



Bassett Creek Watershed Management Commission

Regular Meeting
Thursday, March 16, 2023
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 – February 16, 2023 Commission Meeting
- B. Acceptance of March 2023 Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – February 2023 Administrative Services
 - ii. Keystone Waters, LLC – February 2023 Meeting Expenses
 - iii. Barr Engineering – February 2023 Engineering Services
 - iv. Kennedy & Graven – January 2023 Legal Services
 - v. Redpath – February 2023 Accounting Services
 - vi. Triple D Espresso – Meeting Catering
 - vii. Stantec – WOMP Services
- D. Approval of User Agreement with University of Minnesota
- E. Approval to Appoint Commissioners to BCWMC Committees
- F. Approval of Plymouth 2023 City Center Pavement Rehabilitation
- G. Approval of Resolution of Appreciation for Commissioner Harwell
- H. Approval to Submit Letter of Support for Chlorides in Groundwater Study
- I. Approval to Set Public Hearing on May 18th for Minor Plan Amendment

5. BUSINESS

- A. Consider Approval of 2023 Schaper Pond Effectiveness Monitoring (20 min)
- B. Receive Update and Consider Approving Pay Request #2 for Lagoon Dredging Project (10 min)
- C. Consider Approval of Budget Amendment for Engineering Services for Bryn Mawr Meadows Water Quality Improvement Project (20 min)
- D. Review Technical Advisory Committee (TAC) Memo and Consider Approval of TAC Recommendation on 5-year Capital Improvement Program (20 min)

6. COMMUNICATIONS (10 minutes)

- A. Administrator's Report
- B. Chair
- C. Commissioners
 - i. Appoint liaison to March 29th TAC meeting
 - ii. Report on MN Watersheds Legislative Event
 - iii. Comments on February 28th Public Open House
- D. TAC Members
 - i. Update on SEA School-Wildwood Park Project Construction Bids
- E. Committees
 - i. Budget Committee Meeting April 3
- F. Legal Counsel
- G. Engineer

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 - Crystal and Plymouth

8. ADJOURNMENT

Upcoming Meetings & Events

- BCWMC Technical Advisory Committee Meeting: Wednesday, March 29th, 12:30 p.m., Brookview
- BCWMC Budget Committee Meeting: Monday, April 3rd, 1:00 – 2:30 p.m. Brookview
- Metro Watersheds Meeting: Tuesday April 18th, 7:00 – 9:00 p.m., Capitol Region Watershed District
- BCWMC Regular Meeting: Thursday April 20th, 8:30 a.m., Golden Valley City Hall



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: March 8, 2023

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: **Background Information for 3/16/23 BCWMC Meeting**

1. **CALL TO ORDER and ROLL CALL**
2. **PUBLIC FORUM ON NON-AGENDA ITEMS**
3. **APPROVAL OF AGENDA – ACTION ITEM with attachment**
4. **CONSENT AGENDA**
 - A. Approval of Minutes – February 16, 2023 Commission Meeting- ACTION ITEM with attachment
 - B. Acceptance of March 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 – February 2023 Administrative Services
 - ii. Keystone Waters, LLC – February 2023 Meeting Expenses
 - iii. Barr Engineering – February 2023 Engineering Services
 - iv. Kennedy & Graven – January 2023 Legal Services
 - v. Redpath – February 2023 Accounting Services
 - vi. Triple D Espresso – Meeting Catering
 - vii. Stantec – WOMP Services
 - D. Approval of User Agreement with University of Minnesota – ACTION ITEM with attachment – The Commission is hosting the Bassett Creek Valley Stakeholder Summit meeting on March 29th at the Urban Research and Outreach-Engagement Center in Minneapolis (just outside the watershed). Use of the facility requires the attached agreement which was reviewed by the Commission Attorney. Staff recommends approval.
 - E. Approval to Appoint Commissioners to BCWMC Committees - ACTION ITEM with attachment – At the February meeting commissioners and TAC members volunteered to serve on various Commission committees (and two commissioners via email since then). However, action was not taken to officially appoint the members. I recommend the Commission approve the committee appointments of the individuals as listed in the attached memo.
 - F. Approval of Plymouth 2023 City Center Pavement Rehabilitation - ACTION ITEM with attachment – The proposed linear project is in the City of Plymouth within the Plymouth Creek Subwatershed includes reconstruction of streets and utility improvements, including storm sewer and water main, resulting in 9.5 acres of grading (disturbance). The proposed linear project creates 0.9 acres of new and fully reconstructed impervious, including 0.8 acres of fully reconstructed surfaces and an increase of 0.1 acres of impervious surfaces. Commission Engineers recommend approval with conditions outlined in the attached memo.
 - G. Approval of Resolution of Appreciation for Commissioner Harwell - ACTION ITEM with attachment – As announced at the February meeting, Commissioner Harwell is moving out of Golden Valley and must step down from her position representing the city. Commissioner Harwell has served on the Commission for

more than 11 years and deserves commendation and thanks. Staff recommends approval of the attached resolution of appreciation.

- H. Approval to Submit Letter of Support for Chlorides in Groundwater Study - **ACTION ITEM with attachment** – *The University of Minnesota is submitting a proposal to the Legislative-Citizen Commission on Minnesota Resources to research the impact of chloride-laden groundwater on surface water resources. The researchers requested a letter of support from BCWMC due to the creek’s high chloride levels and the organization’s strong interest in addressing the issue. Staff recommends approval of the attached letter of support.*
- I. Approval to Set Public Hearing on May 18th for Minor Plan Amendment - **ACTION ITEM no attachment** – *If the Commission approves the TAC-recommended 5-year CIP in Item 5D, the 2015 Watershed Management Plan will need to be amended to incorporate a new project in the Capital Improvement Program (CIP). This would be considered a minor plan amendment which is a streamlined process that has been used to update the CIP many times in the last several years. A public hearing is part of the plan amendment process and requires a 45-day notice to member cities. Staff recommends setting the public hearing date in conjunction with its May 18th meeting.*

5. BUSINESS

- A. Consider Approval of 2023 Schaper Pond Effectiveness Monitoring (20 min) – **ACTION ITEM with attachment** – *At the January meeting, the Commission approved further carp assessment and box netting of carp (if needed) in Schaper Pond. Commissioners also requested a plan for further water quality assessments in the pond to determine if the [2015 Schaper Pond Diversion CIP Project](#) and subsequent carp management efforts are effectively reducing total phosphorus in the pond. Staff recommends approval of the attached proposal for monitoring in 2023 at a total not to exceed budget of \$18,000 from the 2015 CIP project budget.*
- B. Receive Update and Consider Approving Pay Request #2 for Lagoon Dredging Project (10 min) – **ACTION ITEM with attachment** – *[The Lagoon Dredging Project](#) is nearly complete with dredging in all ponds completed and site restoration underway. The attached pay request is for work completed by the contractor through February 28th. Staff recommends approval of the payment and authorization for the Commission Chair to sign the pay application.*
- C. Consider Approval of Budget Amendment for Engineering Services for Bryn Mawr Meadows Water Quality Improvement Project (20 min) – **ACTION ITEM with attachment** – *The BCWMC’s [Bryn Mawr Meadows Water Quality Improvement Project](#) was designed and is being constructed in conjunction with the redevelopment of Bryn Mawr Meadows Park by the Minneapolis Park and Recreation Board (MPRB). The City of Minneapolis (City) is also involved in this project as some improvements to stormwater infrastructure will be constructed within city right-of-way. The latest engineering services budget of \$260,000 was approved in August 2022 and includes design, project management, construction oversight and coordination with the contractor and project partners. While the project is expected to have significant cost savings for construction, unanticipated design changes and additional project coordination will exceed the engineering services budget. Estimated costs for the remaining construction administration, observation, and development of project as-builts are outlined in the attached memo. Staff recommends adjusting the engineering services budget to a not-to-exceed \$286,300.*
- D. Review Technical Advisory Committee (TAC) Memo and Consider Approval of TAC Recommendation on 5-year Capital Improvement Program (CIP) (20 min) – **ACTION ITEM with attachment** – *The BCWMC Technical Advisory Committee (TAC) met on March 1st to discuss the MnDNR’s FEMA modeling project*

and to consider adding a new project to the 5-year CIP. While it was on the agenda, the TAC did not have time to discuss linear project standards and was moved to a TAC meeting on March 29th. Staff recommends approval of the TAC's recommendation on the 5-year CIP in the attached memo.

6. COMMUNICATIONS (10 minutes)

- A. Administrator's Report
- B. Chair
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Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting
Thursday, February 16, 2023
8:30 a.m.
Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday, February 16, 2023 at 8:34 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	Mark Ray
Golden Valley	Stacy Harwell	Paula Pentel	Eric Eckman, Drew Chirpich
Medicine Lake	<i>Absent</i>	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout, Katie Kowalczyk
Minnnetonka	Maryna Chowhan	<i>Vacant Position</i>	Sarah Schweiger
New Hope	Jere Gwin-Lenth	Jen Leonardson	<i>Absent</i>
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Vacant Position</i>	Mike Sorensen, Richard McCoy
St. Louis Park	<i>Vacant Position</i>	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineers	Karen Chandler, Barr Engineering		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Jon Harkness, Golden Valley Resident		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0, with the City of St. Louis Park absent from the vote.

4. CONSENT AGENDA

Item 4E was removed from the consent agenda.

MOTION: Commissioner Gwin-Lenth moved to approve the consent agenda as amended. Commissioner Welch seconded the motion. Upon a vote the motion carried 8-0, with the City of St. Louis Park absent from the vote.

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

- Approval of Minutes – January 19, 2023 Commission Meeting
- Acceptance of February 2023 Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – January 2023 Administrative Services
 - Keystone Waters, LLC – January 2023 Meeting Expenses
 - Barr Engineering – January 2023 Engineering Services
 - Kennedy & Graven – December 2022 Legal Services
 - Redpath – January 2023 Accounting Services
 - Triple D Espresso – Meeting Catering
 - Stantec – WOMP Services
- Approval of Updated Conflict of Interest Policy
- Approval of Updated Agreement for Legal Services
- Approval of Updated Agreement for Engineering Services
- Approval to Submit Comments on MPCA Construction Stormwater Permit
- Approval to Designate *Finance and Commerce* as the Official News Publication of the BCWMC
- Approval of Resolution 23-01 Designating Depositories for BCWMC Funds
- Approval of Resolution 23-02 to Transfer Funds from CIP Account to Administrative Account
- Approval of Resolution 23-03 Transferring Funds from TMDL Studies, Next Generation Plan Development and Flood Control Project Long Term Accounts to Administrative Fund
- Approval of Resolution 23-04 to Transfer Funds from Administrative Account to Channel Maintenance Fund and Long-Term Maintenance Fund
- Approval to Adopt Data Practices Policy

4E. Approval of Letter of Engagement from MMKR for 2022 Financial Audit

Commissioner Welch noted that although this was a routine item, he wondered why the Commission was simply approving a letter of engagement with MMKR to perform the financial audit and not also entering an agreement or contract with the firm as the engagement letter seems to be missing legally required elements of an agreement. Administrator Jester will follow up on this item with Commission Attorney Anderson.

MOTION: Commissioner Harwell moved to approve the letter of engagement with MMKR for the 2022 financial audit. Commissioner Chowhan seconded the motion. Upon a vote the motion carried 7-0, with the City of St. Louis Park absent from the vote and the City of Minneapolis abstaining from the vote.

5. ORGANIZATIONAL MEETING

A. Elect Officers

Commission Attorney Anderson facilitated the election of officers. Commissioner Harwell announced that she is moving out of Golden Valley and into Minnetonka. She will no longer be able to represent Golden Valley on the Commission but may become an alternate commissioner from Minnetonka as that position is currently vacant. It was noted that the BCWMC Joint Powers Agreement does not state that cities must appoint only city residents to the commission. Although the resident requirement for Golden Valley is unknown, TAC member Eric Eckman indicated the City of Golden Valley would likely encourage residents, rather than non-residents to serve on the Commission.

Chair Cesnik and Vice Chair Welch indicated they are willing to continue in their roles. Commissioner Sicora indicated he was willing to serve as Secretary/Treasurer and that he planned to regularly attend meetings. No

other commissioners indicated their desire to hold a Commission office.

MOTION: Commissioner Welch moved the election of Commissioner Cesnik as Chair, himself as Vice Chair, and Commissioner Sicora as Secretary/Treasurer. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0, with the City of St. Louis Park absent from the vote.

B. Review Roles and Responsibilities Document and Bylaws

Administrator Jester noted that the annual organizational meeting was a good time to review the roles and responsibilities document that was developed in 2013. Chair Cesnik noted the importance and value of the Technical Advisory Committee (TAC) indicating that cities carry out many of the Commission policies and their technical expertise was critical to the Commission. There was consensus that a review of the roles and responsibilities document should be considered by the Administrative Services Committee this year.

