



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting

Thursday, March 21, 2024

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday March 21, 2024 at 8:33 a.m. with the absence of Chair Cesnik, Vice Chair Welch called the Bassett Creek Watershed Management Commission (Commission) to order.

Commissioners, city staff, and others present

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Joan Hauer	Terri Schultz	Ben Perkey
Golden Valley	Paula Pentel	Roxanne Gould	Eric Eckman
Medicine Lake	<i>Absent</i>	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout, Nico Cantarero
Minnetonka	Maryna Chowhan	<i>Absent</i>	Sarah Schweiger (online)
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	<i>Absent</i>	<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	Jami Markle, Three Rivers Park District; Jen Dullum, MN Board of Water and Soil Resources		

Administrator Jester introduced Jen Dullum, the new Board Conservationist with the MN Board of Water and Soil Resources for the BCWMC area.

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No public comments.

3. APPROVAL OF AGENDA

Vice Chair Welch requested to move the Plan Steering Committee Report to the business section of the agenda. Administrator Jester requested to add three items to the consent agenda including appointing Commissioner Pentel to the Plan Steering Committee, appointing former commissioner Dave Anderson to the Budget Committee, and approving the agreement with the Metropolitan Council for participation in the 2024 Citizen Assisted Monitoring Program.

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

4. CONSENT AGENDA

Commissioner Gwin Lenth noted that the February minutes should be revised to reflect attendance by Alternate Commissioner Leonardson. Administrator Jester indicated she would make that change.

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

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

- Approval of Minutes – February 15, 2024 Commission Meeting
- Acceptance of March Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – February 2024 Administration
 - Keystone Waters, LLC – February 2024 Administrative Expenses
 - Barr Engineering – February 2024 Engineering Services
 - Triple D Espresso – Meeting Catering
 - City of Plymouth – February Accounting Services
 - Kennedy and Graven – Legal Services
 - Shingle Creek WMC – 2024 West Metro Water Alliance
 - Stantec – WOMP Services
 - Safeguard – Checks for Banking
- Approval of Reimbursement of Channel Maintenance Funds to City of Plymouth
- Approval to Amend Watershed Map Design Contract
- Approval to Appoint Commissioner Hauer to Administrative Services Committee
- Approval of Agreement with the Metropolitan Council for Participation in 2024 Citizen Assisted Monitoring Program
- Approval to Appoint Former Commissioner Anderson to the Budget Committee
- Approval to Appoint Commissioner Pentel to the Plan Steering Committee

Terri Schultz, the new alternate commissioner for Crystal was introduced.

5. BUSINESS

A. Receive Update on Sochacki Water Quality Improvement Project

Administrator Jester provided some background information and gave an update on the Sochacki Park Water Quality Improvement Project which the Commission officially ordered in September and allocated \$600,000 in CIP funding (approximately 25% of total project costs). She noted that Three Rivers Park District (TRPD) is planning to design and construct the project and had just received \$1.6 million in federal congressional funding. She noted the memo in the meeting packet includes a list of provisions that will be included in the agreement between BCWMC, TRPD, and Robbinsdale. She also noted that Barr Engineering will be hired by TRPD to design the project and she pointed to a scope and budget for that work included with her memo.

It was noted that long-term maintenance of the project will be the responsibility of the partners and that 50% and 90% designs will come to the Commission for approval. When asked, Jami Markle with TRPD noted that some of the

\$1.6M federal funding will be used for other park improvements outside of the water quality improvement project. He noted the exact portion of the federal funds to be used for the water quality improvement project is not yet known but will become clearer after project design. Administrator Jester was directed to collaborate with TRPD on a thank you letter to Representative Ihan Omar.

B. Review Draft Revised Joint Powers Agreement

- i. Updated Joint Powers Agreement**
- ii. Existing Joint Powers Agreement with Changes Noted**

Administrator Jester noted that at their meeting in January, the Commission directed the Commission Attorney to update the BCWMC Joint Powers Agreement (JPA) which expires on January 1, 2025. She indicated that as directed, Attorney Anderson made updates to the JPA, including streamlining, simplifying, and reorganizing for clarity; updating provisions based on current policies and practices; and ensuring that the JPA includes all mandated provisions contained in Minnesota Rules, section 8410.0030. She noted that the existing JPA (with notes on struck content and where provisions could be found in the revised JPA) and the updated JPA were included with meeting materials.

