



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting

Thursday, June 20, 2024

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday June 20, 2024 at 8:35 a.m. in 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	Jesse Struve
Golden Valley	Paula Pentel	Roxanne Gould	Eric Eckman
Medicine Lake	Clint Carlson	Shaun Kennedy (voting member)	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnetonka	Maryna Chowhan (online; no participation)	Stacy Harwell (voting member)	Leslie Yetka (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		
Guests/Public	None		

Jesse Struve introduced himself as the new city engineer and public works director for the City of Crystal.

2. PUBLIC FORUM ON NON-AGENDA ITEMS

No public comments.

3. APPROVAL OF AGENDA

Administrator Jester requested the addition of an agenda item approving a check from the Wells Fargo checking account to the new U.S. Bank checking account – to be added as Item 5F. In addition, Vice Chair Welch requested that Item 5D be taken out of order to accommodate Alternate Commissioner Kennedy’s schedule.

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

4. CONSENT AGENDA

MOTION: Commissioner Gwin-Lenth moved to approve the consent agenda as presented. Alternate Commissioner Kennedy seconded the motion. Upon a vote the motion carried 8-0. The City of Plymouth was absent from the vote.

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

- Approval of the May 16th Meeting Minutes
- Acceptance of June Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – May 2024 Administration
 - Keystone Waters, LLC – May 2024 Administrative Expenses
 - Barr Engineering – May 2024 Engineering Services
 - Triple D Espresso – Meeting Catering
 - City of Plymouth – May Accounting Services
 - Kennedy and Graven – Legal Services
 - Redpath and Company – 2023 Financial Audit Assistance
 - League of MN Cities Insurance Trust P&C – Insurance Renewal
 - Metro Conservation Districts – Metro Children’s Water Festival
 - MMKR – 2023 Audit
 - Stantec – Watershed Outlet Monitoring Program (WOMP) Services
- Approval to Reimburse Commissioners and Alternates for Salt Symposium Registration
- Approval of BNSF Bridge Replacement Project, Minneapolis
- Approval Golden Valley Zane Ave & Lindsay Street Improvement Project, Golden Valley

5. BUSINESS

D. Receive Update from Plan Steering Committee

Plan Steering Committee Chair Kennedy reported that the committee continues to make progress on developing issue statements and goals for the plan. He noted the work is currently about a month behind the schedule presented at last month’s meeting. He reminded commissioners about the plan development workshop that will be held in conjunction with the August Commission meeting, noting that the Plan is “owned” and will be implemented by the Commission so whole-Commission input is needed.

A. Review Comments from Member Cities on Proposed Joint Powers Agreement (JPA)

Vice Chair Welch indicated that today’s discussion is about policy-related matters for the JPA. Administrator Jester gave a brief overview of the process for soliciting input from member cities noting that the proposed JPA document was sent to cities on April 17th with comments due June 10th. She noted that city technical staff as well as city legal departments and leadership should have reviewed the JPA and provided comments. Seven of the nine member cities provided feedback. There was no formal response from Golden Valley and Medicine Lake.

Commission Attorney Anderson noted that comments from cities were fairly minor except for three cities expressing significant concern on the proposed ability for the Commission to compensate commissioners. He noted the term of the JPA was another potential point of contention to discuss today. There was some discussion about a request from the City of Plymouth to revise JPA language requiring city approval of a Commission project (such as a CIP project) proposed to be constructed in that city before the Commission officially orders the project. It was noted that the Commission has never, to date, intended to construct a project that did not have city support.

Examples of projects that could be implemented by others include projects in partnership with a park district or a private developer. Attorney Anderson noted that cities have extensive involvement with developments in their cities, retain land use authority, and that cooperation among all stakeholders is expected and intended with Commission projects. Vice Chair Welch indicated that the watershed plan should outline how support from the city where the project is to be completed is critical to CIP implementation.

Vice Chair Welch asked if the cities of Golden Valley or Medicine Lake had comments on the JPA. Golden Valley TAC Member Eckman indicated that legal and equity staff had reviewed the JPA. The legal department was still working through questions, but he didn't anticipate comments. Equity staff was pleased to hear about recent equity work but agreed nothing specific was needed in the JPA. At this time, Golden Valley had no comments. Alternate Commissioner Kennedy noted that the City of Medicine Lake had no comments at this time (and later indicated the city is not opposed to commissioner compensation). No negative feedback is expected from Medicine Lake.

