



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting
Thursday, February 15, 2024
8:30 a.m.
Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday February 15, 2024 at 8:32 a.m. Chair Cesnik called the Bassett Creek Watershed Management Commission (Commission) to order.

Commissioners, city staff, and others present

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Joan Hauer	<i>Absent</i>	<i>Absent</i>
Golden Valley	Paula Pentel	Roxanne Gould	Eric Eckman
Medicine Lake	Clint Carlson	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnetonka	Maryna Chowhan	Stacy Harwell	<i>Absent</i>
New Hope	Jere Gwin-Lenth	<i>Absent</i>	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	Wayne Sicora	Bob Stamos	Richard McCoy, Jenna Wolf
St. Louis Park	RJ Twiford	David Johnston	Erick Francis
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Stephanie Johnson – Barr Engineering Co.		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Brittany Johnson, New Hope resident		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No public comments.

3. APPROVAL OF AGENDA

Administrator Jester requested that Item 4D be removed from the agenda because of incomplete submittal of documentation.

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

[Commissioner Sicora arrives.]

4. CONSENT AGENDA

Item 4D was removed from the consent agenda.

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

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

- Approval of Minutes - January 18, 2024 Commission Meeting
- Acceptance of Financial Reports
- January (2023 Fiscal Year End)
- February 2024
- Approval of Payment of Invoices
- Approval of Agreement with MMKR for FY23 Financial Audit
- Approval to Designate Finance and Commerce as the Official News Publication of the BCWMC
- Approval to Adopt Data Practices Policy

5. ORGANIZATIONAL MEETING

A. Elect Officers

Commission Attorney Anderson facilitated the election of officers and asked if anyone is interested in being considered for the roles. The current officers indicated they were all interested in continuing in their roles.

MOTION: Commissioner Pentel moved to elect the current slate of officers: Commissioner Cesnik as Chair, Commissioner Welch as Vice Chair, and Commissioner Sicora as Secretary-Treasurer. Commissioner Welch seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

[Commissioner Carlson arrives.]

B. Review Roles and Responsibilities Document and Bylaws

Administrator Jester reminded commissioners that these documents are available online and may be helpful to review from time to time. She noted the roles and responsibilities document was updated last year.

C. Review 2024 Commission Calendar and Areas of Work

Administrator Jester reviewed the calendar of work and noted that business slated for various months is not an exhaustive list but includes the typical or routine items that occur throughout the year. She noted that the calendar is updated each month and included with informational items with each month's agenda. She also noted that it includes a list of BCWMC contractors and provides an overview of commission committees.

D. Appoint Committee Members

Chair Cesnik noted the importance of committee work and asked that all commissioners and alternate commissioners consider serving on one or more committees. Administrator Jester noted that TAC members and members of the public are also welcome to serve on committees. The following members and persons were appointed:

- i. Administrative Services Committee – Chair Cesnik, Vice Chair Welch, Commissioner Twiford, Commissioner Gwin-Lenth, Commissioner Pentel
- ii. Budget Committee – Chair Cesnik, Secretary/Treasurer Sicora, Commissioner Carlson, Commissioner Polzin (Administrator Jester will check with former commissioner Dave Anderson about his desire to be reappointed to the committee)

[Commissioner Chowhan and Alternate Commissioner Harwell arrive.]

- iii. Education Committee – Chair Cesnik, Commissioner Pentel, Commissioner Chowhan, Commissioner Hauer, Commissioner Twiford, Alternate Commissioner Gould, Alternate Commissioner Harwell, Alternate Commissioner Stamos, Alternate Commissioner Schultz, Alternate Commissioner Lenardson, Alternate Commissioner Vadali, TAC Member Chirpich, TAC Member Wolf, former alternate commissioner Lawrence
- iv. Plan Steering Committee – Chair Cesnik, Vice Chair Welch, Commissioner Hauer, Alternate Commissioner Harwell, Alternate Commissioner Kennedy, Alternate Commissioner Polzin, TAC member Scharenbroich, TAC member Eckman

MOTION: Commissioner Chowhan moved to approve the committee member appointments as noted above. Commissioner Carlson seconded the motion. Upon a vote the motion carried 9-0.

- v. Technical Advisory Committee Liaison – Commissioner Pentel requested to be appointed the permanent liaison to the TAC. Commissioner Welch expressed his preference to have a liaison appointed for each TAC meeting. It was noted that the role of the liaison has not been clear in the past. It was articulated that the liaison can participate in the discussion at TAC meetings but is not authorized to speak on behalf of the Commission unless directed by the Commission. TAC Member Eckman noted that liaisons appointed to city commissions (e.g., Parks and Rec Commission) listen during the meeting and act as a conduit for information between the council and the commission.

Alternate Commissioner Kennedy noted he plans to attend the TAC meetings to gather more background for development of the watershed plan.

MOTION: Commissioner Welch moved to continue the practice of appointing a TAC liaison on a meeting to meeting basis and for the Administrator to distribute TAC meeting materials to all commissioners. Commissioner Carlson seconded the motion.

