X _____ | Impacts MAWD bylaws or MOPP: | _____ |

MAWD RESOLUTION 2022-07

Resolution Seeking to Limit Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During Summer Months

WHEREAS, groundwater resources are often used in excess to water urban and suburban landscapes, primarily lawns; and

WHEREAS, evaporation rates are highest during the hours between noon and dusk and watering landscapes in the evening has the potential to increase susceptibility to plant diseases; and

WHEREAS, the ideal time to water lawns and urban and suburban landscapes is in the early morning, due to the low evaporation demands and lessened effects of wind deflection; and

WHEREAS, excess watering of urban and suburban landscapes can cause increased runoff and therefore pollution to streams, wetlands, and lakes; and

NOW, THEREFORE, BE IT RESOLVED that the Minnesota Association of Watershed Districts encourages the Department of Minnesota Natural Resources to investigate statewide regulations of urban and suburban lawn watering practices. Including but not limited to:

- Restricting the hours during which irrigation of lawns is allowed (with the exception of irrigation from water capture and reuse systems).
- Enforcement of Minnesota State Statute 103G.298 requiring that “all automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjusted either by the end user or the professional practitioner of landscape irrigation services.”
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to be trained and certified in the installation and use of EPA water sense technologies.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to register with the DNR and pay an annual fee to be divided among the cities and counties in which they do business based upon the amount of business done in each city and county.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to certify that the systems comply with restrictions regarding sensor technology as well as time restrictions.

Notes: The Resolutions Committee does not recommend adoption of Resolution 2022-08 because it is overly broad, it is unclear what problem the resolution is intended to address, and it contains overlapping jurisdiction with municipalities.

BACKGROUND INFO on MAWD RESOLUTION 2022-08

Resolution Seeking Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Terry Jeffery, Interim District Administrator
Phone Number: 952-807-6885
Email Address: tjeffery@rpbcwd.org

Background that led to the submission of this resolution:

Due to the impacts of the COVID-19 pandemic, the Open Meeting Law, Minnesota Statutes Chapter 13, was revised by the 2021 Minnesota Session Laws to provide increased flexibility for participation in public meetings by telephone and interactive technology. The revisions to Minnesota Statutes Sections 13D.02 and 13D.021 provide for this additional flexibility in the event that a health pandemic or emergency is declared under Chapter 12 of Minnesota Statutes. When the health pandemic or emergency is no longer declared, the standard, non-emergency meeting participation and notice requirements for remote participation by a member of a public body apply.

The standard, non-emergency language in the Open Meeting Law allows a member of a public body board to remotely attend and participate in a public meeting using interactive technology, provided that participation is from a public and publicly noticed location (13D.02 Subdivision 1 (5)); and 2). A member may participate remotely from a nonpublic location in a public meeting up to three times in a calendar year due to military deployment or medically documented personal health reasons.

Many public bodies, including watershed districts, successfully used interactive technology to conduct business, including public meetings, during the pandemic. Benefits to using these platforms that went beyond health and safety included reduced travel costs and time for the public and the organizations using the platform; increased opportunities for public engagement; lower barriers to public engagement; and increased equity and opportunity for potential leaders and participants.

This proposed resolution declares MAWD's support for changes to the Open Meeting Law that would eliminate the requirement that public body board members participating in a meeting remotely by interactive technology be in a public and publicly noticed location, and the limitation on the number of times a member may participate remotely in a calendar year. It requires public bodies to provide members of the public access to public meetings using interactive technology at the regular meeting location, at which at least one representative of the public body must be present. It requires that the public be provided the opportunity to offer public comment during the meeting from remote locations or the regular meeting location. It further requires that a public body conducting public meetings under the revised Open Meeting Law must publish procedures for conducting meetings using interactive technology to put its members and the public on notice.

Ideas for how this issue could be solved:

Revise Minnesota Statutes Section 13D.02 to eliminate the limitation on a member of a public body's remote participation in public meetings by interactive technology, and eliminate the requirement that the location of the member be public and noticed as such; provide opportunity for public participation by interactive technology at the regular meeting location; and require a public body that conducts a public meeting using interactive technology to publish procedures for conducting meetings using interactive technology.

All other requirements of the Open Meeting Law would continue to apply to ensure public access and transparency, including, but not limited to: roll call voting; public comment; ability to be seen and heard; public notice; representation by a member or designated representative at the regular meeting location; and recording and posting of public meeting minutes.

Efforts to solve the problem:

The District has discussed trends in interactive technology use by watershed districts and other public bodies, as well as anticipated legislative action, with its attorneys. The District has no state agency, legislative, or county responses to report.

Anticipated support or opposition:

The District anticipates support from organizations that experienced benefits from use of interactive technology for their public meetings that would like to continue to use the flexibility of interactive technology. The District also anticipates public support for the continued use of interactive technology, which has expanded access to public meetings.

Opposition may come from advocates for the existing Open Meeting Law.