There was discussion about the new provision that would allow the Commission to compensate the commissioners. It was noted that all nine member cities need to sign the JPA, that city staff and leadership should hear from their commissioners on this issue, that commissioners serve on the board because of their concern for the environment and not for financial gain, that the Commission has statutory authority and is different from city commissions, and that not offering compensation to cover costs such as time off from work, travel expenses, or childcare could be a barrier to a more diverse group of commissioners. It was noted that if the JPA were to allow commissioner compensation, it doesn't mean that it would actually be enacted and included in the budget; it would simply allow for that as an option and enable further discussion. Commissioner Pentel noted that a policy would be needed to implement and guide a compensation process. Alternate Commissioner Polzin noted that it would be a shame to leave the ability out of the JPA. Commissioner Gwin-Lenth agreed that commissioner time is valuable and there is a distinction between this commission and city commissions. Commissioner Sicora worried that this issue might be a deal breaker with some cities and noted the JPA could be amended in the future if compensation was desired. Minneapolis TAC member Stout indicated that the city supports compensation for commissioners. She noted that there's a certain segment of the population who can "afford" to take the time to be a commissioner, reducing diversity on the board. Commissioner Twiford agreed the ability to compensate commissioners should be in the JPA and noted that election judges can opt to volunteer or be compensated. No action was taken to remove the commissioner compensation language in the proposed JPA.

There was discussion about the term of the JPA which is currently set for 12 years. Vice Chair Welch indicated he would not support a 12-year term noting that an assessment of the organizational structure and funding mechanism would be completed in the first year or two after the new plan is adopted. He noted that there may be less incentive to significantly shift the organization's structure before the 12-year term expires. He noted that a 5-year term would keep pressure on the organization to assess the structure and make a shift if needed. Commissioner Hauer agreed a term shorter than 10 years is suitable to not align with the 10-year plan schedule. Commissioner Sicora noted that there is a lot of conversation about potential provisions in the new plan, but the plan is not complete. He doesn't like the idea of using the JPA as leverage. He noted the JPA could be amended after the organizational assessment is complete. He noted that optics are important, and that city leadership hasn't been involved in the conversations about increasing staff capacity and/or changing structure.

[Alternate Commission Kennedy leaves; Commissioner Carlson becomes voting member for Medicine Lake.]

Commission Attorney Anderson indicated there is no "best practice" for the term length for JPAs. TAC member Eckman reminded the group about the robust discussion on the term at the April meeting, landing on 12 years and that no cities commented on that term length. Vice Chair Welch noted it was not a unanimous decision in April and reiterated his position. He noted he wouldn't support an assessment of the organization structure if the JPA term is 12 years.

There was no action taken to change the proposed term from 12 years. Attorney Anderson said he would update the JPA with the non-substantive changes suggested by some cities and bring back a final draft at the July meeting. Vice Chair Welch asked that the Commission Attorney review the next steps pending approval or disapproval of the JPA at the July meeting.

[Alternate Commissioner Harwell leaves the meeting.]

B. Consider Approval of Proposed 2025 Operating Budget & Budget Cmte Recommendations

Administrator Jester provided an overview of the operating budget and how it differs from the CIP budget/levy process. She noted that at this meeting, a proposed budget should be approved and sent to cities by July 1st for their input by August 1st. She also reported that she recently received the 2023 audit with a significantly different fund balance than the auditors previously calculated and which was used in development of the budget recommended by the Budget Committee. Therefore, the draft budget included in meeting materials is no longer valid. She noted various challenges that make budgeting, auditing, and accounting difficult including frequent turnover of accountants, staffing shortages in audit firms, and the way the Commission manages some of its accounts.

Budget Committee Chair Sicora noted that the Commission will need to adjust some of its accounts and accounting to ensure this type of scenario is avoided in the future.

Administrator Jester walked through four options for adjusting the proposed 2025 budget given the new information including cutting the budget for some activities and raising city assessments. Vice Chair Welch recommended that the budget line for increasing staff capacity be kept in the budget with at least \$10,000. There was some discussion on the level of increase over 2024 city assessments that could or should be in the proposed budget. Commissioner Hauer also noted that the proposed budget sent to cities should include valid reasons for increases to city assessments. Commissioners were reminded that the “notes” section of the budget includes a description of each budget line and explanation for the increase or decrease.

MOTION: Commissioner Carlson moved to send a proposed budget to member cities that reflects Administrator Jester’s “option 3” (combination of budget cuts and city assessment increase) with \$10,000 in the budget line for additional staff capacity and less than 10% increase in city assessments over 2024 levels, with input from the Budget Committee Chair. Vice Chair Welch seconded the motion.

There was more discussion on the need for rationale on city assessment increases. TAC members in the room were asked for their input. Golden Valley TAC member Eckman reported that the BCWMC assessment is one line item in a larger city budget and doesn’t get flagged as an issue unless there is a significant increase. He noted that clear messages on assessments is critical. Budget Chair Sicora reiterated that the Budget Committee will work on restructuring some BCWMC funds so that there are fewer issues with the audit.

VOTE: Upon a vote the motion passed 7- 0 with the cities of Minnetonka and Plymouth absent from the vote.