Discussion: Commissioner Welch indicated that a TAC liaison should act as a bridge between the TAC and the Commission, listening to discussion and bringing information back to the Commission. He noted they could participate in the discussion from their personal position but not as a representative of the Commission.

The Administrator was requested to add the TAC liaison to the roles and responsibilities document.

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

E. Review Open Meeting Law

Commission Attorney Anderson briefly reviewed the key provisions of the open meeting law. He indicated that social gatherings or trainings where commissioners are gathered are okay but that a group of five or more commissioners (a quorum of the Commission) could not discuss business. He noted that “serial discussions” via email or texting is sometimes the most difficult to control. Administrator Jester reported that she is now blind copying the commission or committee members when sending emails to avoid accidental “reply alls” being sent back to the group. It was noted that commissioners should be aware of even the perception of “back room” discussions and that it’s always best to error on the side of caution. Commissioners were reminded to send all correspondence to the Administrator for appropriate distribution.

F. Discuss Hybrid Commission Meeting Options

Administrator Jester reviewed a memo that outlined various reasons for hosting hybrid meetings. She noted it's important for the Commission to be clear about the purpose of hosting hybrid meetings and to set parameters. She noted it would be useful for presenters, partners, and perhaps TAC members to participate remotely or attend portions of the meetings. Commission Attorney Anderson noted that he does not recommend allowing commissioners to participate in Commission meetings remotely because of the difficulties of meeting the open meeting law and the fact that commissioners have an alternate appointed to attend meetings in their absence. There was discussion about how or if to allow members of the public to attend and whether or not they could participate in the discussion. Attorney Anderson noted he liked the idea of allowing the public to only listen to the meeting rather than participating. He noted that perhaps people wishing to participate in the public open forum should attend in person.

Commissioner Welch noted there should be an exception to allow for remote public participation during public hearings. He indicated the Commission should have a simple policy. There was further discussion and agreement that in limited circumstances it may be appropriate for a commissioner to participate remotely, such as due to illness (which requires a note from a doctor). There was a note that although it can be requested, it cannot be required that a person signing in from the public provide their name and address to listen to or participate in a meeting.

MOTION: Commissioner Carlson moved to approve the following reasons and guidelines for hybrid meetings: 1) allow staff, contractors, and TAC members to participate in the meeting remotely; 2) allow commissioners and members of the public to attend the meeting remotely without participating. Commissioner Chowhan seconded the motion. Upon a vote the motion carried 9-0.

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

G. Review Year End Financial Report (Feb 1, 2023 - Jan 31, 2024)

Administrator Jester reported that the Commission is in good financial standing and ended the year in the black when expenses are adjusted with revenue. Including investment earnings, total revenue = \$1,119,000. Because investment earnings will be moved to the newly created Special Projects Fund, she noted it's better to look at income excluding investment earnings which totaled \$779,336. Expenses totaled \$774,200 (excluding the Medicine Lake TMDL Assessment funded out of the new Special Projects Fund). She indicated that while some expenses were higher than budgeted – particularly for the Watershed Plan Development budget line – other areas were under budget resulting in an overall budget surplus.

6. BUSINESS**H. Review Plan Steering Committee Recommendations**

Plan Steering Committee (PSC) Chair Kennedy gave an overview of the PSC's recommended changes to goals and issues resulting from discussion at the January Commission workshop. He noted there is a good distribution among high, medium, and low priorities of issues which is important because not everything can be a high priority (although some issues may become a higher priority in certain circumstances). Therefore, no changes to priority levels are recommended by the PSC. He also reminded commissioners that anyone can attend PSC meetings and that additional results and recommendations will be brought to the Commission in the future. PSC Chair Kennedy also noted that the administrative capacity of the organization was discussed by the committee and that the Budget Committee will review financial implications of increasing staff capacity. Alternate Commissioner Harwell noted her support for more staff capacity due to complex issues such as equity and chloride. As an aside, she also noted that reducing chlorides from water softeners should be considered in the Plan.

PSC Chair Kennedy noted that any thoughts, concerns, or ideas from commissioners should be sent to the Administrator. Commissioner Welch underscored that education and outreach actions will be important strategies integrated into nearly all Commission work.

[Alternate Commissioners Harwell and Johnston depart the meeting.]

I. Approval to Appoint Administrator as BCWMC Representative for Watershed Based Implementation Funding Convene Meeting

Administrator Jester provided background on the Watershed Based Implementation Funding Program (WBIF) and noted the process will begin soon for convening entities eligible for WBIF and deciding how and where the funds should be spent. As in previous convene processes, she requested to be appointed as the official representative of the BCWMC in the upcoming convene meetings. She noted that in the next biennium, the Bassett Creek Watershed allocation will be \$183,256 which must be spent on targeted, prioritized, and measurable activities that are listed in an approved plan's implementation section and which have a water quality benefit. Hennepin County, cities in the watershed, and the BCWMC are all eligible funding recipients. She noted that in the current biennium, the watershed was allocated about \$88,000, all of which are being used to help fund the new education position shared between the West Metro Water Alliance and Hennepin County. She noted that there is likely a desire among convening partners that the same or similar amount be allocated to the position in the next biennium. The remaining part of the allocation would be available for other activities.