C. Discuss Commissioner Appointments and Attendance Expectations

Administrator Jester indicated that at the December meeting, she was asked to include this discussion item on the January or February agenda. She noted vacant positions currently include Minnetonka and Robbinsdale alternates and St. Louis Park primary commissioner. She noted there are no attendance requirements currently set forth in BCWMC policy documents. Chair Cesnik noted the importance of regular attendance and the need for a quorum of the Commission. TAC member Erick Francis reported the City of St. Louis Park continues to look for a primary commissioner. There was consensus that when the Administrative Services Committee reviews the joint powers agreement this year, an attendance requirement should be considered.

D. Review 2023 Commission Calendar and Areas of Work

Administrator Jester listed some items of business throughout the year in the Commission calendar and noted the calendar is updated and included in "information only" for every meeting. She was asked to add a list of acronym definitions to the calendar. She briefly reviewed the Commission committees and their work and noted committee meetings will be held in person during a time when members were available. She noted the Plan Steering Committee was currently a "committee of the whole" but would be much more active with nearly monthly meetings for about 18 months starting this summer. She asked for those committed to developing the 2025 Watershed Management Plan to participate on the committee.

E. Appoint Committee Members

- i. Administrative Services Committee
- ii. Budget Committee
- iii. Education Committee
- iv. Plan Steering Committee
- v. Technical Advisory Committee Liaison

Chair Cesnik noted the importance of committee work, saying it could streamline Commission meetings. Chair Cesnik went around the room and asked each commissioner and alternate to indicate which committee(s) each person would like to participate on. The following members were appointed to committees:

BCWMC Plan Steering Committee: Commissioners Cesnik, Welch, Harwell; Alternate Commissioners Vadali, Kennedy, and Polzin; TAC Members Scharenbroich and Ray

BCWMC Administrative Services Committee Members: Commissioners Cesnik, Welch, Gwin-Lenth; Alternate Commissioners Pentel, and Hauer

BCWMC Budget Committee Members: Commissioners Cesnik, Sicora, Anderson, Carlson, and Alternate Commissioner Polzin

BCWMC Education Committee Members: Commissioners Cesnik, Harwell, and Chowhan; Alternate Commissioners Hauer, Pentel, Leonardson, and Vadali, and TAC member Chirpich

Technical Advisory Committee Liaison: to be appointed by the Commission ahead of each TAC meeting.

- F. Review Open Meeting Law
Commission Attorney Anderson briefly reviewed the open meeting law, noting that it applies whenever there is a quorum of the board, including during social events or trainings. He also noted that discussions via email can also violate the law and it's important not to "reply all" to emails from the Administrator.
- G. Review Year End Financial Report (Feb 1, 2022 - Jan 31, 2023)
Administrator Jester reviewed the year end financial report noting that the Commission budget was "in the black" after all transfers between long term accounts. She reported that investment income was included as income to the general fund this year and that it was a substantial amount. She will work with the Budget Committee and financial consultants to determine if the investment income should be posted to the general fund or the CIP fund.

Administrator Jester reviewed budget lines that were over budget and why and others that were under budget. She reviewed grant funding received, contributions from partners, development review fees, etc. She noted this was not the final year end report but was close to an accurate reflection of spending vs. income for the year.

[Commissioner Chowhan leaves the meeting.]

6. BUSINESS

- A. Receive Update and Consider Approving Payment Request for Lagoon Dredging Project
Commission Engineer Chandler reviewed the status of the Bassett Creek Lagoon Dredging Project, saying that weather conditions had been challenging but that dredging in Lagoon E should be completed this week and Lagoon F completed next week. Excavation on Lagoon D had just gotten started. She reported that each day the contractor is dredging, Commission engineers are on-site and they are in frequent communication with the Minneapolis Park and Rec Board staff and Commission Administrator.

MOTION: Commissioner Welch moved that the Commission approve payment of the contractor's invoice and direct the Commission Chair to sign the pay application document. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 8-0, with the City of St. Louis Park absent from the vote.

BREAK: A 5-minute break was taken.

- B. Consider Providing Direction to Staff on Linear Projects Standards in 2025 Watershed Management Plan
Administrator Jester reminded commissioners that this item was tabled at the January meeting. She noted that in light of TAC Chair Ray's letter to commissioners, she and Commission Engineer Chandler revised the memo to more clearly state the intent of the request to the Commission: to review options and provide direction to staff on how to move forward at this time. She reviewed the history of Commission linear project standards, including following MN Pollution Control Agency's (MPCA) Minimal Impact Design Standards (MIDS) starting with the adoption of the 2015 Watershed Plan. She noted that because of limited space in rights-of-way and other site constrictions, cities found it extremely difficult and costly to meet the MIDS requirements. In 2017, the Commission revised the standards significantly, resulting in very few linear projects triggering stormwater management requirements. She reported that to further complicate matters, the new MS4 permit from the MPCA requires cities to perform a reasonable attempt at stormwater treatment and infiltration, depending on cost effectiveness and site constraints.

Administrator Jester reported the TAC had discussed the linear project standards at their December meeting and that the memo in the meeting packet accurately reflected their comments at that meeting.

Commission Engineer Chandler explained how the triggers for requiring linear standards is the biggest difference between the 2015 standards, 2017 standards, and MS4 permit standards. She further explained how the MS4 permit language was intentionally vague to allow the flexibility sought by cities. She also noted that the Minnesota Cities Stormwater Coalition is currently developing guidance to help cities adhere to the MS4 permit, given the vague language.

Commission Engineer Chandler reported that this is one of the complex issues being analyzed for the 2025 Plan and that no decision regarding actual requirements is being sought today; that staff just needed direction from the Commission at this point.

Commissioner Harwell noted that infiltrating stormwater adjacent to roads could increase chloride levels in soil and groundwater. Alternate Commissioner Polzin noted that the City of Minneapolis had a different MS4 permit than other cities and that it had just expired and may be revised in its next iteration. Commissioner Welch noted that this is a difficult issue to solve and commented that when Commission standards were changed in 2017, little or no data were used to make that decision. Additional points raised during this discussion include: TAC members should continue to be engaged on the topic; MS4 permit requirements sometimes have unintended consequences; it is important to be fiscally responsible; in a fully developed watershed like Bassett Creek, it is important to use the opportunity that linear projects provide to gain improvements in stormwater management.

Commissioner Welch noted that watershed organizations are in a unique position to find a workable solution for addressing this issue at a local scale, likely better than the MPCA.

[Alternate Commissioner Pentel leaves the meeting.]

TAC member Katie Kowalczyk reported that the City of Minneapolis has been installing green infrastructure with linear projects. She noted that it's often difficult and costly, but the city is meeting the permit requirements.

Commission Engineer Chandler then reviewed the five options presented in the memo. Commissioner Welch wondered if there was another option to consider: Commission and cities partnering on linear projects, looking five years ahead, and collaborating on designing stormwater management. He noted that when it comes time to review the project, the Commission Engineer would already know the site, the constraints, and would have helped develop the best management practices to be used in the project.

Commissioner Harwell commented that regional treatment opportunities might better help address linear project stormwater management needs. Alternate Commissioner Polzin commented that she agrees with Commissioner Welch's suggestion and she would like to avoid overlapping or duplicative regulations. She wondered if there was another way to contribute a solution with other tools.

There was more discussion about Commissioner Welch's idea. It was acknowledged that collaboration and long-range planning might work but may be costly. Alternate Commissioner Kennedy asked what data had been analyzed on the different linear standards. Administrator Jester pointed to a table from the December TAC meeting and indicated the link could be sent to commissioners.

The TAC was asked to consider and discuss Commissioner Welch's idea at their next meeting. It was also noted that commissioners should rank their preferences for the 5 options included in the memo with meeting materials. Commissioners requested that pros and cons be developed for each option, with input from the TAC. It was acknowledged this is an iterative process and more discussion would be forthcoming.

Commissioners Harwell and Welch, and Alternate Commissioner Polzin volunteered to be liaisons for the March 1 TAC meeting.

[Commissioner Harwell and Alternate Commissioner Vadali leave the meeting.]

C. Update on Planning for February 28th Public Open House

Administrator Jester briefly reviewed the plans for the open house, noting there would be 5 tables, each with a different topic, where commissioners, alternates, and staff should engage with residents. She asked for a show of hands to make sure a quorum of cities would be present at the meeting. She said she would send more information via email.

7. COMMUNICATIONS

- A. Administrator's Report
 - i. Clarification on Interim Administrator Role – Administrator Jester reported that when Commission Engineer Chandler is acting as interim administrator March 4 – March 18, her role is to continue the day-to-day operation of the organization. She noted that Engineer Chandler will not be directing any new or additional work of the Commission Engineers and would, instead, contact Chair Cesnik or others (including Administrator Jester), if the need arises.
 - ii. Administrator Jester reported that the Bassett Creek Valley stakeholder meeting is being convened by the BCWMC and will be held on March 29th at 9:00 a.m. at a venue to be determined. She reported that Commissioner Welch will give the welcome and introduction and that the goal of the meeting is to ultimately develop a partnership of various entities to advance regional stormwater and floodplain management and community improvements in the Bassett Creek Valley.
- B. Chair – No report
- C. Commissioners – Commissioner Welch noted that the Commission should consider developing a policy statement on diversity, equity, inclusion in order to connect BCWMC work with DEI issues. He also reported a forthcoming meeting with the Downtown Improvement District regarding oversalting on downtown sidewalks.
- D. TAC Members – TAC Chair Ray noted that in other watershed organizations, the use of subwatershed analyses was a useful planning tool for long-term coordination. Commissioner Sicora agreed.
- E. Committees – No report
- F. Legal Counsel – No report
- G. Engineer
 - i. Update on Bryn Mawr Construction – Commission Engineer Chandler reported that pile construction is complete and contractors are preparing to install storm sewer. She also noted that much of the excavated soil isn't as contaminated as expected and is being used onsite, which will save construction funds.

8. INFORMATION ONLY (Information online only)

- H. BCWMC Administrative Calendar
- I. CIP Project Updates www.bassettcreekwmo.org/projects
- J. Grant Tracking Summary and Spreadsheet
- K. WCA Notice of Application, Crystal
- L. [Star Tribune Article: Low Salt No Salt Minnesota Campaign](#)
- M. [CCX News Story: Low Salt No Salt Minnesota Campaign](#)
- N. Correspondence on Proposed Golden Valley Land Use Amendment
- O. Loppet Sustainability Fair

8. ADJOURNMENT - The meeting adjourned at 11:29 a.m.

Bassett Creek Watershed Management Commission						
Statement of Financial Position						
				Capital Improvement Projects	General Fund	TOTAL
ASSETS						
Current Assets						
Checking/Savings						
		101 · Wells Fargo Checking		-742,713.39	937,676.86	194,963.47
		102 · 4MP Fund Investment		3,501,986.62	76,947.50	3,578,934.12
		103 · 4M Fund Investment		2,483,650.36	54,023.99	2,537,674.35
		Total Checking/Savings		5,242,923.59	1,068,648.35	6,311,571.94
Accounts Receivable						
		111 · Accounts Receivable		0.00	600.67	600.67
		112 · Due from Other Governments		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 · Prepaids		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		5,307,126.54	1,073,727.51	6,380,854.05
TOTAL ASSETS				5,307,126.54	1,073,727.51	6,380,854.05
LIABILITIES & EQUITY						
Liabilities						
Current Liabilities						
Accounts Payable						
		211 · Accounts Payable		0.00	31,109.75	31,109.75
		Total Accounts Payable		0.00	31,109.75	31,109.75
Other Current Liabilities						
		212 · Unearned Revenue		438,823.00	0.00	438,823.00
		251 · Unavailable Rev - property tax		11,396.55	0.00	11,396.55
		Total Other Current Liabilities		450,219.55	0.00	450,219.55
		Total Current Liabilities		450,219.55	31,109.75	481,329.30
		Total Liabilities		450,219.55	31,109.75	481,329.30
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		1,198,999.33	108,188.52	1,307,187.85
		Net Income		-938,674.60	590,026.18	-348,648.42
		Total Equity		4,822,906.73	1,076,618.02	5,899,524.75
TOTAL LIABILITIES & EQUITY				5,273,126.28	1,107,727.77	6,380,854.05
UNBALANCED CLASSES				34,000.26	-34,000.26	0.00