This issue (check all that apply):

| | | | |
|---------------------------------|----------------------|---------------------------------|--------------------------|
| Applies only to our district: | _____ | Requires legislative action: | _____ <u>X</u> _____ |
| Applies only to 1 or 2 regions: | _____ | Requires state agency advocacy: | _____ <u>maybe</u> _____ |
| Applies to the entire state: | _____ <u>X</u> _____ | Impacts MAWD bylaws or MOPP: | _____ _____ |

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
PROPOSAL TO AMEND Minnesota States Section 13D.02 as follows:**

13D.02 OTHER ENTITY MEETINGS BY INTERACTIVE TECHNOLOGY.

Subdivision 1. Conditions.

(a) A meeting governed by Section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive technology so long as:

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location where participation by interactive technology is available to members of the body and public present, unless participation at the regular meeting location is not practical or prudent under Section 13D.021; and

(4) all votes are conducted by roll call so each member’s vote on each issue can be identified and recorded; ~~and~~

~~(5) each location at which a member of the body is present is open and accessible to the public.~~

(b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, ~~if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:~~

~~(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or~~

~~(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.~~

Subdivision 4. Notice of regular ~~and all member~~ locations.

If interactive technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, ~~and notice of any location where a member of the public body will be participating in the meeting by interactive technology, except for the locations of members participating pursuant to subdivision 1, paragraph (b).~~ The timing and method of providing notice must be as described in section 13D.04.

Subdivision 6. Record.

The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive technology, ~~and state the reason or reasons for the appearance by interactive technology.~~

Subdivision 7. Public comment period.

If a public body's practice is to offer a public comment period at in-person meetings, members of the public shall be permitted to comment from a remote location during the public comment period of the meeting, to the extent practical.

Subdivision 8. Rules and procedures.

A public body that conducts a meeting under this section must publish procedures for conducting meetings using interactive technology no later than December 31, 2022.

MAWD RESOLUTION 2022-08

Resolution Seeking Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

WHEREAS, the Open Meeting Law (Minnesota Statutes Chapter 13D) provides that the governing bodies of watershed districts and other units of government may hold meetings and provide for participation by board members through use of interactive technology, so long as there is a declaration of pandemic or emergency;

WHEREAS, during the COVID-19 pandemic, many public bodies, including watershed districts, used interactive technology to conduct public meetings; there were many benefits to using interactive technology platforms, including reduced travel costs and time to the public and the organizations using the platform; increased opportunities for public engagement; decreased barriers to public engagement; and increased equity and opportunity for potential leaders and participants;

WHEREAS, the current statute allows for members to participate in meetings through interactive technology, but absent a declaration of pandemic or emergency, requires that a member participating through interactive technology must be in a location that is open and accessible to the public and noticed as such; an exception is allowed up to three times in a calendar year for military deployment or medically documented personal health reasons (13D.02, subdivision 1(A)(5), subdivision 1(b));

WHEREAS, even absent a declaration of pandemic or emergency, remote meeting participation through the use of interactive technology provides benefits to facilitating member participation while also assuring that decision making is transparent and meetings are accessible to the public;

NOW, THEREFORE, BE IT RESOLVED that the Minnesota Association of Watershed Districts, Inc. hereby supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, without limit on the number of times such remote participation may occur; and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021;

BE IT FURTHER RESOLVED that the Minnesota Association of Watershed Districts, Inc. supports changes to the Open Meeting Law requiring watershed districts to prepare and publish procedures for conducting public meetings using interactive technology.

Notes: The Resolutions Committee has no recommendation regarding Resolution 2022-08.

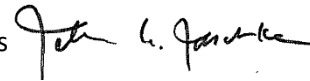
MEMO

Date: February 1, 2022

To: Watershed District staff

Cc: BWSR Board Conservationist

From: John Jaschke, Interim Assistant Director of Regional Operations



RE: Watershed District Project Establishments using 103D.605

According to 103D.605 Projects constructed with government aid or as part of a plan, BWSR must establish the project via BWSR Order. The BWSR Board (Board Order #21-31) has delegated the BWSR Order decision to the Executive Director to provide for efficient processing of WD project establishment requests. The following procedure is required by statute for BWSR to establish the project:

1. Watershed district (WD) provides a copy of the project plan to BWSR Chief Engineer and the Division of Ecological and Water Resources of the Department of Natural Resources (DNR). Both agencies must review the project plan and submit reports to the WD.
2. After the WD receives the reports from BWSR and DNR, the WD schedules and provides notice for a public hearing on the project per 103D.605 subd. 3.
3. WD holds the public hearing and listens to all parties interested in the proposed project.
4. After the project hearing, the WD determines if the project will be conducive to public health, promote the general welfare, and is in compliance with the adopted WD plan and the provisions of Minn. Stat. 103D.
5. The WD submits their official request for a decision from BWSR with their findings (resolution/board order/approved meeting minutes) and any additional supporting material (Engineers Report, hearing documentation, etc.).
6. BWSR, via Board Order, will make a decision on the project. BWSR will inform the WD of the decision with a letter and Board Order distributed via email.

