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Item 4H.  
BWCMC 5-18-23

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May 11, 2023

**VIA E-MAIL ONLY**

Bassett Creek Watershed Management Commission  
c/o 16145 Hillcrest Lane  
Eden Prairie, MN 55346  
Email: [laura.jester@keystonewaters.com](mailto:laura.jester@keystonewaters.com)

**Re: Request for Waiver of Conflict (Flood Control Project)**

Dear Commissioners:

I was recently asked to assist the Commission in the development of an agreement between the Commission and the City of Minneapolis ("City") related to long-term maintenance of the Bassett Creek Flood Control Project and the new tunnel located in the City ("Project"). One or more of my colleagues at my law firm occasionally represent the City on highly specialized public finance and real estate projects unrelated to the Project, and so I felt it necessary to remind you of this relationship and request a waiver regarding my representation in this capacity. Some of you might recall that the Commission approved a similar request when I worked on the agreements associated with the Bryn Mawr Water Quality Improvement Project.

The factual and legal issues that I anticipate will arise related to the Project are wholly unrelated to the specialized work that my colleagues do for the City. Additionally, I am confident that I can provide competent and diligent representation to the Commission on the Project.

If you do not anticipate a problem with me representing the Commission with regard to the Project, please sign a copy of this waiver letter below and return to me. If you have any questions, please do not hesitate to let me know. As always, I appreciate the opportunity to provide legal services to the Commission.

Very truly yours,

**KENNEDY & GRAVEN, CHARTERED**

*/s/ David T. Anderson*

David T. Anderson

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The undersigned hereby waives the above-described conflict of interest and consents to representation by Kennedy & Graven for all matters related to the aforementioned Project.

Dated: \_\_\_\_\_

\_\_\_\_\_  
BCWMC Chair

Dated: \_\_\_\_\_

\_\_\_\_\_  
BCWMC Secretary