Bassett Creek Watershed Management Commission					
Statement of Revenues, Expenditures and Changes in Fund Balances - General					
		Annual Budget	Feb 16 - Mar 16, 23	Year to Date	Budget Balance
Ordinary Income/Expense					
Income					
411 · Assessments to Cities		617,430.00	617,430.00	617,430.00	0.00
412 · Project Review Fees		80,000.00	3,500.00	3,500.00	76,500.00
413 · WOMP Reimbursement		5,000.00	0.00	0.00	5,000.00
414 · State of MN Grants			0.00	0.00	0.00
415 · Investment earnings			20,970.95	20,970.95	-20,970.95
416 · TRPD Reimbursement		5,000.00	0.00	0.00	5,000.00
417 · Transfer from LT & CIP		68,000.00	0.00	0.00	68,000.00
Total Income		775,430.00	641,900.95	641,900.95	133,529.05
Expense					
1000 · Engineering					0.00
1010 · Technical Services		145,000.00	17,675.00	17,675.00	127,325.00
1020 · Development/Project Reviews		80,000.00	2,605.70	2,605.70	77,394.30
1030 · Non-fee and Preliminary Reviews		30,000.00	2,608.00	2,608.00	27,392.00
1040 · Commission and TAC Meetings		15,000.00	1,250.00	1,250.00	13,750.00
1050 · Surveys and Studies		15,000.00	0.00	0.00	15,000.00
1060 · Water Quality / Monitoring		105,000.00	1,303.50	1,303.50	103,696.50
1070 · Water Quantity		9,000.00	688.48	688.48	8,311.52
1080 · Annual Flood Control Inspection		15,000.00	0.00	0.00	15,000.00
1090 · Municipal Plan Review		2,000.00	0.00	0.00	2,000.00
1100 · Watershed Monitoring Program		27,000.00	3,005.25	3,005.25	23,994.75
1110 · Annual XP-SWMM Model Updates		3,000.00	0.00	0.00	3,000.00
1120 · TMDL Implementation Reporting		0.00	0.00	0.00	0.00
1130 · APM/AIS Work		40,000.00	0.00	0.00	40,000.00
1140 · Erosion Control Inspections		0.00	0.00	0.00	0.00
1000 · Engineering - Other			0.00	0.00	0.00
Total 1000 · Engineering		486,000.00	29,135.93	29,135.93	456,864.07
2000 · Plan Development					0.00
2010 · Next Gen Plan Development		53,250.00	12,141.00	12,141.00	41,109.00
2000 · Plan Development - Other			0.00	0.00	0.00
Total 2000 · Plan Development		53,250.00	12,141.00	12,141.00	41,109.00
3000 · Administration					0.00
3010 · Administrator		78,750.00	6,037.50	6,037.50	72,712.50
3020 · MAWD Dues		7,500.00	0.00	0.00	7,500.00
3030 · Legal		17,000.00	2,141.26	2,141.26	14,858.74
3040 · Financial Management		14,540.00	1,915.00	1,915.00	12,625.00
3050 · Audit, Insurance & Bond		18,700.00	0.00	0.00	18,700.00
3060 · Meeting Catering		2,400.00	161.23	322.46	2,077.54
3070 · Administrative Services		7,240.00	181.62	181.62	7,058.38
3000 · Administration - Other			0.00	0.00	0.00
Total 3000 · Administration		146,130.00	10,436.61	10,597.84	135,532.16
4000 · Education					0.00
4010 · Publications / Annual Report		1,000.00	0.00	0.00	1,000.00
4020 · Website		1,600.00	0.00	0.00	1,600.00
4030 · Watershed Education Partnership		18,350.00	0.00	0.00	18,350.00
4040 · Education and Public Outreach		28,000.00	0.00	0.00	28,000.00
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		50,050.00	0.00	0.00	50,050.00
5000 · Maintenance					0.00
5010 · Channel Maintenance Fund		25,000.00	0.00	0.00	25,000.00
5020 · Flood Control Project Long-Term		35,000.00	0.00	0.00	35,000.00
5000 · Maintenance - Other			0.00	0.00	0.00
Total 5000 · Maintenance		60,000.00	0.00	0.00	60,000.00
Total Expense		795,430.00	51,713.54	51,874.77	743,555.23
Net Ordinary Income		597,430.00	1,207,617.41	1,207,456.18	-610,026.18
Net Income		597,430.00	1,207,617.41	1,207,456.18	-610,026.18

Bassett Creek Watershed Management Commission						
Statement of Revenues, Expenditures and Changes in Fund Balances - Construction in Progress						
		Project Budget	Feb 16 - Mar 16, 23	Year to Date	Inception to Date Expense	Remaining Budget
Ordinary Income/Expense						
Income						
	418 · Property Taxes		0.00	0.00		
	BC2,3,8 · DeCola Ponds B&C Improve		0.00	0.00		
	BC23810 · Decola Ponds/Wildwood Park		0.00	0.00		
	BC5 · Bryn Mawr Meadows		0.00	0.00		
	BC7 · Main Stem Dredging Project		0.00	0.00		
	BCP2 · Bassett Creek Park & Winnetka		0.00	0.00		
	CRM · Main Stem Cedar Lk Rd-Dupont		0.00	0.00		
	ML12 · Medley Park Stormwater Treatment		0.00	0.00		
	ML21 · Jevne Park Stormwater Mgmt		0.00	0.00		
	NL2 · Four Seasons Mall Area		0.00	0.00		
	SL1,3 · Schaper Pond Enhancement		0.00	0.00		
	SL8 · Sweeny Lake Water Quality		0.00	0.00		
	TW2 · Twin Lake Alum Treatment		0.00	0.00		
	Total Income		0.00	0.00		
Expense						
	2024CRM · CIP-BS Main Stem Restore	85,500.00	19,418.50	19,418.50		
	BC-238 · CIP-DeCola Ponds B&C	1,600,000.00	0.00	0.00		
	BC-2381 · CIP-DeCola Ponds/Wildwood Pk	1,300,000.00	0.00	0.00		
	BC-5 · CIP-Bryn Mawr Meadows	1,835,000.00	7,458.97	7,458.97		
	BC-7 · CIP-Main Stem Lagoon Dredging	2,759,000.00	904,444.20	904,444.20		
	ML-12 · CIP-Medley Park Stormwater	1,500,000.00	0.00	0.00		
	ML-20 · CIP-Mount Olive Stream Restore	178,100.00	0.00	0.00		
	ML-21 · CIP-Jevne Park Stormwater Mgmt	500,000.00	0.00	0.00		
	ML-22 · CIP-Ponderosa Wood Strm Restora	43,800.00	4,207.43	4,207.43		
	NL-2 · CIP-Four Seasons Mall	990,000.00	0.00	0.00		
	PL-7 · CIP-Parkers Lake Stream Restore	485,000.00	1,259.50	1,259.50		
	SL-1,3 · CIP-Schaper Pond	612,000.00	1,886.00	1,886.00		
	SL-8 · CIP-Sweeney Lake WQ Improvement	568,080.00	0.00	0.00		
	TW-2 · CIP-Twin Lake Alum Treatment	163,000.00	0.00	0.00		
	Total Expense	12,619,480.00	938,674.60	938,674.60	5,447,633.92	5,329,224.55
	Net Ordinary Income	-12,619,480.00	-938,674.60	-938,674.60	-5,447,633.92	
	Net Income	-12,619,480.00	-938,674.60	-938,674.60		

Totals not currently available

Mt Creek Watershed Management Commission									
Term Funds									
Name	Total Budget	February 16, 23 March 16, 23	Year to-Date	Inception to Date	Remaining Budget				
Fld1 · Flood Control Long Term Maint		0.00	0.00	154,421.90					
Fld2 · Flood Control Long Term Exp	699,980.00	0.00	0.00	462,976.41					
	699,980.00	0.00	0.00	-308,554.51	308,554.51				
Flood1 · Emergency FCP Income		0.00		0.00					
Flood2 · Emergency FCP Expense	500,000.00	0.00	0.00	0.00					
	500,000.00	0.00	0.00	0.00	500,000.00				
Gen · Next gen Plan Development Income		0.00	0.00	38,000.00					
Gen1 · Next gen Plan Development Exp	0.00	0.00	0.00	11,000.00					
	0.00	0.00	0.00	27,000.00	27,000.00				
Qual · Channel Maintenance Fund		0.00	0.00	545,000.00					
Qual1 · Channel Maintenance Expense	0.00	0.00	0.00	275,738.70					
	0.00	0.00	0.00	269,261.30	269,261.30				
TMDL1 · TMDL Studies Income		0.00							
TMDL2 · TMDL Studies Expense	135,000.00	0.00		107,850.15					
	135,000.00	0.00	0.00	-107,850.15	0.00				0.00



Item 4D.
BCWMC 3-16-23

License No. UA-

UNIVERSITY OF MINNESOTA FACILITY USE AGREEMENT

THIS FACILITY USE AGREEMENT (“Agreement”) is entered into effective as of 03/29/2023, by and between Regents of the University of Minnesota (“**University**”), a Minnesota constitutional corporation, and Bassett Creek Watershed Management Commission (“**Licensee**”), a local unit of government. This Agreement is entered into by University through its Robert J. Jones Urban Research Outreach and Engagement Center (UROC).

1. Grant of License. University grants to Licensee a license to use Exhibit A (the “**Facility**”) solely for the following purpose(s):

Exhibit A (the “**Event**”).

The estimated number of people expected to attend the Event is 40. Licensee acknowledges and agrees that University, its agents, employees, invitees, licensees and students may use any portion of the Facility for any purpose whatsoever and at any time during the term of the Agreement, provided that such use shall not unreasonably disturb Licensee’s use of the Facility as provided in this Agreement.

Licensee shall use the Facility in accordance with the terms and conditions of this Agreement, all University policies and rules, including the Safety of Minors policy, if applicable, and all federal, state and local laws, ordinances, rules and regulations. In addition, Licensee agrees to use the Facility in accordance with all guidance published by the Centers for Disease Control and Prevention (**CDC**), the Minnesota Department of Health (**MDH**), and University related to the safe use of the Facility for the Event. The foregoing specifically includes, but is not limited to, all CDC, MDH and University guidance related to COVID-19.

2. Term. Licensee’s use of the Facility pursuant to this Agreement will not exceed 50 separate calendar days. Licensee is permitted to use the Facility only during the following dates and times:

See Exhibit A

3. Fee. In addition to any other payment Licensee is required to make pursuant to this Agreement, Licensee shall pay University a fee, plus any applicable sales tax, as described on the attached Exhibit A (the “**Fee**”). The Fee is non-refundable, unless otherwise provided in this Agreement.

4. Utilities and Services. University shall provide maintenance and services to the Facility in accordance with its routine schedule and standards for the Facility. Licensee shall reimburse University, plus any applicable sales tax, for all additional maintenance and services provided at Licensee’s request.

5. Concessions/Novelties; Food; Beverage.

5.1 Licensee shall not sell any concessions or novelties on or in the Facility or on any University property without an executed Sales Permit issued by University, which Permit University may grant or withhold in its sole discretion.

5.2 Food may be served on or in the Facility only with the permission of University, and, if required by University, a permit from University's Department of Environmental Health and Safety.

5.3 Licensee shall not sell, distribute, dispense, advertise or promote any non-alcoholic beverage (or permit any other to do the same) without University's written consent, which consent University may condition, grant or withhold in its sole discretion.

5.4 Licensee and/or its caterer may not serve or sell alcoholic beverages at the Facility, unless Licensee receives authorization from the University, containing such terms and conditions as University, in its sole discretion, deems advisable. Such authorization may be granted or withheld at University's sole discretion.

6. Alterations; Signs; Liens. Licensee shall not redecorate, change or alter the Facility, nor shall Licensee display any signs or advertising in or about the Facility, without the prior written consent of University, which consent University may grant or withhold in its sole discretion. Licensee shall not permit to accrue, and shall indemnify University against and hold University harmless from, any liens for labor or materials provided to Licensee, or claimed to have been so provided.

7. Personal Property. Licensee, not University, is responsible for loss of or damage to any personal property of Licensee, its guests, agents, employees or invitees, located within the Facility or on University property, before, during or after the term of the Agreement.

8. Indemnification. Licensee agrees to defend (with counsel reasonably acceptable to University), indemnify, and hold harmless University from and against all claims, actions, damages, judgments, fines, liabilities, and expenses (including attorney's and other professional fees) arising from or in connection with (i) Licensee's use of the Facility and other University property, except to the extent caused by the gross negligence or intentional misconduct of University; (ii) the negligent or wrongful acts of Licensee's employees, agents, vendors, contractors, or invitees; or (iii) Licensee's failure to perform or comply with any of the covenants, agreements, terms, provisions, conditions, or limitations contained in this Agreement.

9. Insurance. At least 30 days prior to the Event, Licensee shall provide University with a certificate of insurance or other acceptable evidence of insurance coverage as indicated below. If this Agreement is signed by Licensee fewer than 30 days prior to the Event, Licensee shall submit such evidence of insurance upon the signing of this Agreement.

9.1. Check either (A) (B) or (C) below as applicable:

- (A) Licensee's policy of Commercial General Liability Insurance with a minimum limit of \$1,000,000 per occurrence; or qualified self-insurance subject to approval by University.
- (B) Proof that Licensee has purchased event liability insurance with a minimum limit of \$1,000,000 per occurrence. Licensee may purchase such insurance from the insurer of its choice, or at the following website address: <https://tulip.ajgrms.com>.
- (C) State and other governmental agencies that are self-insured shall provide a letter stating that fact and the coverage limits for such insurance on departmental letterhead.