BWSR anticipates working with MAWD in the future to review this statutory requirement.

Please contact your BWSR Board Conservationist with any additional questions.

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2908

01/31/2022 Authored by Fischer, Acomb, Moller, Vang, Feist and others
02/21/2022 The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
03/03/2022 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law
Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to environment; establishing certified salt applicator program; limiting
1.3 liability; requiring a report; proposing coding for new law in Minnesota Statutes,
1.4 chapter 116.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [116.2025] SALT APPLICATORS; VOLUNTARY CERTIFICATION
1.7 PROGRAM.

1.8 Subdivision 1. Definitions. For purposes of this section, the following terms have the
1.9 meanings given:

1.10 (1) "certified commercial applicator" means an individual who applies deicer, completed
1.11 training on snow and ice removal and deicer application approved by the commissioner,
1.12 and passed an examination after completing the training;

1.13 (2) "commercial applicator" means an individual who applies deicer for hire but does
1.14 not include a municipal, state, or other government employee;

1.15 (3) "deicer" means any substance used to melt snow and ice, or used for its anti-icing
1.16 effects, on privately owned surfaces traveled by pedestrians and vehicles; and

1.17 (4) "owner" means a person that owns or leases real estate and that enters into a written
1.18 contract with a certified commercial applicator for snow and ice removal and deicer
1.19 application.

1.20 Subd. 2. Voluntary certification program; best management practices. (a) The
1.21 commissioner of the Pollution Control Agency must develop a training program that promotes
1.22 best management practices for snow and ice removal and deicer application that protect

2.1 water quality and allows commercial applicators to obtain certification as a water-friendly
2.2 applicator. The commissioner must certify a commercial applicator as a water-friendly
2.3 applicator if the applicator successfully completes the program and passes the examination.

2.4 (b) The commissioner, in consultation with the University of Minnesota, must provide
2.5 additional training under this section for certified commercial applicators renewing
2.6 certification after their initial training and certification.

2.7 (c) The commissioner, in consultation with the University of Minnesota, must provide
2.8 the training and testing module at locations statewide and may make the recertification
2.9 training available online.

2.10 (d) The commissioner, in consultation with the University of Minnesota, must annually
2.11 post the best management practices and a list of certified commercial applicators on the
2.12 agency's website.

2.13 (e) The commissioner may charge a fee of no more than \$350 per certified commercial
2.14 applicator for the training or recertification under this section. Fees collected under this
2.15 subdivision must be deposited in the environmental fund.

2.16 Subd. 3. **Liability.** (a) A certified commercial applicator or an owner is not liable for
2.17 damages arising from hazards resulting from the accumulation of snow and ice on any real
2.18 estate maintained by the certified commercial applicator when the hazard is solely caused
2.19 by snow or ice and the certified commercial applicator used the best management practices
2.20 for snow and ice removal and deicing approved by the commissioner.

2.21 (b) Nothing in paragraph (a) prevents or limits the liability of a certified commercial
2.22 applicator or owner if the certified commercial applicator or owner:

2.23 (1) commits an act or omission that constitutes gross negligence or willful or wanton
2.24 disregard for the safety of entrants onto real estate of the owner that is maintained by the
2.25 certified commercial applicator and that act or omission proximately causes injury, damage,
2.26 or death;

2.27 (2) intentionally injures an entrant on real estate of the owner that is maintained by the
2.28 certified commercial applicator; or

2.29 (3) fails to comply with the best management practices for snow and ice removal and
2.30 deicer application approved by the commissioner.

2.31 (c) The liability of a commercial applicator who applies deicer but is not certified under
2.32 this section may not be determined under the standards provided in this subdivision.

3.1 Subd. 4. **Record keeping.** A certified commercial applicator must maintain the following
3.2 records as part of the best management practices approved by the commissioner:

3.3 (1) a copy of the applicator's certification approved by the commissioner and any
3.4 recertification;

3.5 (2) evidence of passing the examination approved by the commissioner;

3.6 (3) copies of the winter maintenance assessment tool requirements developed by the
3.7 commissioner;

3.8 (4) a written record describing the road, parking lot, and property maintenance practices
3.9 used. The written record must include the type and rate of application of deicer used, the
3.10 dates of treatment, and the weather conditions for each event requiring deicing. The records
3.11 must be kept for a minimum of six years; and

3.12 (5) proof of compliance with the reporting requirements under subdivision 7.

3.13 Subd. 5. **Penalty.** The commissioner may revoke or decline to renew the certification
3.14 of a commercial applicator who violates this section or rules adopted under this section.

3.15 Subd. 6. **Relation to other law.** Nothing in this section affects municipal liability under
3.16 section 466.03.

3.17 Subd. 7. **Reporting required.** By July 1 each year, a certified commercial applicator
3.18 must submit to the commissioner on a form prescribed by the commissioner the amounts
3.19 and types of deicers used in the previous calendar year.