Vice Chair Welch also reiterated some of the key provisions in the JPA and corresponding powers. It was noted the document provides the operating instructions for the cooperation among the nine cities and establishes board and commission controls.

Commission Attorney Anderson walked through the significant provisions of the JPA, some of the updates and reorganization of the document. He noted that aside from giving the Commission the ability to compensate commissioners and alternate commissioners, no other powers or authorities were given to the Commission or taken away.

TAC Member McCoy commented that the new provision allowing for compensation takes away the former authority for cities to compensate their commissioners. Attorney Anderson indicated that the authority (for cities) could be added back into the document to allow the Commission and cities to compensate commissioners. There was a brief discussion on the pros and cons of commissioner compensation.

There was confusion and discussion about eligible voters and the number of votes needed for different matters. Attorney Anderson noted that ordering an improvement project requires a 2/3 majority vote. There was some discussion about the possibility of using a simple majority but at the end of the discussion, commissioners agreed the 2/3 majority should remain for ordering capital projects. Attorney Anderson indicated he would refine the definitions for eligible voters and voting thresholds for more clarity. There was a brief discussion on liability of individual commissioners or alternates. It was noted that that subject does not belong in this document.

Vice Chair Welch pointed out that the Commission is not allowed to own property and asked if that posed an issue for commissioners. It was acknowledged that the Commission would need to continue its current practice of relying on cities or other entities to hold the land and/or acquire easements where projects are implemented.

Commission Attorney Anderson asked if the term of the agreement should again be 10 years or if a longer term is warranted. There was brief discussion about lining up the JPA term with the watershed plan adoption but there was acknowledgment that updating the JPA and developing a watershed plan are both involved and time consuming endeavors that perhaps shouldn't be done simultaneously.

Administrator Jester noted a revised document will be brought to the April commission meeting and she reviewed the timeline for getting the proposed JPA to cities for review, then back to the Commission to hear city feedback, then getting a final version to cities for approval by the end of the year.

[Vice Chair Welch called a 5-minute break.]

6Gi. Plan Steering Committee Update (moved from Communications below)

PSC Chair Kennedy reported that the PSC continues to make good progress on developing issue statements and goals although work is behind schedule. He noted the PSC has been discussing options for funding and operating in the future as the group realizes its organizational capacity is limited and likely insufficient for the activities being considered for inclusion in the updated plan. PSC Chair Kennedy noted three potential options for future funding and structure including 1) increasing city assessments; 2) seeking levy authority through special legislation; and 3) converting to a watershed district. He noted there are pros and cons to each.

Vice Chair Welch noted that reasons for contemplating these changes will be clearly articulated in future communications to the Commission, but he wished to begin the conversation now while the plan is under development. He noted that a thorough analysis of the options is being proposed for the first two years of plan implementation but that feedback from commissioners and TAC members would be helpful now.

Commissioners requested written information with a complete review of the issue and options being considered. It was acknowledged that this item may impact the JPA update process. The PSC will continue to discuss the best mechanism and timeline for getting Commission feedback on the issue.

[Agenda items were taken out of order to accommodate the speaker's schedule.]

D. Receive Presentation on Ĥaĥa Wakpadaŋ Oral History Project

Crystal Boyd presented an overview of the Haha Wakpadaŋ Oral History Project remotely via Zoom. She noted she was a consultant originally working with Valley Presbyterian Community Church (VPCC) in Golden Valley and is now working under a grant from the Hennepin History Museum. Ms. Boyd shared the history of the Haha Wakpadaŋ project which started with the development of a land acknowledgement statement at VPCC and grew to a project to interview and understand the perspectives of Native people living in the suburbs. She provided a brief history of the Indigenous tribes in Minnesota, reviewed the events associated with the project, and reported the key findings of the project with regards to watersheds: desires for truth telling through land acknowledgement and indigenous place names; cultivating relationships, and considering "land back" projects. Finally, Ms. Boyd proposed actions the BCWMC or individual commissioners could take including learning how to pronounce "Haha Wakpadaŋ," listening to the interview podcasts from the oral history project, connecting with Indigenous people and organizations, adopting a land acknowledgement statement, and using the Dakota creek name.

Commissioners appreciated the information and indicated their desire to continue the discussion and incorporation of Native wisdom and culture in their work.