9.2 Workers' Compensation/Employers Liability, if applicable, to the extent required by law.

9.3 All insurance provided under paragraph 9.1(A) and 9.1(B) shall be written by insurance companies with an A.M. Best rating of A-VII or better and licensed and authorized to do business in the State of Minnesota and shall name Regents of the University of Minnesota as an additional insured. The policies shall provide that the insurance coverage shall not be canceled, modified or non-renewed before the end of the term of this Agreement without written notice to University. Licensee shall maintain the insurance(s) described in this paragraph for the entire term of this Agreement.

10. Assignment. Licensee shall not assign its rights under this Agreement without University's prior written consent, which consent University may grant or withhold in its sole discretion.

11. Obligations at End of Agreement. Licensee shall, upon the expiration or earlier termination of this Agreement, cease use of the Facility and leave it in the same good condition as on the initial date of possession by Licensee, normal wear and tear excepted. Property not removed by Licensee will be considered abandoned, and University may dispose of it as it deems expedient without liability to Licensee or others. Licensee shall reimburse University for any and all costs University incurs to repair any damage to the Facility or other University property or equipment arising out of or connected with the Event, unless such damage is caused solely by University, its officers, employees, agents or representatives.

12. Notices. All notices, requests and other communications that a party is required or elects to deliver shall be in writing and shall be delivered personally, or by facsimile or electronic mail (provided such delivery is confirmed), or by a recognized overnight courier service or by United States mail, first-class, certified or registered, postage prepaid, return receipt requested, to the other party at its address set forth below or to such other address as such party may designate by notice given pursuant to this section:

If to University: University of Minnesota
c/o Real Estate Office
Attn.: Leasing Specialist
451 Donhowe Building
319-15th Avenue SE
Minneapolis, MN 55455-0199
Facsimile No.: (612) 624-6345
E-mail: reo@umn.edu

With a copy of
default notices to: University of Minnesota
Office of the General Counsel
Attn.: Transactional Law Services Group
360 McNamara Alumni Center
200 Oak Street SE
Minneapolis, MN 55455-2006
Facsimile No.: (612) 626-9624
E-mail: contracts@mail.ogc.umn.edu

If to Licensee: Bassett Creek Watershed Management Commission
Attn: Laura Jester
16145 Hillcrest Lane,
Eden Prairie MN 55346
Facsimile No.: 952-270-1990
E-mail: laura.jester@keystonewaters.com

13. License Only; Remedies. Licensee acknowledges that this Agreement represents a grant of a revocable license only, and not an easement or lease. Licensee shall pay to University all of University's damages, costs and fees, including attorneys' fees, caused by Licensee's failure to comply with the terms and conditions of this Agreement. In addition, if Licensee fails to comply with the terms and conditions of this Agreement, University shall be entitled to exercise all other legal and equitable remedies available to University.

14. Limitation of University Liability. IN NO EVENT SHALL UNIVERSITY BE LIABLE FOR ANY INDIRECT, CONSEQUENTIAL, INCIDENTAL, LOST PROFITS OR LIKE EXPECTANCY DAMAGES ARISING OUT OF THE AGREEMENT. UNIVERSITY'S TOTAL LIABILITY FOR BREACH OF THIS AGREEMENT IS THE FEE PAYABLE BY LICENSEE AS SET FORTH IN PARAGRAPH 3 OR IN AN EXHIBIT TO THIS AGREEMENT.

15. Cancellation Due to Uncontrollable Event. The Event may be canceled by either party if an Uncontrollable Event makes it impracticable or inadvisable to conduct the Event. An "Uncontrollable Event" means an event or circumstance that is beyond the reasonable control and without the fault of the party impacted. An Uncontrollable Event may include, but is not limited to, an act of God; civil disorder; terrorist acts or threats; acts of governing authorities; fires, floods, and other natural disasters; strikes or other labor difficulties; public health issues or disease; facility closings or operation disruptions due to severe weather, a failure or disruption of utilities or critical equipment, an active shooter, or other emergencies; or other events, whether similar or

dissimilar to the foregoing. For clarity, an Uncontrollable Event will include the COVID-19 pandemic and related circumstances, whether or not foreseeable (including, without limitation, ongoing or new quarantine orders; employee travel or other restrictions; University campus closure or policy changes; or federal, state, or local governmental orders or advisories). If the Event is cancelled due to an Uncontrollable Event, neither party shall have any liability to the other, provided that any deposits or amounts paid by one party to the other shall be promptly refunded and Licensee shall reimburse University for all reasonable expenses incurred to the time of cancellation (including any expenses for which University then is and will remain unavoidably committed).

16. Use of University Name or Logo. Licensee agrees not to use the name, logo, or any other marks (including, but not limited to, colors and music) owned by or associated with the University or the name of any representative of the University without the written permission of the University in each instance except for the limited purpose of identifying the location of the Event in advertising or other notices for the Event.

16.1 Licensee shall not use or alter University Marks in connection with the Event. Licensee agrees that the following disclaimer shall be prominently placed in all material related to promotion, publicity or advertising of the Event, whether print media, photo, video or web-based, in a font not smaller than the main text of the specific piece:

“The University of Minnesota is not endorsing or sponsoring the activities conducted by Bassett Creek Watershed Management Commission on the University of Minnesota campus. The relationship between the University of Minnesota and Bassett Creek Watershed Management Commission is solely that of licensor and licensee.”

16.2 Licensee’s failure to comply with this section shall give University the right to immediately terminate this Agreement and Licensee’s access to the Facilities.

17. Copyright Representation and Release. Licensee represents that copies of presentation materials Licensee provides to University, or directs University to copy and distribute to Attendees, and materials that Licensee will present by multimedia at the Event, will only be made from legal copies and that Licensee has the right to make this use of the presentation materials either because Licensee a) owns the copyright; b) has written permission of the copyright owner(s) for this use; c) reasonably believes each use to be fair use pursuant to 17 United State Code § 107, *Limitations on exclusive rights: Fair use*; or d) reasonably believes the material to be in the public domain. Licensee further represents that copyright notices have not been altered and that required attributions are shown. Licensee releases and will hold harmless University, its Regents, officers, employees and agents for copyright infringement arising from Licensee’s presentation materials.

18. Amendments. This Agreement shall be amended only in a writing duly executed by all the parties to this Agreement.

19. Non-Waiver; Survival. No waiver by any party of a default or non-performance by the other party shall be deemed a waiver of any subsequent default or non-performance. Licensee’s

obligations under Sections 6, 8, 11, 15, and 17 and University's limitation of liability under Section 14 shall survive the expiration or earlier termination of this Agreement.

20. Governing Law; Forum. The laws of the state of Minnesota shall govern the validity, construction and enforceability of this Agreement. All suits, actions, claims and causes of action relating to the construction, validity, performance and enforcement of this Agreement shall be brought in the state courts of Minnesota.

21. Entire Agreement. This Agreement (including all exhibits, if any) is intended by the parties as the final and binding expression of their agreement and as the complete and exclusive statement of its terms. This Agreement supersedes all prior negotiations, representations and agreements between the parties, whether oral or written, relating to the subject matter of this Agreement.

22. Counterparts; Electronic Signatures. This Agreement may be executed in counterparts and/or by electronic signature, each counterpart of which will be deemed an original, and all of which together will constitute one agreement. The executed counterparts of this Agreement may be delivered by electronic means, such as email and/or facsimile, and the receiving party may rely on the receipt of such executed counterpart as if the original had been received.

23. Exhibits. The terms and conditions of any and all exhibits and addenda attached to this Agreement are made a part of this Agreement as if fully set forth in this Agreement. To the extent that any of the terms and conditions of paragraphs 1 – 23 of this Agreement conflict with any of the terms and conditions of the attached exhibits and addenda, the terms and conditions of the exhibits and addenda shall control. All capitalized terms in any exhibits and addenda that are not specifically defined in such exhibits and addenda shall have the meanings given them in this Agreement.

IN WITNESS WHEREOF, University and Licensee have executed this Agreement as of the date set forth above.

Regents of the University of Minnesota

**Bassett Creek Watershed Management
Commission**

By:

Name: James De Sota
Title: Assistant Executive Director
Date: _____

By:

Name: Catherine Cesnik
Title: Chair
Date: _____



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Laura Jester, Administrator
Date: March 2, 2023

Recommendation: Approve appointments to Commission committees

At the February 16, 2023 meeting commissioners and TAC members volunteered to serve on various Commission committees. However, action was not taken to officially appoint the members. I recommend the Commission approve the appointments of the following individuals to committees:

Administrative Services Committee:

Commissioner Cesnik
Commissioner Welch
Commissioner Gwin-Lenth
Alternate Commissioner Pentel
Alternate Commissioner Hauer

Budget Committee:

Commissioner Cesnik
Commissioner Anderson
Commissioner Carlson
Commissioner Sicora
Alternate Commissioner Polzin

Education Committee:

Commissioner Cesnik
Commissioner Chowhan
Alternate Commissioner Hauer
Alternate Commissioner Pentel
Alternate Commissioner Leonardson
Alternate Commissioner Lawrence
Alternate Commissioner Vadali
TAC member Chirpich
Watershed resident Stacy Harwell

Plan Steering Committee:

Commissioner Cesnik
Commissioner Welch
Alternate Commissioner Vadali
Alternate Commissioner Kennedy
Alternate Commissioner Polzin
TAC Member Scharenbroich
TAC Member Ray
Watershed resident Stacy Harwell



Memorandum

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co. (Barr)
Subject: Item 4F: Plymouth 2023 City Center Pavement Rehabilitation – Plymouth MN
BCWMC March 16, 2023 Meeting Agenda
Date: March 9, 2023
Project: 23270051.58 2023 2309

4F Plymouth 2023 City Center Pavement Rehabilitation Project – Plymouth, MN BCWMC 2023-02

Summary:

Proposed Work: Street reconstruction including reclamation and milling existing street, sidewalk replacement and installation, trail installation, pedestrian ramp improvements, and utility improvements (storm and water)

Project Proposer: City of Plymouth

Project Schedule: 2023 construction

Basis for Review at Commission Meeting: Linear project with more than five acres of disturbance

Impervious Surface Area: Increase approximately 0.1 acres

Recommendation for Commission Action: Conditional approval

General Project Information

The proposed linear project is in the City of Plymouth within the Plymouth Creek Subwatershed (see attached map for locations). The proposed linear project includes reconstruction of streets and utility improvements, including storm sewer and water main, resulting in 9.5 acres of grading (disturbance). The proposed linear project creates 0.9 acres of new and fully reconstructed impervious, including 0.8 acres of fully reconstructed surfaces and an increase of 0.1 acres of impervious surfaces from 8.1 acres (existing) to 8.2 acres (proposed).

Floodplain

The proposed project includes work in the BCWMC (Plymouth Creek Park Pond) 1% annual-chance (base flood elevation, 100-year) floodplain. The January 2023 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 upstream of the Plymouth Creek Park Pond Outlet structure is 954.8 feet NAVD88.

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.