3.20 Subd. 8. **Expiration.** This section expires August 1, 2029.

3.21 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to claims
3.22 arising on or after that date.



Bassett Creek Watershed Management Commission MEMO

Date: November 7, 2022
From: Laura Jester, Administrator
To: BCWMC Commissioners
RE: **Administrator's Report**

Aside from this month's agenda items, the Commission Engineers, city staff, committee members, and I continue to work on the following Commission projects and issues.

CIP Projects (more resources at <http://www.bassettcreekwmo.org/projects.>)

2019 Medicine Lake Road and Winnetka Avenue Area Long Term Flood Mitigation Plan Implementation Phase I: DeCola Ponds B & C Improvement Project (BC-2, BC-3 & BC-8) Golden Valley (No change since Nov 2021): A feasibility study for this project was completed in May 2018 after months of study, development of concepts and input from residents at two public open houses. At the May 2018 meeting, the Commission approved Concept 3 and set a maximum 2019 levy. Also in May 2018, the Minnesota Legislature passed the bonding bill and the MDNR has since committed \$2.3M for the project. The Hennepin County Board approved a maximum 2019 levy request at their meeting in July 2018. A BCWMC public hearing on this project was held on August 16, 2018 with no comments being received. Also at that meeting the Commission officially ordered the project and entered an agreement with the City of Golden Valley to design and construct the project. In September 2018, the City of Golden Valley approved the agreement with the BCWMC. The [Sun Post](#) ran an article on this project October 2018. Another public open house and presentation of 50% designs was held February 6, 2019. An EAW report was completed and available for public review and comment December 17 – January 16, 2019. At their meeting in February 2019, the Commission approved the 50% design plans. Another public open house was held April 10th and a public hearing on the water level drawdown was held April 16th. 90% Design Plans were approved at the April Commission meeting. It was determined a Phase 1 investigation of the site is not required. The City awarded a contract to Dahn Construction for the first phase of the project, which involves earthwork, utilities, and trail paving and extends through June 2020. Dewatering began late summer 2019. Tree removal was completed in early winter; excavation was ongoing through the winter. As of early June 2020, earth work and infrastructure work by Dahn Construction is nearly complete and trail paving is complete. Vegetative restoration by AES is underway including soil prep and seeding. Plants, shrubs, and trees will begin soon along with placement to goose protection fencing to help ensure successful restoration. The construction phase of this project was completed in June with minor punch list items completed in September. The restoration and planting phase is complete except for minor punch list items and monitoring and establishment of vegetation over three growing seasons. A final grant report for BWSR's Watershed Based Implementation Funding was submitted at the end of January. City staff recently completed a site walk through to document dead or dying trees and shrubs in need of replacement (under warranty). This project (along with Golden Valley's Liberty Crossing Project) recently received the award for "Project of the Year" from the Minnesota Association of Floodplain Managers as part of the overall Project website: <http://www.bassettcreekwmo.org/index.php?CID=433> .

2020 Bryn Mawr Meadows Water Quality Improvement Project (BC-5), Minneapolis: A feasibility study by the Commission Engineer was developed in 2018 and approved in January 2019. The study included wetland delineations, soil borings, public open houses held in conjunction with MPRB's Bryn Mawr Meadows Park improvement project, and input from MPRB's staff and design consultants. Project construction year was revised from 2020 and 2022 to better coincide with the MPRB's planning and implementation of significant improvements and redevelopment Bryn Mawr Meadows Park where the project will be located. A public hearing for this project was held September 19, 2019. The project was officially ordered at that meeting. In January 2020 this project was awarded a \$400,000 Clean Water Fund grant from BWSR; a grant work plan was completed and the grant with BWSR was fully executed in early May 2020. The project and the grant award was the subject of an article in the Southwest Journal in February: <https://www.southwestjournal.com/voices/green-digest/2020/02/state-awards-grant-to-bryn-mawr-runoff-project/>. In September 2020, Minneapolis and MPRB staff met to review the implementation agreement and maintenance roles.

BCWMC developed options for contracting and implementation which were presented at the November meeting. At that meeting staff was directed to develop a memorandum of understanding or agreement among BCWMC, MPRB, and city of Minneapolis to recognize and assign roles and responsibilities for implementation more formally. The draft agreement was developed over several months and multiple conversations among the parties. At the May 2021 meeting the Commission approved to waive potential conflict of the Commission legal counsel and reviewed a proposal for project design by the Commission Engineer. The updated design proposal and the design agreement among all three parties were approved at the June 2021 meeting. Four public open houses were held in the park in 2021 to gather input on park concepts. Project partners met regularly throughout design to discuss schedules, planning and design components, and next steps. Concept designs were approved by the MRPB Board in late 2021. Staff met with MnDOT regarding clean out of Penn Pond and continue discussions. 50% design plans were approved by the Commission at the January meeting; 90% design plans were approved at the March meeting along with an agreement with MPRB and Minneapolis for construction. The agreement was approved by all three bodies. Commission Engineers finalized designs and assisted with bidding documents. Bids were returned in early August. At the meeting in August, the Commission approved moving forward with project construction (through MPRB), and approved a construction budget (higher than previously budgeted) and an amended engineering services budget. MPRB recently awarded the construction contract and posted the following construction timeline: November 7, 2022 to late January 2023 Construction planned to begin with erosion control, earth moving and demolition, and continued work as weather allows. April 2023 to July/late September 2023 Construction resumes; substantial completion planned for July 2023, with the play area complete by end of September. Project website: <http://www.bassettcreekwmo.org/projects/all-projects/bryn-mawr-meadows-water-quality-improvement-project>

