



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting and Public Hearing
Thursday, September 19, 2024
8:30 a.m.
Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday September 19, 2024 at 8:33 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	<i>Absent</i>
Medicine Lake	Clint Carlson	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout
Minnetonka	Maryna Chowhan (online)	Stacy Harwell	Leslie Yetka
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Absent</i>	Richard McCoy, Jenna Wolf
St. Louis Park	RJ Twiford	David Johnston	<i>Absent</i>
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	John Davenport, watershed resident; Karen Galles, Hennepin County		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

MOTION: Commissioner Gwin-Lenth moved to approve the consent agenda with a spelling error in the August minutes being corrected. Commissioner Carlson 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 – August 15, 2024 Commission Meeting
- Acceptance of September Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – August 2024 Administration
 - Keystone Waters, LLC – August 2024 Administrative Expenses
 - Barr Engineering – August 2024 Engineering Services
 - Triple D Espresso – Meeting Catering
 - City of Plymouth – August Accounting Services
 - Kennedy and Graven – Legal Services
 - Stantec – Watershed Outlet Monitoring Program (WOMP) Services
 - Metro Blooms – Engagement in Minneapolis Neighborhoods
 - ECM Publishers, Inc. – Public Hearing Notice Publication
- Approval of Administrator Attendance at MN Association of Watershed Administrators Fall Meeting

5. PUBLIC HEARLING

A. Receive Comments on Proposed 2025 CIP Project: Plymouth Creek Restoration Project, Dunkirk Lane to 38th Ave. North (2025CR-P)

Chair Cesnik opened the public hearing at 8:35 a.m. There were no comments or questions on the proposed project. The hearing was closed at 8:36 a.m.

6. BUSINESS

A. Consider Approval of Resolution 24-06 Ordering 2025 Improvement

- i. Ordering 2025 Improvement
- ii. Making Findings Pursuant to Minnesota Statutes Section 103B.251
- iii. Certifying Costs to Hennepin County
- iv. Approving Agreement with City of Plymouth for Construction Plymouth Creek Restoration Project, Dunkirk Lane to 38th Ave. North (2025CR-P)

Administrator Jester reviewed the various components of the proposed resolution noting that its approval would result in the Commission officially order the Plymouth Creek Restoration Project, Dunkirk Lane to 38th Ave. North (2025CR-P) and certify a final 2025 levy to Hennepin County. She reported the final levy would mirror the maximum levy approved and submitted in June to the county. She reviewed the costs for various CIP projects incorporated into the levy request. She also reported that the resolution would result in approval of an agreement between the BCWMC and the City of Plymouth for design, construction, and maintenance of the Plymouth Creek Restoration Project, Dunkirk Lane to 38th Ave. North (2025CR-P). She noted that Commission Attorney Anderson had drafted that agreement that follows the same agreement template as most previous projects, and that city legal counsel had also reviewed the agreements.

MOTION: Commissioner Hauer moved to approve Resolution 24-06. Commissioner Carlson seconded the motion. Upon a vote the motion carried 7-1 with Commissioner Welch voting against and all other members voting in favor. The City of Minnetonka was absent from the vote.

B. Review Letters from Member Cities on Joint Powers Agreement

Chair Cesnik reported that three member cities submitted letters from their city leadership regarding terms in the current draft of the JPA that would prevent the city from approving the agreement. She noted that the city manager of Robbinsdale's letter indicates a strong objection to the new provision allowing the Commission to compensate commissioners (in addition to the original provision allowing cities to compensate their commissioners). Chair Cesnik also reported that the engineering directors for the cities of Minneapolis and St. Louis Park submitted letters advocating for an 8-

year term to the JPA, rather than the 12-year term in the current version of the draft agreement.

[Alternate Commissioners Harwell and Kennedy arrive.]

Commissioner Gwin-Lenth noted his belief that BCWMC commissioners are different from other city commissioners but pointed out that if Robbinsdale won't approve the JPA with commissioner compensation language included, he agreed the Commission should remove it. Commissioner Welch noted that the current draft of the JPA represents the first step on the process of reforming the Commission to improve capacity that's badly needed. Commissioner Pentel indicated that keeping the ability for commissioner compensation with the cities is appropriate because commissioners are appointed by the cities. She agreed with Commissioner Gwin-Lenth that the commissioner compensation provision should go back to the original JPA language. Alternate Commissioner Harwell voiced disappointment but agreed that commissioner compensation is "not a deal breaker" if it means JPA approval. Commissioner Sicora reiterated statements at previous meetings on his opinion that the commissioners serve as volunteers. Alternate Commissioner Kennedy noted that he recently learned that it took 5 years for the Comfort Lake-Forest Lake Watershed to convert from a JPA organization to a watershed district. He also noted that the City of Medicine Lake has no objections to removing or keeping the commissioner compensation language. Chair Cesnik noted her belief that removing the commissioner compensation language is a missed opportunity, particularly given the new BCWMC policy on diversity and equity, but is not likely a deal breaker for Plymouth.