Rate Control

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

Water Quality

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

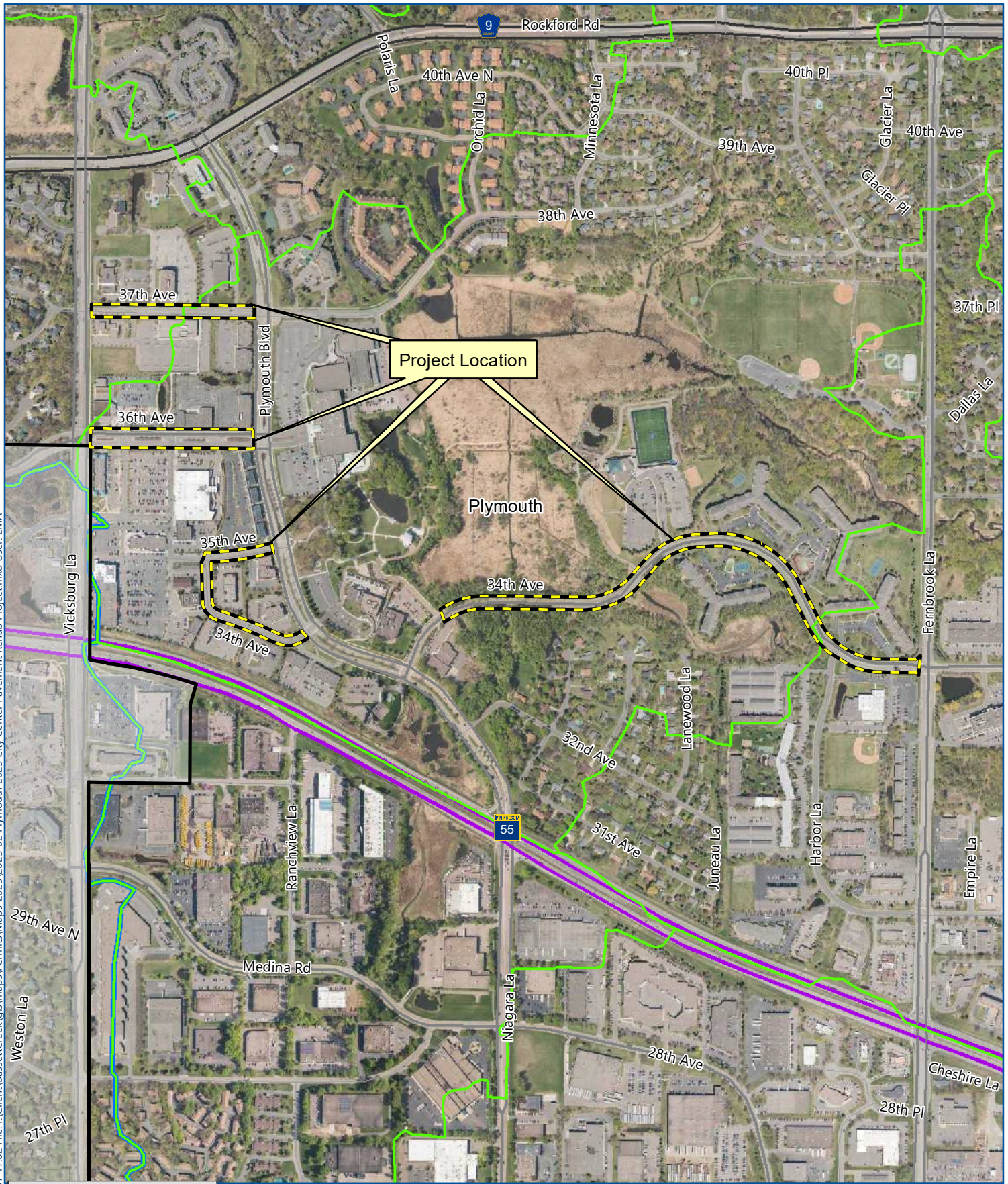
Erosion and Sediment Control



The proposed linear project results in one or more acres of land disturbance; therefore, the proposed project must meet the BCWMC erosion and sediment control requirements. Proposed temporary erosion and sediment control features include rock construction entrances, silt fence, and storm drain inlet protection. Permanent erosion and sediment control features include stabilization with hydromulch and seed.

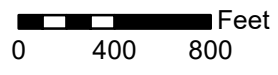
Recommendation for Commission Action

Conditional approval based on the following comments:

1. A portion of the project along 34th Avenue (approximately station 50+00 to 56+00) is located in the BCWMC 100-year floodplain. The BCWMC 100-year floodplain elevation is 954.8 feet NAVD88. Applicant must demonstrate there is no fill in the floodplain as a result of the proposed project.
2. Applicant should consider opportunities to improve water quality as part of the project (i.e., sump manholes, rain gardens).
3. Sheet C1.14: An installation detail for inlet protection must be added.
4. Sheet C2.02: The following note must be added, "Require that soils tracked from the site be removed from all paved surfaces within 24 hours of discovery throughout the duration of construction."
5. Sheet C2.02: Site stabilization completion note must be changed to "7" days.
6. Location of rock entrances must be shown on the plans.
7. Silt fence or other sediment perimeter control must be installed along construction limits where runoff leaves the project site. Plans must be revised to include contours to demonstrate appropriate sediment perimeter control.



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



BCWMC 2023-02
 PLYMOUTH 2023
 CITY CENTER PAVEMENT
 REHABILITATION PROJECT
 Plymouth, MN
 LOCATION MAP



BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

A RESOLUTION OF APPRECIATION FOR THE SERVICES OF STACY HARWELL
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, Stacy Harwell served as a representative from the City of Golden Valley for more than eleven years from February 2012 to March 2023; and

WHEREAS, Stacy served as Commission Treasurer for eight years and as Commission Secretary/Treasurer for two years; and

WHEREAS, Stacy actively participated in Commission meetings, lent her expertise, and provided significant advice to the Commission, particularly on hydraulic and hydrologic modeling, often as a liaison on the Technical Advisory Committee; and

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

WHEREAS, Stacy actively participated in outreach efforts and engaged with watershed residents at events in Golden Valley; and

WHEREAS, Stacy 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 Stacy Harwell for her distinguished service to the public.

Adopted by the Board of Commissioners of the Bassett Creek Watershed Management Commission this 16th day of March, 2023.

Chair



Bassett Creek Watershed Management

To: Legislative-Citizen Commission on Minnesota Resources

From: Bassett Creek Watershed Management Commission

Re: Support for the proposal "Pollution of Surface Waters from Chloride in Groundwater"

Dear Members of the Legislative-Citizen Commission on Minnesota Resources,

The Bassett Creek Watershed Management Commission (BCWMC) fully supports a proposal from the University of Minnesota to study impacts of pollution to lakes and streams from chloride-laden groundwater. We know that chloride pollution from winter deicing activities ends up polluting our lakes and streams and eventually ends up in our groundwater. But we don't know how, where, and when the source of pollution to streams and lakes actually comes from chloride-laden groundwater. Lakes and streams with high chlorides recorded year-round may be significantly impacted by interaction with polluted groundwater. This connection deserves research in order to better address the problem and quantify all chloride pollution sources.

Bassett Creek has some of the highest levels of chloride in the Twin City Metropolitan Area. Chloride is considered a "permanent" pollutant as there is no practical way to remove it from water and it only takes one teaspoon of salt to permanently pollute five gallons of water. This research project is one critical piece to fully understanding pollution sources to our lakes and streams so that plans can be developed to address each source.

If you have any questions or need additional information, please feel free to contact the BCWMC Administrator, Laura Jester, at 952-270-1990 or laura.jester@keystonewaters.com.

Sincerely,

Catherine Cesnik
Chair



Memorandum

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Co.
Subject: Item 5A – Recommendations for 2023 Schaper Pond Effectiveness Monitoring (CIP Project SL-3)
BCWMC March 16, 2023 Meeting Agenda
Date: March 2, 2023

5A. Recommendations for Schaper Pond Effectiveness Monitoring (CIP Project SL-3)

Recommendations:

1. Approve a budget of up to \$18,000 from the remaining Schaper Pond Diversion Project CIP funds for the 2023 Schaper Pond effectiveness monitoring.

Background

Following installation of the floating water baffle in Schaper Pond (shown on Figure 1), several investigations in 2017 and 2018 identified problems with stormwater treatment in Schaper Pond and found carp populations exceeding the 100 kg/ha threshold associated with impacts on water quality (Bajer et al., 2009). In 2019, the Commission was awarded grant funding for the Sweeney Lake Water Quality Improvement Project, which included a goal to reduce carp biomass in Sweeney Lake and Schaper Pond during the spring and summer of 2020. The carp reduction part of this project also tracked carp movement to 1) assess the likelihood that carp from Sweeney Lake could re-populate Schaper Pond, and 2) assess the need to prevent movement of juvenile and adult carp from Schaper Pond to Sweeney Lake. The Commission Engineer hired Carp Solutions, LLC as its subconsultant on this investigation (and all previous investigations) to analyze carp impacts in the Sweeney Lake-Schaper Pond system. A 2022 carp survey and reassessment of biomass confirmed that carp populations in Schaper Pond and Sweeney Lake are still below the 100 kg/ha threshold for water quality impacts, and the Commission approved the Commission Engineer's recommendations and associated funds at their January 2023 meeting to resurvey and reassess the carp populations in the system in 2024.

At their January meeting, the Commission also directed the Commission Engineer to provide recommendations for future Schaper Pond effectiveness monitoring efforts, to assess the functionality of the diversion project, and to integrate that monitoring with the approved 2024 carp survey.

Recommendations for Schaper Pond Effectiveness Monitoring

The carp survey and effectiveness monitoring efforts need to be correctly timed to minimize confounding factors and improve interpretation of the data. Our recommended schedule for the Schaper Pond

effectiveness and carp monitoring (shown below in chronological order) considers the importance of timing these activities:

1. 2023 growing season—complete at least three and up to five water quality sampling events at the four sites shown on Figure 1, consistent with the monitoring we completed in 2017. (The \$18,000 budget would cover five sampling events.) The 2017 monitoring included a measurement of pond water level at the outlet weir and grab samples analyzed for total phosphorus (TP), total dissolved phosphorus (TDP), total suspended solids (TSS), volatile suspended solids (VSS) and chlorophyll-a. The monitoring will provide “snapshots” of how phosphorus and suspended solids concentrations differ in Schaper Pond as the stormwater and baseflow moves through the system.
2. Spring 2024—complete preliminary carp survey and biomass assessment (as approved at the January 2023 Commission meeting) to determine next steps:
 - a. If carp population and 2023 monitoring assessment results (if approved by the Commission) indicate a problem, complete carp box netting in the summer and plan on completing Schaper Pond effectiveness monitoring in 2025.
 - b. If carp population and 2023 monitoring assessment results DO NOT indicate a problem, or if the 2023 monitoring indicates a problem, but the carp population is below the water quality threshold, proceed to next step to estimate pollutant load reductions for Schaper Pond.
3. Summer/fall 2024 (not requesting budget approval at this time)—complete more detailed Schaper Pond effectiveness monitoring, consistent with the monitoring completed by the Commission Engineer in 2017, including automatic sampling and flow monitoring, and sample analysis for TP, TDP, TSS, VSS and particle size distributions at the Schaper outlet, Hwy 55 inlet and Railroad inlet sites to allow for detailed computations of pollutant load reductions for Schaper Pond.

The proposed 2023 monitoring does not include any continuous monitoring or automatic sampling; therefore, we cannot estimate phosphorus and solids loadings and pond treatment efficiency from the 2023 monitoring efforts. The 2023 monitoring involves a lower (screening) level of effort to see if there is an obvious problem with pond treatment (e.g., TP concentrations are higher at the outlet than at the inlet). It represents a hedge against the Commission dedicating more significant resources (both staff time and equipment) toward more-rigorous monitoring in 2024. As a result, we recommend that the Commission budget \$18,000 from the remaining Schaper Pond Diversion Project CIP funds for the Schaper Pond monitoring during the 2023 growing season (described in #1, above).

After subtracting the already approved carp survey and potential box netting activity (#2 above), the Schaper Pond Diversion Project CIP budget would have a balance of \$85,906.



Barr Footer: ArcGIS 10.6, 2018-05-09 15:33 File: I:\Client\BassettCreek\Work Orders\2018\Schaper Pond\Maps\Fig01 Project Location Map.mxd User: iv




● Grab Sample Locations

 Feet
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Figure 1
MONITORING & BAFFLE
LOCATIONS
 Schaper Pond Effectiveness
 Monitoring
 Bassett Creek Watershed
 Management Commission



Memorandum

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Co.
Subject: Item 5B: Project Update and Consider Approval of Application for Payment No. 2 for Main Stem Lagoon Dredging Project
BCWMC March 16, 2023 Meeting Agenda
Date: March 3, 2023

Recommendation:

The Commission Engineer recommends that the Commission approve the Application for Payment No. 2 submitted by Fitzgerald Excavating & Trucking Inc. in the amount of \$886,217.00.

Project Update

Fitzgerald Excavating & Trucking Inc. (Fitzgerald), the contractor performing the construction work for the Main Stem Lagoon Dredging Project submitted Application for Payment No. 2 (see attached) to cover work completed through February 28, 2023.

The work completed through February 28 includes mobilization, clearing and grubbing, erosion and sediment control, water control, dredging, and landfill disposal of 33,660 cubic yards of contaminated sediment. The total estimated amount of sediment to be removed by the end of the project is 39,600 cubic yards. The contractor began dredging work on January 9, 2023, starting in Lagoon E (middle of the three lagoons) and completed work in Lagoon E on February 17, 2023. The contractor began dredging sediment in Lagoon F (north of Lagoon E) on February 1, 2023, and completed work in Lagoon F on March 3, 2023. The contractor began dredging sediment in Lagoon D (south of Lagoon E) on February 20, 2023, and estimates work to be completed at Lagoon D on March 7, 2023.

Project challenges included warm weather (including rain), major snowfall, and freezing rain that made for more difficult construction conditions for the contractor. Despite these and other challenges, we anticipate the project to be completed this year. The Contractor anticipates completing work prior to spring road restrictions going into effect.

Commission Engineers continue to provide onsite construction observation on each working day. The Commission Engineer also maintains ongoing close contact with the contractor, MRPB staff, and the administrator. Onsite construction meetings are held with the contractor every week. The Commission Engineer receives daily reports from the landfill on quantities of dredge material delivered.

We recommend that the Commission approve and sign the Application for Payment No. 2 and pay Fitzgerald \$886,217.00 as set forth in the attached documents.

The commissioners can find information about the project on the BCWMC project webpage:
www.bassettcreekwmo.org/projects/all-projects/bassett-creek-main-stem-lagoon-dredging-project.

Application for Payment No. 2
Main Stem Lagoon Dredging Project
Bassett Creek Watershed Management Commission

Owner: Bassett Creek Watershed Management Commission

Contractor: Fitzgerald Excavating & Trucking, Inc. **Engineer:** Barr Engineering, Co.