2020 Jevne Park Stormwater Improvement Project (ML-21) Medicine Lake (No change since April): At their meeting in July 2018, the Commission approved a proposal from the Commission Engineer to prepare a feasibility study for this project. The study got underway last fall and the city's project team met on multiple occasions with the Administrator and Commission Engineer. The Administrator and Engineer also presented the draft feasibility study to the Medicine Lake City Council on February 4, 2019 and a public open house was held on February 28th. The feasibility study was approved at the April Commission meeting with intent to move forward with option 1. The city's project team is continuing to assess the project and understand its implications on city finances, infrastructure, and future management. The city received proposals from 3 engineering firms for project design and construction. At their meeting on August 5th, the Medicine Lake City Council voted to continue moving forward with the project and negotiating the terms of the agreement with BCWMC. Staff was directed to continue negotiations on the agreement and plan to order the project pending a public hearing at this meeting. Staff continues to correspond with the city's project team and city consultants regarding language in the agreement. The BCWMC held a public hearing on this project on September 19, 2019 and received comments from residents both in favor and opposed to the project. The project was officially ordered on September 19, 2019. On October 4, 2019, the Medicine Lake City Council took action not to move forward with the project. At their meeting in October 2019, the Commission moved to table discussion on the project. The project remains on the 2020 CIP list. In a letter dated January 3, 2022, the city of Medicine Lake requested that the Commission direct its engineer to analyze alternatives to the Jevne Park Project that could result in the same or similar pollutant removals and/or stormwater storage capacity. At the March meeting, the Commission directed the Commission Engineer to prepare a scope and budget for the alternatives analysis which were presented and discussed at the April meeting. No action was taken at that meeting to move forward with alternatives analysis. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=467>.

2014 Schaper Pond Diversion Project and Carp Management, Golden Valley (SL-3) (No change since July): Repairs to the baffle structure were made in 2017 after anchor weights pulled away from the bottom of the pond and some vandalism occurred in 2016. The city continues to monitor the baffle and check the anchors, as needed. Vegetation around the pond was planted in 2016 and a final inspection of the vegetation was completed last fall. Once final vegetation has been completed, erosion control will be pulled and the contract will be closed. The Commission Engineer began the Schaper Pond Effectiveness Monitoring Project last summer and presented results and recommendations at the May 2018 meeting. Additional effectiveness monitoring is being performed this summer. At the July meeting the Commission Engineer reported that over 200 carp were discovered in the pond during a recent carp survey. At the September meeting the Commission approved the Engineer's recommendation to perform a more in-depth survey of carp including transmitters to learn where and when carp are moving through the system. At the October 2020 meeting, the Commission received a report on the carp surveys and recommendations for carp removal and management. Carp removals were performed through the Sweeney Lake Water Quality Improvement Project. Results were presented at the February 2021 meeting along with a list of options for long term carp control.

Commission took action approving evaluation of the long-term options to be paid from this Schaper Pond Project. Commission and Golden Valley staff met in March 2021 to further discuss pros and cons of various options. At the September 2021 meeting, the Commission approved utilizing an adaptive management approach to carp management in the pond (\$8,000) and directed staff to discuss use of stocking panfish to predate carp eggs. Commission Engineers will survey the carp in 2022. At the April meeting, the Commission approved panfish stocking in Schaper Pond along with a scope and budget for carp removals to be implemented later in 2022 if needed. Commission staff informed lake association and city about summer activities and plans for a fall alum treatment. Approximately 1,000 bluegills were released into Schaper Pond in late May. Carp population assessments by electroshocking in Sweeney Lake and Schaper Pond began on June 21st. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=277>.