Commissioner Welch noted that if the Commission moves away from allowing compensation now, it sends a signal of an intention to never reform into a more capable organization and may make it more difficult for the City of Minneapolis to approve the JPA.

Commission Attorney Anderson reminded commissioners that the Commission doesn't approve the JPA; that it's the job of city councils. He noted his belief that the Commission had done a good job of trying to inform cities and negotiate in good faith.

Administrator Jester presented a potential new draft of the JPA showing the commissioner compensation provision struck from the document and the term revised to 8 years. She also noted a minor housekeeping revision regarding watershed boundary provisions.

There was discussion about the differences between watershed management organizations (WMOs), such as the BCWMC, and watershed districts, and the potential need to educate city councils about what happens if the JPA fails. Administrator Jester noted that if the JPA fails, watershed management would go to the county and not automatically to a watershed district. Karen Galles, Hennepin County staff, noted that it would be her job to inform and advise the county commissioners on next steps and options.

MOTION: Commissioner Pentel moved to remove the language in the Joint Powers Agreement that gives the Commission the ability to compensate commissioners. Commissioner Carlson seconded the motion. Upon a vote the motion carried 8-1 with Commissioner Welch voting against and all other members voting in favor.

The discussion then turned to the matter of the term of the JPA which is currently 12 years, but with strong preference for an 8-year term from leadership staff at St. Louis Park and Minneapolis. Attorney Anderson reminded the group that the JPA can be revised before the end of its term with the approval of all member cities. Commissioner Welch voiced appreciation for Minneapolis TAC member Liz Stout's work with the city engineer regarding the JPA term. He noted, however, that he believes the 8-year term is still too long and would prefer to keep momentum for potential reform. He voiced support for a 3- to 5-year term. Commissioner Pentel voiced opposition to anything less than an 8-year term believing that a 5-year term would force a hasty decision on a change to the organization's structure. Alternate Commissioner Harwell agreed.

[Alternate Commissioner Harwell departs the meeting.]

Administrator Jester and Commission Engineer Chandler recounted the steps that got underway and long timeframe needed to develop a new watershed management structure when the former Vermillion River Watershed Management Organization's JPA failed in the early 2000's. Karen Galles with Hennepin County noted that the county has not previously dealt with dissolution of a WMO and it would likely take considerable time to determine the best organizational structure. Commissioner Welch reiterated his concern about the ability for the watershed to take on serious reform in the future. He

suggested that Attorney Anderson begin drafting plans for dissolution of the Commission in the event the JPA fails.

There was further discussion on the appropriate term for the JPA and additional information on potential outcomes if the JPA fails, including some information on watershed districts.

MOTION: Commissioner Hauer moved to approve an 8-year term for the Joint Powers Agreement. Commissioner Pentel seconded the motion.

MOTION: Commissioner Welch moved to amend the previous motion to include the minor revision regarding watershed boundary provisions. Commissioner Twiford seconded the motion. Upon a vote the motion carried 8-0 with City of Minnetonka absent from the vote.

[Alternate Commissioner Harwell returns to the meeting.]

Upon a VOTE on the original motion which now includes approving an 8-year term for the Joint Powers Agreement and minor revisions regarding watershed boundary provisions, the motion carried 8-1 with Commissioner Welch voting against and all other members voting in favor.

[Alternate Commissioner Harwell departs the meeting.]

Commissioner Welch reiterated his request that the Commission Attorney review the steps that would be needed should the Commission dissolve. Commissioner Sicora agreed this would be prudent. Attorney Anderson agreed that would be a smart action and that he would review the process and develop materials, as appropriate.

[Alternate Commissioner Harwell returns to the meeting.]

There was further discussion. Administrator Jester noted she would send a transmittal letter and JPA to city managers/administrators outlining the process and timelines and requesting approvals. There was discussion about how commissioners could help provide information and education to city councils, how Hennepin County commissioners could potentially be copied on the JPA transmittal letter, and how it may be important for city councils to know about the plan for an organizational assessment. When asked, Karen Galles with Hennepin County reported that there is no official position by county commissioners on the future of the BCWMC but that the county has a vested interest in the continued protection of water resources within their boundaries. At the end of the discussion there was a recommendation to keep the transmittal letter to cities brief and to the point.

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

C. Consider Approval of Resolution 24-07 Amending Commission Bylaws

Administrator Jester noted that at the meeting in August, the Commission approved a Budget Committee recommendation to move the fiscal year from a February 1st start to a calendar year and directed her to notify member cities of a proposed change to the BCWMC bylaws to change the fiscal year. She reported that she received no comments from cities and recommended approval of the resolution amending the bylaws.

MOTION: Commissioner Gwin-Lenth moved to approve resolution 24-07 and direct the Administrator to inform the MN Office of the State Auditor of the fiscal year change and work with Plymouth accounting staff and auditors on next steps. Commissioner Hauer seconded the motion. Upon a vote the motion carried 9-0.