For work accomplished through the date of February 28, 2023

1.0	Completed to Date:	<u>\$1,315,360.00</u>
2.0	Less Previously Billed:	<u>\$382,500.00</u>
3.0	Amount Completed This Period:	<u>\$932,860.00</u>
4.0	Amount Previously Retained:	<u>\$19,125.00</u>
5.0	Amount Retained This Period (See Note 1):	<u>\$46,643.00</u>
6.0	Total Amount Retained:	<u>\$65,768.00</u>
7.0	Retainage Released Through This Period:	<u>\$0.00</u>
8.0	Less Total Retainage Remaining:	<u>\$65,768.00</u>
9.0	Less Amounts Previously Paid:	<u>\$363,375.00</u>
10.0	Amount Due This Estimate:	<u><u>\$886,217.00</u></u>

Note 1: From the total amounts ascertained as payable, an amount equivalent to but not less than 5 percent of the whole will be deducted and retained by the BCWMC in protection of its interests until releases as hereafter provided.

CONTRACTOR's Certification

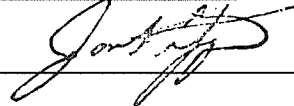
The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment numbered 1 through 1 inclusive; (2) title to all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interest and encumbrances (except such as are covered by Bond acceptable to OWNER indemnifying OWNER against any such lien, claim, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective as that term is defined in the Contract Documents.

SUBMITTED BY:

Name: Jason Fitzgerald Date: 3/1/2023

Title: Owner

Contractor: Fitzgerald Excavation and Trucking


Signature: 

RECOMMENDED BY:

Name: Patrick Brockamp Date: 03/01/2023

Title: Project Engineer

Engineer: Barr Engineering Co.

Signature: 

APPROVED BY:

Name: _____ Date: _____

Title: _____

Owner: Bassett Creek Watershed Management Commission

Signature: _____

Main Stem Lagoon Dredging Project
Bassett Creek Watershed Management Commission
Summary of Work Completed Through February 28, 2023 for Progress Payment No. 2

Item	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	Fitzgerald Excavation & Trucking		(1) Total Completed This Period		(2) Total Completed Previous Periods		(3) Total Completed To Date	
				UNIT COST	EXTENSION	QUANTITY	EXTENSION	QUANTITY	EXTENSION	QUANTITY	EXTENSION
1	Mobilization / Demobilization	LS	1	\$ 198,000.00	\$ 198,000.00	0.25	\$ 49,500.00	0.5	\$ 99,000.00	0.75	\$ 148,500.00
2	Clearing and Grubbing	LS	1	\$ 40,000.00	\$ 40,000.00	0.5	\$ 20,000.00	0.2	\$ 8,000.00	0.7	\$ 28,000.00
3	Erosion and Sediment Control	LS	1	\$ 5,000.00	\$ 5,000.00	0.25	\$ 1,250.00	0.5	\$ 2,500.00	0.75	\$ 3,750.00
4	Control of Water and Dewatering	LS	1	\$ 10,000.00	\$ 10,000.00	0.25	\$ 2,500.00	0.5	\$ 5,000.00	0.75	\$ 7,500.00
5	Remove and Dispose of Dredged Material at Landfill (P)	CY	39600	\$ 33.50	\$ 1,326,600.00	25660	\$ 859,610.00	8000	\$ 268,000.00	33660	\$ 1,127,610.00
6	Live Stakes	EACH	50	\$ 12.00	\$ 600.00	0	\$ -	0	\$ -	0	\$ -
7	Seeding - Seed Mix 1	ACRE	0.06	\$ 3,000.00	\$ 180.00	0	\$ -	0	\$ -	0	\$ -
8	Seeding - Seed Mix 2	ACRE	0.4	\$ 3,000.00	\$ 1,200.00	0	\$ -	0	\$ -	0	\$ -
9	Seeding - Seed Mix 3	ACRE	0.13	\$ 3,000.00	\$ 390.00	0	\$ -	0	\$ -	0	\$ -
10	Hydromulch	SY	1000	\$ 1.00	\$ 1,000.00	0	\$ -	0	\$ -	0	\$ -
11	Erosion Control Blanket	SY	3000	\$ 2.00	\$ 6,000.00	0	\$ -	0	\$ -	0	\$ -
BASE BID TOTAL					\$ 1,588,970.00	\$ 932,860.00		\$ 382,500.00		\$ 1,315,360.00	
CHANGE ORDER - ADDITIONAL ITEMS											
					\$ -	0	\$ -	0	\$ -	0	\$ -
SUBTOTAL CHANGE ORDERS					\$ -	\$ -		\$ -		\$ -	
TOTAL BASE BID PLUS CHANGE ORDERS					\$ 1,588,970.00	\$ 932,860.00		\$ 382,500.00		\$ 1,315,360.00	
RETAINAGE (5%)						\$ 46,643.00		\$ 19,125.00		\$ 65,768.00	
TOTAL AMOUNT DUE:						\$ 886,217.00		\$ 363,375.00		\$ 1,249,592.00	



Memorandum

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Co. and Laura Jester, BCWMC Administrator
Subject: Item 5C– Consider Approval of Budget Amendment for Engineering Services for Bryn Mawr Meadows Water Quality Project (2020 CIP Project BC-5)
BCWMC March 16, 2023 Meeting Agenda
Date: March 6, 2023

5C. Consider Approval of Budget Amendment for Engineering Services for Bryn Mawr Meadows Water Quality Project (2020 CIP Project BC-5)

Recommendations:

1. Consider amending the August 2022 engineering services scope to increase the approved budget by \$26,300.

Background

The BCWMC's [Bryn Mawr Meadows Water Quality Improvement Project](#) will treat stormwater runoff from 45 acres of residential land that currently flows untreated into Bassett Creek. The project was designed and is being constructed in conjunction with the redevelopment of Bryn Mawr Meadows Park by the Minneapolis Park and Recreation Board (MPRB). The City of Minneapolis (City) is also involved in this project as some improvements to stormwater infrastructure will be constructed within city right-of-way.

The BCWMC approved an amendment to the original Water Quality Improvement Project budget at their August 2022 meeting, increasing the approved construction funding amount to \$1,725,000 and increasing the associated engineering services budget to \$260,000. Construction of the Bryn Mawr Meadows Park redevelopment and the BCWMC's Water Quality Improvement Project began in November of 2022. Construction activities are expected to extend through October of 2023.

Status of Project Budgets

The BCWMC-approved overall budget for the Water Quality Improvement Project is \$1,985,000, with an expected construction cost of \$1,725,000 and engineering services fees of \$260,000.

The Water Quality Improvement Project has advanced through the first several phases of construction. Rough grading of the site, installation of structural piles, and installation of the majority of in-park storm sewer is now complete. Environmental work associated with the testing and screening of contaminated soils within the project area and oversight of the removal and disposal of contaminated materials is also largely complete.

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Co. and Laura Jester, BCWMC Administrator
Subject: Item 5C– Consider Approval of Budget Amendment for Engineering Services for Bryn Mawr Meadows Water Quality Project (2020 CIP Project BC-5)
BCWMC March 16, 2023 Meeting Agenda
Date: March 6, 2023
Page: 2

Construction quantities and costs associated with the hauling and disposal of contaminated materials from the site are lower than what we conservatively planned for within the project bid. This was due, in part, to the environmental testing and screening work that we performed preceding construction of the stormwater ponds, which led to a more refined understanding of the extent of contaminated material on the site. This additional information allowed us to work with the contractor to minimize the amount of excavated material that needed to be removed and disposed of from the site, while ensuring environmental regulations were being met. Construction quantities associated with the hauling and disposal of non-contaminated materials from the site are also lower than we planned for within the construction bid, due to coordination with the MPRB and their consultant, and the MPRB's ability to use this material on-site as fill for the concurrent park redevelopment project. Based on construction quantities submitted in early February 2023, we estimate that the construction cost savings (actuals vs. what was planned for) could be on the order of \$400,000 for these items.

While there are expected significant savings on the construction side of the budget, there are anticipated budget shortfalls on the engineering services side. The original engineering services contract for the Water Quality Improvement Project included several assumptions regarding the amount of construction services that Barr would need to provide as part of the project. Our original assumptions included a set number of hours for construction coordination with the contractor, project partners, and on-site observations. These assumptions were developed based on the best information available at the time of scope development and before the final project design was completed. The final Water Quality Improvement Project design included structural piles, which require more time for construction coordination and observation than for other construction activities to ensure compliance with project specifications. Project coordination on design adjustments also required more time.

The original scope of work also assumed that any needed design adjustments would be limited in scale and scope. To date, the project has required two design change orders due to the existing storm sewer pipes on the northern edge of the Water Quality Improvement Project being at a slightly different location and different elevation than was originally planned for in the project design.

One of the storm sewer elevation differences identified by the contractor during the course of construction triggered a request from the City for the BCWMC to include the removal and replacement of an existing 36-inch pipe within the design and construction administration work of the Water Quality Improvement Project. The City made this request to take advantage of the Commission Engineer's work that was already underway to make adjustments to the plan sheets for the Water Quality Improvement Project within this area and take advantage of the opportunity to replace this aging pipe as part of the other in-park storm sewer system upgrades.

Estimated costs for the remaining construction administration, observation, and development of project as-builts for the Water Quality Improvement Project are noted in the table below. Also noted are the estimated design and construction administration costs associated with the addition of the 36-inch pipe to the Water Quality Improvement Project requested by the City. We also included a new budget item

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Co. and Laura Jester, BCWMC Administrator
Subject: Item 5C– Consider Approval of Budget Amendment for Engineering Services for Bryn Mawr Meadows Water Quality Project (2020 CIP Project BC-5)
 BCWMC March 16, 2023 Meeting Agenda
Date: March 6, 2023
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request (Design Change Order / Coordination) to address any additional, necessary design modifications that may arise over the remaining portion of the project. This budget will only be used if changes are required to the original design due to actual conditions in the field being different than what was planned for in the original design, requiring the design to be modified and a change order issued.

Budget Item	Additional Estimated Costs
Construction services for remaining Bryn Mawr Water Quality Improvement Project items	\$16,500
Design and construction administration costs associated with addition of 36-inch pipe on behalf of the City ¹	\$3,800
Design change order / coordination (if needed)	\$6,000
Total additional budget request	\$26,300
Previous approved amended budget	\$260,000
Total requested engineering services budget	\$286,300

¹ The BCWMC Administrator approved the addition of this item to the Bryn Mawr Water Quality Improvement Project scope to allow the Commission Engineer to provide timely direction to the contractor regarding the associated changes and to not the impede progress of construction activities at the site. The Administrator received verbal agreement from the City that the BCWMC will be reimbursed for this work.



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Laura Jester, Administrator
Date: March 3, 2023

RE: Technical Advisory Committee Recommendations

The BCWMC Technical Advisory Committee (TAC) met on March 1, 2023 to discuss the MnDNR’s FEMA modeling project, the 5-year CIP, and pros and cons for approaching linear project standards.

Attendees at the TAC meeting included:

City/Partner	Technical Advisory Committee Members and Others
Crystal	Mark Ray
Golden Valley	Drew Chirpich
Medicine Lake	None
Minneapolis	Katie Kowalczyk, Liz Stout, Heidi Ranschau
Minnetonka	None
New Hope	Nick Macklem
Plymouth	Ben Scharenbroich and Chris LaBounty
Robbinsdale	Richard McCoy
St. Louis Park	Erick Francis
Others	Administrator Laura Jester, Commission Engineers Karen Chandler and Jen Koehler, Alternate Commissioner Polzin, Jeff Weiss (MnDNR), Jami Markle (Three Rivers Park District)

MnDNR’s FEMA Modeling Project: TAC members had a good discussion with MnDNR staff, Jeff Weiss, regarding the status of the FEMA modeling project and outstanding questions about how to handle pockets of upland storage. The MnDNR will continue working on the project when additional Federal funding is secured later this year. This project does not impact current BCWMC floodplain elevations or the BCWMC’s hydrologic and hydraulic model. No recommendations or actions are needed at this time.

At the end of the discussion, the overall consensus regarding the status of this project was:

- 1) MnDNR is not, and is not planning to, ask the BCWMC or cities to create new or to expand existing regulations regarding protection of upland storage areas.
 - a. Examples include smaller storage areas on private property, right-of-way areas (including streets), or other governmental jurisdictional space (such as county and state highways)
 - b. If a city's storm water management plan includes rate control policies, the MnDNR agrees those policies are sufficient, from a regulatory perspective, to protect upland storage.
- 2) MnDNR's remaining work on the FEMA model includes finalizing the floodway. Therefore, there was no discussion at this meeting regarding floodways/flood fringe. This could be a potential item for future discussion with the MnDNR staff.