Sweeney Lake Water Quality Improvement Project, Golden Valley (SL-8): This project was added to the 2020 CIP list after receiving a federal 319 grant from the MPCA. It is partially a result of the carp surveys completed through the Schaper Pond Diversion Project and a study of the year-round aeration on Sweeney Lake. This project will treat curly-leaf pondweed in spring 2020, will remove carp in summer 2020, and will perform an alum treatment on Sweeney Lake in late summer 2020. The project was officially ordered by the Commission after a public hearing in September 2019. A public open house on this project was held via Webex on April 8th with approximately 20 people joining. The open house presentation and a question and answer document are available online. The curly-leaf pondweed herbicide treatment was completed in May. Carp Solutions performed carp tracking and setting nets in early June. The first round of netting resulted in 334 carp removed from Sweeney Lake (mean length 620 mm, mean weight 3.1 kg), representing an estimated 29% of the total population. From Schaper Pond 82 carp removed which likely represents about 17% of the initial population. After another round of carp removals in late July, 118 additional carp were netted from Sweeney. Based on preliminary estimates, approximately 40% of the carp population was removed from Sweeney this summer. The carp biomass was reduced from approximately 129 kg/ha to 79 kg/ha, which is below the threshold where adverse impacts on water quality are expected. The first round of alum treatment was completed in late October. A grant report and payment request were submitted at the end of January. A report on the results of the carp removals and recommendations for future management were presented at the February 2021 meeting. Long term carp management evaluation will happen through the Schaper Pond Diversion Project funding. A one-page overview of 2020 activities and outcomes was developed for the Sweeney Lake Association and [posted online](#) in March. This year, the Commission is continuing carp population assessments and performing an alum treatment this fall. At the September meeting the Commission awarded a contract for the alum treatment. The treatment was completed the week of October 16th. A final report with project outcomes is expected early next year. Project website: [Sweeney Lake Water Quality Improvement Project, SL-8](#).

2014 Twin Lake In-lake Alum Treatment, Golden Valley (TW-2): (No change since June 2018) At their March 2015 meeting, the Commission approved the project specifications and directed the city to finalize specifications and solicit bids for the project. The contract was awarded to HAB Aquatic Solutions. The alum treatment spanned two days: May 18- 19, 2015 with 15,070 gallons being applied. Water temperatures and water pH stayed within the desired ranges for the treatment. Early transparency data from before and after the treatment indicates a change in Secchi depth from 1.2 meters before the treatment to 4.8 meters on May 20th. There were no complaints or comments from residents during or since the treatment.

Water monitoring continues to determine if and when a second alum treatment is necessary. Lake monitoring results from 2017 were presented at the June 2018 meeting. Commissioners agreed with staff recommendations to keep the CIP funding remaining for this project as a 2nd treatment may be needed in the future. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=278>.

2013 Four Seasons Area Water Quality Project (NL-2): At their meeting in December 2016, the Commission took action to contribute up to \$830,000 of Four Seasons CIP funds for stormwater management at the Agora development on the old Four Seasons Mall location. At their February 2017 meeting the Commission approved an agreement with Rock Hill Management (RHM) and an agreement with the City of Plymouth allowing the developer access to a city-owned parcel to construct a wetland restoration project and to ensure ongoing maintenance of the CIP project components. At the August 2017 meeting, the Commission approved the 90% design plans for the CIP portion of the project. At the April 2018 meeting, Commissioner Prom notified the Commission that RHM recently disbanded its efforts to purchase the

property for redevelopment. In 2019, a new potential buyer/developer (Dominium) began preparing plans for redevelopment at the site. City staff, the Commission Engineer and I have met on numerous occasions with the developer and their consulting engineers to discuss stormwater management and opportunities with “above and beyond” pollutant reductions. Concurrently, the Commission attorney has been working to draft an agreement to transfer BCWMC CIP funds for the above and beyond treatment. At their meeting in December, Dominium shared preliminary project plans and the Commission discussed the redevelopment and potential “above and beyond” stormwater management techniques. At the April 2020 meeting, the Commission conditionally approved the 90% project plans. The agreements with Dominium and the city of Plymouth to construct the project were approved May 2020 and project designers coordinated with Commission Engineers to finalize plans per conditions. In June 2021, the City of Plymouth purchased the property from Walmart. The TAC discussed a potential plan for timing of construction of the stormwater management BMPs by the city in advance of full redevelopment. At the August 2021 meeting, the Commission approved development of an agreement per TAC recommendations. The city is currently demolishing the mall and is preparing to construct the stormwater management components after TAC input and Commission approval of an implementation agreement with the city expected on the December 2022 agenda. Project webpage:

<http://www.bassettcreekwmo.org/index.php?cID=282>.

2021 Parkers Lake Drainage Improvement Project (PL-7) (No change since July): The feasibility study for this project was approved in May 2020 with Alternative 3 being approved for the drainage improvement work. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020 and entered an agreement with the city of Plymouth to design and construct the project. The city hired WSB for project design which is currently underway. 60% design plans were approved at the June meeting. 90% plans were approved at the August meeting. Construction is complete and vegetation is currently being established.