D. Consider Approving Budget Committee Recommendations

Budget Committee member Polzin reported that the committee met to review options for incorporating funding in the 2025 operating budget for a potential increase in administrator compensation. She noted all options were based on the 11-month budget and included a zero, 2%, 3%, or 4% increase in administrator compensation. She reviewed the committee recommendations to 1) approve an 11-month Operating Budget for 2025 (February 1 – December 31) of \$825,731 to accommodate a potential administrator compensation increase of 3%; 2) adjust the 2025 operating budget through an increase in the administrator budget line and a corresponding increase to city assessments rather than a decrease in other budget lines; and 3) direct the Administrative Services Committee to conduct a performance review and recommend a

specific compensation increase for consideration at a future BCWMC meeting, in accordance with the procedure followed in past contract negotiations.

Some commissioners expressed concern that the administrator may not be competitively compensated right now and that finding a new administrator at some point in the future (when Administrator Jester retires or moves on) may be difficult. Commissioner Welch noted the Commission is vulnerable right now with so much institutional knowledge and Commission documentation that are currently the sole responsibility of Administrator Jester. Alternate Commissioner Harwell expressed support for a 4% increase in administrator compensation.

MOTION: Alternate Commissioner Harwell moved to approve the Budget Committee’s recommendations but with sufficient budget for an up to 4% increase in administrator compensation. Commissioner Twiford seconded the motion. Upon a vote the motion carried 9-0.

[Commissioners Gwin-Lenth and Carlson, and Alternate Commissioner Leonardson depart the meeting.]

E. Review Plan Steering Committee Recommendations and Plan Process Tracker

Plan Steering Committee Chair Kennedy reviewed the recommendations for changes to some issue statements and goals in the 2025 Watershed Management Plan resulting from comments received at the Commission workshop in August. There were no comments or questions on the recommended changes. Committee Chair Kennedy also reviewed the plan progress tracker.

F. Receive Report on Outcome of Watershed Based Implementation Funding Convene Process

Administrator Jester reported that at the meeting in February, the Commission delegated her to represent the BCWMC at “convene” meetings of entities eligible for Watershed Based Implementation Funding (WBIF) in the Bassett Creek watershed. She noted the third and final convene meeting was recently held and reminded the group that the Bassett Creek watershed (as a geography, not as an organization) was allocated \$183,256 in WBIF for FY24-25 from the MN Board of Water and Soil Resources (BWSR). She reported there was consensus among convening members to allocate \$46,000 to Hennepin County to continue sharing a staff person dedicated to education, outreach, and project implementation through the West Metro Water Alliance, and to allocate the remaining \$137,256 to the BCWMC for implementation of the Bassett Creek Restoration Project: Regent Ave. to Golden Valley Road. She noted that project did not receive a Clean Water Fund grant and is slated to be constructed next winter and that the WBIF funding will reduce levy funds needed in 2026. She reported that she will develop a grant workplan and will bring a BWSR grant agreement to a future meeting.

7. COMMUNICATIONS

A. Administrator's Report

- i. Reminder of WEDNESDAY November 20th BCWMC Meeting
- ii. Update on Bassett Creek Valley Meeting – This meeting was cancelled due to not enough time to prepare by county staff.

Administrator Jester also reported on the upcoming Bryn Mawr Meadows grand opening which she will notice as a public meeting. She also reminded the group about the Haha Wakpandan Water Blessing event in Bassett’s Creek Park.

- ### **B. Engineer –**
- Engineer Chandler noted her planned January 2026 retirement and indicated that Engineer Johnson will be assuming more and more BCWMC responsibilities while she herself stays in a supporting role. Engineer Chandler also reported that carp box netting on Sweeney Lake will be complete this week.

C. Legal Counsel – no report

D. Chair – Chair Cesnik apologized for missing several committee meetings due to city council campaigning.

E. Commissioners – no report

F. TAC Members

- i. Parkers Lake Raingarden Project – TAC Member Scharenbroich reported that Plymouth is partnering with Hennepin County on the installation of 2 large raingardens in Parkers Lake Park that will capture about 2 acres of currently untreated runoff. He also noted that the Commission Administrator and Engineer will attend a Plymouth city council workshop about Medicine Lake.

G. Committees

- i. Education Committee – Continues to make progress on the watershed map.

7. INFORMATION ONLY (Information online only)

- A. Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. [CAMP Monitoring Video with Commissioner Twiford](#)
- E. BCWMC Comments to State of MN on Draft Wetland Assessment Tool
- F. BCWMC Letter of Support for Clean Water Funds to Clean Water Council
- G. [MDNR Seeks Applicants for Advisory Boards](#)
- H. WCA Notices, Plymouth

- 8. ADJOURNMENT** – The meeting adjourned at 11:03 a.m.