5-year Capital Improvement Program (CIP): Jami Markle with Three Rivers Park District (TRPD) presented a CIP project request on behalf of TRPD and the cities of Golden Valley and Robbinsdale in the Sochacki Park area. Grimes Pond, North Rice Pond, and South Rice Pond are included in this 62-acre park in Golden Valley and Robbinsdale and are classified as public water wetlands. These wetlands discharge directly to Bassett Creek to the south. The park is jointly operated through a Joint Powers Agreement among TRPD and the two cities. Extremely poor water quality in the three ponds precipitated a [subwatershed assessment](#) recently completed by Barr Engineering on behalf of Three Rivers Park District. The Commission Engineers and Administrator participated in a steering group that guided the assessment and reviewed results.

The assessment resulted in a list of projects and best management practices in and around Sochacki Park that would result in improved water quality and improved wetland functions and habitat. Water quality improvements in the ponds would directly result in improvements to Bassett Creek downstream.

The TAC reviewed the request to include \$600,000 in the 2024 and 2025 BCWMC CIP to partner on implementation of the practices recommended in the subwatershed assessment. They also noted the high score of 13 on the CIP Prioritization Matrix; one of the highest scores to date. Additional funding will come from TRPD, grants, etc.

The project fact sheet, CIP prioritization matrix, and recommended CIP are attached to this memo.

Addition of this project to the CIP will require a minor amendment to the 2015 Watershed Management Plan. Amending the Plan to accommodate new CIP projects is a routine activity that has been undertaken several times over the last 8 years.

RECOMMENDATION: The BCWMC Technical Advisory Committee recommends that the Commission add the Sochacki Park Water Quality Improvement Project to the 2024/2025 Capital Improvement Program with a BCWMC budget of \$600,000.

Linear Project Standards: Because of the lengthy discussion with the MnDNR, there was not enough time to review the pros and cons drafted by Commission staff on options to address linear project standards. Nor was there time to discuss Commissioner Welch's idea on this subject from the February Commission meeting. These items were tabled until the March 29th TAC meeting.

Project Category: Water Quality

Project Title: Sochacki Park Water Quality Improvements

Total Estimated Cost: \$2,300,000 (multiple funding sources)

BCWMC Project Number: [Staff will assign number]

Description:
 This project in the cities of Robbinsdale and Golden Valley will reduce total phosphorus by approximately 67 lbs/year, improving water quality within MnDNR protected wetlands and Bassett Creek, reducing chronic erosion and sedimentation, enhancing buffers and wildlife habitat, and improving recreation and educational opportunities. This is a joint project with multiple partners seeking grant funds from multiple sources. BMP recommendations are based on a subwatershed assessment completed in 2022.

Source of Project Funding	2018	2019	2020	2021	2022
CIP Account – BCWMC ad valorem tax levy through Hennepin County					

Staff will assign funding year.

Justification:

Public wetlands within this highly-used regional park are ecologically degraded, negatively impacting Bassett Creek which is impaired for biota. Wetlands do not meet the subwatershed assessment study goals for total phosphorus (concentration of 75 µg/L), chlorophyll a (concentration of 40 µg/L), or secchi disk transparency (1 meter). This highly-collaborative project seeks to protect and improve DNR wetlands and Bassett Creek with a holistic approach while enhancing existing and planned nature-based programming in the park. Partners include the cities of Robbinsdale, Golden Valley, and Crystal, Three Rivers Park District (TRPD), MnDNR, and potentially others.

Scheduling and Project Status:

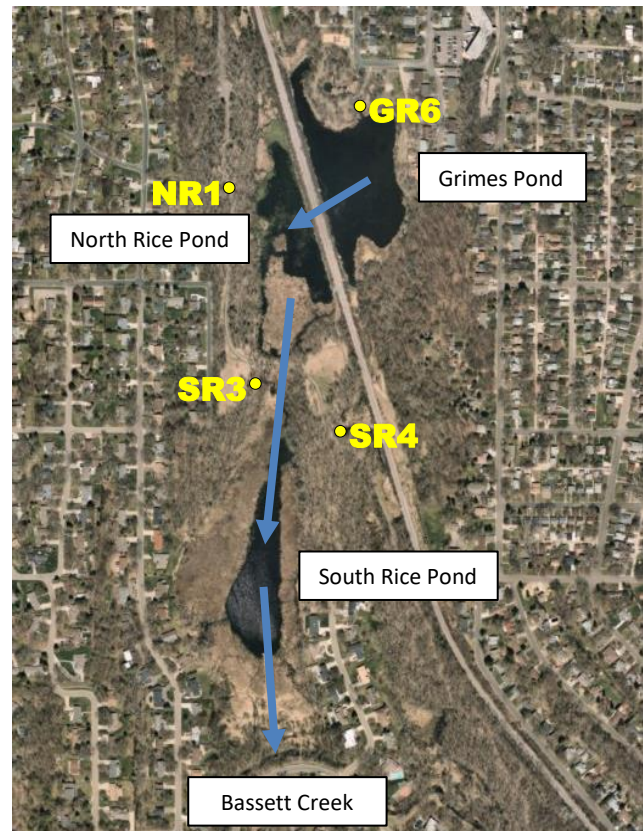
Subwatershed assessment completed by partners in 2022. TRPD is funding the engineering and permitting to a 90% design level in 2023, consistent with BCWMC feasibility study parameters, to improve and strengthen grant applications.

Relationship to BCWMC Plan and Other Projects:

Project is part of the BCWMC trunk system. Project improves or protects water quality in a priority waterbody (Bassett Creek) Project addresses erosion and sedimentation issues. Project addresses multiple Commission goals (e.g., water quality, runoff volume, aesthetics, wildlife habitat, recreation, education) Subwatershed draining to project includes more than one community (three cities)

Effect on Annual Operations Costs:

This project is anticipated to have no effect on BCWMC Annual Operations Costs.



Sochacki Park in Robbinsdale and Golden Valley, showing Grimes, North Rice, and South Rice Ponds. Yellow markers show proposed sites for pond creation and restoration activities. Bassett Creek is immediately downstream (south) of South Rice Pond.

Summary and Planning Level Costs of Proposed Activities, February 17, 2023

BMP ID/ Location	Estimated Annual TP Removal (lbs/yr)	Planning Level Capital Cost Estimate	Recommended Sequence for Implementation
Revegetate/control upland soil erosion	NA	\$ 10,000.00	1a
Increased Street Sweeping in untreated subwatersheds	NA	NA	1b
Clear inlet/outlet debris, remove sediment deltas and stabilize erosion	NA	\$ 100,000.00	1c
Conduct pond water level drawdowns	NA	\$ 154,000.00	1d
Dredge/expand existing SR4 pond (Basin J)	33.5	\$ 456,000.00	2a
Construct stormwater pond at GR6	14.9	\$ 684,000.00	2b
Construct stormwater pond at NR1	3.8	\$ 287,000.00	2c
Construct stormwater pond at SR3	3.7	\$ 392,000.00	2d
Alum Treatment of Grimes, North and South Rice Ponds	11.2	\$ 217,000.00	3
TOTAL	67.1	\$ 2,300,000.00	

Potential Funding Options

- BWSR Clean Water Funds
- Conservation Partners Legacy (for habitat components)
- Hennepin County Opportunity or Stewardship grants
- MPCA grants and MN Public Facilities Authority funds
- MnDNR short term action request grants
- Partner CIP funds (for potential grant match)

Sochacki Park Improvements

September 8, 2020



0 0.05 0.1 0.2 0.3 0.4 Miles



BCWMC Project Prioritization Scoring Matrix

		Primary Benefit Factors					"Jurisdiction" Factors		
		Protects/improves water quality of priority waterbody (reduces phosphorus loading)	Located in a total phosphorus loading "hot spot": 0 pt for <0.15 mg/L 1 pt for 0.15 - 0.20 mg/L 2 pt for 0.20 - 0.25 mg/L 3 pt for 0.25 - 0.30 mg/L 4 pt for >0.3 mg/L	Protects/improves WQ of priority waterbody by reducing chloride loading 1 point = reduction of impervious surface; 2 points = significant reduction of impervious surface; 3 points = project with the aim of reducing chlorides	Addresses approved TMDL or WRAPS	Addresses a flooding concern: 1 pt reduces local flooding <5 structures 2 pt reduces local flooding >5 structures 3 pt reduces intercommunity flooding <5 structures 4 pt reduces intercommunity flooding >5 structures	Part of Trunk System	Protects/restores previous BCWMC investments in infrastructure (CIP projects and Flood Control Project)	Intercommunity watershed
Project Name	Score Range	2	0-4	2	2	1-4	1	1	1
DeCola Pond F flood storage and diversion	2025 & 2026 Portions of BC-2, 3, 8, 10	2	2	2	0	3	0	0	1
SEA School flood storage		2	1	1	0	3	0	0	1
Medley Park Stormwater Treatment Facility	ML-12	2	4	0	2	1	0	0	1
Mt. Olivet Stream Restoration Project	ML-20	2	0	0	2	0	0	0	0
Dredging of accumulated sediment in Main Stem Bassett Creek just north of Hwy 55, Wirth Park	BC-7	2	0	0	0	1	1	1	1
Parkers Lake Drainage Improvement Project	PL-7	2	4	0	0	0	0	0	0
Bassett Creek Main Stem Restoration - Regent Ave to Golden Valley Rd	2021-CR_M	2	3	0	0	0	1	1	1
Bassett Creek Park Water Quality Improvement Project	BC-11	2	0	0	0	0	0	0	0
Ponderosa Woods Stream Restoration	ML-22	2	3	0	2	0	0	1	0
Sweeney Lake Alum/Carp Mgmt	SL- 8	2	0	0	2	0	1	1	1

BCWMC Project Prioritization Scoring Matrix

		Primary Benefit Factors					"Jurisdiction" Factors		
Project Name		Protects/improves water quality of priority waterbody (reduces phosphorus loading)	Located in a total phosphorus loading "hot spot": 0 pt for <0.15 mg/L 1 pt for 0.15 - 0.20 mg/L 2 pt for 0.20 - 0.25 mg/L 3 pt for 0.25 - 0.30 mg/L 4 pt for >0.3 mg/L	Protects/improves WQ of priority waterbody by reducing chloride loading 1 point = reduction of impervious surface; 2 points = significant reduction of impervious surface; 3 points = project with the aim of reducing chlorides	Addresses approved TMDL or WRAPS	Addresses a flooding concern: 1 pt reduces local flooding <5 structures 2 pt reduces local flooding >5 structures 3 pt reduces intercommunity flooding <5 structures 4 pt reduces intercommunity flooding >5 structures	Part of Trunk System	Protects/restores previous BCWMC investments in infrastructure (CIP projects and Flood Control Project)	Intercommunity watershed
Score	Range	2	0-4	2	2	1-4	1	1	1
Crane Lake Improvement Project	CL-3	2	0	0	0	0	0	0	0
Jevne Park Stormwater Improvement Project	ML-21	2	0	0	2	1	0	0	0
Bryn Mawr Meadows Water Quality Improvement Project	BC-5	2	4	0	0	0	0	0	0
Plymouth Enhanced Street Sweeper		2	4	0	2	0	1	1	0
Crane Lake Chloride Study		2	0	3	2	0	1	1	0
Gleason Lake Road Stormwater Improvements	Plymouth	2	0	0	2	2	0	0	0
Plymouth Creek Restoration - Dunkirk Ln to Yuma	Plymouth	2	0	0	2	2	1	1	0
Plymouth Creek Restoration - Vicksburg Ln to CR9	Plymouth	2	0	0	2	2	1	1	0
Minnaqua Pond/Toledo Ave Stormwater Improvement	Golden Valley	2	3	1	0	3	1	0	0
Golden Valley Enhanced Street Sweeper	Golden Valley	2	4	1	2	0	1	1	1
Sochacki Park Project	Golden Valley	2	4	0	0	0	1	1	1

BCWMC Project Prioritization Scoring

	Opportunity Factors		Secondary Benefit Factors					
Project Name	Partnership with significant stakeholders (% funding threshold from non-BCWMC/City?)	Coordinated with redevelopment or City/agency infrastructure projects	Protect and enhance riparian or upland wildlife habitat as a secondary benefit	Increase quality and quantity of wetlands	Reduce runoff volume	Public education or demonstration value is emphasized through specific project elements	Minimize the spread and impact of AIS as a secondary benefit	Total Score
Score Range	1	1	0.5	0.5	0.5	0.5	0.5	
DeCola Pond F flood storage and diversion	1	0	0.5	0	0	0	0	11.5
SEA School flood storage	1	1	0.5	0	0	0.5	0	11
Medley Park Stormwater Treatment Facility	0	1	0.5	0.5	0	0.5	0	12.5
Mt. Olivet Stream Restoration Project	1	0	0.5	0	0	0.5	0	6
Dredging of accumulated sediment in Main Stem Bassett Creek just north of Hwy 55, Wirth Park	1	0	0	0	0	0.5	0	7.5
Parkers Lake Drainage Improvement Project	1	0	0.5	0	0	0.5	0	8
Bassett Creek Main Stem Restoration - Regent Ave to Golden Valley Rd	1	0	0.5	0	0	0.5	0	10
Bassett Creek Park Water Quality Improvement Project	1	1	0.5	0.5	0	0.5	0	5.5
Ponderosa Woods Stream Restoration	0	0	0.5	0.5	0	0.5	0	9.5
Sweeney Lake Alum/Carp Mgmt	1	0	0	0	0	0	0.5	8.5