www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project

2021 Parkers Lake Chloride Reduction Project (PL-7) (No change since October): The feasibility study for this project was approved in May 2020 with Alternative 3 being approved for the drainage improvement work. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020 and entered an agreement with the city of Plymouth to implement the project in coordination with commission staff. City staff and I have had an initial conversation about this project. The city plans to collect additional chloride data this winter in order to better pinpoint the source of high chlorides loads within the subwatershed. Partners involved in the Hennepin County Chloride Initiative (HCCI) are interested in collaborating on this project. A proposal from Plymouth and BCWMC for the “Parkers Lake Chloride Project Facilitation Plan” was approved for \$20,750 in funding by the HCCI at their meeting in March. The project will 1) Compile available land use data and chloride concentrations, 2) Develop consensus on the chloride sources to Parkers Lake and potential projects to address these sources, and 3) Develop a recommendation for a future pilot project to reduce chloride concentrations in Parkers Lake, which may be able to be replicated in other areas of Hennepin County, and 4) help target education and training needs by landuse. A series of technical stakeholder meetings were held last fall and winter to develop recommendations on BMPs. A technical findings report was presented at the July 2022 meeting. At the September meeting, the Commission approved a scope and budget for a study of the feasibility of in-lake chloride reduction activities. That study is now underway by the Commission Engineer. Additionally, the city is sampling the stormwater pond at their maintenance facility. Project website:

www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project

2021 Mt. Olivet Stream Restoration Project (ML-20) (No change since July): The feasibility study for this project was approved in May 2020 with Alternative 3 being approved for the drainage improvement work. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020 and entered an agreement with the city of Plymouth to design and construct the project. The city hired WSB for project design which is currently underway. 60% design plans were approved in June. 90% plans were approved at the August. Construction is complete and vegetation is currently being established. www.bassettcreekwmo.org/projects/all-projects/mt-olivet-stream-restoration-project

2021 Main Stem Lagoon Dredging Project (BC-7): The feasibility study for this project was approved in May 2020 with Alternative 2-all (dredge all three lagoons to 6-foot depth) being approved. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020. Rather than entering an agreement

with a separate entity to design and construct this project, the Commission will implement the project in close coordination with the MPRB. At their meeting in November, the Commission approved a timeline for implementation and the Commission Engineer was directed to prepare a scope of work for project design and engineering. The engineering scope and budget were approved at the May 2021 meeting. Design and permitting got underway in summer 2021. Dredging of all three lagoons is planned for winter 2022/2023. A grant agreement for the \$250,000 Watershed Based Implementation Funding grant was approved at the January 2021 meeting. The project work plan was approved by BWSR. In the spring 2021 the Commission approved a grant agreement for a Hennepin County Opportunity Grant for this project. An Environmental Assessment Worksheet was approved by the Commission at their October 2021 meeting and was submitted for a 30-day comment period by the City of Golden Valley as the RGU. A meeting of project stakeholders was held December 7th and 50% designs were approved at the December 2021 meeting. Comments were received on the EAW from multiple review agencies and one private citizen. Agency comments were relatively minor and expected. Comments from the citizen were more complex and detailed. Responses to comments were developed the RGU (city of Golden Valley) made an official declaration that no Environmental Impact Statement is needed. Staff reviewed a request from a resident to add "safety" benches to the ponds, reviewed reference materials and discussed in detail with MPRB. Determined safety benches aren't appropriate or needed for this project and responded to the resident. 90% plans were approved at the June meeting. A project flyer and FAQs page were developed in conjunction with MPRB staff. They are posted on the webpage and were distributed to MPRB and Loppet staff at the Chalet and Trailhead. At the October meeting the Commission awarded the construction contract to the lowest responsive, responsible bidder: Fitzgerald Excavating and Trucking. Commission Engineers, Commission Attorney, and I are working to collect and finalize and execute all contract documentation. A pre-construction meeting will be set in the coming days. Project website: www.bassettcreekwmo.org/projects/all-projects/bassett-creek-main-stem-lagoon-dredging-project

2022 Medley Park Stormwater Treatment Facility (ML-12) (No change since October): The feasibility study for this project is complete after the Commission Engineer's scope of work was approved last August. City staff, Commission Engineers and I collaborated on developing materials for public engagement over the fall/early winter. A project kick-off meeting was held in September, an internal public engagement planning meeting was held in October, and a Technical Stakeholder meeting with state agencies was held in November. A [story map of the project](#) was created and a survey to gather input from residents closed in December. Commission Engineers reviewed concepts and cost estimates have been reviewed by city staff and me. Another public engagement session was held in April to showcase and receive feedback on concept designs. The feasibility report was approved at the June meeting with a decision to implement Concept #3. At the July meeting the Commission directed staff to submit a Clean Water Fund grant application, if warranted. A grant application was developed and submitted. Funding decisions are expected in early December. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and construct the project. The city hired Barr Engineering to develop the project designs which are now underway. The BCWMC received a \$300,000 Clean Water Fund grant from BWSR in December 2021. 50% design plans were approved in February. A public open house on the project was held March 3rd at Brookview. A grant work plan was developed in March and a grant agreement was approved at the March meeting. 90% plans were approved at the May meeting and final plans and bid documents were developed by the city's consultation (Barr Engineering). This month, the city of Golden Valley executed a construction agreement with Peterson Companies. Construction is expected to begin in early November. www.bassettcreekwmo.org/projects/all-projects/medley-park-stormwater-treatment-facility