C. Consider Approval of 2025 Maximum Levy Request

Administrator Jester gave an overview noting that a maximum levy request for 2025 must be set at this meeting and submitted to the County by June 21st. She noted the final levy will be set later in the year and can be lower than the maximum amount set at this meeting but cannot be higher. She recommended a maximum 2025 levy of \$2,303,500 which accounts for the recently approved budget for the Plymouth Creek Restoration Project and parts of other CIP projects presented in a table with meeting materials.

MOTION: Commissioner Carlson moved to approve setting a maximum 2025 levy of \$2,303,500. Commissioner Pentel seconded the motion. Upon a vote the motion passed 7- 0 with the cities of Minnetonka and Plymouth absent from the vote.

E. Consider Moving September Commission Meeting/Public Hearing to Evening

Administrator Jester noted that at the February meeting there was a suggestion to consider holding meetings that incorporate a public hearing in the evening to allow easier participation by residents. She reported the September 19th meeting will include a public hearing to officially order the Plymouth Creek Restoration Project. There was discussion about the pros, cons, and challenges with moving the meeting to the evening (or another date). Plymouth TAC member Scharenbroich noted that the City of Plymouth held an open house and will hold another public open house on the stream restoration project (and has yet to hear opposition). It was noted that the Commission should do a better job advertising the public input process and various ways that comments can be submitted. There was consensus to leave the September meeting at its regular time.

F. Consider Approval of Payment from Wells Fargo to U.S. Bank

Administrator Jester reported that the Commission is moving its checking account from Wells Fargo to U.S. Bank at the recommendation of the City of Plymouth (as the Commission’s new accountant) and the easiest way to do that is by check.

MOTION: Vice Chair Welch moved to approve a payment of \$500,000 to U.S. Bank for the purposes of transferring BCWMC funds. Commissioner Pentel seconded the motion. Upon a vote the motion passed 7 – 0 with the cities of Minnetonka and Plymouth absent from the vote.

6. COMMUNICATIONS

A. Administrator’s Report

- i. Update on Sweeney Lake Eurasian Watermilfoil – post treatment survey happening soon. In addition, a survey of ponds upstream of Sweeney Lake found no Eurasian watermilfoil present.
- ii. West Metro Water Alliance (WMWA) Educator Position Opening – Administrator Jester will send position opening to commissioners.
- iii. Watershed Based Implementation Funding Convene Meeting #2 – July 8th – Anyone is welcome to attend. Commissioners Hauer and Sicora and Chair Cesnik are specifically invited due to their interest in the process and discussion.

Administrator Jester also mentioned the various news items related to Bassett Creek lately including the Star Tribune, MPR, and CCX (new Golden Valley city engineer gave interview on DeCola Ponds B&C project working well even with all the precipitation).

B. Engineer

- i. Update on SWLRT Construction Project – Commission Engineers were recently contacted by SWLRT consultants regarding the potential need for an extension of their BCWMC approval, but no new reviews or extension are needed; construction (in the watershed) should be completed in 2025.

C. Legal Counsel – No report

D. Chair – Vice Chair Welch noted changes to the Wetland Conservation Act and rules that may concern the Commission.

E. Commissioners

- i. Report on Ĥaĥá Wakpádaŋ Event with MWMO – Those in attendance enjoyed the event and found the discussions enlightening. Alternate Commissioner Gould noted that there was discussion about changing the creek name and noted that she is in favor of gradual education and eventually changing the name to Haha Wakpadan and is opposed to an abrupt name change. She noted the Lower Phalen Creek project as an example of a good project with broad stakeholder engagement and support. Other commissioners provided their insights on the event.
- ii. Report on Bryn Mawr Meadows Park Tour – Event was cancelled due to weather.
- iii. Report on St. Louis Park Ecotacular Event – Commissioner Twiford attended but event had low attendance due to weather.

F. TAC Members

- i. Street Sweeping Prioritization Scope – TAC Chair Scharenbroich noted that the TAC received a presentation on street sweeping assessments and prioritization projects in other watersheds and requested a scope from the Commission Engineer.
- ii. Need August 7th Liaison – Commissioner Hauer was appointed as the liaison.

G. Committees

- i. Education Committee Meeting June 26th

7. INFORMATION ONLY (Information online only)

- a. Administrative Calendar
- b. CIP Project Updates www.bassettcreekwmo.org/projects
- c. Grant Tracking Summary and Spreadsheet
- d. [Sun Post Article on Lake Delisting in WMWA Area](#)
- e. [Lakeline Article on 20 Years of Delisting Lakes](#)
- f. WCA Notice, Minnetonka
- g. WCA Notice, Golden Valley

8. ADJOURNMENT – The meeting adjourned at 11:06 a.m.