BCWMC Project Prioritization Scoring

	Opportunity Factors		Secondary Benefit Factors					
Project Name	Partnership with significant stakeholders (% funding threshold from non-BCWMC/City?)	Coordinated with redevelopment or City/agency infrastructure projects	Protect and enhance riparian or upland wildlife habitat as a secondary benefit	Increase quality and quantity of wetlands	Reduce runoff volume	Public education or demonstration value is emphasized through specific project elements	Minimize the spread and impact of AIS as a secondary benefit	Total Score
Score Range	1	1	0.5	0.5	0.5	0.5	0.5	
Crane Lake Improvement Project	1	1	0.5	0	0.5	0.5	0	5.5
Jevne Park Stormwater Improvement Project	0	0	0.5	0.5	0	0.5	0	6.5
Bryn Mawr Meadows Water Quality Improvement Project	1	1	0	0	0	0.5	0	8.5
Plymouth Enhanced Street Sweeper	0	0	0	0.5	0	0.5	0	11
Crane Lake Chloride Study	0	0	0.5	0.5	0	0.5	0.5	11
Gleason Lake Road Stormwater Improvements	0	1	0	0.5	0.5	0.5	0	8.5
Plymouth Creek Restoration - Dunkirk Ln to Yuma	0	0	0.5	0.5	0	0.5	0	9.5
Plymouth Creek Restoration - Vicksburg Ln to CR9	0	1	0.5	0.5	0	0.5	0	10.5
Minnaqua Pond/Toledo Ave Stormwater Improvement	1	1	0.5	0.5	0.5	0	0	13.5
Golden Valley Enhanced Street Sweeper	0	0	0	0.5	0	0.5	0	13
Sochacki Park Project	1	1	0.5	0.5	0?	0.5	0.5	13

PROPOSED BCWMC 5-year Capital Improvement Program: 2023 – 2028 CIP List (With revisions approved Sept 2022 and updates to Lagoon Dredging Project budget (strikeout))

Project Name	City	#	2020	2021	2022	2023	2024	2025	2026	2027	2028	Totals
Medicine Lake Rd & Winnetka Ave Long Term Flood Mitigation Plan Project (DeCola Ponds B&C Improvement Proj. + DeCola Pond F Flood Storage & Diversion Project + SEA School Flood Storage) ⁵	GV, Crystal, New Hope	BC-2,3,8,10	\$500,000		\$300,000	2,548,000 ⁵	\$252,000 (SEA School)	\$1,150,000	\$450,000			
WQ improvements in Bryn Mawr Meadows, Main Stem Watershed ²	MPLS	BC-5	\$100,000	\$812,000 ²		\$1,175,000						\$2,087,000
Medley Park Stormwater Treatment Facility ⁴	GV	ML-12			\$400,000	\$950,000 ⁴	\$800,000					\$2,150,000
Mt. Olivet Stream Restoration Project	PLYM	ML-20		\$178,100								\$178,100
Dredging accumulated sediment in Main Stem Bassett Creek Lagoons, Wirth Park ³	GV/MPLS	BC-7		\$600,000	\$1,425,000 ³	\$534,000 \$334,000	\$200,000					\$2,759,000
Stormwater Pond in Jevne Park to alleviate flooding/improve water quality	Medicine Lake	ML-21	\$500,000									\$500,000
Crane Lake Improvement Project @ Ridgedale Dr.	MTKA	CL-3	\$380,000									\$380,000
Parkers Lake Drainage Improvement Project	Plymouth	PL-7		\$485,000								\$485,000
Bassett Creek Main Stem Restoration - Regent Ave to Golden Valley Rd	Golden Valley	2024-CR-M					\$200,000	\$600,000				\$800,000
Ponderosa Woods Stream Restoration	Plymouth	ML-22					\$475,000					\$475,000
Sweeney Lake Water Quality Improvement Project (alum + carp management) ¹	Golden Valley	SL-8	\$350,000 ¹	\$218,080								\$568,080
Cost share purchase of high efficiency street sweeper	Plymouth	ML-23		\$81,600								\$81,600
Crane Lake Chloride Reduction Demonstration Project at Ridgedale Mall	MTKA	CL-4							\$300,000			\$300,000
Plymouth Creek Restoration Project Dunkirk Lane to Plym Ice Center	Plymouth	2026CR-P							\$1,000,000	\$1,000,000		\$2,000,000
Cost share purchase of high efficiency street sweeper	Golden Valley	BC-12					\$100,000	\$50,000				\$150,000
Toledo Ave/Minnaqua Pond Stormwater Improvements & Flood Reduction	Golden Valley	BC-13								\$400,000	\$500,000	\$900,000
Flood Control Project Double Box Culvert Repairs	MPLS	FCP-1								\$250,000	\$950,000	\$1,200,000
Sochacki Water Quality Improvement Project	GV/Robbs	BC-14					\$2,000,000	\$300,000				\$2,300,000
Estimated Total Project Cost			\$1,830,000	\$2,374,780	\$2,125,000	\$5,207,000 \$5,007,000	\$2,027,000 \$3,827,000	\$2,100,000	1,750,000	1,650,000	\$1,450,000	
Estimated Use of BCWMC Closed Project Account Funds			\$0	\$500,000	\$100,000	\$400,000 \$200,000	\$0 \$200,000	\$0	\$0	\$0	\$0	
City and Grant Funding			\$330,000 ¹	\$400,000 ²	\$325,000 ³	\$800,000 ⁴ \$1,800,000 ⁵	\$1,700,000⁶					
Total Levy			\$1,500,000	\$1,474,780	\$1,700,000	\$2,207,000	\$2,027,000 \$1,927,000	\$2,100,000	1,750,000	1,650,000	\$1,450,000	

¹ Federal 319 grant

² Clean Water Fund grant (\$400,000)

³ Clean Water Funds (WBIF) (\$250,000) + Hennepin County Opportunity grant (\$75,000)

⁴ Clean Water Fund Grant (\$300,000) + Golden Valley funds (\$500,000)

⁵ MnDNR grant to city + city funds (\$1,800,000)

⁶ Funding from partners = Robbinsdale, Golden Valley, TRPD, possible grants



Bassett Creek Watershed Management Commission MEMO

Date: March 3, 2023
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 (See Item 5C): 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 2022 meeting; 90% design plans were approved at the March 2022 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 awarded the construction contract. In late November the contractor began the initial earthwork and started on portions of the stormwater pond excavations. By late December the 1st phase of construction was complete with the ponds formed and constructed. The contractor began driving piles in late January and began installing underground piping in early February. At this meeting, the project budget will be reviewed including savings on construction costs and requested increase in engineering services. 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) (See Item 5A): 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 were completed last summer. A report on the carp assessment was presented in January. A reassessment of carp populations was approved for 2024 along with carp removals through box netting, if needed. At this meeting, the Commission Engineer will request budget for Schaper Pond effectiveness monitoring in 2023. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=277>.

Sweeney Lake Water Quality Improvement Project, Golden Valley (SL-8) (No change since Feb 2023): 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. Post treatment water quality results were presented in January and an interim grant report, budget update, and invoice to MPCA were submitted by February 1st. The lake is slated to be removed from the impaired waters list in 2024. This project and all reporting will be complete early this 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) (No change since January): 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 recently demolished the mall building and removed much of the parking lot. At the December meeting the Commission approved the 90% design plans and a concept for the city to build the CIP project ahead of development and allow the future developer to take credit for the total phosphorus removal over and above 100 pounds. Negotiations on an agreement between the city and BCWMC are on-going. 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) (See Item 5B): 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 and contract documentation was completed thereafter. A pre-construction meeting was held November 28th. Dredging began in January and is complete in Lagoons D and E. Dredging continues in Lagoon F at the time of this writing. A project update and second pay request is included in Item 5B. Project website: www.bassettcreekwmo.org/projects/all-projects/bassett-creek-main-stem-lagoon-dredging-project

2022 Medley Park Stormwater Treatment Facility (ML-12): 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 and the grant agreement approved in March 2022. 50% design plans were approved in February 2022 and 90% plans were approved at the May 2022 meeting. Final plans and bid documents were developed by the city's consultation (Barr Engineering). Construction began in November and winter construction was finished in late January 2023. The Contractor has demobilized from the site until spring. The city is currently contracting for site design and restoration plans that will begin this spring.

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. Six construction bids were received in late February with several of them under engineer’s estimates. Rachel Contracting was the low bidder and the City will be recommending Rachel Contracting to the City Council at the March 7 city council meeting. Construction is anticipated to begin in late March or early April 2023. Two additional bids and contracts are coming later this year for site restoration and replacing the outlet from DeCola Pond D to DeCola Pond E. Project webpage: www.bassettcreekwmo.org/projects/all-projects/sea-school-wildwood-park-flood-reduction-project.

2024 CIP Projects: Feasibility Studies Underway for

[Bassett Creek Restoration Project: Regent Ave. to Golden Valley Rd. \(2024 CR-M\)](#)

A public open house was held March 1st with 30 residents attending. A draft feasibility report is expected at the April Commission meeting.

[Ponderosa Woods Stream Restoration Project, Plymouth \(ML-22\)](#)

A public open house was held February 13th with 3 residents attending. A draft feasibility report is expected at the April Commission meeting.

Administrator Report February 8 – March 2, 2023

Subject	Work Progress
CIP	<ul style="list-style-type: none"> • <u>Four Seasons Water Quality Improvement Project</u>: Discussed project status with Plymouth staff; on hold until later this year. • <u>Main Stem Lagoon Dredging Project</u>: Reviewed weekly information related to project progress, haul amounts, permitting, and access. Correspondence regarding prevailing wage requirements with Fitzgerald driver, Commission Engineer and Attorney; responded to request for information from Dept of Labor. • <u>Main Stem Restoration Project Regent Ave to Golden Valley Road Project</u>: Reviewed info boards for public open house and attended open house • <u>Bryn Mawr Meadows Water Quality Project</u>: Reviewing regular construction updates and corresponding with Commission Engineer on engineering services budget. Authorized Commission Engineer to perform out of scope design at city’s request and discussed reimbursement with city staff • Discussed potential CIP project to reduce erosion along Wood Creek in Plymouth with resident and city staff • Discussed Jevne Park project next steps with Commissioner Carlson
Bassett Creek Tunnel	<ul style="list-style-type: none"> • Met with TAC member Stout to develop agenda and materials for meeting with city staff, Commission Attorney and Commission Engineer to discuss provisions of agreement for tunnel inspections, maintenance, development reviews, and emergency response; distributed agenda/materials; participated in meeting
Education & West Metro Water Alliance	<ul style="list-style-type: none"> • Recruited volunteers for CAMP monitoring and responded to request for volunteer activities • Met with Hennepin County staff on developing signage with AIS education for fishing piers and canoe carry-in access points
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 March Commission meeting; coordinated with Commission Engineer on March set up and packets • Continued preparing for Bassett Creek Valley Stakeholder meeting including coordinating speakers, developing invitation list, and securing venue

	<ul style="list-style-type: none"> • Developed potential 5-year CIP with member city proposed projects • Developed agenda and materials for March 1st TAC meeting; prepared TAC recommendations and revisions • Discussed letter from TAC chair with the TAC chair, BCWMC Chair Cesnik, Commission Engineer, and Commission Attorney • Continued gathering conflict of interest forms from commissioners • Drafted February Commission meeting minutes • Participated in DEI workgroup meeting • Drafted resolution of appreciation for Commissioner Harwell and sought input from city and Commission Engineer • Discussed committee appointments with Commissioner Carlson
MAWD	<ul style="list-style-type: none"> • Met with Metro Watersheds co-coordinator and chair re: future meeting formats and speakers • Reviewed MN Watersheds new website and listed requested changes
Grant Work	<ul style="list-style-type: none"> • Refined eLINK data for Sweeney Lake 319 project with MPCA's assistance • Registered for eLINK training
2025 Watershed Management Plan	<ul style="list-style-type: none"> • Met with Commission Engineers for bi-weekly check in meetings and updated task list • Prepared for and attended Plan Kick-off Public Open house including finalizing and distributing invitation, developing materials, slide show, discussion prompts; printing commissioner nametage; creating signage for meeting room; printing materials, picking up WMWA roots display; purchasing refreshments; setting up room for meeting; cleaning up and organizing materials after meeting; sending email with request for feedback from commissioners • Discussed Plan input opportunities with Harrison Neighborhood Community Outreach Coordinator • Discussed Plan input opportunities with Jordan Area Community Council executive director