2022 SEA School-Wildwood Park Flood Reduction Project (BC-2, 3, 8, 10): The feasibility study for this project is complete after the Commission Engineer's scope of work was approved last August. A project kick-off meeting with city staff was held in late November. Meetings with city staff, Robbinsdale Area School representatives, and technical stakeholders were held in December, along with a public input planning meeting. A virtual open house video and comment form were offered to the public including live chat sessions on April 8th. The feasibility study report was approved in June with a decision to implement Concept #3. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and construct the project. The city hired Barr Engineering to develop the project designs which are now underway. A virtual public open house was held February 3rd. 50% Design Plans were approved at the January meeting. A public open house was held September 29th. 90% were approved at the October Commission meeting. Construction bidding through the city is expected in the coming days. Project webpage: www.bassettcreekwmo.org/projects/all-projects/sea-school-wildwood-park-flood-reduction-project.

Administrator Report October 12 – November 6, 2022

| Subject | Work Progress |
|---------------------------------------|---|
| Education and Outreach | <ul style="list-style-type: none"> • Coordinated volunteers for Friends of Bassett Creek buckthorn event and attended part of the event • Gathered/delivered education materials for City of New Hope event • Prepared presentation to Golden Valley Historical Society; attended meeting and gave presentation; sent follow up email to GVHS board members; sent slides to commissioners • Continued to communicate/help plan for with Hennepin County staff and WMWA partners re: shared county education position including reviewing/commenting on grant documents for BWSR • Attended Blue Thumb partner meeting to see new shoreline restoration workshop presentation; reviewed slides and provided comments to Blue Thumb staff • Discussed interactive paddling map developed by Golden Valley with Commission Attorney |
| CIP | <ul style="list-style-type: none"> • <u>Four Seasons Water Quality Improvement Project</u>: Discussed Plymouth request regarding future development standards with Commission Engineers, Commission Attorney, and Plymouth staff • <u>Main Stem Lagoon Dredging Project</u>: Corresponded with MPRB staff about volunteers’ desire to move turtles prior to dredging, about distribution of project flyer, and pavement analysis timing; corresponded with Commission Engineers and Attorney about apparent low bidder and various experiences with the company and finalizing contract documents • <u>Sweeney Lake Water Quality Improvement Project</u>: Posted signage on alum treatment at lake access points; received and filed photos of alum treatment • <u>SEA School-Wildwood Park Flood Reduction Project</u>: Reviewed 90% plans and corresponding memo and presentation to Commission • <u>Main Stem Restoration Project Regent Ave to Golden Valley Road Project</u>: Developed project webpage; participated in meeting with Commission Engineers and staff re: public outreach efforts • <u>2017 Main Stem Restoration Project Cedar Lake Ave to Dupont</u>: Reviewed final reimbursement request |
| Henn Co. Chloride Initiative | <ul style="list-style-type: none"> • Participated in pilot of presentation with Edina staff; debriefed on the session with Edina staff • Upon request, submitted longer MAWD Program of the Year Award application • Corresponded with HCCI members and BWSR staff re: project wrap up tasks |
| Administration | <ul style="list-style-type: none"> • Developed agenda; reviewed invoices and submitted expenses spreadsheet to Redpath; developed Administrator’s report; reviewed bank statements, investment statements and financial report; reviewed memos and documents for Commission meeting; disseminated Commission meeting information to commissioners, staff, and TAC; updated online calendar; participated in pre-meeting call with Chair Cesnik and Commissioner Engineer; drafted meeting follow up email; ordered catering for November Commission meeting; • Cancelled November TAC meeting with Brookview; requested TAC meeting space through 2023 • Drafted TAC recommendations from October 5th TAC meeting and sent to members for review • Drafted Oct Commission meeting minutes and corresponded w/ potential contractor for future minutes • Arranged for and participated in follow up meeting with Minnetonka staff re: chloride levels in Crane Lake; corresponded with Commission Engineers and city staff re: potential study of chloride levels and sources and lake water levels; requested field check of lake outlet • Picked up samples collected by CAMP volunteers • Attended meeting with Commission and Shingle Creek WMC engineers regarding boundary realignment • Participated in DEI workgroup meeting • Discussed SLP’s de-paving project with city’s sustainability coordinator • Reviewed MAWD business meeting agenda and materials • Corresponded with residents and city staff re: potential projects and purple loosestrife |
| Grant Work | <ul style="list-style-type: none"> • Updated Sweeney Lake WQ Project 319 grant budget; created Q3 invoice and submitted to MPCA • Updated spreadsheet tracking BWCWC grants |
| 2025 Watershed Management Plan | <ul style="list-style-type: none"> • Participated in annual meeting of Northside Residents Redevelopment Council • Met with Commission Engineers to plan next steps for Phase II; developed task matrix to track progress • Drafts feedback gathered from TAC members on chlorides and climate resiliency actions by cities; requested information on requirements for linear projects • Reviewed Green Stormwater Infrastructure Green Equity Guide |