MOTION: Commissioner Welch moved to appoint Administrator Jester as the BCWMC representative to the convene meeting and directing her to return to the Commission with recommended use of funds before a decision on funding is ratified. Commissioner Carlson seconded the motion.

Discussion: Administrator Jester noted that she is happy to bring information back but a decision could possibly be made at the first convene meeting without her having the ability to vote (as she would be only one of four voting members). She indicated that the purpose of appointing an official representative was to delegate decision making authority to the individual. She noted that a commissioner could certainly be appointed the official representative rather than her. Chair Cesnik and Commissioner Hauer expressed interest in attending the convene meeting.

Commissioner Welch amended his motion appointing the Administrator as BCWMC representative for the WBIF convene meeting, including appointing her with voting rights on behalf of the Commission is a decision point is reached at the initial meeting, and directing her to report on the meeting discussion and/or decisions to the Commission. Commissioner Carlson approved the amendment.

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

J. Discuss Commission Review of Wetland Impacts and Buffers

Administrator Jester indicated that the Commission could direct the PSC to consider Commission involvement in wetland and buffer reviews as part of the watershed plan development. There was a brief discussion on how this is an important issue that should be considered sooner rather than later.

MOTION: Chair Cesnik moved to table this item to a future meeting. Commissioner Chowhan seconded the motion. Upon a vote, the motion carried 9-0.

K. Consider Participation in Minnesota Watershed's Legislative Briefing and Day at the Capitol

MOTION: Commissioner Carlson moved to approve reimbursement of event registration costs to any commissioner and alternate as well as the Administrator. Chair Cesnik seconded the motion. Upon a vote, the motion carried 9-0.

Commissioner Welch reminded commissioners that they don't need to attend the event to talk with legislators.

7. COMMUNICATIONS

- A. Administrator's Report - Administrator Jester is seeking volunteers for the Discover Plymouth Event. Commissioner Hauer indicated she may be able to volunteer and would like BCWMC-specific talking points to engage with residents on key topics including successes, challenges, and how they can help protect or improve waters. Administrator Jester also reported that after much correspondence with MPCA, Crane Lake will be included on the impaired waters list of chlorides. She also note that development of the revised watershed map is coming along, and reported that the Sochacki Project design scope will be presented in March.

Administrator Jester also reported that the MnDNR is planning to develop a fish management plan for Medicine Lake and is looking for public input. She noted that neither the BCWMC, Three Rivers Park District, nor the city of Plymouth were contacted by the DNR but she plans to contact them about this item.

- B. Engineer –Commission Engineer Chandler reported that a previously approved carp survey will take place in Sweeney Lake and Schaper Pond this summer. She noted that if carp populations are found to be over the threshold of impacting water quality, they would be netted and removed.
Engineer Chandler reported that a kick off meeting was held for the Medicine Lake TMDL Assessment Study. She noted great attendance by partners and that staff are compiling best management practice information and reviewing sediment study data.
- C. Legal Counsel – No report
- D. Chair – No report
- E. Commissioners – No report
- F. TAC Members – TAC Chair Scharenbroich reported that at the February 7th meeting, the group reviewed a recommendation from the Commission Engineer on an update to the watershed-wide hydrologic and hydraulic model and that the Commission Engineer will bring a complete scope and budget to a future TAC meeting. He noted the Administrator developed a memo with information on the JPA amendment process and timeline for cities to use with administration and councils, as needed. He also noted that the group briefly reviewed potential CIP projects.

Alternate Commissioner Kennedy was appointed as the liaison to the March 7th TAC meeting.

- G. Committees – The Education Committee meeting will meet February 29th.

8. INFORMATION ONLY

- A. CIP Project Updates www.bassettcreekwmo.org/projects
- B. Grant Tracking Summary and Spreadsheet
- C. Minnesota Watersheds 2023 Strategic Plan Accomplishments
- D. Adopt-a-Drain 2023 Bassett Creek Report

9. ADJOURNMENT - The meeting adjourned at 11:15 a.m.

- BCWMC Education Committee Meeting: Thursday February 29th 4:00 p.m., location TBD
- MN Watersheds Legislative Days: March 6 – 7, 2024: St. Paul www.mnwatersheds.com/legislative-event
- BCWMC Plan Steering Committee Meeting: Thursday March 7th, 8:30 a.m., Location TBD
- BCWMC Technical Advisory Committee Meeting: Thursday March 7th, 10:30 a.m., Location TBD
- Discover Plymouth Event: March 23, 9:00 a.m. – 2:00 p.m.: Plymouth Community Center Fieldhouse