E. Consider Adoption of Land and Water Acknowledgement Statement

Administrator Jester noted that Chair Cesnik and Alternate Commissioner Gould worked together on development of a land and water acknowledgment statement. Alternate Commissioner Gould thanked Crystal Boyd and noted that she is a strong ally and good listener. She reminded commissioners that every step they take is on Indigenous homeland. She noted that an acknowledgement statement is not for the benefit of Native people but as a reminder for the descendants of white settlers and that the statement has no purpose without action, although it's a good first step.

Alternate Commissioner Gould noted that the land and water acknowledgement statement in the meeting materials is a rough draft. She reviewed the different pieces of the statement and their importance and meaning. She said that Indigenous people believe every living being is more important than humans and that Earth itself is a living being. She noted that Indigenous people are not relics of the past but still live here, including in suburbs, and that they still care about the land.

Alternate Commissioner Gould noted she has some edits she would like to make to the statement and could bring another version to a future meeting. Commissioners thanked Alternate Commissioner Gould and indicated they were "still soaking in" the information presented by her and Ms. Boyd. They looked forward to learning more and adopting an acknowledgement statement. Comments should be routed through Administrator Jester.

C. Consider Funding for Sweeney Lake Eurasian Watermilfoil Survey and Treatment

Administrator Jester reported that the Commission was officially awarded the Hennepin County AIS Prevention Grant from Hennepin County. She requested approval to use up to \$5,000 in BCWMC AIS/APM funding as a local match to the project and authorization to the chair to execute a grant agreement.

MOTION: Commissioner Hauer moved to approve use of \$5,000 of BCWMC funds as local match to the grant and authorization for the Commission chair to execute the grant agreement. Commissioner Pentel seconded the motion. Upon a vote the motion carried 8-0 with the City of Plymouth absent from the vote.

F. Discuss Study of Creek Co-naming Opportunities

Due to time constraints, this item was moved to a future meeting.

6. COMMUNICATIONS

A. Administrator’s Report

- i. Report on MN Association of Watershed Administrators Meeting – Meeting in St. Paul in conjunction with MN Watershed’s Legislative Event. Was a good meeting with good information provided from Commissioner Welch on the chloride limited liability issue.
- ii. New [Interactive Paddling Map](#) – map is posted on the BCWMC website and includes various warnings about obstructions and dangers.
- iii. Watershed Based Implementation Funding Convene Meeting – Meeting is set for April 19th; anyone is welcome to attend. Commissioners Cesnik and Hauer previously expressed interest in attending.
- iv. Audit Conflict of Interest Form – Reminder for commissioners to complete the form.

Additionally – commissioners are invited to two upcoming events: groundbreaking for road, water and sewer project in City of Medicine Lake; TRPD’s State of the Parks event at Hyland Park (flyers provided to each commissioner); May 3rd AIS Detector’s training at French Regional Park.

B. Engineer

- i. Evaluation of Local Flooding on Plymouth’s Behalf – Commission Engineer Chandler noted that Plymouth asked Barr to run the Commission’s hydrologic / hydraulic model for a development project that will come through the Commission’s review process. She noted that because the model results would not be part of the Commission review, there is not a conflict of interest but she wanted to provide the information in full transparency.

C. Legal Counsel – no report

D. Chair – no report

E. Commissioners

- i. Report on MN Watersheds Legislative Event – Commissioner Welch reported that a coalition of stakeholders (including the trial lawyers) recently signed and submitted a letter regarding the chloride limited liability legislation but that the MN Landscapers Association is not willing to join the coalition.

F. TAC Members

- i. Report on March 7th Meeting – TAC Chair Scharenbroich reported that the TAC discussed the 5-year CIP and a proposed hydrologic / hydraulic model update – both of which will come to the commission at a future meeting.
- ii. Appoint Liaison for April 3rd Meeting – Alternate Commissioner Kennedy volunteered to be the liaison for the next TAC meeting.

G. Committees

- i. Plan Steering Committee – item already covered above
- ii. Education Committee – will meet April 2nd to continue working on the watershed map
- iii. Budget Committee – will meet March 22nd to discuss 2025 operating budget

7. INFORMATION ONLY

- A. Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. Watershed Partners 2023 Annual Report
- E. MN Watersheds February Newsletter
- F. WCA Application, Minnetonka
- G. AIS Detection Training

8. ADJOURNMENT - The meeting adjourned at 11:36 a.m.